

2023 HOUSE ENERGY AND NATURAL RESOURCES

HB 1090

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1090
1/19/2023

Relating to coal combustion residuals and declaring an emergency

9:17 AM Chairman Porter opens meeting.

Chairman Porter opened the hearing. Members present: Chairman Porter, Vice Chairman D. Anderson, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby. Absent: Representatives Bosch

Discussion Topics:

- Blade disposal regulation
- Proposed amendment

Diana Trussell, Solid Waste Program Mgr., ND Dept. of Environmental Quality in support of 1090 #14356

Jonathan Porter ND Lignite Council spoke in support.

9:25 AM Meeting closes

Kathleen Davis, Committee Clerk By: Leah Kuball

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1090
1/19/2023

Relating to coal combustion residuals and declaring an emergency

10:56 AM Chairman Porter opens hearing.

Chairman Porter opened the hearing. Members present: Chairman Porter, Vice Chairman D. Anderson, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby. Absent: Representatives Bosch

Discussion Topics:

- Blade disposal regulation
- Proposed amendment

Representative Roers Jones moves to amend HB 1090 #14356

Representative Heinart second's motion

Voice vote: Motion carried

Representative Ruby moves a do pass as amended

Representative Docktor second's motion

Roll call vote: Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	AB
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative Jim Kasper	Y
Representative Andrew Marschall	Y
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y

Motion carried 13-0-1

Representative Heinert: carrier

11:00 AM Meeting adjourned.

Kathleen Davis, Committee Clerk By: Leah Kuball

1/19/23

PROPOSED AMENDMENTS 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 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 and reenacted 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 "This" with "Section 1 of this"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1090: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1090 was placed on the Sixth order on the calendar.

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 disposal of wind turbine blades"

Page 1, after line 16, insert:

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Page 1, line 17, replace "This" with "Section 1 of this"

Renumber accordingly

2023 SENATE ENERGY AND NATURAL RESOURCES

HB 1090

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1090
2/16/2023

A bill relating to coal combustion residuals and disposal of wind turbine blades; and to declare an emergency.
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9:01 AM Chairman Patten opened the meeting.

Chairman Patten and Senators Beard, Boehm, Kannianen and Kessel are present. Senator Magrum was introducing a bill and arrived late to the meeting.

Discussion Topics:

- Landfills
- Renewable energy
- Recycling

9:03 AM Diana Trussell, Solid Waste Program Manager, Department of Environmental Quality, introduced the bill and provided written testimony #20899.

9:10 AM Jonathan Fortner, Lignite Energy Council, gave oral testimony in favor of the bill.

9:11 AM Chairman Patten closed the public hearing.

9:12 AM Senator Kessel moved to Do Pass the bill. Motion is seconded by Senator Beard.

9:13 AM Roll call vote is taken. Vote is held open until Senator Magrum arrives.

9:14 Recess.

9:19 AM Senator Magrum votes yes on the bill.

Roll call vote results.

Senators	Vote
Senator Dale Patten	Y
Senator Jeffery J. Magrum	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Jordan L. Kannianen	Y
Senator Greg Kessel	Y

Motion passes 6-0-0.

Senator Boehm will carry the bill.

Senate Energy and Natural Resources Committee
SB 1090
02/16/23
Page 2

This bill does not affect workforce development.

9:14 AM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1090, as engrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1090 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1090



Testimony in Support of
House Bill No. 1090
House Energy and Natural
Resources Committee
January 19, 2023

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



Testimony in Support of
House Bill No. 1090
Senate Energy and Natural
Resources Committee
February 16, 2023

TESTIMONY OF

Diana Trussell, Solid Waste Program Manager

Good morning Chairman Patten and members of the Senate 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 to 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 handling of the blades through recycling or landfill disposal if 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. I would be happy to answer any questions.