SENATE BILL NO. 395

August 20, 2019, Introduced by Senator LASATA and referred to the Committee on Environmental Quality.

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:

Sec. 2. As used in this act:
(a) "Bottled drinking water" means water that is ultimately sold, provided, or offered for human consumption in a closed
(b) "Capacity assessment" means an evaluation of the technical, financial, and managerial capability of a community supply or nontransient noncommunity water supply to comply and maintain compliance with all requirements of this act and the rules promulgated under this act.

(c) "Child care center" means that term as defined in section 1 of 1973 PA 116, MCL 722.111.

(d) "Community supply" means a public water supply that provides year-round service to no fewer than 15 living units or which regularly provides year-round service to no fewer than 25 residents.

(e) "Contaminant" means a physical, chemical, biological, or radiological substance or matter in water.

(f) "Customer service connection" means the pipe between a water main and customer site piping or building plumbing system.

(g) "Customer site piping" means an underground piping system owned or controlled by the customer that conveys water from the customer service connection to building plumbing systems and other points of use on lands owned or controlled by the customer. Customer site piping does not include any system that incorporates treatment to protect public health.

(h) "Department" means the department of environmental quality or its authorized agent or representative.

(i) "Director" means the director of the department of environmental quality or his or her authorized agent or representative.

(j) "Imminent hazard" means a condition that, in the judgment of the director, there is a violation, or a condition that
is or may cause a violation—of the state drinking water standards at a public water supply requiring immediate action to prevent endangering the public health of people.

(k) "Living unit" means a house, apartment, or other domicile occupied or intended to be occupied on a day-to-day basis by an individual, family group, or equivalent.

(l) "Noncommunity supply" means a public water supply that is not a community supply, but that has no fewer than 15 service connections or that serves no fewer than 25 individuals on an average daily basis for no fewer than 60 days per year.

(m) "Nontransient noncommunity water supply" means a noncommunity public water supply that serves no fewer than 25 of the same individuals on an average daily basis over 6 months per year. This definition includes water supplies in places of employment, schools, and day-care centers.

(n) "Person" means an individual, partnership, copartnership, cooperative, firm, company, public or private association or corporation, political subdivision, agency of the state, agency of the federal government, trust, estate, joint structure company, or any other legal entity, or their legal representative, agent, or assign of a legal entity.

(o) "Plans and specifications" means drawings, data, and a true description or representation of an entire waterworks system or parts of the system as it exists or is to be constructed, and a statement on how the waterworks system is to be operated.

(p) "Political subdivision" means a city, village, township, charter township, county, district, authority, or portion
or combination thereof of those entities.

(q) "Public water supply" means a waterworks system that provides water for drinking or household purposes to persons other than the supplier of the water, and does not include either of the following:

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

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

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

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

(s) "Source water assessment" means a state program to delineate the boundaries of areas in the state from which 1 or more public water supplies receive supplies of drinking water; to identify contaminants regulated under this act for which monitoring is required because the state has determined they may present a threat to public health; and, to the extent practical, to determine the susceptibility of the public water supply in the delineated area to these contaminants.

(t) "State drinking water standards" means quality standards setting limits for contaminant levels or establishing treatment techniques to meet standards necessary to protect the public health.

(u) "Supplier of water" or "supplier" means a person who
owns or operates a public water supply, and includes a water hauler.

(v) "Transient noncommunity water supply" means a noncommunity supply that does not meet the definition of nontransient noncommunity water supply.

(w) "Water hauler" means a person engaged in bulk vehicular transportation of water to other than the water hauler’s own household which is intended for use or used for drinking or household purposes. Excluded from this definition are those persons providing water solely for employee use.

(x) "Water main" means a pipe owned or controlled by a supplier that may convey water to a customer service connection or to a fire hydrant.

(y) "Waterworks system" or "system" means a system of pipes and structures through which water is obtained and distributed, including but not limited to wells and well structures, intakes and cribs, pumping stations, treatment plants, storage tanks, and pipelines and appurtenances, or a combination thereof, of these components, actually used or intended for use for the purpose of furnishing water for drinking or household purposes.

(z) "Year-round service" means the ability of a supplier of water to provide drinking water on a continuous basis to a living unit or facility.

Sec. 7a. (1) In addition to the sampling and analysis required under section 7, the department shall require certain vulnerable population facilities to conduct sampling, analysis, and remediation of lead contamination in drinking water from drinking water taps and other sources of drinking water used for human
consumption. The sampling and analysis required under this section must be conducted within 1 year after the effective date of the amendatory act that added this section and at least once every 3 years after that.

(2) Lead sampling and analysis under this section at adult foster care facilities, child care centers, hospitals, housing projects, and nursing homes must comply with all of the following:

(a) Sampling must be conducted at all buildings where children or residents are present.

(b) Sampling must be done at all drinking water taps and any other drinking water source for human consumption.

(c) Testing protocols must include a first-draw sample that is taken after at least 6 hours of stagnation in a 250 ml bottle.

(3) Lead sampling at colleges and universities under this section must be conducted at drinking water taps and other drinking water sources that are representative of water usage on campus in a manner prescribed by the department.

(4) The analysis of samples collected under this section must be conducted by a certified laboratory described in section 7.

(5) Each vulnerable population facility that conducts sampling and analysis of drinking water samples under this section shall make the results of the analysis available in the administrative office of the vulnerable population facility and shall report the results of the analysis to the department. The department shall make the information received under this subsection available on the department's website.

(6) If the sampling and analysis of any drinking water tap or other source of drinking water under this section shows evidence of lead in drinking water at a level higher than 12 mg/L, the owner or
operator of the vulnerable population facility shall do all of the following:

(a) Immediately take the drinking water tap or source of drinking water out of service.

(b) Provide direct notification to the department, staff at the vulnerable population facility, parents and guardians, and other users of the vulnerable population facility in a manner approved by the department.

(7) The sampling and analysis required under this section does not apply to either of the following:

(a) Any building that is constructed after January 4, 2014, that is certified as lead free.

(b) Any building that is determined by a licensed plumber or a licensed professional engineer to be lead free and that is documented in a signed statement by the person making the determination.

(8) The sampling and analysis that is conducted under this section shall not be used for purposes of determining compliance with rules promulgated under this act containing requirements for sampling, analysis, and remediation due to the presence of lead and copper.

(9) As used in this section:

(a) "Adult foster care facility" means that term as defined in section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

(b) "College or university" means all of the following:

(i) A college or university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

(ii) A junior college or community college established under
section 7 of article VIII of the state constitution of 1963.

(iii) An independent nonprofit degree-granting college or university.

(c) "Hospital" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(d) "Housing project" means that term as defined in section 11 of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1411.

(e) "Nursing home" means that term as defined in section 20109 of the public health code, 1978 PA 368, MCL 333.20109.

(f) "Vulnerable population facility" means an adult foster care facility, child care center, college or university, hospital, or nursing home.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.