

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1335

Introduced by

Representatives Hofstad, D. Johnson, Holman

Senators Oehlke, Heckaman

- 1 A BILL for an Act to create and enact a new section to chapter 61-28 of the North Dakota
2 Century Code, relating to exemptions from enforcement actions for water-to-water transfers
3 used to control flooding; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 61-28 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Water-to-water transfers used to control flooding exempt.**

- 8 1. An action may not be brought under either chapter 32-40 or 61-28 against an owner or
9 operator of a water-to-water transfer used to control flooding for violation of the state's
10 water pollution control laws if the water-to-water transfer:
11 a. Does not require a national pollutant discharge elimination system permit; and
12 b. Complies with the conditions in the state's water quality standards established to
13 protect aquatic life.
14 2. For purposes of this section, "water-to-water transfer" means an activity that conveys
15 or connects waters of the United States without subjecting the transferred water to
16 intervening industrial, municipal, or commercial use. This section does not apply to
17 pollutants introduced by the water transfer activity itself to the water being transferred.
18 3. The owner or operator of a water-to-water transfer falling within this exemption must
19 notify the department before beginning operations.

20 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.