

SENATE BILL No. 824

September 15, 2009, Introduced by Senators BARCIA and McMANUS and referred to the Committee on Appropriations.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to protect the public health; to provide for
3 supervision and control over public water supplies; ~~to prescribe~~
4 ~~the powers and duties of the department of environmental quality;~~
5 to provide for the submission of plans and specifications for
6 waterworks systems and the issuance of construction permits
7 therefor; to provide for capacity assessments and source water

1 assessments of public water supplies; to provide for the
2 classification of public water supplies and the examination,
3 certification and regulation of persons operating those systems; to
4 provide for continuous, adequate operation of privately owned,
5 public water supplies; to authorize the promulgation of rules to
6 carry out the intent of the act; to create the water supply fund;
7 to provide for the administration of the water supply fund; **TO**
8 **PROVIDE FOR THE POWERS AND DUTIES OF CERTAIN STATE AND LOCAL**
9 **GOVERNMENTAL OFFICERS AND ENTITIES;** and to provide penalties.

10 Sec. 2. As used in this act:

11 (a) "Bottled drinking water" means water that is ultimately
12 sold, provided, or offered for human consumption in a closed
13 container.

14 (b) "Capacity assessment" means an evaluation of the
15 technical, financial, and managerial capability of a community
16 supply or nontransient noncommunity water supply to comply and
17 maintain compliance with all requirements of this act and the rules
18 promulgated under this act.

19 (c) "Community supply" means a public water supply that
20 provides year-round service to not fewer than 15 living units or
21 which regularly provides year-round service to not fewer than 25
22 residents.

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

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

27 (f) "Customer site piping" means an underground piping system

1 owned or controlled by the customer that conveys water from the
2 customer service connection to building plumbing systems and other
3 points of use on lands owned or controlled by the customer.

4 Customer site piping does not include any system that incorporates
5 treatment to protect public health.

6 (g) "Department" means the department of ~~environmental quality~~
7 **NATURAL RESOURCES** or its authorized agent or representative.

8 (h) "Director" means the director of the department of
9 ~~environmental quality~~ **NATURAL RESOURCES** or his or her authorized
10 agent or representative.

11 (i) "Imminent hazard" means that in the judgment of the
12 director there is a violation, or a condition that may cause a
13 violation, of the state drinking water standards at a public water
14 supply requiring immediate action to prevent endangering the health
15 of people.

16 (j) "Living unit" means a house, apartment, or other domicile
17 occupied or intended to be occupied on a day to day basis by an
18 individual, family group, or equivalent.

19 (k) "Noncommunity supply" means a public water supply that is
20 not a community supply, but that has not less than 15 service
21 connections or that serves not fewer than 25 individuals on an
22 average daily basis for not less than 60 days per year.

23 (l) "Nontransient noncommunity water supply" means a
24 noncommunity public water supply that serves not fewer than 25 of
25 the same individuals on an average daily basis over 6 months per
26 year. This definition includes water supplies in places of
27 employment, schools, and day-care centers.

1 (m) "Person" means an individual, partnership, copartnership,
2 cooperative, firm, company, public or private association or
3 corporation, political subdivision, agency of the state, agency of
4 the federal government, trust, estate, joint structure company, or
5 any other legal entity, or their legal representative, agent, or
6 assigns.

7 (n) "Plans and specifications" means drawings, data, and a
8 true description or representation of an entire waterworks system
9 or parts of the system as it exists or is to be constructed, and a
10 statement on how a waterworks system is to be operated.

11 (o) "Political subdivision" means a city, village, township,
12 charter township, county, district, authority or portion or
13 combination thereof.

14 (p) "Public water supply" means a waterworks system that
15 provides water for drinking or household purposes to persons other
16 than the supplier of the water, and does not include either of the
17 following:

18 (i) A waterworks system that supplies water to only 1 living
19 unit.

20 (ii) A waterworks system that consists solely of customer site
21 piping.

22 (q) "State drinking water standards" means quality standards
23 setting limits for contaminant levels or establishing treatment
24 techniques to meet standards necessary to protect the public
25 health.

26 (r) "Service connection" means a direct connection from a
27 distribution water main to a living unit or other site to provide

1 water for drinking or household purposes.

2 (s) "Source water assessment" means a state program to
3 delineate the boundaries of areas in the state from which 1 or more
4 public water supplies receive supplies of drinking water, to
5 identify contaminants regulated under this act for which monitoring
6 is required because the state has determined they may present a
7 threat to public health, and, to the extent practical, to determine
8 the susceptibility of the public water supply in the delineated
9 area to these contaminants.

10 (t) "Supplier of water" or "supplier" means a person who owns
11 or operates a public water supply, and includes a water hauler.

12 (u) "Transient noncommunity water supply" means a noncommunity
13 supply that does not meet the definition of nontransient
14 noncommunity water supply.

15 (v) "Water hauler" means a person engaged in bulk vehicular
16 transportation of water to other than the water hauler's own
17 household which is intended for use or used for drinking or
18 household purposes. Excluded from this definition are those persons
19 providing water solely for employee use.

20 (w) "Water main" means a pipe owned or controlled by a
21 supplier that may convey water to a customer service connection or
22 to a fire hydrant.

23 (x) "Waterworks system" or "system" means a system of pipes
24 and structures through which water is obtained and distributed,
25 including but not limited to wells and well structures, intakes and
26 cribs, pumping stations, treatment plants, storage tanks, pipelines
27 and appurtenances, or a combination thereof, actually used or

1 intended for use for the purpose of furnishing water for drinking
2 or household purposes.

3 (y) "Year-round service" means the ability of a supplier of
4 water to provide drinking water on a continuous basis to a living
5 unit or facility.

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. 807

8 of the 95th Legislature is enacted into law.