

TESTIMONY OF

**David Glatt, Director of the North Dakota Department of Environmental Quality**

Good afternoon, Chairman Nelson and members of the House Appropriations Committee. My name is David Glatt, and I am director of the North Dakota Department of Environmental Quality (DEQ). The DEQ is responsible for the implementation of many environmental protection programs in the state. I am here today to testify in support of HB 1024.

As the primary environmental protection agency, we believe in promoting sustainability and monitoring a high-quality environment for current and future generations. We believe that we must be accessible to all North Dakota citizens, transparent in our decisions and accountable for our actions. Our decisions are not based upon agendas but follow the law and appropriate science. Finally, we are not "just" regulators we are problem-solving professionals working with industry, municipalities and the public looking for common sense, cost-effective solutions. We look for opportunities where innovation is more effective than increased regulation. We work for you and all the citizens of the state.

We acknowledge that we work at the pleasure of the citizens of the state, using public money to implement all of our programs. We are aware that North Dakota citizens, through this legislative body, entrust this agency with significant investment to protect public and environmental health. We are obligated to demonstrate our worth through our actions and show a return on this investment. You could say that under a series of two-year contracts, we work for the citizens of North Dakota.

My testimony today will highlight the following:

- Agency Overview
- Budget Overview
- DEQ Challenges

With me today is the DEQ Director of Accounting, Beth Jacobson, who will present the agency budget and associated information.

# North Dakota Department of Environmental Quality

## **Laws and Rules**

The DEQ implements many public and environmental health protection programs through authority provided in both federal and state statute. Most of our state regulations are a direct reflection of federal statutes such as the Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA) and Resource Conservation and Recovery Act (RCRA). Through primacy agreements with the U.S. Environmental Protection Agency (EPA), referred to as "Primacy" agreements, the state implements the environmental laws, instead of the federal government. This relationship allows North Dakota to provide improved cost-effective environmental protection by acknowledging local environmental, social and economic conditions. We believe that regulatory programs are more accessible, responsive, accountable and cost-effective the closer they are to the regulated community.

You will find a list of the various federal/state environmental regulations that the DEQ implements in the attached appendix.

## **Work Environment**

Since the last legislative session, the DEQ has relocated to a new office in north Bismarck. The DEQ currently occupies a portion of the second and all the third floor of the Normandy Office Building (aka ITD Building) located at 4201 Normandy Street. The move addressed the need for additional office space at a cost-effective price.

The DEQ has also adopted a 100 percent in-office work environment philosophy. We found this promotes interaction between employees and divisions, formal and informal mentoring, customer accessibility and a DEQ culture unique to the agency.

## **Organization Chart**

The DEQ is responsible for safeguarding North Dakota's air, land and water resources. In cooperation with the general public, industry and government at all levels, the DEQ implements protective programs and standards to help maintain and improve environmental quality. We accomplish our environmental goals through six divisions that employ 166 FTEs comprised of engineers, scientists of various disciplines, chemists, technicians, accountants, attorneys and administrative support.

The following figure provides an organizational overview of the DEQ. It identifies key program areas in the divisions of Air Quality, Water Quality, Municipal Facilities, Waste Management, Accounting and Chemistry.

