

HOUSE BILL NO. 4064

January 17, 2019, Introduced by Reps. Neeley, Cherry, Lasinski, Sneller, Clemente, Elder, Cynthia Johnson, Sowerby, Brenda Carter, Hertel, Wittenberg, Anthony, Tyrone Carter, Garza, Garrett, Byrd, Ellison, Love, Robinson, Hammoud and Hoadley and referred to the Committee on Natural Resources and Outdoor Recreation.

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

1 container.

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

7 (c) **"Child care center" means that term as defined in section**
8 **1 of 1973 PA 116, MCL 722.111.**

9 (d) ~~(e)~~—"Community supply" means a public water supply that
10 provides year-round service to ~~not~~**no** fewer than 15 living units or
11 ~~which~~**that** regularly provides year-round service to ~~not~~**no** fewer
12 than 25 residents.

13 (e) ~~(d)~~—"Contaminant" means a physical, chemical, biological,
14 or radiological substance or matter in water.

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

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

23 (h) ~~(g)~~—"Department" means the department of environmental
24 quality or its authorized agent or representative.

25 (i) ~~(h)~~—"Director" means the director of the department of
26 environmental quality or his or her authorized agent or
27 representative.

28 (j) ~~(i)~~—"Imminent hazard" means **a condition** that, in the
29 judgment of the director, ~~there is a violation, or a condition that~~

1 **is or** may cause a violation ~~of~~ of the state drinking water standards
 2 at a public water supply requiring immediate action to prevent
 3 endangering the **public** health. ~~of people.~~

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

7 (l) ~~(k)~~—"Noncommunity supply" means a public water supply that
 8 is not a community supply, but that has ~~not less~~ **no fewer** than 15
 9 service connections or that serves ~~not no~~ **no fewer** than 25 individuals
 10 on an average daily basis for ~~not less~~ **no fewer** than 60 days per
 11 year.

12 (m) ~~(l)~~—"Nontransient noncommunity water supply" means a
 13 noncommunity public water supply that serves ~~not no~~ **no fewer** than 25
 14 of the same individuals on an average daily basis over 6 months per
 15 year. ~~This definition~~ **Nontransient noncommunity water supply**
 16 includes water supplies in places of employment, schools, and ~~day-~~
 17 ~~care~~ **child care** centers.

18 (n) ~~(m)~~—"Person" means an individual, partnership,
 19 copartnership, cooperative, firm, company, public or private
 20 association or corporation, political subdivision, agency of ~~the~~
 21 **this** state, agency of the federal government, trust, estate, joint
 22 structure company, ~~or~~ any other legal entity, or ~~their~~ **the** legal
 23 representative, agent, or ~~assigns~~ **assign of a legal entity.**

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

28 (p) ~~(o)~~—"Political subdivision" means a city, village,
 29 township, charter township, county, district, authority, or portion

1 or combination ~~thereof~~. **of those entities.**

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

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

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

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

14 **(r) "School" means a public school or a nonpublic school as**
15 **those terms are defined in section 5 of the revised school code,**
16 **1976 PA 451, MCL 380.5.**

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

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

28 **(u) "State drinking water standards" means quality standards**
29 **setting limits for contaminant levels or establishing treatment**

1 techniques to meet standards necessary to protect the public
2 health.

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

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

9 (x) ~~(v)~~—"Water hauler" means a person engaged in bulk
10 vehicular transportation of water to other than the water hauler's
11 own household ~~which and that~~ is intended for use or used for
12 drinking or household purposes. ~~Excluded from this definition are~~
13 ~~these~~ **Water hauler does not include** persons providing water solely
14 for employee use.

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

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

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

28 **Sec. 7a. (1) The department shall establish a program to**
29 **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 must 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.