	<b>OFFICE OF DRINKING WATER AND MUNICIPAL ASSISTANCE POLICY AND PROCEDURE</b>		DEPARTMENT OF ENVIRONMENTAL QUALITY
<b>Original Effective Date:</b> June 19, 1997	<b>Subject:</b> Permit Requirements for Water Main Construction		<b>Category:</b> <input type="checkbox"/> Internal/Administrative
<b>Revised Date:</b>	<b>Division/Office and Program Names:</b> ODWMA-Public Water System Supervision Program		<input type="checkbox"/> External/Noninterpretive <input checked="" type="checkbox"/> External/Interpretive
<b>Reformatted Date:</b> January 7, 2013	<b>Number:</b> ODWMA-399-002	<b>Page:</b> 1 of 5	

*A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.*

#### **INTRODUCTION, PURPOSE, OR ISSUE:**

The definitions and requirements for water main, customer site piping, and service connection established under the authority of Safe Drinking Water Act, 1976 PA 399, as amended (Act 399) can be confusing to DEQ staff and the regulated community. As such, the DEQ has previously issued construction permits for piping systems that were not under its jurisdiction. This policy clarifies definitions, jurisdiction, and requirements.

#### **AUTHORITY:**

Section 325.1004(6) of Act 399 states, "Before commencing the construction of a waterworks system or an alteration, addition, or improvement to a system, a supplier of water shall submit the plans and specifications for the improvements to the department and secure from the department a permit for construction as provided by rule." R 325.11301 and R 325.11302 of the Administrative Rules adopted under Act 399 covers construction plans, specifications, and permits. In addition, Section 325.1004(2) of Act 399 states, "Upon receipt of the plans and specifications for a proposed waterworks system, the department shall evaluate the adequacy of the proposed system to protect the public health by supplying water meeting the state drinking water standards...."

Also, Section 325.1005a of Act 399 states:

- (1) A supplier of water for a community supply shall not use customer site piping as a means to convey water to other portions of the supplier's system.
- (2) A supplier of water shall not provide water service to customer site piping if an impact on the water quality of the public water supply has occurred or could reasonably be expected to occur as a result of the service. A supplier of water may discontinue water service to customer site piping as the supplier of water or the department considers necessary to protect the health of the public water supply customers.

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**STAKEHOLDER INVOLVEMENT:**

This policy became effective before stakeholders were involved in policy development.

**DEFINITIONS:**

Customer service connection - means the pipe between a water main and customer site piping or building plumbing system.

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.

Public water supply or "public water system" means a waterworks system that provides water for drinking or household purposes to persons other than the supplier of the water, and does not include either of the following:

1. A waterworks system that supplies water to only one living unit.
2. A waterworks system that consists solely of customer site piping.

Service connection - means a direct connection from a distribution water main to a living unit or other site to provide water for drinking or household purposes.

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

Water main - means a pipe owned or controlled by a supplier that may convey water to a customer service connection or to a fire hydrant.

**POLICY:**

Piping definitions contained in Act 399 for water main, customer site piping, and service connection, indicates that these are mutually exclusive terms. As such, piping cannot be both water main and customer site piping, or water main and service connection, at the same time. The below information clarifies the differences between water main, customer site piping, service connections, and when it is appropriate for ODWMA staff to issue construction permits for the installation of these items.

1. Construction permit(s):
  - a. for water main must be issued to the supplier of water, even if the water main will not be owned by the supplier.

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- b. must be issued for improvements to the waterworks system. Water main is part of the waterworks system and construction of water main improvements requires a permit from the DEQ prior to commencing that construction. Customer site piping, service connections, and building plumbing are not part of the waterworks system and do not require permits from the DEQ. These piping systems are not under the jurisdiction of the DEQ, but rather, state and local plumbing codes. They may require permits from other agencies.
- c. application shall state that the supplier intends to own or control the piping for which a permit is requested.
- d. applications for installation on private property shall state the method of control. Specifically, if the water main on private property is to be owned by the supplier, the permit application must state that the supplier intends to obtain and record suitable easements. If the water main is not to be owned by the supplier, the permit application must state that the supplier intends to obtain and execute suitable utility agreements. The DEQ may require copies of easements or agreements prior to issuing construction permits.

2. Water main:

- a. must be owned or controlled by the supplier of water.
- b. may convey water to any part of the supplier's system for any number of uses, including, but not limited to, service connections and fire hydrants.
- c. ownership is strongly encouraged by the DEQ as the preferred method to assure long-term control of the water main.
- d. easements must be executed for all supplier owned water main located on private property.
- e. maintenance agreements must be in force between the water supplier and the owner of water main installed on private property where ownership of the main is not possible. The agreements are subject to DEQ review to assure utility control of the privately-owned water main is adequate.

3. Customer site piping:

- a. may be used to convey water from one part of a customer's system to another part of a customer's system for any number of uses, including, but not limited to, service connections and fire hydrants.
- b. shall not be owned or controlled by the supplier of water.

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- c. shall not convey water from one part of a supplier's system to other parts of the supplier's system. As a practical application of this principle, customer site piping systems shall not be designed for flow through. If there is more than one service connection from the water main to a customer site piping system, adequate backflow prevention in accordance with an approved local cross connection program must be installed on all service connections. Backflow protection may be required on single service connections between the water main and customer site piping systems. Because permits are not required from the DEQ for customer site piping, the responsibility to ensure appropriate cross connection control remains with the water supplier.
  - d. shall not incorporate treatment to protect the public health.
4. Service connections may be used to convey water directly from the water main to customer site piping or directly from the water main to building plumbing. The water conveyed may be used for a number of purposes, including, but not limited to, drinking water, domestic and industrial water, and fire suppression systems (but not fire hydrants).
  5. Fire hydrants that are improperly maintained and operated may adversely impact pressures and water quality in the waterworks system. Because of this, water suppliers are encouraged to maintain ownership or control of all piping systems that contain fire hydrants. When piping that serves fire hydrants is not maintained or controlled by the water supplier, backflow prevention should be considered.
  6. This policy does not encumber water suppliers to retroactively obtain easements or utility agreements for projects previously permitted by the department that were not under its jurisdiction.

**PROCEDURES:**

<b>WHO</b>	<b>DOES WHAT</b>
District Staff	Construction permits will be issued to suppliers of water for water main construction after determining the plans and application information are adequate.
District Staff	Plans and permit applications that are inadequate in design or application information will be returned to the sender.
District Staff	Plans and permit applications for piping systems that are not under the jurisdiction of the DEQ will be returned to the sender.

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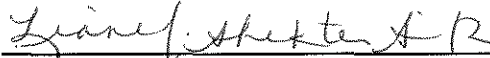
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**REFERENCES:**

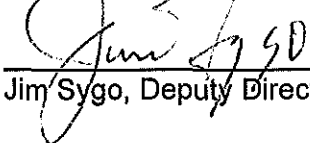
Michigan Safe Drinking Water Act, 1976 PA 399, as amended, being MCL 325.1001 *et seq.*, and the administrative rules promulgated thereunder, being R 325.10101 *et seq.*

**OFFICE CHIEF APPROVAL:**

  
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Liane J. Shekter Smith, P.E., Chief  
Office of Drinking Water and Municipal Assistance

12-28-2012  
Date

**DEPUTY DIRECTOR APPROVAL:**

  
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Jim Sygo, Deputy Director

1/7/2013  
Date