

HOUSE BILL No. 5461

March 15, 2016, Introduced by Reps. Neeley, Phelps, Plawecki, Rutledge, Smiley, Chang, Garrett, Brunner, Hoadley, Guerra, Schor, Faris, Durhal, Dianda, Geiss, LaVoy, Hovey-Wright, Irwin, Brinks and Moss and referred to the Committee on Local Government.

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
4 container.

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

1 promulgated under this act.

2 (C) "CHILD CARE CENTER" MEANS THAT TERM AS DEFINED IN SECTION
3 1 OF 1973 PA 116, MCL 722.111.

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

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

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

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

18 (H) ~~(g)~~—"Department" means the department of environmental
19 quality or its authorized agent or representative.

20 (I) ~~(h)~~—"Director" means the director of the department of
21 environmental quality or his or her authorized agent or
22 representative.

23 (J) ~~(i)~~—"Imminent hazard" means **A CONDITION** that, in the
24 judgment of the director, ~~there is a violation, or a condition that~~
25 **IS OR** may cause a violation ~~,~~ of the state drinking water standards
26 at a public water supply requiring immediate action to prevent
27 endangering the health of people.

1 (K) ~~(j)~~—"Living unit" means a house, apartment, or other
2 domicile occupied or intended to be occupied on a day to day basis
3 by an individual, family group, or equivalent.

4 (L) ~~(k)~~—"Noncommunity supply" means a public water supply that
5 is not a community supply, but that has not less than 15 service
6 connections or that serves not fewer than 25 individuals on an
7 average daily basis for not less than 60 days per year.

8 (M) ~~(l)~~—"Nontransient noncommunity water supply" means a
9 noncommunity public water supply that serves not fewer than 25 of
10 the same individuals on an average daily basis over 6 months per
11 year. This definition includes water supplies in places of
12 employment, schools, and ~~day-care~~**CHILD CARE** centers.

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

19 (O) ~~(n)~~—"Plans and specifications" means drawings, data, and a
20 true description or representation of an entire waterworks system
21 or parts of the system as it exists or is to be constructed, and a
22 statement on how a ~~THE~~ waterworks system is to be operated.

23 (P) ~~(o)~~—"Political subdivision" means a city, village,
24 township, charter township, county, district, authority or portion
25 or combination ~~thereof~~**OF THOSE ENTITIES**.

26 (Q) ~~(p)~~—"Public water supply" means a waterworks system that
27 provides water for drinking or household purposes to persons other

1 than the supplier of the water, and does not include either of the
2 following:

3 (i) A waterworks system that supplies water to only 1 living
4 unit.

5 (ii) A waterworks system that consists solely of customer site
6 piping.

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

11 (R) "SCHOOL" MEANS A PUBLIC SCHOOL OR A NONPUBLIC SCHOOL AS
12 THOSE TERMS ARE DEFINED IN SECTION 5 OF THE REVISED SCHOOL CODE,
13 1976 PA 451, MCL 380.5.

14 (S) ~~(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 (T) ~~(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 (U) "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

1 **HEALTH.**

2 (V) ~~(t)~~—"Supplier of water" or "supplier" means a person who
3 owns or operates a public water supply, and includes a water
4 hauler.

5 (W) ~~(u)~~—"Transient noncommunity water supply" means a
6 noncommunity supply that does not meet the definition of
7 nontransient noncommunity water supply.

8 (X) ~~(v)~~—"Water hauler" means a person engaged in bulk
9 vehicular transportation of water to other than the water hauler's
10 own household which is intended for use or used for drinking or
11 household purposes. Excluded from this definition are those persons
12 providing water solely for employee use.

13 (Y) ~~(w)~~—"Water main" means a pipe owned or controlled by a
14 supplier that may convey water to a customer service connection or
15 to a fire hydrant.

16 (Z) ~~(x)~~—"Waterworks system" or "system" means a system of
17 pipes and structures through which water is obtained and
18 distributed, including but not limited to wells and well
19 structures, intakes and cribs, pumping stations, treatment plants,
20 storage tanks, **AND** pipelines and appurtenances, or a combination
21 thereof, actually used or intended for use for the purpose of
22 furnishing water for drinking or household purposes.

23 (AA) ~~(y)~~—"Year-round service" means the ability of a supplier
24 of water to provide drinking water on a continuous basis to a
25 living unit or facility.

26 **SEC. 7A. (1) THE DEPARTMENT SHALL ESTABLISH A PROGRAM TO**
27 **ASSIST SCHOOLS AND CHILD CARE CENTERS IN TESTING AND REMEDYING LEAD**

1 CONTAMINATION IN DRINKING WATER FROM DRINKING WATER COOLERS OR
2 OTHER SOURCES UNDER THE CONTROL OF THE SCHOOLS OR CHILD CARE
3 CENTERS. THE PROGRAM SHALL REQUIRE THAT THE SCHOOL OR CHILD CARE
4 CENTER REPAIR, REPLACE, REMOVE, OR RENDER INOPERABLE A DRINKING
5 WATER COOLER THAT IS A SOURCE OF LEAD CONTAMINATION.

6 (2) EACH SCHOOL OR CHILD CARE CENTER SHALL CONDUCT PERIODIC
7 SAMPLING AND TESTING OF THE DRINKING WATER AT THE SCHOOL OR CHILD
8 CARE CENTER FOR THE PRESENCE OF LEAD AND SHALL REPORT THE TEST
9 RESULTS TO THE DEPARTMENT.

10 (3) UPON RECEIPT OF TEST RESULTS UNDER SUBSECTION (2), THE
11 DEPARTMENT SHALL MAKE THEM AVAILABLE TO THE PUBLIC ON THE
12 DEPARTMENT'S WEBSITE.

13 (4) A SCHOOL OR CHILD CARE CENTER SHALL MAKE A COPY OF TEST
14 RESULTS UNDER SUBSECTION (2) AVAILABLE IN ITS ADMINISTRATIVE
15 OFFICES FOR INSPECTION BY TEACHERS AND OTHER SCHOOL PERSONNEL,
16 PARENTS, AND OTHER MEMBERS OF THE PUBLIC.

17 (5) THE DEPARTMENT SHALL PROMULGATE RULES PURSUANT TO THE
18 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
19 24.328, TO IMPLEMENT THIS SECTION.