



January 19, 2018

Ms. Vonette Richter  
Assistant Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard, 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

Dear Ms. Richter:

The Notice of Intent to Amend and Adopt Administrative Rules relating to the North Dakota Pollutant Discharge Elimination System and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,



L. David Glatt, P.E.  
Environmental Health Section Chief  
North Dakota Department of Health

Enclosures

**NOTICE OF INTENT TO  
AMEND AND ADOPT ADMINISTRATIVE RULES  
RELATING TO THE NORTH DAKOTA POLLUTANT DISCHARGE  
ELIMINATION SYSTEM**

TAKE NOTICE that the North Dakota Department of Health (NDDH) and the Environmental Health Section Chief, on behalf of the North Dakota Department of Environmental Quality (NDDEQ), will hold a public information meeting and hearing on proposed changes to the N.D. Admin. Code. The proposed changes are amendments to North Dakota Pollutant Discharge Elimination System, N.D. Admin. Code ch. 33-16-01, and adoption of North Dakota Pollutant Discharge Elimination System, N.D. Admin. Code ch. 33.1-16-01. The proposed changes are not expected to have an impact on the regulated community in excess of \$50,000. The hearing will be held on Monday, March 19, 2018, beginning at 1:00 PM CST at the NDDH, Environmental Training Center, 2639 East Main Avenue, Bismarck, ND.

The purpose of the proposed amendments to North Dakota Pollutant Discharge Elimination System, N.D. Admin. Code ch. 33-16-01, is to update the NDDH's rules to reflect the changes in U.S. Environmental Protection Agency rules regarding the National Pollutant Discharge Elimination System. As proposed, the amendments will provide updated regulations while adopting the legislative change. Specifically, the NDDH is proposing the following amendments to N.D. Admin. Code Chapter 33-16-01:

1. Amend N.D. Admin Code § 33-16-01-01 to update referencing within the definition of "Waters of the State" and clarify incorporation by reference.
2. Amend N.D. Admin Code § 33-16-01-01.1 to incorporate updated federal rule.
3. Amend N.D. Admin Code § 33-16-01-02 to incorporate updated federal rule.
4. Amend N.D. Admin Code § 33-16-01-02.1 to incorporate updated federal rule.
5. Amend N.D. Admin Code § 33-16-01-07 to update how mailing list is provided.
6. Amend N.D. Admin Code § 33-16-01-12 to incorporate updated federal rule.
7. Amend N.D. Admin Code § 33-16-01-13 to incorporate updated federal rule.
8. Amend N.D. Admin Code § 33-16-01-14 to incorporate updated federal rule.
9. Amend N.D. Admin Code § 33-16-01-19 to incorporate updated federal rule.
10. Amend N.D. Admin Code § 33-16-01-25 to incorporate updated federal rule.
11. Amend N.D. Admin Code § 33-16-01-26.1 to incorporate updated federal rule.

12. Amend N.D. Admin Code § 33-16-01-27 to incorporate updated federal rule.
13. Amend N.D. Admin Code § 33-16-01-29 to incorporate updated federal rule.
14. Amend N.D. Admin Code § 33-16-01-30 to incorporate updated federal rule.
15. Amend N.D. Admin Code § 33-16-01-32 to incorporate updated federal rule.

The proposed rulemaking also implements Senate Bill No. 2327, enacted during the most recent legislative session, concerning the creation of the NDDEQ. The Environmental Health Section Chief, who is authorized under S.L. 2017, ch. 199, § 1 (S.B. 2327) to adopt rules for the NDDEQ, is proposing to adopt the NDDH's North Dakota Pollutant Discharge Elimination System, N.D. Admin. Code ch. 33-16-01, including the proposed amendments, as the NDDEQ's North Dakota Pollutant Elimination System, N.D. Admin. Code ch. 33.1-16-01. In addition, the proposed NDDEQ rules contain minor edits to reflect the creation of the new agency. If adopted, the proposed NDDEQ rules will be effective upon establishment of the NDDEQ, as specified in S.L. 2017, ch. 199, § 1 (S.B. 2327).

Comments regarding changes to the existing North Dakota Administrative Code will be considered. Comments regarding rules being transferred from NDDH to NDDEQ that are not substantively changed from existing code are beyond the scope of this proceeding and will not be considered because the transfer of authority is mandated by S.B. 2327. Comments regarding rules only changed in formatting or numbering that are not substantively changed from existing code, will be considered only as they relate to such changes.

The proposed changes and supporting material for both the NDDH and NDDEQ may be viewed at the NDDH, Division of Water Quality, 918 East Divide Ave. Bismarck, ND 58501-1947, or on the Department's website at [deq.nd.gov/PublicNotice.aspx](http://deq.nd.gov/PublicNotice.aspx). A copy of the proposed amendments may be obtained by writing to the above address or by calling 701.328.5210. Written comments on the proposed changes for both the NDDH and NDDEQ sent to the above mailing address and received by Thursday, March 29, 2018 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department at the above address or telephone number at least seven days prior to the public hearing.

Dated this 18 day of January, 2018.

L. David Glatt  
Section Chief  
Environmental Health Section