

HOUSE BILL NO. 5104

October 15, 2019, Introduced by Reps. Neeley, Love, Cherry, Ellison, Byrd, Sneller, Afendoulis, Chirkun, Camilleri, Tate and Jones 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 the title and section 2 (MCL 325.1002), as amended by
1998 PA 56, and by adding sections 7a, 7b, 7c, and 7d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to protect the public health; to provide for
3 supervision and control over public water supplies; to prescribe



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1 the powers and duties of the department of ~~environmental quality,~~
 2 **environment, Great Lakes, and energy**; to provide for the submission
 3 of plans and specifications for waterworks systems and the issuance
 4 of construction permits therefor; to provide for capacity
 5 assessments and source water assessments of public water supplies;
 6 to provide for the classification of public water supplies and the
 7 examination, certification and regulation of persons operating
 8 those systems; to provide for continuous, adequate operation of
 9 privately owned, public water supplies; to authorize the
 10 promulgation of rules; ~~to carry out the intent of the act; to~~
 11 ~~create the water supply fund;~~ to **create and** provide for the
 12 administration of ~~the water supply fund;~~ **restricted funds**; and to
 13 provide **for penalties, civil sanctions, and remedies.**

14 Sec. 2. As used in this act:

15 (a) "Bottled drinking water" means water that is ultimately
 16 sold, provided, or offered for human consumption in a closed
 17 container.

18 (b) "Capacity assessment" means an evaluation of the
 19 technical, financial, and managerial capability of a community
 20 supply or nontransient noncommunity water supply to comply and
 21 maintain compliance with all requirements of this act and the rules
 22 promulgated under this act.

23 (c) "**Child care center**" means that term as defined in section
 24 1 of 1973 PA 116, MCL 722.111.

25 (d) ~~(e)~~—"Community supply" means a public water supply that
 26 provides year-round service to not fewer than 15 living units or
 27 ~~which~~ ~~that~~ regularly provides year-round service to not fewer than
 28 25 residents.

29 (e) ~~(d)~~—"Contaminant" means a physical, chemical, biological,



1 or radiological substance or matter in water.

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

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

10 (h) ~~(g)~~—"Department" means the department of ~~environmental~~
11 ~~quality~~**environment, Great Lakes, and energy** or its authorized
12 agent or representative.

13 (i) ~~(h)~~—"Director" means the director of the department ~~of~~
14 ~~environmental quality~~ or his or her authorized agent or
15 representative.

16 (j) **"Filtered bottle-filling station" or "station" means an**
17 **apparatus that meets all of the following requirements:**

18 (i) **Is connected to customer site piping.**

19 (ii) **Filters water.**

20 (iii) **Has a light or other device to indicate filter**
21 **performance.**

22 (iv) **Is designed to fill drinking bottles or other containers**
23 **used for personal water consumption.**

24 (k) **"Filtered faucet" means a faucet that includes a filter at**
25 **the point of use.**

26 (l) ~~(i)~~—"Imminent hazard" means **a condition** that, in the
27 judgment of the director, ~~there is a violation, or a condition that~~
28 **is, or** may cause, a violation ~~of~~ of the state drinking water
29 standards at a public water supply requiring immediate action to



1 prevent endangering the **public** health. ~~of people.~~

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

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

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

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

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

25 (r) ~~(o)~~ "Political subdivision" means a city, village,
26 township, charter township, county, district, authority, or portion
27 or combination ~~thereof.~~ **of a city, village, township, charter**
28 **township, county, district, or authority.**

29 (s) ~~(p)~~ "Public water supply" means a waterworks system that



1 provides water for drinking or household purposes to persons other
 2 than the supplier of the water, ~~and~~**but** does not include either of
 3 the following:

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

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

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

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

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

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

26 (w) **"State drinking water standards" means quality standards
 27 setting limits for contaminant levels or establishing treatment
 28 techniques to meet standards necessary to protect the public
 29 health.**



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

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

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

13 **(aa)** ~~(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 **(bb)** ~~(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, **or** pipelines and appurtenances, or a combination
 21 ~~thereof, of those components~~, actually used or intended for use for
 22 the purpose of furnishing water for drinking or household purposes.

23 **(cc)** ~~(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) By August 1, 2020, each school shall develop a**
 27 **drinking water safety plan. The school shall make the plan**
 28 **available to the department, school staff, and parents upon**
 29 **request. A public school shall make the plan available to the**



1 general public upon request. The plan shall do all of the
2 following:

3 (a) Specify all of the following, by category:

4 (i) Locations where water outlets will be maintained to deliver
5 water for human consumption, whether as drinking water or a
6 component of a food or beverage, using the following categories:

7 (A) Locations where filtered bottle-filling stations will be
8 maintained. The plan shall provide for the maintenance of at least
9 1 station for every 100 occupants of the school, not including
10 visitors or those attending special events.

11 (B) Locations where filtered faucets will be maintained.

12 (ii) Locations where water outlets will be maintained for
13 purposes other than as described in subparagraph (i).

14 (iii) Locations of water outlets that will be taken out of
15 service.

16 (b) Establish schedules for each of the following:

17 (i) Annual water sampling and testing for each filtered bottle-
18 filling station and filtered faucet in the school to ensure that
19 filters are properly installed and comply with ANSI/NSF standard 53
20 for lead removal, ANSI/NSF standard 42 for particulate removal, and
21 any other standards for contaminant removal that the department
22 recommends.

23 (ii) Regular replacement of the filter cartridge for each
24 filtered bottle-filling station and filtered faucet in compliance
25 with manufacturer instructions or recommendations of the
26 department.

