

**SUBSTITUTE FOR
HOUSE BILL NO. 4124**

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
4 container.

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

(C) "CHILD CARE CENTER" MEANS THAT TERM AS DEFINED IN SECTION 1 OF 1973 PA 116, MCL 722.111.

(D) ~~(c)~~—"Community supply" means a public water supply that provides year-round service to ~~not~~ **NO** fewer than 15 living units or ~~which~~ **THAT** regularly provides year-round service to ~~not~~ **NO** fewer than 25 residents.

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

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

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

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

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

(J) ~~(i)~~—"Imminent hazard" means **A CONDITION** that, in the judgment of the director, ~~there is a violation, or a condition that~~ **IS OR** may cause a violation ~~of~~ of the state drinking water standards at a public water supply requiring immediate action to prevent endangering the **PUBLIC** health. ~~of people.~~

(K) ~~(j)~~—"Living unit" means a house, apartment, or other

1 domicile occupied or intended to be occupied on a day to day basis
2 by an individual, family group, or equivalent.

3 (I) ~~(k)~~ "Noncommunity supply" means a public water supply that
4 is not a community supply, but that has ~~not less~~ **NO FEWER** than 15
5 service connections or that serves not fewer than 25 individuals on
6 an average daily basis for not less than 60 days per year.

7 (M) ~~(l)~~ "Nontransient noncommunity water supply" means a
8 noncommunity public water supply that serves ~~not~~ **NO** fewer than 25
9 of the same individuals on an average daily basis over 6 months per
10 year. ~~This definition~~ **NONTRANSIENT NONCOMMUNITY WATER SUPPLY**
11 includes water supplies in places of employment, schools, and ~~day-~~
12 ~~care~~ **CHILD CARE** centers.

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

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

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

26 (Q) ~~(p)~~ "Public water supply" means a waterworks system that
27 provides water for drinking or household purposes to persons other

1 than the supplier of the water, and does not include either of the
2 following:

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

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

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

11 (R) "SCHOOL" MEANS A PUBLIC SCHOOL OR A NONPUBLIC SCHOOL AS
12 THOSE TERMS ARE DEFINED IN SECTION 5 OF THE REVISED SCHOOL CODE,
13 1976 PA 451, MCL 380.5.

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

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

25 (U) "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

1 **HEALTH.**

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

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

8 (X) ~~(v)~~ "Water hauler" means a person engaged in bulk
 9 vehicular transportation of water to other than the water hauler's
 10 own household ~~which~~ **AND THAT** is intended for use or used for
 11 drinking or household purposes. ~~Excluded from this definition are~~
 12 ~~those~~ **WATER HAULER DOES NOT INCLUDE** persons providing water solely
 13 for employee use.

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

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

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

27 **SEC. 7A. (1) IN ADDITION TO THE SAMPLING AND ANALYSIS REQUIRED**

1 UNDER SECTION 7, THE DEPARTMENT SHALL REQUIRE CERTAIN VULNERABLE
2 POPULATION FACILITIES TO CONDUCT SAMPLING, ANALYSIS, AND
3 REMEDIATION OF LEAD CONTAMINATION IN DRINKING WATER FROM DRINKING
4 WATER TAPS AND OTHER SOURCES OF DRINKING WATER USED FOR HUMAN
5 CONSUMPTION. THE SAMPLING AND ANALYSIS REQUIRED UNDER THIS SECTION
6 MUST BE CONDUCTED WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE
7 AMENDATORY ACT THAT ADDED THIS SECTION AND AT LEAST ONCE EVERY 3
8 YEARS THEREAFTER.

9 (2) LEAD SAMPLING AND ANALYSIS UNDER THIS SECTION AT ADULT
10 FOSTER CARE FACILITIES, CHILD CARE CENTERS, HOSPITALS, NURSING
11 HOMES, AND SCHOOLS MUST COMPLY WITH ALL OF THE FOLLOWING:

12 (A) SAMPLING MUST BE CONDUCTED AT ALL BUILDINGS WHERE
13 CHILDREN, STUDENTS, OR RESIDENTS ARE PRESENT.

14 (B) FOR SCHOOLS, SAMPLING MUST BE CONDUCTED DURING THE SCHOOL
15 YEAR TO REPRESENT TYPICAL USE, AS PRESCRIBED BY THE DEPARTMENT.

16 (C) SAMPLING MUST BE DONE AT ALL DRINKING WATER TAPS AND ANY
17 OTHER DRINKING WATER SOURCE FOR HUMAN CONSUMPTION.

18 (D) TESTING PROTOCOLS MUST INCLUDE A FIRST-DRAW SAMPLE THAT IS
19 TAKEN AFTER AT LEAST 6 HOURS OF STAGNATION IN A 250 ML BOTTLE.

20 (3) LEAD SAMPLING AT COLLEGES AND UNIVERSITIES UNDER THIS
21 SECTION MUST BE CONDUCTED AT DRINKING WATER TAPS AND OTHER DRINKING
22 WATER SOURCES THAT ARE REPRESENTATIVE OF WATER USAGE ON CAMPUS IN A
23 MANNER PRESCRIBED BY THE DEPARTMENT.

