

HOUSE BILL NO. 1090

Introduced by

Energy and Natural Resources Committee

(At the request of the Department of Environmental Quality)

1 A BILL for an Act to amend and reenact section 23.1-08-04 of the North Dakota Century Code,
2 relating to coal combustion residuals; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 23.1-08-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23.1-08-04. Coal combustion residuals - Present use and disposal deemed**
7 **acceptable.**

8 Notwithstanding any other provision of law, the legislative assembly deems the present use
9 and disposal of coal combustion residuals to be acceptable and that present regulation allows
10 for the beneficial use of coal combustion residuals in concrete, for other construction
11 applications, and for other innovative uses and allows for safe disposal without coal combustion
12 residuals being regulated as a hazardous waste. For purposes of regulating coal combustion
13 residuals, the term "ground water" means water below the land surface in a zone of saturation.
14 If a federal law or regulation is adopted pertaining to the use and disposal of coal combustion
15 residuals, this section does not prohibit the state from seeking state primacy of the federal
16 program.

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