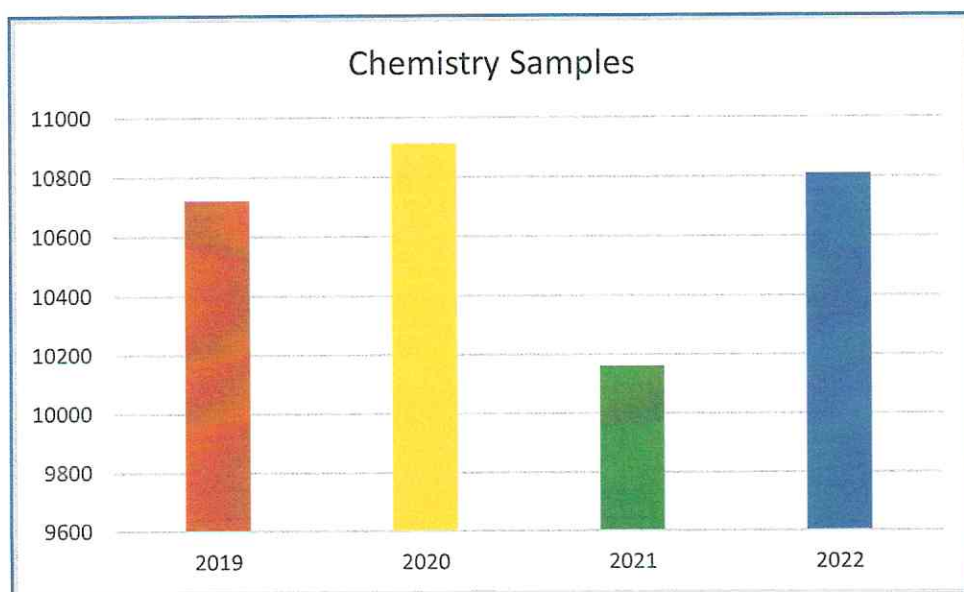


## Division of Chemistry

The Division of Chemistry provides organic and inorganic laboratory analysis services to all DEQ programs, some municipal facilities and private individuals, to meet federal requirements or individual concerns. The division also provides emergency analytical services. Because quality and verifiable data required to properly evaluate environmental and public health impacts, the division also conducts laboratory certification services for all outside environmental laboratories that submit compliance or assessment data to the DEQ. One challenge for the laboratory is the ongoing effort to maintain method and quality assurance certification as detection limits continue to move downward. This requires learning new methods and the utilization of complex analytical instruments. The laboratory has maintained EPA SDWA certification and brought online new technologies such as the LC/MS/MS where samples can be directly injected, reducing preparation time.

The laboratory expects to face future sample load and analytical challenges. The new SDWA Lead and Copper regulations could more than double the number of samples submitted to the laboratory for analysis. The Lead regulatory program ensures that public drinking water supplies do not adversely impact the consuming public due to unhealthy lead concentrations. In addition, to protect public health, drinking water standards are being set at extremely low levels, in some cases below one part per trillion (1 ppt). To provide some context, 1 ppt is equivalent to one drop of chemical in approximately 35 Olympic-sized swimming pools. These low standards and analytical methods require specialized sample handling, preparation, sample collection, and analytical laboratories.

The attached figure presents the total sample volume over years as processed by the Chemistry division. Each sample may represent the completion of several tests or analytes.



## **Division of Municipal Facilities**

The Division of Municipal Facilities is responsible for implementing the state Safe Drinking Water Act which includes the management of two revolving loan funds. These programs combine to ensure safe drinking water and appropriate wastewater treatment.

### **Drinking Water Program**

The Drinking Water Program implements the federal Safe Drinking Water Act (SDWA) at the state level. The SDWA requires oversight of treatment facilities, operator training and certification, inspections, drinking water monitoring, compliance assistance, and enforcement. National headlines highlighting lead in public drinking water supplies and emerging contaminants like PFOA/PFOS, also known as "forever chemicals", emphasize the need and obligation to implement a robust, multi-program regulatory structure to protect public health. Through the collective efforts of the DEQ staff and public water supply system operators, North Dakota has consistently maintained over a 99 percent compliance rate with the SDWA health-based regulations.

As the SDWA requirements and drinking water standards continue to become more complex, so do the challenges for the regulated community. It is critically important that we train and retain certified operators required to maintain complex treatment infrastructure. The lowering of drinking water quality standards, also known as Maximum Contaminant Levels (MCLs), the addition of new wastewater treatment requirements and the detection of emerging contaminants will continue to put technical and financial pressure on the local public works and the DEQ.

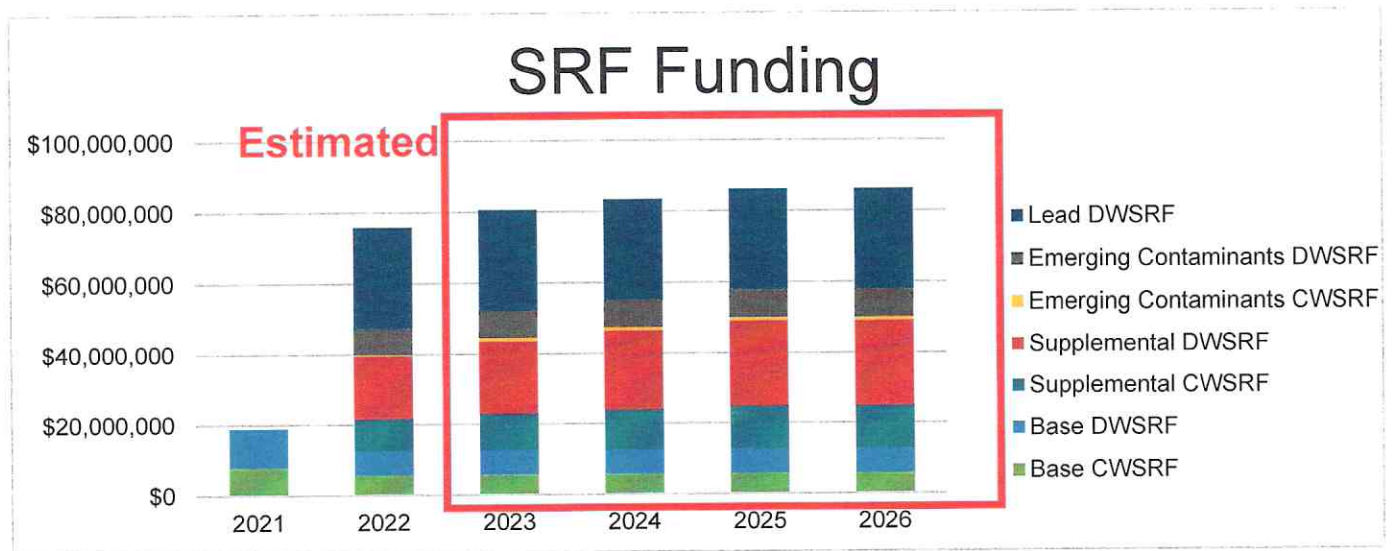
### **State Revolving Loan Fund Programs**

