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**HB 1401 Testimony
Agriculture Commissioner Doug Goehring
House Energy and Natural Resources Committee
Coteau AB
January 28, 2021**

Chairman Porter and members of the committee, I am Agriculture Commissioner Doug Goehring. I'm here today to provide neutral testimony on HB 1401 and to answer any questions the committee would have regarding my responsibilities proposed in this bill.

HB 1401 proposes adding a requirement under chapter 23.1-11-06 of the North Dakota Century Code that mandates the Department of Environmental Quality establish standards for "special waste" and that we would be responsible for implementing mitigation measures to prevent future contamination of ground water from "special waste."

I understand that these "special waste" sites around the state can and sometimes do have an impact on agriculture and why some would want the Agriculture Commissioner to oversee the development and implementation of mitigation measures so that agriculture is adequately represented. I also serve on the North Dakota Industrial Commission and have oil and gas under my portfolio as well so I guess it makes sense to add me as most "special waste" being generated in the state is a product of oil and gas production. If the legislature sees fit to assign me with this task, I would be happy to work with DEQ on its development and implementation.

However, I do have some concerns I would like to point out to the committee for consideration. I believe the Department of Environmental Quality currently monitors "special waste" pits and already has authority over mitigation of these sites. As I stated we would be happy to work with DEQ on development of future mitigation measures to ensure agriculture is represented, but we would have to rely heavily on their expertise for its creation as I do not have anyone in my Department that has specific knowledge of "special waste".

Chapter 23.1-11-06 lays out the requirements for DEQ's ground water quality monitoring program. While they may monitor for pesticides, this is their program and is separate from our pesticide water quality program. They are solely responsible for implementation of this program and are not even required to share their results with us. Under this section they are also the entity required to implement mitigation activities or remedial action and I'm only referenced in this statute to allow authority to implement rules pursuant to chapter 4.1-33 of our pesticide law if necessary, to prevent future contamination of groundwater. The language as currently written in HB 1401 essentially would require me to develop mandatory requirements for another agencies program that we have no affiliation with. There may be cleaner ways to achieve the same goal intentioned in this bill than the way it is currently written.

Chairman Porter and members of the committee, I'm willing to assist in whatever manner you deem necessary, and I only ask that you take my concerns into consideration when deliberating this proposed legislation. Thank you for the opportunity to comment on this bill. I'd be happy to answer any questions you may have.