

# HOUSE BILL No. 5459

March 15, 2016, Introduced by Reps. Phelps, Neeley, Chang, Garrett, Brunner, Hoadley, Guerra, Schor, Faris, Durhal, Dianda, Geiss, LaVoy, Hovey-Wright, Irwin, Brinks and Moss and referred to the Committee on Local Government.

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 sections 7a and 7b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. As used in this act:

2           (A) "ACTION LEVEL" MEANS THE CONCENTRATION OF LEAD OR COPPER  
3       IN WATER, AS SPECIFIED IN RULES PROMULGATED UNDER THIS ACT, THAT  
4       MAY DETERMINE THE TREATMENT REQUIREMENTS FOR A PUBLIC WATER SUPPLY.

5           (B) ~~(a)~~—"Bottled drinking water" means water that is  
6       ultimately sold, provided, or offered for human consumption in a  
7       closed container.

8           (C) ~~(b)~~—"Capacity assessment" means an evaluation of the  
9       technical, financial, and managerial capability of a community  
10      supply or nontransient noncommunity water supply to comply and

1 maintain compliance with all requirements of this act and the rules  
2 promulgated under this act.

3 (D) "CHILD CARE CENTER" MEANS A CHILD CARE CENTER AS DEFINED  
4 IN SECTION 1 OF 1973 PA 116, MCL 722.111.

5 (E) ~~(e)~~—"Community supply" means a public water supply that  
6 provides year-round service to not fewer than 15 living units or  
7 which regularly provides year-round service to not fewer than 25  
8 residents.

9 (F) ~~(d)~~—"Contaminant" means a physical, chemical, biological,  
10 or radiological substance or matter in water.

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

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

19 (I) ~~(g)~~—"Department" means the department of environmental  
20 quality or its authorized agent or representative.

21 (J) ~~(h)~~—"Director" means the director of the department of  
22 environmental quality or his or her authorized agent or  
23 representative.

24 (K) ~~(i)~~—"Imminent hazard" means **A CONDITION** that, in the  
25 judgment of the director, ~~there is a violation, or a condition that~~  
26 **IS OR** may cause a violation ~~,~~ of the state drinking water standards  
27 at a public water supply requiring immediate action to prevent

1 endangering the health of people.

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

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

9 (N) ~~(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 includes~~ **INCLUDING** water supplies in places  
13 of employment, schools, and ~~day care~~ **DAY CARE** centers.

14 (O) ~~(m)~~—"Person" means an individual, partnership,  
15 copartnership, cooperative, firm, company, public or private  
16 association or corporation, political subdivision, agency of the  
17 state, agency of the federal government, trust, estate, joint  
18 structure company, or any other legal entity, or ~~their~~ **THE** legal  
19 representative, agent, or ~~assigns~~ **ASSIGN OF A LEGAL ENTITY**.

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

24 (Q) ~~(o)~~—"Political subdivision" means a city, village,  
25 township, charter township, county, district, authority or portion  
26 or combination ~~thereof~~ **OF THOSE ENTITIES**.

27 (R) **"PROFILE TESTING" MEANS TESTING OF WATER SAMPLES DRAWN AT**

1 FLUSHING INTERVALS THAT ARE APPROPRIATE TO OBTAIN WATER THAT HAS  
2 BEEN STANDING IN THE SERVICE CONNECTION, THE SITE PIPING, AND THE  
3 BUILDING PLUMBING SYSTEM OF A STRUCTURE.

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

8 (i) A waterworks system that supplies water to only 1 living  
9 unit.

10 (ii) A waterworks system that consists solely of customer site  
11 piping.

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

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

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

27 (V) **"STATE DRINKING WATER STANDARDS" MEANS QUALITY STANDARDS**

1 SETTING LIMITS FOR CONTAMINANT LEVELS OR ESTABLISHING TREATMENT  
2 TECHNIQUES TO MEET STANDARDS NECESSARY TO PROTECT THE PUBLIC  
3 HEALTH.

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

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

10 (Y) ~~(v)~~—"Water hauler" means a person engaged in bulk  
11 vehicular transportation of water to other than the water hauler's  
12 own household which is intended for use or used for drinking or  
13 household purposes, ~~—Excluded from this definition are these~~ **BUT**  
14 **DOES NOT INCLUDE** persons providing water solely for ~~employee~~ **THEIR**  
15 **EMPLOYEES'** use.

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

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

26 (BB) ~~(y)~~—"Year-round service" means the ability of a supplier  
27 of water to provide drinking water on a continuous basis to a

1 living unit or facility.

2 SEC. 7A. (1) A SUPPLIER OF WATER SHALL SAMPLE ITS PUBLIC WATER  
3 SUPPLY ANNUALLY AND TEST IT FOR THE PRESENCE OF LEAD AND COPPER.

