

# HOUSE BILL No. 5372

October 26, 2005, Introduced by Reps. Gillard, Sak, Byrnes, Byrum, Miller, Whitmer, Kathleen Law, Meisner, Wojno, Bieda, Bennett, Clack, Gleason, Angerer, Alma Smith, Kehrl, Polidori, Gonzales, Farrah, Donigan, Clemente, Vagnozzi, Murphy, Anderson, Leland, Tobocman, Sheltroun, Cushingberry, Lemmons, Jr., Brandenburg, Hopgood, Mayes, Espinoza, McDowell, Gaffney, Stewart, David Law and Lemmons, III and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1976 PA 399, entitled  
"Safe drinking water act,"  
by amending section 4 (MCL 325.1004), as amended by 1998 PA 56.

**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  
9 proposed waterworks system, the department shall evaluate the  
10 adequacy of the proposed system to protect the public health by

1 supplying water meeting the state drinking water standards **AND**  
2 **SHALL EVALUATE WHETHER THE PROPOSED SYSTEM WILL CAUSE ADVERSE**  
3 **IMPACTS TO NATURAL RESOURCES.** The department shall also conduct a  
4 capacity assessment for a proposed community supply or nontransient  
5 noncommunity water supply and determine if the system has the  
6 technical, financial, and managerial capacity to meet all  
7 requirements of this act and the rules promulgated under this act,  
8 on the date of commencement of operations. If upon evaluation the  
9 department determines the plans and specifications to be inadequate  
10 or the capacity assessment shows the system to be inadequate, the  
11 department may return the plans and specifications to the applicant  
12 and require additions or modifications as may be appropriate. The  
13 department may reject plans and specifications for a waterworks  
14 system ~~which~~ **THAT** it determines will not satisfactorily provide  
15 for the protection of the public health **OR WILL CAUSE ADVERSE**  
16 **IMPACTS TO NATURAL RESOURCES UNDER THE STANDARDS DESCRIBED IN**  
17 **SECTION 32712C OF THE NATURAL RESOURCES AND ENVIRONMENTAL**  
18 **PROTECTION ACT, 1994 PA 451, MCL 324.32712C.** 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) Before commencing the construction of a waterworks system  
25 or an alteration, addition, or improvement to a system, a supplier  
26 of water shall submit the plans and specifications for the  
27 improvements to the department and secure from the department a

1 permit for construction ~~of the same~~ as provided by rule. Plans  
2 and specifications submitted to the department shall be prepared by  
3 a professional engineer licensed under article 20 of the  
4 occupational code, 1980 PA 299, MCL 339.2001 to 339.2014. A  
5 contractor, builder, or supplier of water shall not engage in or  
6 begin the construction of a waterworks system or an alteration,  
7 addition, or improvement ~~thereto~~ **TO A WATERWORKS SYSTEM** until a  
8 valid permit for the construction has been secured from the  
9 department. A contractor, builder, or supplier of water who permits  
10 or allows construction to proceed without a valid permit, or in a  
11 manner not in accordance with the plans and specifications approved  
12 by the department, violates this act. A supplier of water shall not  
13 issue a voucher or check or in any other way expend money or  
14 provide consideration for construction of a waterworks system  
15 unless a valid permit issued by the department is in effect.

16 (4) The department may deny a permit for construction of a  
17 waterworks system or an alteration, addition, or improvement to a  
18 waterworks system if the most recent capacity assessment shows that  
19 the waterworks system does not have adequate technical, financial,  
20 or managerial capacity to meet the requirements of this act and the  
21 rules promulgated under this act, and the deficiencies identified  
22 in that capacity assessment remain uncorrected, unless the proposed  
23 construction will remedy the deficiencies.

24 Enacting section 1. This amendatory act does not take effect  
25 unless Senate Bill No.\_\_\_\_ or House Bill No. 5371(request no.  
26 03750'05) of the 93rd Legislature is enacted into law.