

# SENATE BILL No. 858

October 29, 2007, Introduced by Senators VAN WOERKOM, BIRKHOLZ, PATTERSON, SANBORN, RICHARDVILLE, JANSEN, GEORGE, PAPPAGEORGE, ALLEN, KAHN, CROUSEY, HARDIMAN, GARCIA, JELINEK, GILBERT and BISHOP and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1976 PA 399, entitled  
"Safe drinking water act,"  
by amending section 4 (MCL 325.1004), as amended by 2006 PA 601.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 4. (1) A supplier of water shall file with the department  
2       the plans and specifications of the entire waterworks system owned  
3       or operated by the supplier, unless the department determines that  
4       its existing records are adequate. A general plan of the waterworks  
5       system for each public water supply shall be provided to the  
6       department by a supplier of water and shall be updated as  
7       determined necessary by the department.

8       (2) Upon receipt of the plans and specifications for a

1 proposed waterworks system, the department shall evaluate the  
2 adequacy of the proposed system to protect the public health by  
3 supplying water meeting the state drinking water standards and, if  
4 applicable, shall evaluate the impact of the proposed system as  
5 provided in subsections (3) and (4). The department shall also  
6 conduct a capacity assessment for a proposed community supply or  
7 nontransient noncommunity water supply and determine if the system  
8 has the technical, financial, and managerial capacity to meet all  
9 requirements of this act and the rules promulgated under this act,  
10 on the date of commencement of operations. If upon evaluation the  
11 department determines the plans and specifications to be inadequate  
12 or the capacity assessment shows the system to be inadequate, the  
13 department may return the plans and specifications to the applicant  
14 and require additions or modifications as may be appropriate. The  
15 department may reject plans and specifications for a waterworks  
16 system that will not satisfactorily provide for the protection of  
17 the public health or, if applicable, will not meet the standards  
18 provided in ~~subsections (3) and~~ **SUBSECTION** (4). The department may  
19 deny a permit for construction of a proposed community supply or a  
20 nontransient noncommunity water supply if the capacity assessment  
21 shows that the proposed system does not have adequate technical,  
22 financial, or managerial capacity to meet the requirements of this  
23 act and the rules promulgated under this act.

24 (3) The department ~~may~~ **SHALL** evaluate the impact of a proposed  
25 waterworks system for a community supply owned by a political  
26 subdivision that will do any of the following:

27 (a) Provide new total designed withdrawal capacity of more

1 than 2,000,000 gallons of water per day from a ~~source of water~~  
2 ~~other than the Great Lakes and their connecting waterways~~ **THE**  
3 **WATERS OF THE STATE.**

4 (b) Provide an increased total designed withdrawal capacity of  
5 more than 2,000,000 gallons of water per day from a ~~source of water~~  
6 ~~other than the Great Lakes and their connecting waterways~~ **THE**  
7 **WATERS OF THE STATE** beyond the system's total designed withdrawal  
8 capacity.

9 ~~—— (c) Provide new total designed withdrawal capacity of more~~  
10 ~~than 5,000,000 gallons of water per day from the Great Lakes and~~  
11 ~~their connecting waterways.~~

12 ~~—— (d) Provide an increased total designed withdrawal capacity of~~  
13 ~~more than 5,000,000 gallons of water per day from the Great Lakes~~  
14 ~~and their connecting waterways beyond the system's total designed~~  
15 ~~withdrawal capacity.~~

16 (C) PROVIDE NEW TOTAL DESIGNED WITHDRAWAL CAPACITY OR AN  
17 INCREASED TOTAL DESIGNED WITHDRAWAL CAPACITY THAT WILL TRANSFER  
18 MORE THAN 100,000 GALLONS PER DAY AVERAGE OVER ANY 90-DAY PERIOD  
19 FROM THE SOURCE WATERSHED OF A GREAT LAKE TO THE WATERSHED OF  
20 ANOTHER GREAT LAKE.

