2023 SENATE ENERGY AND NATURAL RESOURCES

SB 2074

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Peace Garden Room, State Capitol

SB 2074
1/5/2023

A bill relating to ground water monitoring.

1:00 PM Chairman Patten called meeting to order.

Chair Patten, Senators Magrum, Beard, Kannianen and Kessel are present. Senator Boehm is absent.

Discussion Topics:

- Water Quality
- Wells
- Environmental Permits

Testimony:

1:02 PM Karl Rockeman, Director Division of Water Quality introduced the bill and offered written testimony and suggested amendments. #12373, #12374

1:06 PM Chairman Patten closed the public hearing.

Proposed Amendments will be drafted.

1:07 PM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Peace Garden Room, State Capitol

SB 2074
1/5/2023

A Bill relating to ground water monitoring.

1:48 PM Chairman Patten called meeting to order.
Present were Chairman Patten, and Senators Magrum, Beard, Boehm, Kannianen and Kessel.

Discussion Topics:

- Committee action

1:50 PM Senator Kannianen moved to adopt amendment LC 23.8029.01001.
Senator Beard seconded the motion.

1:51 PM Voice vote. Motion passed to accept amendments as proposed.

1:53 PM Senator Kannianen moved Do Pass as Amended on SB 2074.
Senator Beard seconded the motion.

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 passed. 6-0-0

1:54 PM Senator Beard will carry the bill.

This bill does not affect Workforce Development.

1:55 PM Chairman Patten adjourned the meeting.

Rick Schuchard, Committee Clerk

23.8029.01001
Title.02000

Adopted by the Senate Energy and Natural Resources Committee
January 5, 2023

1-5-23
1 of 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2074

Page 1, line 18, replace "not public records subject to" with "exempt under"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2074: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2074 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 18, replace "not public records subject to" with "exempt under"

Renumber accordingly

2023 HOUSE ENERGY AND NATURAL RESOURCES

SB 2074

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee
Coteau AB Room, State Capitol

SB 2074
3/2/2023

Relating to ground water monitoring.

1:45 PM Chairman Porter opened the hearing. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

Discussion Topics:

- Quality surface and ground water
- Privacy protections
- Monitoring wells
- Improve transparency
- Pesticide monitoring
- Open records laws
- Private and state installed wells

Karl Rockeman, director, Division of Water Quality, NDDEQ, Testimony 21719

Additional written testimony:
Duane Sandvick, Testimony 21432

Chairman Porter closed the hearing.

Rep Dockter moved a Do Pass, seconded by Rep Olson

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	AB
Representative Andrew Marschall	Y
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y

12-0-2 Motion carried. Rep Hagert is carrier.

1:50 PM Meeting adjourned.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2074, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2074 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2074

PROPOSED AMENDMENTS TO SENATE BILL NO. 2074

Page 1, line 18, replace "not public records subject to" with "exempt under"

Renumber accordingly

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Testimony in Support of
Senate Bill No. 2074
Senate Energy and Natural Resources Committee
January 5, 2023

TESTIMONY OF
Karl Rockeman, Director of Water Quality

Good afternoon, Chairman Patten and members of the Senate Energy and Natural Resources Committee. My name is Karl Rockeman, and I am the director of the Division of Water Quality within the North Dakota Department of Environmental Quality. The Division of Water Quality protects and monitors our water resources to ensure the quality of surface and groundwater for public use. I am here to testify in support of SB 2074.

This agency bill resulted from reviewing red tape reduction strategies. It will remove roadblocks that prevent citizens from accessing groundwater data, thereby, improving transparency while maintaining appropriate privacy protections. Monitoring environmental conditions is one of the DEQ's most resource-intensive activities, but that data forms the foundation for all our other programs. It provides real-world verification that our work is effective. Because of this, data transparency is second only to accuracy, and that transparency helps us to build and maintain public trust.

The DEQ collects water samples from 975 wells, currently all publicly installed monitoring wells, as part of its agricultural and western (oilfield) ambient monitoring programs. This data is used to inform policy and has often shown that these industries, when practiced under appropriate oversight, can have little to no impact on groundwater quality.

For some background, this section was adopted with the groundwater protection regulations in 1991 with the intention of protecting the privacy of private water well owners who voluntarily participate in the pesticide monitoring program. However, in 2003 an Attorney General's opinion interpreted this section to more broadly cover publicly installed wells for all ambient monitoring programs. The Department feels that the proposed changes would help clarify the original intent and make groundwater data more publicly available, while still respecting the privacy of private well owners.

Line 15 adds the descriptor to refer only to the pesticide groundwater monitoring program. Line 15-19 removes language regarding disclosure of names and addresses and refers to the common definition in the state open records law. The Department requests an amendment to restore the original proposed language that was removed due to a clerical error. Please refer to the attached amendment.

Line 19-20 excludes data collected from wells installed by or required by a state agency. This

narrows the scope to private wells while allowing us to release required data for environmental permits, spills or wells installed by the state.

These changes will allow easier access to data on public groundwater resources for residents, industry, and the public.

Mr. Chairman and committee members, this concludes my testimony. I ask for your support of SB2074, and I would be happy to answer any questions.

NORTH Dakota | Environmental Quality
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Testimony in Support of
Senate Bill No. 2075
House Energy and Natural Resources Committee
March 2, 2023

TESTIMONY OF
Duane Sandvick, Program Manager of the Petroleum Tank Release Compensation Fund

Good afternoon, Chairman Porter and members of the House Energy and Natural Resources Committee. My name is Duane Sandvick. I am the Program Manager of the Petroleum Tank Release Compensation Fund. The Fund is a program administered by the Department of Environmental Quality. I am here to testify in support of Senate Bill 2075.

The Department of Environmental Quality supports amending subsection 13 of section 23.1-12-02 and amending subdivision "a" of subsection 1 of section 23.1-12-18 of the North Dakota Century Code.

The amendment to subsection 13 of section 23.1-12-02 adds ethanol or biodiesel to the definition of "Tank" for an accumulation of products to be covered by the Fund. The wording in "o" was added to subsection 13 for terms that are not included in the meaning of "Tank". Line "o" states: A tank used to store ethanol or biodiesel for wholesale purposes with a capacity of greater than twenty thousand gallons [75708.24 liters].

The Department of Environmental Quality (department) supports amending subsection 1 of section 23.1-12-18 of the North Dakota Century Code, relating to corrective action reimbursement for petroleum releases. The current language gives the Petroleum Tank Release Compensation Fund little flexibility when considering claim reimbursement for petroleum releases at registered sites. Under the current state statute, the reimbursement claim filed by the site's owner must be denied if the site is not compliant with state and federal rules. The Petroleum Tank Release Compensation Fund would be required to deny a site's reimbursement claim even if the compliance issue was unrelated to the petroleum release.

The proposed amendment to subdivision "a" of subsection 1 of section 23.1-12-18 provides language stating the tank was in substantial compliance with all applicable rules of the United States environmental protection agency, the state fire marshal, and the department. Substantial compliance is determined by the department using three criteria considering: (1) the purposes of chapter 23.1-12, (2) the adverse effect that the violation of the rules may have had on the tank, thereby causing or contributing to the release, and (3) the extent of the remedial action required. The proposed amended subsection 1 would allow the Petroleum Tank Release Compensation Fund more latitude when accepting or denying the reimbursement claim filed by the site's owner.

Mr. Chairman and committee members, this concludes my testimony. I ask your support for Senate Bill 2075. I would be happy to answer any questions.

NORTH Dakota | Environmental Quality
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Testimony in Support of
Senate Bill No. 2074
House Energy and Natural Resources Committee
March 2, 2023

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