27 (2) Each school shall review and update its drinking water
28 safety plan every 5 years and make changes as needed to comply with
29 this section.



1 (3) A school shall comply with the schedules under subsection
2 (1) (b) .

3 (4) Within 20 days after receiving the results of any testing
4 performed under its drinking water safety plan, a school shall
5 report the results to the department. Within 30 days after
6 receiving the test results, the school shall do both of the
7 following:

8 (a) If the school maintains a website, post the test results
9 on its website.

10 (b) Post a copy of the test results, as well as information on
11 the health effects of lead exposure and ways to reduce child lead
12 exposure, in a location in its administrative office readily
13 visible to staff and parents.

14 (5) If test results under subsection (3) indicate the presence
15 of lead at 1 part per billion or more or of any other contaminant
16 at a level exceeding state drinking water standards in a sample
17 from a filtered bottle-filling station or filtered faucet, the
18 school shall do all of the following:

19 (a) Immediately shut off or render inoperable the water
20 outlet.

21 (b) Not return the water outlet to service until resampling
22 indicates no exceedance as described in this subsection of lead or
23 any other contaminant.

24 (c) Post a conspicuous sign near the water outlet stating that
25 it is inoperable because of contamination and maintain the posting
26 until the water outlet is returned to service under subdivision
27 (b) .

28 (d) Send a copy of the test results to the department of
29 education, the department of health and human services, and each



1 parent or guardian of a student enrolled in the school.

2 (e) Replace the filter or filters for the filtered bottle-
3 filling station or filtered faucet and resample and retest the
4 water.

5 (f) Develop a remediation plan in consultation with the
6 department if an exceedance of lead or any other contaminant as
7 described in this subsection continues after replacement of the
8 filter or filters. The school shall incorporate the remediation
9 plan into its drinking water safety plan.

10 Sec. 7b. By August 1, 2021, each school shall do all of the
11 following:

12 (a) Install all filtered bottle-filling stations and
13 filtration devices for filtered faucets as indicated in the
14 drinking water safety plan under section 7a and not already in
15 existence.

16 (b) Shut off or render permanently inoperable any outlet for
17 water for human consumption that has not been converted to a
18 filtered bottle-filling station or filtered faucet.

19 (c) Post a conspicuous sign near each water outlet indicating
20 whether or not the outlet is intended to provide water for human
21 consumption.

22 Sec. 7c. (1) The department shall assist each school in
23 maintaining compliance with this act. The department shall do all
24 of the following:

25 (a) Provide a template for drinking water safety plans
26 required under section 7a.

27 (b) Provide and maintain a list of approved filtered bottle-
28 filling stations and faucet filtration devices for filtered
29 faucets, and filter manufacturers, installers, and maintenance



1 providers.

2 (c) Provide guidance on all of the following:

3 (i) Factors that a school should consider when selecting
4 filtered bottle-filling stations, filtration devices for filtered
5 faucets, and filters. The department shall give preference to
6 models that minimize plumbing between the filter and the dispensing
7 outlet.

8 (ii) The installation, operation, and maintenance of filtered
9 bottle-filling stations and filtered faucets. The guidance shall
10 include annual training for school staff on proper maintenance of
11 filtered bottle-filling stations and filtered faucets.

12 (iii) The proper storage and disposal of a filter for a filtered
13 bottle-filling station or filtered faucet.

14 (iv) How to sample water from a filtered bottle-filling station
15 or filtered faucet for testing for lead or other contaminants.

16 Sec. 7d. (1) The school and child care center clean drinking
17 water fund is created within the state treasury.

18 (2) The state treasurer may receive money or other assets from
19 any source for deposit into the fund. The state treasurer shall
20 direct investment into the fund. The state treasurer shall credit
21 to the fund interest and earnings from fund investments.

22 (3) Money in the fund at the close of the fiscal year shall
23 remain in the fund and does not lapse into the general fund.

24 (4) The department is the administrator of the fund for
25 auditing purposes.

26 (5) The department shall expend money from the fund, upon
27 appropriation, only to create and operate a program to assist child
28 care centers in low-income geographic areas and public schools with
29 all of the following:



1 (a) The 1-time acquisition and installation of filtered
 2 bottle-filling stations and filtration devices for filtered
 3 faucets, in compliance with drinking water safety plans required
 4 under section 3i of 1973 PA 116, MCL 722.113i, and section 7a.

5 (b) Maintenance of filtered bottle-filling stations and
 6 filtered faucets and replacement of filters, in compliance with
 7 drinking water safety plans required under section 3i of 1973 PA
 8 116, MCL 722.113i, and section 7a.

9 (c) Costs associated with water sampling and testing.

10 (6) The department may award grants for the purposes of
 11 subsection (5). The department may require matching contributions
 12 for the program. If it will achieve cost savings over independent
 13 purchases, the department may, for the purposes of subsection
 14 (5) (a), purchase and provide to program beneficiaries filtered
 15 bottle-filling stations and filtration devices for filtered
 16 faucets.

17 (7) As used in this section:

18 (a) "Fund" means the school and child care center clean
 19 drinking water fund.

20 (b) "Low-income geographic area" means a census tract where
 21 the median household income is at or below 100% of the federal
 22 poverty guidelines published annually in the Federal Register by
 23 the United States Department of Health and Human Services.

24 Enacting section 1. This amendatory act does not take effect
 25 unless Senate Bill No.____ or House Bill No.____ (request no.
 26 03794'19) of the 100th Legislature is enacted into law.

