

February 21, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1149

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 37-17.1-06 and a new subdivision to subsection 1 of section 37-17.1-07.1 of the North Dakota Century Code, relating to emergency response to hazardous materials incidents.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 37-17.1-06 of the North Dakota Century Code is created and enacted as follows:

The division of homeland security shall serve as a central information dissemination point and repository for initial notification information for spills and discharges in the state for hazardous materials as defined in section 37-17.1-07.1. The division shall develop processes to ensure proper state and federal agencies that have oversight responsibilities are promptly notified. The division shall also provide notice to local emergency management officials within a time that is consistent with the level of emergency.

SECTION 2. A new subdivision to subsection 1 of section 37-17.1-07.1 the North Dakota Century Code is created and enacted as follows:

For purposes of monitoring, determining if emergency response may be required, and notifying local officials, owners and operators or responsible parties shall report all spills or discharges to the appropriate state agency. The report must include the name of the reporting party, including phone number and address; date; time of release; location of release; containment status; waterways involved; and immediate potential threat. If the release occurs or travels off site from a facility, the owner and operator or responsible party shall notify the surface owner within a reasonable time. State agencies that receive direct reports of spills or discharges shall provide the report information to the division within a time that is consistent with potential level of response needed. Hazardous materials spills and other discharges that require reporting under this section include:

- (1) Any spill or discharge that causes or may cause pollution of state waters;
- (2) On a facility or rig site, any spill or discharge of a fluid or substance or derivative of that fluid or substance, including oil, gas, and salt water, which relates to oil and gas exploration or production if that spill or discharge exceeds one barrel;
- (3) Not on a facility or rig site, any spill or discharge of a fluid or substance or derivative of that fluid or substance, including oil,

gas, and salt water, which relates to oil and gas exploration or production; and

- (4) Any spill or discharge of an agricultural chemical or pesticide that may be detrimental to life or safety or may cause unreasonable adverse environmental effects."

Renumber accordingly