

# SENATE BILL NO. 395

August 20, 2019, Introduced by Senator LASATA and referred to the Committee on Environmental Quality.

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 7a.

**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

1 container.

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

7 (c) **"Child care center" means that term as defined in section**  
8 **1 of 1973 PA 116, MCL 722.111.**

9 (d) ~~(e)~~—"Community supply" means a public water supply that  
10 provides year-round service to ~~not~~**no** fewer than 15 living units or  
11 ~~which~~**that** regularly provides year-round service to ~~not~~**no** fewer  
12 than 25 residents.

13 (e) ~~(d)~~—"Contaminant" means a physical, chemical, biological,  
14 or radiological substance or matter in water.

15 (f) ~~(e)~~—"Customer service connection" means the pipe between a  
16 water main and customer site piping or building plumbing system.

17 (g) ~~(f)~~—"Customer site piping" means an underground piping  
18 system owned or controlled by the customer that conveys water from  
19 the customer service connection to building plumbing systems and  
20 other points of use on lands owned or controlled by the customer.  
21 Customer site piping does not include any system that incorporates  
22 treatment to protect public health.

23 (h) ~~(g)~~—"Department" means the department of environmental  
24 quality or its authorized agent or representative.

25 (i) ~~(h)~~—"Director" means the director of the department ~~of~~  
26 ~~environmental quality~~ or his or her authorized agent or  
27 representative.

28 (j) ~~(i)~~—"Imminent hazard" means **a condition** that, in the  
29 judgment of the director, ~~there is a violation, or a condition that~~

1 **is or** may cause a violation ~~of~~ of the state drinking water standards  
 2 at a public water supply requiring immediate action to prevent  
 3 endangering the **public** health. ~~of people.~~

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

7 (l) ~~(k)~~—"Noncommunity supply" means a public water supply that  
 8 is not a community supply, but that has ~~not less~~ **no fewer** than 15  
 9 service connections or that serves ~~not no~~ **no fewer** than 25 individuals  
 10 on an average daily basis for ~~not less~~ **no fewer** than 60 days per  
 11 year.

12 (m) ~~(l)~~—"Nontransient noncommunity water supply" means a  
 13 noncommunity public water supply that serves ~~not no~~ **no fewer** than 25  
 14 of the same individuals on an average daily basis over 6 months per  
 15 year. ~~This definition~~ **Nontransient noncommunity water supply**  
 16 includes water supplies in places of employment, schools, and ~~day-~~  
 17 ~~care~~ **child care** centers.

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

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

28 (p) ~~(o)~~—"Political subdivision" means a city, village,  
 29 township, charter township, county, district, authority, or portion

1 or combination ~~thereof~~. **of those entities.**

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

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

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

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

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

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

25       **(t) "State drinking water standards" means quality standards**  
26 **setting limits for contaminant levels or establishing treatment**  
27 **techniques to meet standards necessary to protect the public**  
28 **health.**

29       **(u)** ~~(t)~~ "Supplier of water" or "supplier" means a person who

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

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

6 (w) ~~(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 and that~~ is intended for use or used for  
9 drinking or household purposes. ~~Excluded from this definition are~~  
10 ~~these~~ **Water hauler does not include** persons providing water solely  
11 for employee use.

12 (x) ~~(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 (y) ~~(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, of these components,~~ actually used or intended for use for  
21 the purpose of furnishing water for drinking or household purposes.

22 (z) ~~(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. 7a. (1) In addition to the sampling and analysis required**  
26 **under section 7, the department shall require certain vulnerable**  
27 **population facilities to conduct sampling, analysis, and**  
28 **remediation of lead contamination in drinking water from drinking**  
29 **water taps and other sources of drinking water used for human**

1 consumption. The sampling and analysis required under this section  
2 must be conducted within 1 year after the effective date of the  
3 amendatory act that added this section and at least once every 3  
4 years after that.

5 (2) Lead sampling and analysis under this section at adult  
6 foster care facilities, child care centers, hospitals, housing  
7 projects, and nursing homes must comply with all of the following:

8 (a) Sampling must be conducted at all buildings where children  
9 or residents are present.

10 (b) Sampling must be done at all drinking water taps and any  
11 other drinking water source for human consumption.

12 (c) Testing protocols must include a first-draw sample that is  
13 taken after at least 6 hours of stagnation in a 250 ml bottle.

14 (3) Lead sampling at colleges and universities under this  
15 section must be conducted at drinking water taps and other drinking  
16 water sources that are representative of water usage on campus in a  
17 manner prescribed by the department.

18 (4) The analysis of samples collected under this section must  
19 be conducted by a certified laboratory described in section 7.

20 (5) Each vulnerable population facility that conducts sampling  
21 and analysis of drinking water samples under this section shall  
22 make the results of the analysis available in the administrative  
23 office of the vulnerable population facility and shall report the  
24 results of the analysis to the department. The department shall  
25 make the information received under this subsection available on  
26 the department's website.

27 (6) If the sampling and analysis of any drinking water tap or  
28 other source of drinking water under this section shows evidence of  
29 lead in drinking water at a level higher than 12 mg/L, the owner or

1 operator of the vulnerable population facility shall do all of the  
2 following:

3 (a) Immediately take the drinking water tap or source of  
4 drinking water out of service.

5 (b) Provide direct notification to the department, staff at  
6 the vulnerable population facility, parents and guardians, and  
7 other users of the vulnerable population facility in a manner  
8 approved by the department.

9 (7) The sampling and analysis required under this section does  
10 not apply to either of the following:

11 (a) Any building that is constructed after January 4, 2014,  
12 that is certified as lead free.

13 (b) Any building that is determined by a licensed plumber or a  
14 licensed professional engineer to be lead free and that is  
15 documented in a signed statement by the person making the  
16 determination.

17 (8) The sampling and analysis that is conducted under this  
18 section shall not be used for purposes of determining compliance  
19 with rules promulgated under this act containing requirements for  
20 sampling, analysis, and remediation due to the presence of lead and  
21 copper.

22 (9) As used in this section:

23 (a) "Adult foster care facility" means that term as defined in  
24 section 3 of the adult foster care facility licensing act, 1979 PA  
25 218, MCL 400.703.

26 (b) "College or university" means all of the following:

27 (i) A college or university described in section 4, 5, or 6 of  
28 article VIII of the state constitution of 1963.

29 (ii) A junior college or community college established under

1 section 7 of article VIII of the state constitution of 1963.

2 (iii) An independent nonprofit degree-granting college or  
3 university.

4 (c) "Hospital" means that term as defined in section 20106 of  
5 the public health code, 1978 PA 368, MCL 333.20106.

6 (d) "Housing project" means that term as defined in section 11  
7 of the state housing development authority act of 1966, 1966 PA  
8 346, MCL 125.1411.

9 (e) "Nursing home" means that term as defined in section 20109  
10 of the public health code, 1978 PA 368, MCL 333.20109.

11 (f) "Vulnerable population facility" means an adult foster  
12 care facility, child care center, college or university, hospital,  
13 or nursing home.

14 Enacting section 1. This amendatory act takes effect 90 days  
15 after the date it is enacted into law.