

SENATE BILL NO. 920

June 13, 2024, Introduced by Senators IRWIN, CHERRY and SHINK and referred to the Committee on Housing and Human Services.

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending sections 2, 5, and 10 (MCL 325.1002, 325.1005, and 325.1010), sections 2 and 5 as amended by 1998 PA 56 and section 10 as amended by 1993 PA 165.

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) "Community supply" means ~~a~~**both of the following:**

8 (i) **A public water supply that provides year-round service to**
9 **not fewer than 15 living units or which regularly provides year-**
10 **round service to not fewer than 25 residents.**

11 (ii) **A public water supply that provides year-round service to**
12 **a mobile home park and all customer service connections and**
13 **customer site piping that provide year-round service to each mobile**
14 **home located within the mobile home park. As used in this**
15 **subparagraph, "mobile home" and "mobile home park" mean those terms**
16 **as defined in section 2 of the mobile home commission act, 1987 PA**
17 **96, MCL 125.2302.**

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

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

22 (f) "Customer site piping" means an underground piping system
23 ~~owned or controlled by the customer~~ that conveys water from the
24 customer service connection to building plumbing systems and other
25 points of use on lands owned or controlled by the customer **and**
26 **that, except as otherwise provided in subdivisions (c) (ii) and**
27 **(k) (ii), is owned or controlled by the customer.** Customer site
28 piping does not include any system that incorporates treatment to
29 protect public health.

1 (g) "Department" means the department of ~~environmental quality~~
2 **environment, Great Lakes, and energy**, or its authorized agent or
3 representative.

4 (h) "Director" means the director of the department of
5 ~~environmental quality or his or her~~ **the director's** authorized agent
6 or representative.

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

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

15 (k) "Noncommunity supply" means ~~a both of the following:~~

16 (i) **A public water supply that is not a community supply, but**
17 **that has not less than 15 service connections or that serves not**
18 **fewer than 25 individuals on an average daily basis for not less**
19 **than 60 days per year.**

20 (ii) **A public water supply that is not a community supply, but**
21 **that provides service to a seasonal mobile home park and all**
22 **customer service connections and customer site piping that provide**
23 **service to each mobile home located within the seasonal mobile home**
24 **park. As used in this subparagraph, "mobile home" and "seasonal**
25 **mobile home park" mean those terms as defined in section 2 of the**
26 **mobile home commission act, 1987 PA 96, MCL 125.2302.**

27 (l) "Nontransient noncommunity water supply" means a
28 noncommunity public water supply that serves not fewer than 25 of
29 the same individuals on an average daily basis over 6 months per

1 year. ~~This definition~~ **Nontransient noncommunity water supply**
2 includes water supplies in places of employment, schools, and day-
3 care centers.

4 (m) "Person" means an individual, partnership, copartnership,
5 cooperative, firm, company, public or private association or
6 corporation, political subdivision, agency of ~~the~~ **this** state,
7 agency of the federal government, trust, estate, joint structure
8 company, or any other legal entity, or their legal representative,
9 agent, or assigns.

10 (n) "Plans and specifications" means drawings, data, and a
11 true description or representation of an entire waterworks system
12 or parts of the system as it exists or ~~is to~~ **will** be constructed,
13 and a statement on how a waterworks system ~~is to~~ **will** be operated.

14 (o) "Political subdivision" means a city, village, township,
15 charter township, county, district, authority, or portion or
16 combination thereof.

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

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

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

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

29 (r) "Service connection" means a direct connection from a

1 distribution water main to a living unit or other site to provide
2 water for drinking or household purposes.

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

11 (t) "Supplier of water" or "supplier" means a person ~~who~~**that**
12 owns or operates a public water supply, and includes a water
13 hauler.

14 (u) "Transient noncommunity water supply" means a noncommunity
15 supply that does not meet the definition of nontransient
16 noncommunity water supply.

17 (v) "Water hauler" means a person engaged in bulk vehicular
18 transportation of water to other than the water hauler's own
19 household ~~which~~**that** is intended for use or used for drinking or
20 household purposes. ~~Excluded from this definition are those persons~~
21 ~~providing~~**Water hauler does not include a person that provides**
22 water solely for employee use.

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

26 (x) "Waterworks system" or "system" means a system of pipes
27 and structures through which water is obtained and distributed,
28 including but not limited to wells and well structures, intakes and
29 cribs, pumping stations, treatment plants, storage tanks, pipelines

1 and appurtenances, or a combination thereof, actually used or
2 intended for use for the purpose of furnishing water for drinking
3 or household purposes.

