

TESTIMONY OF

Diana Trussell, Solid Waste Program Manager

Good morning Chairman Porter and members of the House Energy and Natural Resources Committee. My name is Diana Trussell and I am the Solid Waste Program Manager of the Department of Environmental Quality. I am here to testify in support of House Bill 1090.

In September 2020 and May 2021, the Department submitted a program approval package to the United States Environmental Protection Agency (EPA) for regulating coal combustion residuals (CCRs) from power plants. The CCR program regulates coal ash waste from power plants and would allow the state to continue regulating coal ash waste in lieu of EPA. The purpose of this bill is to redefine the term groundwater, for purposes of regulating CCRs, to meet EPA's definition requirements. Without this change, EPA has stated that they cannot approve North Dakota's program. And without program approval, EPA would regulate CCRs in North Dakota. This change will allow the Department to continue pursuing program approval for CCR regulations in the state.

The Department is requesting that **Section 1** be declared an emergency measure. This would allow the Department to resubmit the program approval package sooner rather than later to EPA.

In addition, we are requesting an amendment to HB 1090 that would add wind turbine blades to the list of wastes that are prohibited from disposal in a landfill unless approved by the Department. The Department supports renewable energy and wants to ensure proper disposal of the blades through recycling or in landfills in the event recycling is not viable. This amendment, in addition to encouraging recycling, would ensure the proper disposal of wind blades as a last resort. We are aware that other states are struggling with this issue and this amendment would place controls on the disposal of both instate and out of state blades brought into the state for disposal. The blades are burdensome at landfills as they are difficult to manage due to their length and size. Landfill compaction equipment is not able to crush the blades and they take up a lot of space. The Department has had discussions with the Public Service Commission (PSC) regarding disposal of blades and we would continue working with PSC collaboratively throughout this process along with our landfills.

Mr. Chairman and committee members, this concludes my testimony. I ask for your support for House Bill 1090 with the requested amendments. I would be happy to answer any questions.

PROPOSED AMENDMENT TO HOUSE BILL NO. 1090

Page 1, line 1, after “23.1-08-04” insert “and subsection 2 of section 23.1-08-08”

Page 1, line 2, after “residuals” insert “and the disposal of wind turbine blades”

Page 1, after line 16, insert:

“SECTION 2. AMENDMENT. Subsection 2 of section 23.1-08-08 of the North Dakota Century Code is amended as follows:

2. Except as provided in subsection 3, a person may not place in municipal waste or discard or dispose of in a landfill lead-acid batteries, used motor oil, wind turbine blades, or major appliances.

Page 1, line 17, replace “2” with “3”

Page 1, line 17, replace “This” with “Section 1 of this”

Renumber accordingly