

HOUSE BILL No. 5071

July 25, 2007, Introduced by Reps. Corriveau, Sak, LeBlanc, Alma Smith, Byrnes, Vagnozzi, Wojno, Accavitti, Bieda, Kathleen Law, Polidori, Constan, Robert Jones, Bauer, Simpson, Donigan, Valentine, Warren, Meadows, McDowell, Miller, Melton, Young, Hammel, Espinoza, Brown, Lemmons, Meisner, Sheltrown, Hammon, Tobocman, Farrah, Cushingberry, Jackson, Johnson, Coulouris, Brandenburg and Dean and referred to the Committee on Great Lakes and Environment.

A bill to amend 1976 PA 399, entitled
"Safe drinking water act,"
by amending section 4 (MCL 325.1004), as amended by 2006 PA 601.

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 impact of the proposed system as
3 provided in subsections (3) and (4). 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 that will not satisfactorily provide for the protection of
15 the public health or, if applicable, will not meet the standards
16 provided in subsections (3) and (4). The department may deny a
17 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) The department ~~may~~**SHALL** evaluate the impact of a proposed
23 waterworks system for a community supply owned by a political
24 subdivision that will do any of the following:

25 (a) Provide new total designed withdrawal capacity of more
26 than ~~2,000,000~~**1,000,000** gallons of water per day from a source of
27 water other than the Great Lakes and their connecting waterways.

1 (b) Provide an increased total designed withdrawal capacity of
2 more than ~~2,000,000~~ **1,000,000** gallons of water per day from a
3 source of water other than the Great Lakes and their connecting
4 waterways beyond the system's total designed withdrawal capacity.

5 (c) Provide new total designed withdrawal capacity of more
6 than ~~5,000,000~~ **2,000,000** gallons of water per day from the Great
7 Lakes and their connecting waterways.

8 (d) Provide an increased total designed withdrawal capacity of
9 more than ~~5,000,000~~ **2,000,000** gallons of water per day from the
10 Great Lakes and their connecting waterways beyond the system's
11 total designed withdrawal capacity.

12 (4) The department shall reject the plans and specifications
13 for a proposed waterworks system evaluated under subsection (3) if
14 it determines that the proposed system will not meet the applicable
15 standard provided in section ~~32723(5) or (6)~~ **32723** of the natural
16 resources and environmental protection act, 1994 PA 451, MCL
17 324.32723, unless both of the following conditions are met:

18 (a) The department determines that there is no feasible and
19 prudent alternative ~~location for~~ **TO** the withdrawal.

20 (b) The department includes in the approval conditions related
21 to depth, pumping capacity, rate of flow, and ultimate use that
22 ensure that the environmental impact of the withdrawal is balanced
23 by the public benefit of the withdrawal related to public health,
24 safety, and welfare.

25 (5) Before commencing the construction of a waterworks system
26 or an alteration, addition, or improvement to a system, a supplier
27 of water shall submit the plans and specifications for the

1 improvements to the department and secure from the department a
2 permit for construction as provided by rule. Plans and
3 specifications submitted to the department shall be prepared by a
4 professional engineer licensed under article 20 of the occupational
5 code, 1980 PA 299, MCL 339.2001 to 339.2014. A contractor, builder,
6 or supplier of water shall not engage in or begin the construction
7 of a waterworks system or an alteration, addition, or improvement
8 to a waterworks system until a valid permit for the construction
9 has been secured from the department. A contractor, builder, or
10 supplier of water who permits or allows construction to proceed
11 without a valid permit, or in a manner not in accordance with the
12 plans and specifications approved by the department, violates this
13 act. A supplier of water shall not issue a voucher or check or in
14 any other way expend money or provide consideration for
15 construction of a waterworks system unless a valid permit issued by
16 the department is in effect. The department may issue a permit with
17 conditions to correct minor design deficiencies. If eligible, a
18 supplier may request an expedited review of an application for a
19 permit under section 4a.

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

1 (7) The department may verbally approve minor modifications of
2 a construction permit issued by the department as a result of
3 unforeseen site conditions that become apparent during
4 construction. Minor modifications include, but are not limited to,
5 extending a hydrant lead or routing a water main around a manhole.
6 A supplier making a request for a modification shall provide to the
7 department all relevant information required under this section and
8 the application form provided by the department related to the
9 modification. A supplier shall obtain written approval from the
10 department for all modifications to a waterworks system except when
11 the department provides verbal approval for a minor modification as
12 provided for in this subsection. A supplier receiving a written or
13 verbal approval from the department shall submit revised plans and
14 specifications to the department within 10 days from the date of
15 approval.

16 (8) If a supplier seeks confirmation of the department's
17 verbal approval of a minor modification under subsection (7), the
18 supplier shall notify the department electronically, at an address
19 specified by the department, with a detailed description of the
20 request for the modification. The department shall make reasonable
21 efforts to respond within 2 business days, confirming whether the
22 request has been approved or not approved. If the department has
23 not responded within 2 business days after the department receives
24 the detailed description, the verbal approval shall be considered
25 confirmed.

26 Enacting section 1. This amendatory act does not take effect
27 unless all of the following bills of the 94th Legislature are

1 enacted into law:

2 (a) Senate Bill No.____ or House Bill No. 5073(request no.
3 00453'07 *).

4 (b) Senate Bill No.____ or House Bill No. 5065(request no.
5 02361'07).

6 (c) Senate Bill No.____ or House Bill No. 5066(request no.
7 02362'07).

8 (d) Senate Bill No.____ or House Bill No. 5067(request no.
9 02363'07).

10 (e) Senate Bill No.____ or House Bill No. 5068(request no.
11 02364'07).

12 (f) Senate Bill No.____ or House Bill No. 5069(request no.
13 02365'07).

14 (g) Senate Bill No.____ or House Bill No. 5070(request no.
15 02366'07).

16 (h) Senate Bill No.____ or House Bill No. 5072(request no.
17 02368'07).