

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4768

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 3109e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3109E. (1) NOTWITHSTANDING ANY OTHER PROVISION IN THIS
2 ACT OR THE RULES PROMULGATED UNDER THIS ACT, THE DEPARTMENT SHALL
3 NOT ESTABLISH OR ENFORCE A LIMITATION FOR SODIUM OR CHLORIDE IN A
4 GROUNDWATER DISCHARGE PERMIT THAT IS MORE RESTRICTIVE THAN THE
5 FOLLOWING:

6 (A) 400 MILLIGRAMS OF SODIUM PER LITER.

7 (B) 500 MILLIGRAMS OF CHLORIDE PER LITER.

8 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR THE
9 RULES PROMULGATED UNDER THIS ACT, THE DEPARTMENT SHALL NOT

1 ESTABLISH OR ENFORCE A LIMITATION FOR SODIUM OR CHLORIDE IN
2 GROUNDWATER THAT IS MORE RESTRICTIVE THAN THE FOLLOWING:

3 (A) 230 MILLIGRAMS OF SODIUM PER LITER.

4 (B) 250 MILLIGRAMS OF CHLORIDE PER LITER.

5 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART OR RULES
6 PROMULGATED UNDER THIS PART, IF A PERMITTEE DISCHARGES SODIUM OR
7 CHLORIDE, OR BOTH, INTO GROUNDWATER THAT MIGRATES OFF OF THE
8 PROPERTY ON WHICH THE DISCHARGE WAS MADE AND THAT DISCHARGE
9 DIRECTLY CAUSES THE GROUNDWATER CONCENTRATION OF SODIUM OR
10 CHLORIDE, OR BOTH, TO EXCEED THE LEVELS PROVIDED UNDER SUBSECTION
11 (2), THE PERMITTEE SHALL DO ALL OF THE FOLLOWING:

12 (A) INITIATE A SAMPLING PROGRAM APPROVED BY THE DEPARTMENT TO
13 MONITOR DOWNGRAIENT WATER SUPPLY WELLS FOR THE LEVELS OF SODIUM OR
14 CHLORIDE, OR BOTH, IN THE WATER SUPPLY.

15 (B) IF THE CONCENTRATION OF SODIUM IN A DOWNGRAIENT WATER
16 SUPPLY EXCEEDS THE LEVEL PROVIDED UNDER SUBSECTION (2), THE
17 PERMITTEE SHALL PROVIDE AND MAINTAIN, FOR EACH AFFECTED
18 DOWNGRAIENT WATER SUPPLY, FREE OF CHARGE, A POINT-OF-USE TREATMENT
19 SYSTEM APPROVED BY THE DEPARTMENT THAT WILL REMOVE SODIUM FROM THE
20 WATER SUPPLY SO AS TO BE IN COMPLIANCE WITH THE LEVEL PROVIDED
21 UNDER SUBSECTION (2).

22 (C) IF THE CONCENTRATION OF CHLORIDE IN A DOWNGRAIENT WATER
23 SUPPLY EXCEEDS THE LEVEL PROVIDED UNDER SUBSECTION (2), PROVIDE TO
24 EACH AFFECTED WATER SUPPLY OWNER A NOTICE OF AESTHETIC IMPACT WITH
25 RESPECT TO CHLORIDE LEVELS.

26 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A
27 PERMITTEE SUBJECT TO THE REQUIREMENTS OF SUBSECTION (3) THAT

1 COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (3) IS NOT SUBJECT TO
2 RESPONSE ACTIVITIES UNDER PART 201 WITH RESPECT TO A DISCHARGE OF
3 SODIUM OR CHLORIDE, OR BOTH, THAT IS IN COMPLIANCE WITH THE
4 DISCHARGE LEVEL UNDER SUBSECTION (1).