24 (4) THE ANALYSIS OF SAMPLES COLLECTED UNDER THIS SECTION MUST
25 BE CONDUCTED BY A CERTIFIED LABORATORY DESCRIBED IN SECTION 7.

26 (5) EACH VULNERABLE POPULATION FACILITY THAT CONDUCTS SAMPLING
27 AND ANALYSIS OF DRINKING WATER SAMPLES UNDER THIS SECTION SHALL

1 MAKE THE RESULTS OF THE ANALYSIS AVAILABLE IN THE ADMINISTRATIVE
2 OFFICE OF THE VULNERABLE POPULATION FACILITY AND SHALL REPORT THE
3 RESULTS OF THE ANALYSIS TO THE DEPARTMENT. THE DEPARTMENT SHALL
4 MAKE THE INFORMATION RECEIVED UNDER THIS SUBSECTION AVAILABLE ON
5 THE DEPARTMENT'S WEBSITE.

6 (6) IF THE SAMPLING AND ANALYSIS OF ANY DRINKING WATER TAP OR
7 OTHER SOURCE OF DRINKING WATER UNDER THIS SECTION SHOWS EVIDENCE OF
8 LEAD IN DRINKING WATER AT A LEVEL HIGHER THAN 12 MG/L, THE OWNER OR
9 OPERATOR OF THE VULNERABLE POPULATION FACILITY SHALL DO ALL OF THE
10 FOLLOWING:

11 (A) IMMEDIATELY TAKE THE DRINKING WATER TAP OR SOURCE OF
12 DRINKING WATER OUT OF SERVICE.

13 (B) PROVIDE DIRECT NOTIFICATION TO THE DEPARTMENT, STAFF AT
14 THE VULNERABLE POPULATION FACILITY, PARENTS AND GUARDIANS, AND
15 OTHER USERS OF THE VULNERABLE POPULATION FACILITY IN A MANNER
16 APPROVED BY THE DEPARTMENT.

17 (C) FOR SCHOOLS, REQUIRE THE RESULTS OF THE ANALYSIS AND A
18 NOTICE THAT THE RESULTS EXCEED THE REPORTABLE LEAD LEVEL ON THE
19 SCHOOL'S WEBSITE.

20 (7) THE SAMPLING AND ANALYSIS REQUIRED UNDER THIS SECTION DOES
21 NOT APPLY TO EITHER OF THE FOLLOWING:

22 (A) ANY BUILDING THAT IS CONSTRUCTED AFTER JANUARY 4, 2014,
23 THAT IS CERTIFIED AS LEAD FREE.

24 (B) ANY BUILDING THAT IS DETERMINED BY A LICENSED PLUMBER OR A
25 LICENSED PROFESSIONAL ENGINEER TO BE LEAD FREE AND WHICH IS
26 DOCUMENTED IN A SIGNED STATEMENT BY THE PERSON MAKING THE
27 DETERMINATION.

1 (8) THE SAMPLING AND ANALYSIS THAT IS CONDUCTED UNDER THIS
2 SECTION SHALL NOT BE USED FOR PURPOSES OF DETERMINING COMPLIANCE
3 WITH RULES PROMULGATED UNDER THIS ACT CONTAINING REQUIREMENTS FOR
4 SAMPLING, ANALYSIS, AND REMEDIATION DUE TO THE PRESENCE OF LEAD AND
5 COPPER.

6 (9) AS USED IN THIS SECTION:

7 (A) "ADULT FOSTER CARE FACILITY" MEANS THAT TERM AS DEFINED IN
8 SECTION 3 OF THE ADULT FOSTER CARE FACILITY LICENSING ACT, 1979 PA
9 218, MCL 400.703.

10 (B) "COLLEGE OR UNIVERSITY" MEANS ALL OF THE FOLLOWING:

11 (i) A COLLEGE OR UNIVERSITY DESCRIBED IN SECTION 4, 5, OR 6 OF
12 ARTICLE VIII OF THE STATE CONSTITUTION OF 1963.

13 (ii) A JUNIOR COLLEGE OR COMMUNITY COLLEGE ESTABLISHED
14 PURSUANT TO SECTION 7 OF ARTICLE VIII OF THE STATE CONSTITUTION OF
15 1963.

16 (iii) AN INDEPENDENT NONPROFIT DEGREE-GRANTING COLLEGE OR
17 UNIVERSITY.

18 (C) "HOSPITAL" MEANS THAT TERM AS DEFINED IN SECTION 20106 OF
19 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20106.

20 (D) "NURSING HOME" MEANS THAT TERM AS DEFINED IN SECTION 20109
21 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20109.

22 (E) "VULNERABLE POPULATION FACILITY" MEANS AN ADULT FOSTER
23 CARE FACILITY, CHILD CARE CENTER, COLLEGE OR UNIVERSITY, HOSPITAL,
24 NURSING HOME, OR SCHOOL.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.