To maintain municipal and water treatment infrastructure, the Division of Municipal Facilities is responsible for administering two low-interest state revolving loan funds. By maintaining treatment, collection, and distribution infrastructure, municipalities can better comply with the federal and state regulatory requirements protecting public and environmental health.

Working in cooperation with the Bank of North Dakota Public Finance Authority, the Clean Water State Revolving Fund (CWSRF) has loaned \$966 million for wastewater treatment and collection facilities since the program's inception in 1990. The Drinking Water State Revolving Fund (DWSRF) has loaned \$785 million for municipal drinking water treatment and distribution infrastructure since the program's inception in 1998. SRF program staff review and approve engineering plans and specifications, conduct on-site construction inspections and evaluate funding needs through an intended use plan.



With the recent passage of the federal Infrastructure Investment and Job Act (IIJA), the state expects to receive significant federal assistance to invest in public water infrastructure, provide for lead pipe removal and address emerging contaminants. The attached table provides an estimate of the anticipated federal funding over the next five years.



The funding will provide much-needed assistance to improve drinking and wastewater infrastructure. With the increased funding, the DEQ anticipates needing additional program staff to ensure the proper execution of funded projects. We are also concerned about the impact of inflation on project costs, the availability of construction material, and the availability of contractors and engineering firms to complete the work.

## **Division of Waste Management**

The Division of Waste Management implements regulatory and nonregulatory programs to ensure the proper handling, transportation and disposal of non-hazardous and hazardous waste. It also regulates the operation, construction and monitoring of underground fuel storage tanks.

### **Solid Waste Program**

The Solid Waste Program permits the storage, transportation, handling, and disposal of nonhazardous waste materials. The DEQ regulates special waste, industrial, municipal, and inert landfills through an extensive permitting process. Each landfill must comply with clearly defined design, operational, monitoring and closure requirements. The DEQ inspects these facilities routinely to assess compliance with applicable rules.

## **Hazardous Waste and Polychlorinated Biphenyl (PCB) Program**

The Hazardous Waste Program regulates the handling, storage, transportation, and disposal of hazardous waste generated within the state. Following the federal Resource Conservation and Recovery Act (RCRA), the program conducts routine inspections, provides oversight for remedial actions, permits facilities and initiates enforcement actions as needed. Regulated entities include industry, utilities, universities, and federal facilities.

PCB oversight has focused on the proper handling and cleanup of spilled materials containing PCBs. PCBs were once widely used as dielectric and coolant fluids in electrical apparatuses and created environmental problems due to their persistence and impacts on organisms in the ecosystem. Older electrical transformers have historically been the source of PCB-containing oil.

Below is a list of the type and number of disposal facilities regulated by the DEQ.

### **Active Landfill Operations**

Industrial Facilities (includes landfills and surface impoundments) – 7

Inert Landfills (Permitted) – 63

Inert Landfills (Permit by Rule) – 161

Land Treatment Facilities – 2

MSW Landfills – 14 (13 active, 1 in post-closure care)

