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**Testimony of Eric Delzer
Pesticide and Fertilizer Division Director
House Agriculture Committee
Room 327C
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Good morning, Chairman Thomas and members of the House Agriculture Committee. I am Eric Delzer, and I am the Pesticide and Fertilizer Division Director for the Department of Agriculture.

Commissioner Goehring supports and urges the passage of House Bill 1302 which amends chapter 4.1-37 of the North Dakota Century Code regarding anhydrous ammonia storage facility licensing requirements. This bill proposes streamlining the process for licensing anhydrous ammonia facilities and allow them to be brought into service more quickly.

Current statute requires that anhydrous ammonia facility owners must apply to both the Agriculture Commissioner and the applicable board of county commissioners for an anhydrous ammonia storage facility operator's license.

When the licensing requirements were enacted in the 1980s, most facilities resided within or very near the city limits of most small towns in the state.

At that time, it would have made a lot of sense that local authorities would be required to be included in the licensing process so they could review and approve the siting of these facilities before the Agriculture Commissioner issued a license. However, that process may now be outdated and in some cases completely unnecessary.

For example, the way the statute is currently written, it requires the county to provide approval for the issuance of a license in every case. Even a simple transfer of ownership of a grandfathered facility that has been in service and in good standing for over 40 years would have to be approved by the county before we can issue a license.

While most counties have been very good to work with and provide a quick turnaround, other counties have not been so responsive. We have had certain instances where it has taken over eight months to get an approval and currently, we have an application that was submitted 13 months ago and despite many attempts to engage with the county, we are still awaiting a response.

House Bill 1302 would still allow the opportunity for local zoning review if a county chooses to do so but would also allow them to opt out of the process if they wish. The bill also proposes reasonable timelines to complete a local zoning review and would give the Agriculture Commissioner the authority to issue a license if the county declines to provide a response.

We believe the proposed language of the bill would allow licenses to be approved and issued much more quickly while still allowing local authorities to be involved in the process if they choose to do so.

Chairman Thomas, and members of the committee, thank you for the opportunity to testify today. I would be happy to answer any questions you may have.