

# SENATE BILL No. 876

November 9, 2005, Introduced by Senator BIRKHOLZ and referred to the Committee on Natural Resources and Environmental Affairs.

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, IF**  
2 **APPLICABLE, SHALL EVALUATE THE ENVIRONMENTAL IMPACT OF THE PROPOSED**  
3 **SYSTEM AS PROVIDED IN SUBSECTION (3)**. The department shall also  
4 conduct a capacity assessment for a proposed community supply or  
5 nontransient noncommunity water supply and determine if the system  
6 has the 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, IF APPLICABLE, THE**  
16 **ENVIRONMENT AS PROVIDED IN SUBSECTION (3)**. The department may deny  
17 a permit for construction of a proposed community supply or a  
18 nontransient noncommunity water supply if the capacity assessment  
19 shows that the proposed system does not have adequate technical,  
20 financial, or managerial capacity to meet the requirements of this  
21 act and the rules promulgated under this act.

22 (3) **FOR A PROPOSED WATERWORKS SYSTEM THAT WILL PROVIDE NEW OR**  
23 **INCREASED WITHDRAWAL CAPACITY OF MORE THAN 2,000,000 GALLONS OF**  
24 **WATER PER DAY, THE DEPARTMENT SHALL EVALUATE WHETHER THE PROPOSED**  
25 **SYSTEM WILL CAUSE ADVERSE RESOURCE IMPACTS. THE DEPARTMENT SHALL**  
26 **REJECT THE PLANS AND SPECIFICATIONS FOR A PROPOSED WATERWORKS**  
27 **SYSTEM IF IT DETERMINES THAT THE PROPOSED SYSTEM WILL CAUSE ADVERSE**

1 RESOURCE IMPACTS UNLESS THE DEPARTMENT DETERMINES THAT THERE IS NO  
2 OTHER REASONABLE ALTERNATIVE LOCATION FOR THE WITHDRAWAL AND  
3 INCLUDES IN THE APPROVAL CONDITIONS RELATED TO DEPTH, PUMPING  
4 CAPACITY, RATE OF FLOW, AND ULTIMATE USE THAT ENSURE THAT THE  
5 ENVIRONMENTAL IMPACT OF THE WITHDRAWAL IS BALANCED BY THE PUBLIC  
6 BENEFIT OF THE WITHDRAWAL RELATED TO PUBLIC HEALTH, SAFETY, AND  
7 WELFARE.

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

27 (5) ~~—(4)—~~ The department may deny a permit for construction of

1 a waterworks system or an alteration, addition, or improvement to a  
2 waterworks system if the most recent capacity assessment shows that  
3 the waterworks system does not have adequate technical, financial,  
4 or managerial capacity to meet the requirements of this act and the  
5 rules promulgated under this act, and the deficiencies identified  
6 in that capacity assessment remain uncorrected, unless the proposed  
7 construction will remedy the deficiencies.

8           **(6) AS USED IN THIS SECTION, THE TERMS "ADVERSE RESOURCE**  
9 **IMPACT" AND "NEW OR INCREASED WITHDRAWAL CAPACITY" MEAN THOSE TERMS**  
10 **AS THEY ARE DEFINED IN SECTION 32701 OF THE NATURAL RESOURCES AND**  
11 **ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.32701.**

12           Enacting section 1. This amendatory act does not take effect  
13 unless Senate Bill No. 850 of the 93rd Legislature is enacted into  
14 law.