

SENATE BILL No. 546

May 26, 2005, Introduced by Senators BERNERO, SWITALSKI, TOY, SCHAUER, OLSHOVE, CLARKE, BASHAM, EMERSON, LELAND, THOMAS, SCOTT, BRATER and BARCIA and referred to the Committee on Technology and Energy.

A bill to amend 1976 PA 399, entitled
"Safe drinking water act,"
by amending section 2 (MCL 325.1002), as amended by 1998 PA 56, and
by adding section 7b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Bottled drinking water" means water that is ultimately
3 sold, provided, or offered for human consumption in a closed
4 container.

5 (b) "Capacity assessment" means an evaluation of the
6 technical, financial, and managerial capability of a community
7 supply or nontransient noncommunity water supply to comply and
8 maintain compliance with all requirements of this act and the rules

1 promulgated under this act.

2 (c) "Community supply" means a public water supply that
3 provides year-round service to not fewer than 15 living units or
4 which regularly provides year-round service to not fewer than 25
5 residents.

6 (d) "Contaminant" means a physical, chemical, biological, or
7 radiological substance or matter in water.

8 (e) "Customer service connection" means the pipe between a
9 water main and customer site piping or building plumbing system.

10 (f) "Customer site piping" means an underground piping system
11 owned or controlled by the customer that conveys water from the
12 customer service connection to building plumbing systems and other
13 points of use on lands owned or controlled by the customer.
14 Customer site piping does not include any system that incorporates
15 treatment to protect public health.

16 (G) **"DAY CARE CENTER" MEANS THAT TERM AS DEFINED IN SECTION 1**
17 **OF 1973 PA 116, MCL 722.111.**

18 (H) ~~—(g)—~~ "Department" means the department of environmental
19 quality or its authorized agent or representative.

20 (I) ~~—(h)—~~ "Director" means the director of the department of
21 environmental quality or his or her authorized agent or
22 representative.

23 (J) ~~—(i)—~~ "Imminent hazard" means **A CONDITION** that, in the
24 judgment of the director, ~~there is a violation, or a condition~~
25 ~~that~~ **IS OR** may cause a violation ~~—~~ of the state drinking water
26 standards at a public water supply requiring immediate action to
27 prevent endangering the health of people.

1 **(K)** ~~—(j)—~~ "Living unit" means a house, apartment, or other
2 domicile occupied or intended to be occupied on a day to day basis
3 by an individual, family group, or equivalent.

4 **(I)** ~~—(k)—~~ "Noncommunity supply" means a public water supply
5 that is not a community supply, but that has not less than 15
6 service connections or that serves not fewer than 25 individuals on
7 an average daily basis for not less than 60 days per year.

8 **(M)** ~~—(l)—~~ "Nontransient noncommunity water supply" means a
9 noncommunity public water supply that serves not fewer than 25 of
10 the same individuals on an average daily basis over 6 months per
11 year. This definition includes water supplies in places of
12 employment, schools, and ~~day-care~~ **DAY CARE** centers.

13 **(N)** ~~—(m)—~~ "Person" means an individual, partnership,
14 copartnership, cooperative, firm, company, public or private
15 association or corporation, political subdivision, agency of the
16 state, agency of the federal government, trust, estate, joint
17 structure company, or any other legal entity, or ~~their~~ **THE** legal
18 representative, agent, or ~~assigns~~ **ASSIGN OF A LEGAL ENTITY**.

19 **(O)** ~~—(n)—~~ "Plans and specifications" means drawings, data,
20 and a true description or representation of an entire waterworks
21 system or parts of the system as it exists or is to be constructed,
22 and a statement on how ~~a~~ **THE** waterworks system is to be operated.

23 **(P)** ~~—(o)—~~ "Political subdivision" means a city, village,
24 township, charter township, county, district, authority or portion
25 or combination ~~thereof~~ **OF THOSE ENTITIES**.

26 **(Q)** ~~—(p)—~~ "Public water supply" means a waterworks system
27 that provides water for drinking or household purposes to persons

1 other than the supplier of the water, and does not include either
2 of the following:

3 (i) A waterworks system that supplies water to only 1 living
4 unit.

5 (ii) A waterworks system that consists solely of customer site
6 piping.

