

Legislative Analysis



PROHIBIT DEQ FROM LIMITING SODIUM CONCENTRATION IN GROUNDWATER DISCHARGE

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House Bill 4768 (with floor substitute H-2)

Sponsor: Rep. Hugh Crawford

Committee: Regulatory Reform

Complete to 6-7-13

A SUMMARY OF HOUSE BILL 4768 FLOOR SUBSTITUTE H-2 ADOPTED 6-6-13

The bill would add a new section, Section 3109e, to Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act to prohibit the Department of Environmental Quality from establishing or enforcing an effluent limitation for the amount of concentration of sodium in a groundwater discharge.

As reported from committee, the H-1 version contained the following: "notwithstanding any other provision in this *Part* or the rules promulgated under this *Part*." The floor substitute H-2 makes reference to "any other provision in the *act* or rules promulgated under the *act*."

Proposed MCL 324.3109e

FISCAL IMPACT:

House Bill 4768 would have no fiscal impact on the State of Michigan or local units of government.

BACKGROUND INFORMATION AND DISCUSSION:

According to testimony, the Department of Environmental Quality (DEQ) currently enforces a 120 milligram per liter limit on the amount of sodium that can be present in a groundwater discharge. Waste water treatment plants that discharge treated water into groundwater aquifers (as opposed to surface discharge into a lake, stream, or other water body) are facing penalties from the DEQ for higher than permitted sodium levels. As a result, local governments, as operators of the water treatment facilities, are being forced to ticket business owners that are putting water into the system. Citing Environmental Protection Agency guidelines, supporters of the bill do not believe the sodium threshold provides substantial environmental or health benefits. According to testimony, no other states have a limit on the concentration of sodium allowed in groundwater discharge. The regulation is seen as over-burdensome to small business and a possible deterrent to new businesses relocating in certain areas.

Those opposed to the bill believe that eliminating the sodium threshold would shift the responsibility for high sodium levels in drinking water from water treatment permittees to

the citizens. High levels of sodium consumption in humans can lead to significant health issues. To the extent that eliminating the sodium threshold increases the concentration of sodium in drinking water, individuals may experience higher sodium intake with potential adverse health impacts.

POSITIONS:

The Michigan Restaurant Association supports the bill. (6-4-13)

The Michigan Townships Association supports the bill. (6-4-13)

The Michigan Environmental Council opposes the bill. (6-4-13)

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