

Introduced by

Energy and Natural Resources Committee

(At the request of the State Department of Health)

1 | A BILL for an Act to amend and reenact ~~subsection 13 of~~ section 23-29-03, subsection 3 of  
2 | section 23-29-05.1, and section 23-29-12 of the North Dakota Century Code, relating to solid  
3 | waste management; to repeal sections 23-29-09 and 23-29-16 of the North Dakota Century  
4 | Code, relating to solid waste management correspondence and environmental protection; and  
5 | to provide a penalty.

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

7 | ~~**SECTION 1. AMENDMENT.** Subsection 13 of section 23-29-03 of the North Dakota~~  
8 | ~~Century Code is amended and reenacted as follows:~~

9 | ~~13. "Resource recovery" means the use, reuse, or recycling of materials, substances,~~  
10 | ~~energy, or products contained within or derived from municipal solid waste.~~

11 | **SECTION 1. AMENDMENT.** Section 23-29-03 of the North Dakota Century Code is  
12 | amended and reenacted as follows:

13 | **23-29-03. Definitions.**

- 14 | 1. "Collection" means the aggregation of solid waste from the places at which the waste  
15 | was generated.
- 16 | 2. "Department" means the state department of health.
- 17 | 3. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or  
18 | placing of any solid waste into or on any land or water including ground water.
- 19 | 4. "Industrial waste" means solid waste, which is not a hazardous waste regulated under  
20 | chapter 23-20.3, generated from the combustion or gasification of municipal waste and  
21 | from industrial and manufacturing processes. The term does not include municipal  
22 | waste or special waste.

- 1       5. "Infectious waste" means solid waste that may contain pathogens with sufficient  
2       virulence and in sufficient quantity that exposure of a susceptible human or animal to  
3       the solid waste could cause the human or animal to contract an infectious disease.
- 4       6. "Landfill" means a publicly or privately owned area of land where solid wastes are  
5       permanently disposed.
- 6       7. "Litter" means discarded and abandoned solid waste materials that are not special  
7       waste or industrial waste.
- 8       8. "Major appliance" means an air conditioner, clothes dryer, clothes washer, dishwasher,  
9       freezer, microwave oven, oven, refrigerator, stove, furnace, water heater, humidifier,  
10      dehumidifier, garbage disposal, trash compactor, or other similar appliance.
- 11      9. "Municipal waste" means solid waste that includes garbage, refuse, and trash  
12      generated by households, motels, hotels, and recreation facilities; by public and  
13      private facilities; and by commercial, wholesale, and private and retail businesses. The  
14      term does not include special waste or industrial waste.
- 15      10. "Open burning" means the combustion of solid waste without control of combustion air  
16      to maintain adequate temperature for efficient combustion, containment of the  
17      combustion reaction in an enclosed device to provide sufficient residence time and  
18      mixing for complete combustion, and control of the emission of the combustion  
19      products.
- 20      11. "Person" means any individual, corporation, limited liability company, partnership, firm,  
21      association, trust, estate, public or private institution, group, federal agency, political  
22      subdivision of this state or any other state or political subdivision thereof, and any legal  
23      successor, representative agent, or agency of the foregoing.
- 24      12. "Political subdivision" means a city, county, township, or solid waste management  
25      authority.
- 26      13. "Resource recovery" means the use, reuse, or recycling of materials, substances,  
27      energy, or products contained within or derived from municipalsolid waste.
- 28      14. "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water  
29      supply treatment plant, or air pollution control facility and other discarded material,  
30      including solid, liquid, semisolid, or contained gaseous material resulting from

1 industrial, commercial, mining, and agricultural operations, and from community  
2 activities. The term does not include:

- 3 a. Agricultural waste, including manures and crop residues, returned to the soil as  
4 fertilizer or soil conditioners; or  
5 b. Solid or dissolved materials in domestic sewage, or solid or dissolved material in  
6 irrigation return flows or industrial discharges that are point sources subject to  
7 permits under section 402 of the Federal Water Pollution Control Act, as  
8 amended [Pub. L. 92-500; 86 Stat. 816; 33 U.S.C. 1251 et seq.], or source,  
9 special nuclear, or byproduct material as defined by the Atomic Energy Act of  
10 1954, as amended [68 Stat. 919; 42 U.S.C. 2011 et seq.].

11 15. "Solid waste management" means the purposeful systematic control of the storage,  
12 collection, transport, composting, resource recovery, land treatment, and disposal of  
13 solid waste.

14 16. "Special waste" means solid waste that is not a hazardous waste regulated under  
15 chapter 23-20.3 and includes waste generated from energy conversion facilities; waste  
16 from crude oil and natural gas exploration and production; waste from mineral and ore  
17 mining, beneficiation, and extraction; and waste generated by surface coal mining  
18 operations. The term does not include municipal waste or industrial waste.

19 17. "Storage" means the containment and holding of solid waste after generation for a  
20 temporary period, at the end of which the solid waste is processed for resource  
21 recovery, treated, disposed of, or stored elsewhere.

22 18. "Transport" means the offsite movement of solid waste.

23 **SECTION 2. AMENDMENT.** Subsection 3 of section 23-29-05.1 of the North Dakota  
24 Century Code is amended and reenacted as follows:

- 25 3. A person violating this section is guilty of an infraction for which a minimum fine of  
26 ~~one~~two hundred dollars must be imposed, except if the litter discarded and abandoned  
27 amounted to more than one cubic foot [0.0283 cubic meter] in volume or if the litter  
28 consisted of furniture or a major appliance, the ~~offense is a class B-misdemeanor~~ and  
29 the person is subject to the civil ~~and criminal penalties~~penalty provided in section  
30 23-29-12.

1       **SECTION 3. AMENDMENT.** Section 23-29-12 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **23-29-12. Penalties.**

4       ~~Unless another penalty is specifically prescribed, a person violating this chapter, or any rule,~~  
5 ~~order, or condition in a permit issued under this chapter, is subject to a civil penalty not to~~  
6 ~~exceed one thousand dollars per day of such violation.~~

7       1. Any person who violates this chapter or any permit condition, rule, order, limitation, or  
8 other applicable requirement implementing this chapter is subject to a civil penalty not  
9 to exceed twelve thousand five hundred dollars per day per violation, unless the  
10 penalty for the violation is otherwise specifically provided for and made exclusive in  
11 this chapter.

12       2. Any person who willfully violates any provision of this chapter or any permit condition,  
13 rule, order, limitation, or other applicable requirement implementing this chapter is  
14 guilty of a class C felony, unless the penalty for the violation is otherwise specifically  
15 provided for and made exclusive in this chapter. ~~For multiple violations, penalties may~~  
16 ~~be assessed up to the maximum amount specified in this subsection for each day of~~  
17 ~~each separate violation.~~

18       3. Any person who knowingly willfully makes any false statement, representation, or  
19 certification in any application, record, report, plan, or other document filed or required  
20 to be maintained under this chapter or any permit condition, rule, order, limitation, or  
21 other applicable requirement implementing this chapter or who falsifies, tampers with,  
22 or knowingly willfully renders inaccurate any monitoring device or method required to  
23 be maintained under this chapter or any permit condition, rule, order, limitation, or  
24 other applicable requirement implementing this chapter is guilty of a class C felony,  
25 unless the penalty for the violation is otherwise specifically provided for and made  
26 exclusive in this chapter. ~~For multiple violations, penalties may be assessed up to the~~  
27 ~~maximum amount specified in this subsection for each day of each separate violation.~~

28       **SECTION 4. REPEAL.** Sections 23-29-09 and 23-29-16 of the North Dakota Century Code  
29 are repealed.