

**SUBSTITUTE FOR
SENATE BILL NO. 46**

A bill to amend 1976 PA 399, entitled
"Safe drinking water act,"
by amending sections 2, 3, and 15 (MCL 325.1002, 325.1003, and
325.1015), section 2 as amended by 1998 PA 56 and section 15 as
amended by 1993 PA 165.

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

1 maintain compliance with all requirements of this act and the rules
2 promulgated under this act.

3 (c) "Community supply" means a public water supply that
4 provides year-round service to not fewer than 15 living units or
5 ~~which~~**that** regularly provides year-round service to not fewer than
6 25 residents.

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

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

11 (f) "Customer site piping" means an underground piping system
12 **that consists only of distribution and storage facilities** owned or
13 controlled by the customer that conveys water from the customer
14 service connection to building plumbing systems and other points of
15 use on lands owned or controlled by the customer. Customer site
16 piping does not include ~~any~~**a waterworks** system that incorporates
17 treatment, ~~to protect public health.~~**sells water to a person, or is**
18 **a carrier that conveys passengers in interstate commerce. As used**
19 **in this subdivision, "sells water to a person" does not include**
20 **submetering and billing.**

21 (g) "Department" means the department of ~~environmental quality~~
22 ~~or its authorized agent or representative.~~**environment, Great Lakes,**
23 **and energy.**

24 (h) "Director" means the director of the department ~~of~~
25 ~~environmental quality or his or her~~**the director's** authorized agent
26 or representative.

27 (i) "Imminent hazard" means that in the judgment of the
28 director there is a violation, or a condition that may cause a
29 violation, of ~~the~~ state drinking water standards at a public water

1 supply requiring immediate action to prevent endangering the **public**
 2 health. ~~of people.~~

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

6 (k) **"Mobile home" and "mobile home park" mean those terms as**
 7 **defined in section 2 of the mobile home commission act, 1987 PA 96,**
 8 **MCL 125.2302.**

9 (l) ~~(k)~~ "Noncommunity supply" means a public water supply that
 10 is not a community supply, but that has not less than 15 service
 11 connections or that serves not fewer than 25 individuals on an
 12 average daily basis for not less than 60 days per year.

13 (m) ~~(l)~~ "Nontransient noncommunity water supply" means a
 14 noncommunity public water supply that serves not fewer than 25 of
 15 the same individuals on an average daily basis over 6 months per
 16 year. ~~This definition~~ **Nontransient noncommunity water supply**
 17 includes water supplies in places of employment, schools, and day-
 18 care centers.

19 (n) ~~(m)~~ "Person" means an individual, partnership,
 20 copartnership, cooperative, firm, company, public or private
 21 association or corporation, political subdivision, agency of the
 22 state, agency of the federal government, trust, estate, joint
 23 structure company, or any other legal entity, or their legal
 24 representative, agent, or assigns.

25 (o) ~~(n)~~ "Plans and specifications" means drawings, data, and a
 26 true description or representation of an entire waterworks system
 27 or parts of the system as it exists or is to be constructed, and a
 28 statement on how a waterworks system is to be operated.

29 (p) ~~(o)~~ "Political subdivision" means a city, village,

township, charter township, county, district, authority or portion or combination thereof.

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

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

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

(r) **"Seasonal mobile home park" means that term as defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302.**

(s) ~~(q)~~—"State drinking water standards" means quality standards ~~setting that set~~ limits for contaminant levels or ~~establishing~~ **establish** treatment techniques to meet standards necessary to protect ~~the~~ public health.

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

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

(v) ~~(t)~~—"Supplier of water" or "supplier" means a person ~~who~~

1 **that** owns or operates a public water supply, and includes a water
2 hauler.

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

6 (x) ~~(v)~~ "Water hauler" means a person engaged in bulk
7 vehicular transportation of water to other than the water hauler's
8 own household ~~which~~ **that** is intended for use or used for drinking
9 or household purposes. ~~Excluded from this definition are those~~
10 ~~persons providing~~ **Water hauler does not include a person that**
11 **provides** 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, 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 supplier
23 of water to provide drinking water on a continuous basis to a
24 living unit or facility.

25 Sec. 3. Subject to **the** limitations contained in this act, the
26 department shall have power and control over ~~public water supplies~~
27 **waterworks systems** and suppliers of water. The director may ~~enter~~
28 **do either of the following:**

29 (a) **Enter** upon the waterworks system of a supplier of water at

1 reasonable times for the purpose of inspecting the **waterworks**
 2 system and carrying out **the requirements and responsibilities** under
 3 this act and **the** rules promulgated under this act.

