

SENATE BILL No. 547

May 26, 2005, Introduced by Senators BERNERO, SWITALSKI, TOY, SCHAUER, OLSHOVE, CLARKE, BASHAM, EMERSON, LELAND, THOMAS, SCOTT, BRATER and BARCIA and referred to the Committee on Technology and Energy.

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 sections 7a and 7c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (A) "ACTION LEVEL" MEANS THE CONCENTRATION OF LEAD OR COPPER
3 IN WATER, AS SPECIFIED IN RULES PROMULGATED UNDER THIS ACT, THAT
4 DETERMINES, IN SOME CASES, THE TREATMENT REQUIREMENTS THAT A PUBLIC
5 WATER SUPPLY IS REQUIRED TO SATISFY.

6 (B) ~~—(a)—~~ "Bottled drinking water" means water that is
7 ultimately sold, provided, or offered for human consumption in a
8 closed container.

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

6 (D) ~~—(e)—~~ "Community supply" means a public water supply that
7 provides year-round service to not fewer than 15 living units or
8 which regularly provides year-round service to not fewer than 25
9 residents.

10 (E) ~~—(d)—~~ "Contaminant" means a physical, chemical,
11 biological, or radiological substance or matter in water.

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

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

20 (H) **"DAY CARE CENTER" MEANS THAT TERM AS DEFINED IN SECTION 1**
21 **OF 1973 PA 116, MCL 722.111.**

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

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

27 (K) ~~—(i)—~~ "Imminent hazard" means **A CONDITION** that, in the

1 judgment of the director, ~~there is a violation, or a condition~~
 2 ~~that~~ **IS OR** may cause a violation ~~,~~ of the state drinking water
 3 standards at a public water supply requiring immediate action to
 4 prevent endangering the health of people.

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

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

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

17 (O) ~~(m)~~ "Person" means an individual, partnership,
 18 copartnership, cooperative, firm, company, public or private
 19 association or corporation, political subdivision, agency of the
 20 state, agency of the federal government, trust, estate, joint
 21 structure company, or any other legal entity, or ~~their~~ **THE** legal
 22 representative, agent, or ~~assigns~~ **ASSIGN OF A LEGAL ENTITY**.

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

27 (Q) ~~(o)~~ "Political subdivision" means a city, village,

1 township, charter township, county, district, authority or portion
2 or combination ~~thereof~~ **OF THOSE ENTITIES.**

3 **(R) "PROFILE TESTING" MEANS TESTING OF SAMPLES DRAWN AT**
4 **FLUSHING INTERVALS APPROPRIATE TO OBTAIN WATER THAT HAS BEEN**
5 **STANDING IN THE SERVICE CONNECTION, THE SITE PIPING, AND THE**
6 **BUILDING PLUMBING SYSTEM OF A STRUCTURE.**

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

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

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

15 ~~(q) "State drinking water standards" means quality standards~~
16 ~~setting limits for contaminant levels or establishing treatment~~
17 ~~techniques to meet standards necessary to protect the public~~
18 ~~health.~~

19 **(T)** ~~(r)~~ "Service connection" means a direct connection from
20 a distribution water main to a living unit or other site to provide
21 water for drinking or household purposes.

22 **(U)** ~~(s)~~ "Source water assessment" means a state program to
23 delineate the boundaries of areas in the state from which 1 or more
24 public water supplies receive supplies of drinking water, to
25 identify contaminants regulated under this act for which monitoring
26 is required because the state has determined they may present a
27 threat to public health, and, to the extent practical, to determine

1 the susceptibility of the public water supply in the delineated
2 area to these contaminants.

3 (V) "STATE DRINKING WATER STANDARDS" MEANS QUALITY STANDARDS
4 SETTING LIMITS FOR CONTAMINANT LEVELS OR ESTABLISHING TREATMENT
5 TECHNIQUES TO MEET STANDARDS NECESSARY TO PROTECT THE PUBLIC
6 HEALTH.

7 (W) ~~-(t)-~~ "Supplier of water" or "supplier" means a person who
8 owns or operates a public water supply, and includes a water
9 hauler.

10 (X) ~~-(u)-~~ "Transient noncommunity water supply" means a
11 noncommunity supply that does not meet the definition of
12 nontransient noncommunity water supply.

13 (Y) ~~-(v)-~~ "Water hauler" means a person engaged in bulk
14 vehicular transportation of water to other than the water hauler's
15 own household which is intended for use or used for drinking or
16 household purposes, ~~-Excluded from this definition are those~~ BUT
17 DOES NOT INCLUDE persons providing water solely for ~~-employee~~
18 THEIR EMPLOYEES' use.

