

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1149

Introduced by

Representatives Anderson, Hofstad, Kreun

Senator Laffen

1 A BILL ~~for an Act to create and enact a new subsection to section 37-17.1-07.1 of the North~~
2 ~~Dakota Century Code, relating to emergency response to hazardous materials incidents.~~for an
3 Act to create and enact a new subsection to section 37-17.1-06 and a new subdivision to
4 subsection 1 of section 37-17.1-07.1 of the North Dakota Century Code, relating to emergency
5 response to hazardous materials incidents.

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

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

9 ~~The director of the division of homeland security shall provide immediate notice to the~~
10 ~~appropriate local or regional emergency service organization upon receiving a report~~
11 ~~of a hazardous chemical release. If the division of homeland security or other state~~
12 ~~emergency response resource is deployed to investigate a potential hazardous~~
13 ~~chemical release, the division or other state entity shall immediately provide notice to~~
14 ~~the appropriate local or regional emergency service organization and the local or~~
15 ~~regional emergency service organization must be permitted to participate in the onsite~~
16 ~~investigation.~~

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

19 The division of homeland security shall serve as a central information dissemination
20 point and repository for initial notification information for spills and discharges in the
21 state for hazardous materials as defined in section 37-17.1-07.1. The division shall
22 develop processes to ensure proper state and federal agencies that have oversight
23 responsibilities are promptly notified. The division shall also provide notice to local

1 emergency management officials within a time that is consistent with the level of
2 emergency.

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

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

17 (1) Any spill or discharge that causes or may cause pollution of state waters;

18 (2) On a facility or rig site, any spill or discharge of a fluid or substance or
19 derivative of that fluid or substance, including oil, gas, and salt water, which
20 relates to oil and gas exploration or production if that spill or discharge
21 exceeds one barrel;

22 (3) Not on a facility or rig site, any spill or discharge of a fluid or substance or
23 derivative of that fluid or substance, including oil, gas, and salt water, which
24 relates to oil and gas exploration or production; and

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