

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~~water
3 transfers 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~~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~~water transfer used to control flooding for violation of the
10 state's water pollution control laws if the ~~water-to-water~~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~~water transfer" means an activity that
15 conveys or connects waters of the ~~United States~~state without subjecting the
16 transferred water to intervening industrial, municipal, or commercial use. ~~This section-~~
17 ~~does not apply to pollutants introduced by the water transfer activity itself to the water-~~
18 ~~being transferred.~~
- 19 3. The exemption in subsection 1 does not apply to pollutants introduced by the water
20 transfer activity itself to the water being transferred.
- 21 4. The owner or operator of a ~~water-to-water~~water transfer falling within this exemption
22 must notify the department before beginning operations.

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