

Act No. 34
Public Acts of 1989
Approved by the Governor
May 30, 1989
Filed with the Secretary of State
May 31, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Reps. Jaye, DeMars, Bryant, Gire, Willis Bullard, London, DeBeaussaert, Dutko, Hillegonds and Allen

ENROLLED HOUSE BILL No. 4301

AN ACT to amend section 2 of Act No. 399 of the Public Acts of 1976, entitled "An act to protect the public health; to provide for supervision and control over public water supplies; to prescribe the powers and duties of the department of public health; to provide for the submission of plans and specifications for waterworks systems and the issuance of construction permits therefor; to provide for the classification of public water supplies and the examination, certification and regulation of persons operating those systems; to provide for continuous, adequate operation of privately owned, public water supplies; to authorize the promulgation of rules to carry out the intent of the act; and to provide penalties," being section 325.1002 of the Michigan Compiled Laws; and to add section 3a.

The People of the State of Michigan enact:

Section 1. Section 2 of Act No. 399 of the Public Acts of 1976, being section 325.1002 of the Michigan Compiled Laws, is amended and section 3a is added to read as follows:

Sec. 2. As used in this act:

- (a) "Bottled drinking water" means water which is ultimately sold, provided, or offered for human consumption in a closed container.
- (b) "Contaminant" means a physical, chemical, biological, or radiological substance or matter in water.
- (c) "Department" means the department of public health or its authorized agent or representative.
- (d) "Director" means the director of public health or his authorized agent or representative.
- (e) "Imminent hazard" means that in the judgment of the director there is a violation, or a condition which may cause a violation, of the state drinking water standards at a public water supply requiring immediate action to prevent endangering the health of people.
- (f) "Living unit" means a house, apartment, or other domicile occupied or intended to be occupied on a day to day basis by an individual, family group, or equivalent.
- (g) "Person" means an individual, partnership, copartnership, cooperative, firm, company, public or private association or corporation, political subdivision, agency of the state, agency of the federal government, trust, estate, joint structure company, or any other legal entity, or their legal representative, agent, or assigns.
- (h) "Plans and specifications" means drawings, data, and a true description or representation of an entire waterworks system or parts thereof as it exists or is to be constructed, and a statement on how a waterworks system is to be operated.
- (i) "Political subdivision" means a city, village, township, charter township, county, district, authority or portion or combination thereof.

(j) "Public water supply" means a waterworks system which provides water for drinking or household purposes to persons other than the supplier of the water, except those waterworks systems which supply water to only 1 living unit. Those waterworks systems serving 2 to 14 living units shall be subject to only those provisions of the act necessary to assure proper construction and operations such that the quality of water distributed meets the state drinking water standards; specifically, the provisions of sections 4 and 10 shall not apply to waterworks systems serving 2 to 14 living units.

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

(l) "Supplier of water" or "supplier" means a person who owns or operates a public water supply, and includes a water hauler.

(m) "Water hauler" means a person engaged in bulk vehicular transportation of water to other than the water hauler's own household which is intended for use or used for drinking or household purposes. Excluded from this definition are those persons providing water solely for employee use.

(n) "Waterworks system" or "system" means a system of pipes and structures through which water is obtained and distributed, including but not limited to wells and well structures, intakes and cribs, pumping stations, treatment plants, storage tanks, pipelines and appurtenances, or a combination thereof, actually used or intended for use for the purpose of furnishing water for drinking or household purposes.

Sec. 3a. (1) An agricultural employer using a well to provide water for employee use is exempt from any well inspection fees that may be or are imposed under this act or rules promulgated under this act.

(2) As used in this section:

(a) "Agricultural employer" means a person, corporation, association, or other legal entity that employs 1 or more persons in hand labor operations for the production of food, fiber, or other agricultural products including seed, seedlings, plants, or parts of plants.

(b) "Hand labor operations" means agricultural activities performed by hand or with hand tools and includes the cultivating, weeding, planting, and harvesting of vegetables, nuts, fruits, seedlings, and other crops, including mushrooms; packing produce by hand into containers, whether done on the ground, on a moving machine, or in a temporary packing shed located in a field; and operations performed in conjunction with hand labor operations. Hand labor operations does not include logging operations, the care or feeding of livestock, or activities conducted in permanent structures, including canning facilities or packing houses.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.