7 ~~—— (q) "State drinking water standards" means quality standards~~
8 ~~setting limits for contaminant levels or establishing treatment~~
9 ~~techniques to meet standards necessary to protect the public~~
10 ~~health.~~

11 (R) "SCHOOL" MEANS A PUBLIC OR PRIVATE SCHOOL OTHER THAN A
12 HOME SCHOOL.

13 (S) ~~—(r)—~~ "Service connection" means a direct connection from
14 a distribution water main to a living unit or other site to provide
15 water for drinking or household purposes.

16 (T) ~~—(s)—~~ "Source water assessment" means a state program to
17 delineate the boundaries of areas in the state from which 1 or more
18 public water supplies receive supplies of drinking water, to
19 identify contaminants regulated under this act for which monitoring
20 is required because the state has determined they may present a
21 threat to public health, and, to the extent practical, to determine
22 the susceptibility of the public water supply in the delineated
23 area to these contaminants.

24 (U) "STATE DRINKING WATER STANDARDS" MEANS QUALITY STANDARDS
25 SETTING LIMITS FOR CONTAMINANT LEVELS OR ESTABLISHING TREATMENT
26 TECHNIQUES TO MEET STANDARDS NECESSARY TO PROTECT THE PUBLIC
27 HEALTH.

1 (V) ~~-(t)-~~ "Supplier of water" or "supplier" means a person
2 who owns or operates a public water supply, and includes a water
3 hauler.

4 (W) ~~-(u)-~~ "Transient noncommunity water supply" means a
5 noncommunity supply that does not meet the definition of
6 nontransient noncommunity water supply.

7 (X) ~~-(v)-~~ "Water hauler" means a person engaged in bulk
8 vehicular transportation of water to other than the water hauler's
9 own household which is intended for use or used for drinking or
10 household purposes. Excluded from this definition are those persons
11 providing water solely for employee use.

12 (Y) ~~-(w)-~~ "Water main" means a pipe owned or controlled by a
13 supplier that may convey water to a customer service connection or
14 to a fire hydrant.

15 (Z) ~~-(x)-~~ "Waterworks system" or "system" means a system of
16 pipes and structures through which water is obtained and
17 distributed, including but not limited to wells and well
18 structures, intakes and cribs, pumping stations, treatment plants,
19 storage tanks, **AND** pipelines and appurtenances, or a combination
20 thereof, actually used or intended for use for the purpose of
21 furnishing water for drinking or household purposes.

22 (AA) ~~-(y)-~~ "Year-round service" means the ability of a
23 supplier of water to provide drinking water on a continuous basis
24 to a living unit or facility.

25 **SEC. 7B. (1) THE DEPARTMENT SHALL ESTABLISH A PROGRAM TO**
26 **ASSIST SCHOOLS AND DAY CARE CENTERS TO TEST FOR AND REMEDY LEAD**
27 **CONTAMINATION IN DRINKING WATER FROM DRINKING WATER COOLERS OR**

1 OTHER SOURCES UNDER THE CONTROL OF THE SCHOOLS OR DAY CARE CENTERS.
2 THE PROGRAM SHALL REQUIRE THAT A DRINKING WATER COOLER THAT IS A
3 SOURCE OF LEAD CONTAMINATION BE REPAIRED, REPLACED, REMOVED, OR
4 RENDERED INOPERABLE.

5 (2) EACH SCHOOL OR DAY CARE CENTER SHALL CONDUCT PERIODIC
6 SAMPLING AND TESTING OF THE DRINKING WATER AT THE SCHOOL OR DAY
7 CARE CENTER FOR THE PRESENCE OF LEAD AND SHALL REPORT THE RESULTS
8 OF THESE TESTS TO THE DEPARTMENT.

9 (3) UPON RECEIPT OF TEST RESULTS UNDER SUBSECTION (2), THE
10 DEPARTMENT SHALL MAKE THOSE TEST RESULTS AVAILABLE ON THE
11 DEPARTMENT'S WEBSITE.

12 (4) A SCHOOL OR DAY CARE CENTER SHALL MAKE A COPY OF TEST
13 RESULTS UNDER SUBSECTION (2) AVAILABLE IN ITS ADMINISTRATIVE
14 OFFICES FOR INSPECTION BY TEACHERS AND OTHER SCHOOL PERSONNEL,
15 PARENTS, AND OTHER MEMBERS OF THE PUBLIC.

16 (5) THE DEPARTMENT SHALL PROMULGATE RULES PURSUANT TO THE
17 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
18 24.328, TO IMPLEMENT THIS SECTION.