4 **(b) Enter upon a waterworks system at a mobile home park or**
 5 **seasonal mobile home park that consists solely of customer site**
 6 **piping, at reasonable times, as necessary for the purpose of**
 7 **investigating a complaint that the water being provided is not**
 8 **adequate or healthful or is not in compliance with state drinking**
 9 **water standards when the water arrives at a mobile home located in**
 10 **the mobile home park or seasonal mobile home park.**

11 Sec. 15. (1) When considered necessary for **the** protection of
 12 ~~the~~ public health, the department shall notify a supplier of water
 13 **or the owner of customer site piping located at a mobile home park**
 14 **or seasonal mobile home park** of the need to make changes in
 15 operations, ~~to~~ provide treatment, ~~to~~ make structural changes in
 16 existing systems **or piping**, or ~~to~~ add additional capacity as
 17 necessary to produce and distribute an adequate quantity of water
 18 ~~meeting the~~ **that meets** state drinking water standards.

19 (2) The department shall inspect a waterworks system or a part
 20 of a waterworks system ~~and~~ the manner of operation of the
 21 **waterworks** system, or part **of the waterworks system**. If, ~~upon~~ **on**
 22 inspection, the department determines the waterworks system ~~to be~~
 23 **is** inadequate or ~~so~~ operated ~~as to~~ **in a manner that does** not
 24 adequately protect ~~the~~ public health, the department may order the
 25 supplier of water **or the owner of customer site piping located at a**
 26 **mobile home park or seasonal mobile home park** to make alterations
 27 in the waterworks system or ~~its~~ **the** method of operation as ~~may be~~
 28 required or considered advisable by the department to ~~assure~~ **ensure**
 29 the ~~public water supply~~ **waterworks system can produce or distribute**

1 **water that** is adequate, **is** healthful, and ~~in conformance with~~ **meets**
 2 state drinking water standards. If the supplier **of water or the**
 3 **owner of customer site piping located at a mobile home park or**
 4 **seasonal mobile home park** does not request a public hearing within
 5 30 days after receipt of ~~the~~ **an order issued under this subsection,**
 6 the order ~~shall be~~ **is** final and binding on the supplier of water **or**
 7 **the owner of customer site piping located at a mobile home park or**
 8 **seasonal mobile home park.** If the department receives a request for
 9 a public hearing within ~~the specified~~ 30 days, **the department shall**
 10 **immediately arrange** the public hearing. ~~shall be immediately~~
 11 ~~arranged.~~ **If a public hearing is requested in a timely manner, a**
 12 **final order must not go into effect until after the public hearing**
 13 **is completed. The department may revise the order based on**
 14 **information provided at the public hearing before issuing a final**
 15 **order.** A supplier of water **or the owner of customer site piping**
 16 **located at a mobile home park or seasonal mobile home park** shall
 17 comply with a final order of the department.

18 (3) If a ~~public water supply~~ **waterworks system** poses an
 19 imminent hazard to ~~the~~ public health, the department may issue an
 20 emergency order immediately, without notice or hearing, ~~requiring~~
 21 ~~such action as~~ **that requires the supplier of water or the owner of**
 22 **customer site piping located at a mobile home park or seasonal**
 23 **mobile home park to take any action** the department determines is
 24 necessary to protect ~~the~~ public health. ~~Normal administrative~~
 25 **Administrative** procedures ~~as required by~~ **under** the administrative
 26 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, as~~
 27 ~~amended, being sections 24.201 to 24.328 of the Michigan Compiled~~
 28 ~~Laws, shall~~ **1969 PA 306, MCL 24.201 to 24.328, must** proceed
 29 concurrently with an emergency order ~~upon~~ **on** written request of the

1 supplier of water **or the owner of customer site piping located at a**
2 **mobile home park or seasonal mobile home park** received within 15
3 days **after the department issues the emergency order**. An emergency
4 order ~~shall be~~ **is** effective immediately and binding until modified
5 or rescinded by the department or a court. ~~of competent~~
6 ~~jurisdiction.~~

7 (4) The department may take appropriate action to limit ~~water~~
8 ~~system~~ **the expansion of a waterworks system** or limit water use from
9 a public water supply **or customer site piping at a mobile home park**
10 **or seasonal mobile home park** until ~~such time as~~ satisfactory
11 improvements are made in the system or operation to provide for a
12 continuous, adequate supply of water ~~meeting the~~ **that meets** state
13 drinking water standards.