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

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

1 furnishing water for drinking or household purposes.

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

5 SEC. 7A. (1) A SUPPLIER SHALL SAMPLE ITS PUBLIC WATER SUPPLY
6 ANNUALLY AND TEST IT FOR THE PRESENCE OF LEAD AND COPPER.

7 (2) SAMPLING AND TESTING UNDER SUBSECTION (1) SHALL COMPLY
8 WITH ALL OF THE FOLLOWING REQUIREMENTS:

9 (A) IF A SUPPLIER SAMPLES WATER AT A RESIDENCE THAT IS SERVED
10 BY A LEAD SERVICE LINE, THE SUPPLIER SHALL DRAW THE SAMPLE FROM
11 WATER THAT HAS BEEN STANDING IN THE LEAD SERVICE LINE.

12 (B) A SUPPLIER SHALL PLACE RESIDENCES THAT CONTAIN COPPER
13 PIPES SOLDERED WITH LEAD AND INSTALLED AFTER 1982 OR THAT CONTAIN
14 LEAD PIPES, AND RESIDENCES THAT ARE SERVED BY A LEAD SERVICE LINE,
15 IN SEPARATE POOLS FOR THE PURPOSES OF SAMPLING, TESTING, AND
16 REPORTING.

17 (C) A SUPPLIER SHALL CONDUCT SAMPLING ON A RANDOM BASIS IN
18 EACH POOL, SUBJECT TO CUSTOMER PARTICIPATION LEVELS.

19 (D) A SUPPLIER SHALL DETERMINE THE NUMBER OF RESIDENCES TO BE
20 SAMPLED FROM EACH POOL BEFORE ANY TESTING BEGINS AND THAT NUMBER
21 SHALL BE SUFFICIENT TO YIELD RESULTS AT A 95% CONFIDENCE LEVEL AND
22 A 5% CONFIDENCE INTERVAL, UNLESS A LOWER CONFIDENCE LEVEL OR LARGER
23 CONFIDENCE INTERVAL IS REQUIRED BECAUSE OF CUSTOMER PARTICIPATION
24 LEVELS.

25 (E) A SUPPLIER SHALL NOT INVALIDATE TEST RESULTS FOR SAMPLES
26 EXCEPT AS PROVIDED BY LAW.

27 (3) THE SUPPLIER SHALL NOTIFY EACH CUSTOMER WHOSE WATER IS

1 SAMPLED FOR TESTING UNDER SUBSECTION (1) OF THE RESULTS OF THE
2 TESTING. THE NOTICE SHALL SPECIFY THE STATE DRINKING WATER
3 STANDARDS FOR LEAD AND COPPER AND THE LEVEL OF LEAD AND COPPER IN
4 EACH SAMPLE FROM THAT CUSTOMER'S RESIDENCE.

5 (4) IF TESTING UNDER SUBSECTION (1) INDICATES THE PRESENCE OF
6 LEAD OR COPPER IN THE PUBLIC WATER SUPPLY IN A CONCENTRATION
7 EXCEEDING THE LEAD OR COPPER ACTION LEVEL, THE SUPPLIER SHALL DO
8 BOTH OF THE FOLLOWING:

9 (A) CONDUCT PROFILE TESTING OF THE LEVEL OF LEAD OR COPPER, AS
10 APPLICABLE, IN THE PUBLIC WATER SUPPLY.

11 (B) INCLUDE IN ANY PUBLIC NOTICE OR PUBLIC EDUCATION MATERIALS
12 REQUIRED BY RULES PROMULGATED UNDER THIS ACT AS A RESULT OF
13 EXCEEDING THE LEAD OR COPPER ACTION LEVEL, ADVICE, BASED ON THE
14 PROFILE TESTING, ON HOUSEHOLD USE OF WATER, INCLUDING ANY FLUSHING
15 INSTRUCTIONS.

16 SEC. 7C. IF A SUPPLIER KNOWS THAT A CUSTOMER'S RESIDENCE IS
17 SERVED BY A LEAD SERVICE LINE, THE SUPPLIER SHALL ANNUALLY NOTIFY
18 EACH CUSTOMER THAT THEIR RESIDENCE IS SERVED BY A LEAD SERVICE
19 LINE. THE NOTICE SHALL CONTAIN INFORMATION REGARDING THE HEALTH
20 EFFECTS OF LEAD AND ADVICE ON THE HOUSEHOLD USE OF WATER, INCLUDING
21 ANY FLUSHING INSTRUCTIONS.