21 (4) The department shall reject the plans and specifications  
22 for a proposed waterworks system evaluated under subsection (3) if  
23 it determines that the proposed system will not meet the applicable  
24 standard provided in section ~~32723(5) or (6)~~ **32723** of the natural  
25 resources and environmental protection act, 1994 PA 451, MCL  
26 ~~324.32723. , unless~~ **HOWEVER, THE DEPARTMENT MAY APPROVE THE PLANS**  
27 **AND SPECIFICATIONS FOR A PROPOSED WATERWORKS SYSTEM EVALUATED UNDER**

1 SUBSECTION (3) THAT THE DEPARTMENT DETERMINES WILL NOT MEET THE  
2 APPLICABLE STANDARD PROVIDED IN SECTION 32723 IF THE PLANS AND  
3 SPECIFICATIONS DO NOT ALLOW THE TRANSFER OF MORE THAN 100,000  
4 GALLONS PER DAY AVERAGE OVER ANY 90-DAY PERIOD FROM THE SOURCE  
5 WATERSHED OF A GREAT LAKE TO THE WATERSHED OF ANOTHER GREAT LAKE  
6 AND both of the following conditions are met:

7 (a) The department determines that there is no feasible and  
8 prudent alternative location for the withdrawal.

9 (b) The department includes in the approval conditions related  
10 to depth, pumping capacity, rate of flow, and ultimate use that  
11 ensure that the environmental impact of the withdrawal is balanced  
12 by the public benefit of the withdrawal related to public health,  
13 safety, and welfare.

14 (5) Before commencing the construction of a waterworks system  
15 or an alteration, addition, or improvement to a system, a supplier  
16 of water shall submit the plans and specifications for the  
17 improvements to the department and secure from the department a  
18 permit for construction as provided by rule. Plans and  
19 specifications submitted to the department shall be prepared by a  
20 professional engineer licensed under article 20 of the occupational  
21 code, 1980 PA 299, MCL 339.2001 to 339.2014. A contractor, builder,  
22 or supplier of water shall not engage in or begin the construction  
23 of a waterworks system or an alteration, addition, or improvement  
24 to a waterworks system until a valid permit for the construction  
25 has been secured from the department. A contractor, builder, or  
26 supplier of water who permits or allows construction to proceed  
27 without a valid permit, or in a manner not in accordance with the

1 plans and specifications approved by the department, violates this  
2 act. A supplier of water shall not issue a voucher or check or in  
3 any other way expend money or provide consideration for  
4 construction of a waterworks system unless a valid permit issued by  
5 the department is in effect. The department may issue a permit with  
6 conditions to correct minor design deficiencies. If eligible, a  
7 supplier may request an expedited review of an application for a  
8 permit under section 4a.

9 (6) The department may deny a permit for construction of a  
10 waterworks system or an alteration, addition, or improvement to a  
11 waterworks system if the most recent capacity assessment shows that  
12 the waterworks system does not have adequate technical, financial,  
13 or managerial capacity to meet the requirements of this act and the  
14 rules promulgated under this act, and the deficiencies identified  
15 in that capacity assessment remain uncorrected, unless the proposed  
16 construction will remedy the deficiencies.

17 (7) The department may verbally approve minor modifications of  
18 a construction permit issued by the department as a result of  
19 unforeseen site conditions that become apparent during  
20 construction. Minor modifications include, but are not limited to,  
21 extending a hydrant lead or routing a water main around a manhole.  
22 A supplier making a request for a modification shall provide to the  
23 department all relevant information required under this section and  
24 the application form provided by the department related to the  
25 modification. A supplier shall obtain written approval from the  
26 department for all modifications to a waterworks system except when  
27 the department provides verbal approval for a minor modification as

1 provided for in this subsection. A supplier receiving a written or  
2 verbal approval from the department shall submit revised plans and  
3 specifications to the department within 10 days from the date of  
4 approval.

5 (8) If a supplier seeks confirmation of the department's  
6 verbal approval of a minor modification under subsection (7), the  
7 supplier shall notify the department electronically, at an address  
8 specified by the department, with a detailed description of the  
9 request for the modification. The department shall make reasonable  
10 efforts to respond within 2 business days, confirming whether the  
11 request has been approved or not approved. If the department has  
12 not responded within 2 business days after the department receives  
13 the detailed description, the verbal approval shall be considered  
14 confirmed.

15 (9) AS USED IN THIS SECTION, "GREAT LAKES", "SOURCE  
16 WATERSHED", AND "WATERS OF THE STATE" MEAN THOSE TERMS AS THEY ARE  
17 DEFINED IN SECTION 32701.

18 Enacting section 1. This amendatory act does not take effect  
19 unless all of the following bills of the 94th Legislature are  
20 enacted into law:

21 (a) Senate Bill No. 212.

22 (b) Senate Bill No. 860.

23  
24 (c) Senate Bill No. 859.