

HOUSE BILL No. 5094

December 1, 2015, Introduced by Reps. Neeley, Phelps, Talabi, Rutledge, Irwin, Derek Miller, Smiley, Guerra, Hoadley, Plawecki, Chirkun, Wittenberg, Yanez, Greig, Cochran, Gay-Dagnogo, Chang, Banks, Byrd, Schor, Moss, Geiss, Santana, Durhal, Love, Zemke, Callton, Hovey-Wright, Canfield and Tedder and referred to the Committee on Local Government.

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 7 (MCL 325.1007), as amended by 1998 PA 56.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) The supplier of water shall collect water samples
2 or have them collected on a schedule at least equal to that
3 outlined in the rules, shall cause those samples to be analyzed in
4 the state laboratory or a laboratory certified by the department or
5 by the United States ~~environmental protection agency~~ **ENVIRONMENTAL**
6 **PROTECTION AGENCY** for contaminants listed in the state drinking
7 water standards, and shall report the results of the analyses to
8 the department in a timely manner as specified in the rules. **THE**
9 **WATER SAMPLES COLLECTED UNDER THIS SUBSECTION SHALL BE COLLECTED**
10 **AND TESTED PURSUANT TO PROCEDURES REQUIRED BY THE UNITED STATES**
11 **ENVIRONMENTAL PROTECTION AGENCY AND CONSISTENT WITH REGULATIONS OF**

1 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. THE DEPARTMENT
2 OR THE SUPPLIER OF WATER WHO IS COLLECTING WATER SAMPLES SHALL NOT
3 USE THE PROCEDURE OF PREFLUSHING WHEN COLLECTING THE WATER SAMPLES.

4 (2) If a supplier of water who serves a population of 10,000
5 or fewer individuals fails to comply with subsection (1), the
6 department may do any of the following:

7 (a) Impose against that supplier an administrative fine of
8 \$200.00 for each failure to collect and have analyzed a water
9 sample required under this act.

10 (b) For each failure to collect and have analyzed a water
11 sample required under this act within the 12-month period following
12 a failure described in subdivision (a), impose against that
13 supplier an administrative fine of \$400.00.

14 (c) In addition to an administrative fine imposed under
15 subdivision (a) or (b), obtain a sampling or analysis or both
16 required under this act at the supplier's cost.

17 (d) Proceed pursuant to section 22.

18 (3) If a supplier of water serving a population of 10,000 or
19 less fails to meet state drinking water standards, the department
20 may do any of the following:

21 (a) Impose against that supplier an administrative fine of not
22 less than \$400.00 per day per violation and not more than \$1,000.00
23 per day per violation. An administrative fine for a single
24 violation shall not exceed a cumulative total of \$2,000.00.

25 (b) Proceed pursuant to section 22.

26 (4) If a supplier of water serving a population of more than
27 10,000 fails to comply with state drinking water standards or any

1 monitoring or reporting requirement, the department may do any of
2 the following:

3 (a) Impose against that supplier an administrative fine of not
4 less than \$1,000.00 per day per violation and not more than
5 \$2,000.00 per day per violation. An administrative fine for a
6 single violation may not exceed a cumulative total of \$10,000.00.

7 (b) In addition to an administrative fine imposed under
8 subdivision (a), obtain at the supplier's cost water samples and
9 secure analyses of the water samples at a certified laboratory if
10 monitoring has not met minimum requirements under this act.

11 (c) Proceed pursuant to section 22.

12 (5) A supplier may appeal an administrative fine imposed under
13 this section pursuant to the administrative procedures act of 1969,
14 1969 PA 306, MCL 24.201 to 24.328.

15 (6) Administrative fines collected under this section shall be
16 forwarded to the state treasurer for deposit into the state
17 drinking water revolving fund established under section 16b of the
18 shared credit rating act, 1985 PA 227, MCL 141.1066b.