

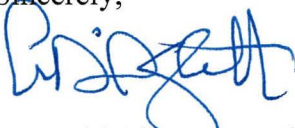
April 20, 2018

Vonette Richter  
Code Revisor  
North Dakota Legislative Council  
600 E Boulevard Ave., 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

Dear Ms. Richter:

The Notice of Intent to Adopt Administrative Rules Relating to the North Dakota Underground Injection Control Program and a copy of the proposed rules are attached as required by N.D.C.C. 28-32-10(1). The proposed rulemaking for the North Dakota Underground Injection Control Program also implements Senate Bill Number 2327, enacted during the most recent legislative session, concerning the creation of the North Dakota Department of Environmental Quality (NDDEQ).

Sincerely,



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

Attachment



**NOTICE OF INTENT TO  
AMEND AND ADOPT ADMINISTRATIVE RULES  
RELATING TO THE NORTH DAKOTA UNDERGROUND INJECTION  
CONTROL PROGRAM**

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 hearing on proposed changes to the N.D. Admin. Code. The proposed changes are amendments to Underground Injection Control Program, N.D. Admin. Code ch. 33-25-01. 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 May 21, 2018, beginning at 5:30 PM CST at the NDDH, 918 East Divide Avenue, Bismarck, ND 58501.

The purpose of the proposed amendments to Underground Injection Control Program, N.D. Admin. Code ch. 33-25-01, is to update the NDDH's rules. Specifically, the NDDH is proposing the following amendments to N.D. Admin. Code Chapter 33-25-01:

1. Amend N.D. Admin Code § 33-25-01-01 to remove language specifying the Department of Health, to remove a definition, and correct a spelling error.
2. Amend N.D. Admin Code § 33-25-01-02 to revise the Class V well definition and to add the definition of a Class VI well.
3. Amend N.D. Admin Code § 33-25-01-03 to add a reference to Class VI wells.
4. Amend N.D. Admin Code § 33-25-01-03(4) to clarify wells not covered by N.D. Admin Code § 33-25-01
5. Amend N.D. Admin Code § 33-25-01-04(1) to make an edit
6. Amend N.D. Admin Code § 33-25-01-16(1) to correct a reference error.

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 Underground Injection Control Program, N.D. Admin. Code ch. 33-25-01, including the proposed amendments, as the NDDEQ's North Dakota Underground Injection Control Program, N.D. Admin. Code ch. 33.1-25-01. 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 May 31, 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 12 day of April, 2018.

L. David Glatt  
Section Chief  
Environmental Health Section