4 (2) SAMPLING AND TESTING UNDER SUBSECTION (1) SHALL COMPLY  
5 WITH ALL OF THE FOLLOWING:

6 (A) IF A SUPPLIER OF WATER SAMPLES WATER AT A RESIDENCE THAT  
7 IS SERVED BY A LEAD SERVICE LINE, THE SUPPLIER OF WATER SHALL DRAW  
8 THE SAMPLE FROM WATER THAT HAS BEEN STANDING IN THE LEAD SERVICE  
9 LINE.

10 (B) A SUPPLIER OF WATER SHALL PLACE THE FOLLOWING IN SEPARATE  
11 POOLS FOR THE PURPOSES OF SAMPLING, TESTING, AND REPORTING:

12 (i) RESIDENCES THAT CONTAIN COPPER PIPES SOLDERED WITH LEAD  
13 AND INSTALLED AFTER 1982 OR THAT CONTAIN LEAD PIPES.

14 (ii) RESIDENCES THAT ARE SERVED BY A LEAD SERVICE LINE.

15 (iii) ALL OTHER RESIDENCES.

16 (C) A SUPPLIER OF WATER SHALL CONDUCT SAMPLING ON A RANDOM  
17 BASIS IN EACH POOL, SUBJECT TO CUSTOMER PARTICIPATION LEVELS.

18 (D) A SUPPLIER OF WATER SHALL DETERMINE THE NUMBER OF  
19 RESIDENCES TO BE SAMPLED FROM EACH POOL BEFORE ANY TESTING BEGINS  
20 AND THAT NUMBER SHALL BE TARGETED TO YIELD RESULTS AT A 95%  
21 CONFIDENCE LEVEL AND A 5% CONFIDENCE INTERVAL, UNLESS A LOWER  
22 CONFIDENCE LEVEL OR LARGER CONFIDENCE INTERVAL IS REQUIRED BECAUSE  
23 OF CUSTOMER PARTICIPATION LEVELS.

24 (E) A SUPPLIER OF WATER SHALL NOT DISCARD TEST RESULTS FOR ANY  
25 SAMPLE EXCEPT AS PROVIDED BY LAW.

26 (3) A SUPPLIER OF WATER SHALL NOTIFY EACH CUSTOMER WHOSE WATER  
27 IS SAMPLED FOR TESTING UNDER SUBSECTION (1) OF THE RESULTS OF THE

1 TESTING. THE NOTICE SHALL SPECIFY THE STATE DRINKING WATER  
2 STANDARDS FOR LEAD AND COPPER AND THE LEVEL OF LEAD AND COPPER IN  
3 EACH SAMPLE FROM THAT CUSTOMER'S RESIDENCE.

4 (4) IF TESTING UNDER SUBSECTION (1) INDICATES THE PRESENCE OF  
5 LEAD OR COPPER IN THE PUBLIC WATER SUPPLY IN A CONCENTRATION  
6 EXCEEDING THE LEAD OR COPPER ACTION LEVEL, THE SUPPLIER OF WATER  
7 SHALL DO BOTH OF THE FOLLOWING:

8 (A) CONDUCT PROFILE TESTING OF WATER SAMPLES FOR THE PRESENCE  
9 OF AND CONCENTRATION OF LEAD OR COPPER IN THE PUBLIC WATER SUPPLY.

10 (B) INCLUDE IN ANY PUBLIC NOTICE OR PUBLIC EDUCATION MATERIALS  
11 REQUIRED BY RULES PROMULGATED UNDER THIS ACT BOTH OF THE FOLLOWING:

12 (i) THE RESULTS OF PROFILE TESTING UNDER SUBDIVISION (A) WITH  
13 CONCENTRATIONS OF LEAD OR COPPER EXCEEDING THE LEAD OR COPPER  
14 ACTION LEVEL.

15 (ii) ADVICE ON THE HOUSEHOLD USE OF WATER, INCLUDING ANY  
16 FLUSHING INSTRUCTIONS THAT MAY REDUCE THE THREAT POSED BY THE  
17 PRESENCE OF LEAD OR COPPER IN THE WATER.

18 SEC. 7B. IF A SUPPLIER OF WATER KNOWS THAT A CUSTOMER'S  
19 RESIDENCE IS SERVED BY A LEAD SERVICE LINE, THE SUPPLIER SHALL  
20 ANNUALLY NOTIFY THE CUSTOMER THAT HIS OR HER RESIDENCE IS SERVED BY  
21 A LEAD SERVICE LINE. THE NOTICE SHALL CONTAIN INFORMATION REGARDING  
22 THE HEALTH EFFECTS OF LEAD AND ADVICE ON THE HOUSEHOLD USE OF  
23 WATER, INCLUDING ANY FLUSHING INSTRUCTIONS.