

Act No. 147
Public Acts of 2011
Approved by the Governor
September 20, 2011
Filed with the Secretary of State
September 21, 2011
EFFECTIVE DATE: September 21, 2011

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Senator Kahn

ENROLLED SENATE BILL No. 447

AN ACT to amend 1976 PA 399, entitled "An act to protect the public health; to provide for supervision and control over public water supplies; to prescribe the powers and duties of the department of environmental quality; to provide for the submission of plans and specifications for waterworks systems and the issuance of construction permits therefor; to provide for capacity assessments and source water assessments of public water supplies; to provide for the classification of public water supplies and the examination, certification and regulation of persons operating those systems; to provide for continuous, adequate operation of privately owned, public water supplies; to authorize the promulgation of rules to carry out the intent of the act; to create the water supply fund; to provide for the administration of the water supply fund; and to provide penalties," by amending section 9 (MCL 325.1009), as amended by 1998 PA 56.

The People of the State of Michigan enact:

Sec. 9. (1) The department shall classify public water supplies, including water treatment and distribution systems at community supplies, with regard to size, type, location, and other physical conditions for the purpose of establishing the skill, knowledge, and experience that individuals need to maintain and operate the systems effectively.

(2) The director shall appoint an advisory board of examiners which shall assist the department in the examination of individuals as to their competency to operate water treatment systems and water distribution systems. The advisory board shall make recommendations to the department relative to the certification of those individuals.

(3) The membership of the advisory board shall consist of 2 certified water treatment operators, 2 certified water distribution operators, 1 superintendent or manager of a supplier of water, 1 representative of the administrative branch of a local governmental agency, 2 members of the public at large, and 1 professor of sanitary or environmental engineering at a university in the state. A representative of the department shall be the nonvoting secretary for the board.

(4) For individuals meeting the requirements, the department shall issue certificates acknowledging their competency to operate a specified class of waterworks system or portion of waterworks system. The department may suspend or revoke a certificate as specified by rule.

(5) A public water supply shall be under the supervision of a properly certified operator as specified in the rules.

(6) Operators certified under this act shall renew their certificates in accordance with rules promulgated under this act, including mandatory continuing education or competency demonstration.

(7) In accordance with section 3110 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3110, the department may conduct a program for training persons seeking to be certified as operators under this section and shall administer operator certification programs for persons seeking to be certified as operators under this section. Until October 1, 2017, the department may charge fees for these programs in accordance with section 3110 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3110. The department shall transmit fees collected under this section to the state treasurer for deposit into the operator training and certification fund created in section 3134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3134.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 448 of the 96th Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Gay E. Randall

Clerk of the House of Representatives

Approved

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Governor

Compiler's note: Senate Bill No. 448, referred to in enacting section 1, was filed with the Secretary of State September 21, 2011, and became 2011 PA 148, Imd. Eff. Sept. 21, 2011.