

HOUSE BILL NO. 1089

Introduced by

Energy and Natural Resources Committee

(At the request of the Department of Environmental Quality)

1 A BILL for an Act to create and enact a new subsection to section 23.1-08-03 of the North
2 Dakota Century Code, relating to improving efficiencies in the department of environmental
3 quality; to amend and reenact subsection 1 of section 23.1-08-09 and section 61-28.1-12 of the
4 North Dakota Century Code, relating to improving efficiencies in the department of
5 environmental quality; to repeal section 23.1-08-05 of the North Dakota Century Code, relating
6 to improving efficiencies in the department of environmental quality; and to provide an effective
7 date.

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

9 **SECTION 1.** A new subsection to section 23.1-08-03 of the North Dakota Century Code is
10 created and enacted as follows:

11 Adopt rules to establish standards and requirements for solid waste pilot projects.

12 **SECTION 2. AMENDMENT.** Subsection 1 of section 23.1-08-09 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 1. The department may issue permits for solid waste management facilities and solid
15 waste transporters. A person may not own, operate, or use a facility for solid waste
16 disposal or transport solid wastes without a valid permit. Upon receipt of a permit
17 application, the department shall give public notice, in the official newspaper of the
18 county in which the facility is to be located, that the department is considering an
19 application for a solid waste management facility. The notice must state the name of
20 the applicant, the location of the facility, and a description of the facility. The
21 department shall require as a condition of a permit for a solid waste management
22 facility, not owned or operated by the state or a political subdivision, that any entity that
23 controls the permitholder agrees to accept responsibility for any remedial measures,
24 closure and postclosure care, or penalties incurred by the permitholder. For purposes

1 of this section, "control" means ownership or control, directly, indirectly, or through the
2 actions of one or more persons of the power to vote twenty-five percent or more of any
3 class of voting shares of a permitholder, or the direct or indirect power to control in any
4 manner the election of a majority of the directors of a permitholder, or to direct the
5 management or policies of a permitholder, whether by individuals, corporations,
6 partnerships, trusts, or other entities or organizations of any type. All permits are
7 ~~nontransferable~~transferable, are for a term of not more than ten years from the date of
8 issuance, and are conditioned upon the observance of the laws of the state and the
9 rules adopted under this chapter.

10 **SECTION 3. AMENDMENT.** Section 61-28.1-12 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **61-28.1-12. Department - Powers and duties - Administration.**

13 The department has the following powers and duties and shall administer the drinking water
14 treatment revolving loan fund as follows:

- 15 1. To apply for and accept grants of money from the United States environmental
16 protection agency or other federal agencies which must be deposited in the drinking
17 water treatment revolving loan fund to be used for purposes authorized under the Safe
18 Drinking Water Act, including the following:
 - 19 a. To provide loans or loan guarantees, or other financial assistance, to community
20 water systems and nonprofit noncommunity water systems eligible for assistance
21 from the revolving loan fund.
 - 22 b. As a source of revenue and security for the payment of principal and interest on
23 bonds issued by the state through the public finance authority if the bond
24 proceeds are deposited in the revolving loan fund.
 - 25 c. To buy or refinance debt obligations issued after July 1, 1993, to finance a project
26 eligible for assistance from the revolving loan fund.
 - 27 d. To guarantee or purchase insurance for debt obligations issued to finance a
28 project eligible for assistance from the revolving loan fund.
 - 29 e. To provide other financial and technical assistance and to make any other
30 expenditure authorized under the Safe Drinking Water Act.
 - 31 f. To earn interest before the disbursement of financial or technical assistance.

- 1 g. To pay administrative expenses associated with the revolving loan fund as
2 authorized under the Safe Drinking Water Act.
- 3 2. To administer the drinking water treatment revolving loan fund as established. The
4 department may enter into contracts and other agreements in connection with the
5 operation of the drinking water treatment revolving loan fund to the extent necessary
6 or convenient for the implementation of the drinking water treatment revolving loan
7 fund. The department may combine the financial administration of the drinking water
8 treatment revolving loan fund and the financial administration of the water pollution
9 control revolving loan fund established under chapter 61-28.2. The department may
10 cross-collateralize the drinking water treatment revolving loan fund and the water
11 pollution control revolving loan fund as authorized by the administrator of the federal
12 environmental protection agency under the Safe Drinking Water Act.
- 13 3. To administer and disburse funds ~~with the approval of the state water commission and~~
14 in accordance with section 1452(a) of the federal Safe Drinking Water Act [42 U.S.C.
15 300j], as amended.
- 16 4. To establish assistance priorities and to expend grant funds pursuant to the priority list
17 for the drinking water treatment revolving loan fund, ~~after consulting with and obtaining~~
18 ~~the approval of the state water commission.~~
- 19 5. To adopt rules necessary for administering the drinking water treatment revolving loan
20 fund.

21 The governor, or the governor's designee, may transfer grant funds from the drinking water
22 treatment revolving loan fund to the water pollution control revolving loan fund established by
23 chapter 61-28.2 and from the water pollution control revolving loan fund to the drinking water
24 treatment revolving loan fund, as authorized by the Safe Drinking Water Act.

25 **SECTION 4. REPEAL.** Section 23.1-08-05 of the North Dakota Century Code is repealed.

26 **SECTION 5. CONTINGENT EFFECTIVE DATE.** Section 2 of this Act becomes effective
27 upon the receipt by the legislative council of the certification from the department of
28 environmental quality that solid waste management facility and transporter permit transfer rules
29 have been adopted.