

PROHIBIT DEQ FROM LIMITING SODIUM CONCENTRATION IN GROUNDWATER DISCHARGE

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House Bill 4768 as enacted

Public Act 180 of 2013

Sponsor: Rep. Hugh Crawford

House Committee: Regulatory Reform

Senate Committee: Natural Resources, Environment and Great Lakes

Complete to 4-11-14

A SUMMARY OF HOUSE BILL 4768 AS ENACTED

The bill added 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.

Under the bill, the DEQ is prohibited from establishing or enforcing a limitation for sodium or chlorine in a groundwater discharge permit that is more restrictive than:

- 400 milligrams of sodium per liter
- 500 milligrams of chloride per liter

Additionally, the DEQ is prohibited from establishing or enforcing a limitation for sodium or chloride in groundwater that is more restrictive than:

- 230 milligrams of sodium per liter
- 250 milligrams of chloride per liter

Permittees are required to do all of the following if they discharge sodium and/or chloride into groundwater that migrates off of the property on which the discharge is made and the discharge directly causes the groundwater concentration of sodium or chloride to exceed the allowed levels under the bill:

- Initiate a sampling program approved by the DEQ to monitor downgradient water supply wells for the levels of sodium or chloride in the water supply.
- If the sodium concentration exceeds the allowed levels, the permittee would have to provide and maintain, for each affected water supply, free of charge, a point-of-use treatment system approved by the DEQ that would remove sodium from the water supply and become compliant with the levels provided for in the bill.
- If the chloride concentration exceeds the allowed levels, the permittee would have to provide each affected water supply owner a notice of aesthetic impact with respect to chloride levels.

Persons that meet the above requirements would not be subject to response activities required under Part 201 with respect to a discharge of sodium and/or chloride that is in compliance with the allowable discharge levels established in the bill.

MCL 324.3109e

FISCAL IMPACT:

House Bill 4768 would have no significant 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) previously enforced 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 was 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 shifts 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, say critics. 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.

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