

SENATE BILL No. 155

February 14, 2017, Introduced by Senators YOUNG, HOPGOOD, ANANICH and HERTEL and referred to the Committee on Government Operations.

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 7 (MCL 325.1007), as amended by 1998 PA 56.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) ~~The~~**A** supplier of water shall collect water
2 samples or have them collected on a schedule at least equal to that
3 ~~outlined~~**SPECIFIED** in the rules, shall cause those samples to be
4 analyzed in the state laboratory or a laboratory certified by the
5 department or by the United States ~~environmental protection agency~~
6 **ENVIRONMENTAL PROTECTION AGENCY** for contaminants listed in the
7 state drinking water standards, and shall report the results of the
8 analyses to the department in a timely manner as specified in the
9 rules. **THE WATER SAMPLES COLLECTED UNDER THIS SUBSECTION SHALL BE**
10 **COLLECTED AND TESTED PURSUANT TO PROCEDURES REQUIRED BY THE UNITED**
11 **STATES ENVIRONMENTAL PROTECTION AGENCY AND CONSISTENT WITH**

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1 REGULATIONS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.
2 WHEN COLLECTING WATER SAMPLES TO DETERMINE COMPLIANCE WITH THE
3 STATE DRINKING WATER STANDARDS FOR LEAD AND COPPER, THE SUPPLIER OF
4 WATER THAT COLLECTS WATER SAMPLES, OR THE DEPARTMENT IF IT COLLECTS
5 WATER SAMPLES, SHALL NOT USE THE PROCEDURE OF PREFLUSHING.

6 (2) If a supplier of water ~~who~~**THAT** serves a population of
7 10,000 or fewer individuals fails to comply with subsection (1),
8 the department may do any of the following:

9 (a) ~~Impose against~~**ASSESS** that supplier an administrative fine
10 of \$200.00 for each failure to collect and have analyzed a water
11 sample required under this act.

12 (b) For each failure to collect and have analyzed a water
13 sample required under this act within the 12-month period following
14 a failure described in subdivision (a), ~~impose against~~**ASSESS** that
15 supplier an administrative fine of \$400.00.

16 (c) In addition to an administrative fine ~~imposed~~**ASSESSED**
17 under subdivision (a) or (b), obtain a sampling or analysis or both
18 required under this act at the supplier's cost.

19 (d) Proceed ~~pursuant to~~**UNDER** section 22.

20 (3) If a supplier of water serving a population of 10,000 or
21 less fails to meet state drinking water standards, the department
22 may do any of the following:

23 (a) ~~Impose against~~**ASSESS** that supplier an administrative fine
24 of not less than \$400.00 per day per violation and not more than
25 \$1,000.00 per day per violation. An administrative fine for a
26 single violation ~~shall~~**MUST** not exceed a cumulative total of
27 \$2,000.00.

1 (b) Proceed ~~pursuant to~~ **UNDER** section 22.

2 (4) If a supplier of water serving a population ~~of~~ **EQUAL TO OR**
3 more than 10,000 fails to comply with state drinking water
4 standards or any monitoring or reporting requirement, the
5 department may do any of the following:

6 (a) ~~Impose against~~ **ASSESS** that supplier an administrative fine
7 of not less than \$1,000.00 per day per violation and not more than
8 \$2,000.00 per day per violation. An administrative fine for a
9 single violation ~~may~~ **MUST** not exceed a cumulative total of
10 \$10,000.00.

11 (b) In addition to an administrative fine imposed under
12 subdivision (a), obtain at the supplier's cost water samples and
13 secure analyses of the water samples at a certified laboratory if
14 monitoring has not met minimum requirements under this act.

15 (c) Proceed ~~pursuant to~~ **UNDER** section 22.

16 (5) A supplier may appeal an administrative fine ~~imposed~~
17 **ASSESSED** under this section pursuant to the administrative
18 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

19 (6) Administrative fines collected under this section ~~shall~~
20 **MUST** be forwarded to the state treasurer for deposit into the state
21 drinking water revolving fund established under section 16b of the
22 shared credit rating act, 1985 PA 227, MCL 141.1066b.