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

7 Sec. 5. (1) The department shall promulgate and enforce rules
8 to carry out this act ~~pursuant to~~ **in accordance with** the
9 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
10 24.328. The rules, at a minimum, ~~shall~~ **must** include the following:

11 (a) Requirements for the submission of reports, plans, and
12 specifications for the design and construction of a waterworks
13 system or a part ~~thereof,~~ **of a waterworks system**, and a plan for
14 operating and maintaining all or a part of the waterworks system,
15 including the protection of water quality within the distribution
16 system as necessary to protect the public health.

17 (b) State drinking water standards and associated monitoring
18 requirements, the attainment and maintenance of which are necessary
19 to protect the public health.

20 (c) The classification of waterworks systems or portions
21 ~~thereof,~~ **of waterworks systems**, the examination for certification
22 of the operators of those systems including shift operators of
23 water treatment systems, and for the issuance, suspension, and
24 revocation of certificates.

25 (d) Criteria for capacity assessments performed by the
26 department at community supplies, nontransient noncommunity water
27 supplies, or a public water supply applying to the department for
28 assistance under part 54 of the natural resources and environmental
29 protection act, 1994 PA 451, MCL 324.5401 to 324.5418.

1 (e) Requirements for provision of facilities by public water
2 supplies that will ~~assure~~**ensure** an adequate and reliable supply of
3 drinking water on a continuous basis.

4 **(f) Requirements for supplying water to mobile homes located**
5 **within a mobile home park or a seasonal mobile home park,**
6 **including, but not limited to, the following:**

7 (i) Requirements and standards for installing, renovating,
8 replacing, and maintaining a community supply and a noncommunity
9 supply.

10 (ii) Requirements that ensure an adequate and reliable supply
11 of drinking water on a continuous basis.

12 (iii) Requirements for operating and monitoring the waterworks
13 system to protect the quality of water supplied to mobile homes
14 located within a mobile home park or a seasonal mobile home park as
15 necessary to protect the public health.

16 (2) Rules governing public water supplies promulgated under
17 former 1913 PA 98, and ~~which~~**that** were in effect on January 4, 1977
18 are continued in accordance with section 31 of the administrative
19 procedures act of 1969, 1969 PA 306, MCL 24.231, and may be amended
20 or rescinded by the director under this act.

21 (3) No rule promulgated may require the addition of any
22 substance for preventive health care purposes unrelated to
23 contamination of drinking water.

24 **(4) As used in this section, "mobile home" "mobile home park"**
25 **and "seasonal mobile home park" mean those terms as defined in**
26 **section 2 of the mobile home commission act, 1987 PA 96, MCL**
27 **125.2302.**

28 Sec. 10. (1) The department shall not approve a privately
29 owned public water supply that serves a group of living units,

1 unless by resolution of its governing body the city, village, or
2 township in which the water supply ~~is to~~**will** be located refuses to
3 accept ownership and operational responsibility of the public water
4 supply.

5 (2) If a local governmental agency does not accept ownership
6 and operational responsibility of a public water supply that serves
7 a group of living units, the department may issue a construction
8 permit or other approval for an acceptable project requiring as a
9 condition of the permit an appropriate amount, but not more than
10 \$50,000.00, based on the size, type, and complexity of the
11 waterworks system, to be placed in escrow by the developer or
12 private owner. **An escrow fee incurred by a developer or private**
13 **owner must not be passed on to the living units as part of the cost**
14 **of service.** The department may remove funds from this escrow
15 account to cause deficiencies to be corrected if the public water
16 supply is not operated, maintained, and expanded as necessary to
17 protect the public health. If it is necessary for the department to
18 withdraw funds from an escrow account, the funds ~~shall~~**must** be
19 replaced within 90 days by the developer, private owner, or
20 organization then responsible for the public water supply.

21 (3) The department may reduce or eliminate any escrow account
22 established under this section after 5 years of operation and
23 maintenance considered satisfactory by the department.

24 (4) ~~Before the transfer of ownership of a privately owned~~
25 ~~public water supply, a~~**A** private purchaser shall comply with
26 subsections (1) and (2) ~~of this section.~~**if any of the following**
27 **occur:**

28 (a) **There is a transfer of ownership of a privately owned**
29 **public water supply.**

1 (b) If the privately owned public water supply supplies water
2 to mobile homes located within a mobile home park or seasonal
3 mobile home park, the community supply or noncommunity supply is
4 required to be renovated or replaced to protect public health.

5 (c) The department finds a deficiency.