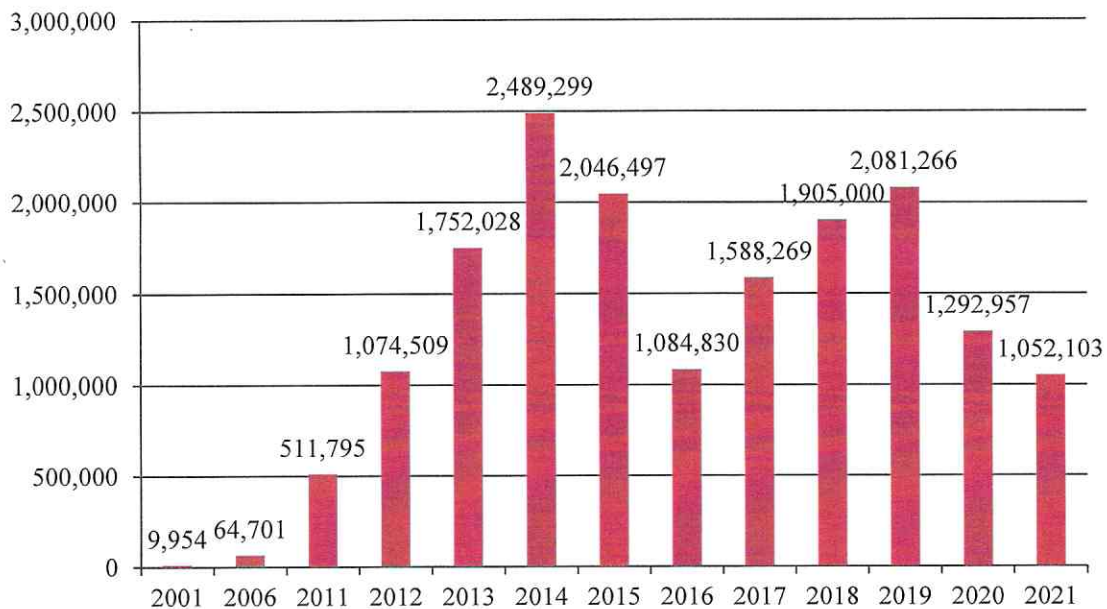
Oilfield Special Waste Landfills – 11 (including 1 landfill that can take TENORM)

Power Plant Facilities (includes landfills and surface impoundments) – 23

Regulated Infectious Waste Facilities – 5

Transfer Stations – 31

## Tons of Oilfield Special Waste



### Underground Storage Tank (UST) and Leaking Underground Storage Tank (LUST) Programs

The UST Program regulates the underground storage of hydrocarbon products in tanks with volumes of more than 1,000 gallons. The program specifies construction, reporting, monitoring, operator training and routine leak testing requirements. The DEQ also conducts on-site monitoring and witnesses tank removals. In cases of leaking underground storage tanks, the DEQ provides cleanup oversight. The UST program monitors a total of 2,201 tanks located at 830 facilities.

The LUST Program provides federal funding to hire remediation consultants to address environmental contamination at sites where the responsible party/owner is financially unable, recalcitrant, or absent. This federal program requires a 10 percent match, provided by the North Dakota Petroleum Tank Fund. In recent years, the LUST federal funding provided to the state has been decreasing. As a result, the responsibility to remediate abandoned or recalcitrant owner locations will fall increasingly upon the state.



## **Radiation and Indoor Air Quality Program**

Through an agreement with the Nuclear Regulatory Commission and implementation of state-only rules for Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM), the Radiation Control Program ensures the safe use, handling, storage, shipment and disposal of radioactive materials. Radioactive materials are evident in many areas of our lives, including x-ray machines, nuclear isotopes used in medical treatments and research, and meters of various types. This program requires staff to obtain extensive training to ensure the general public, and themselves, are protected from undue exposure to radioactive sources.

In addition, the Indoor Air Program implements our radon gas, asbestos and lead programs designed to identify risks, prevent exposure, and provide best management practices for these parameters in indoor air environments. This is accomplished through public education, training and licensing of qualified abatement contractors, and field inspections. Through the Brownfield Program, the DEQ provides funding for asbestos removal to governmental-owned facilities.

## **Division of Water Quality**

The Division of Water Quality implements programs to maintain and improve the quality of surface water and groundwater resources for beneficial use. Beneficial use is defined as water for consumption, recreational, industrial, aquatic habitat, and agricultural uses.

### **Permit Program**

Through an EPA/State primacy agreement, the DEQ implements several permit programs designed to protect surface water quality, protect beneficial uses, and ensure compliance with state water quality standards. The major programs are:

- North Dakota Pollutant Discharge Elimination System (NDPDES):  
Establishes discharge and treatment standards for municipal and industrial waste discharges.
- Stormwater Permit Program:  
Requires the implementation of best management practices to reduce sediment/contaminant runoff from construction sites and paved surfaces.
- Confined Animal Feedlot Operations:  
Identifies the design, operation and nutrient management requirements for large, medium and small animal feeding operations. Large and medium facilities must receive permits to operate from the DEQ.



With increased development of industrial and agricultural processing facilities and concerns relating to emerging contaminants such as PFOA/PFOS, the permit program will see increasing challenges to the complexity and technical requirements of wastewater treatment and discharge permits. Evaluating the ability of the natural environment to assimilate discharges of multiple parameters will require the DEQ to develop and maintain increased technical and regulatory expertise.

### **Watershed Management Program**

The DEQ implements monitoring and assessment programs to determine the quality and beneficial use impairments of surface waters. Water quality and aquatic life samples are analyzed to ascertain the extent of manmade impacts on surface water. Impacts are addressed in TMDL (Total Maximum Daily Load) plans, which identify the impairment; pinpoint the problem; and initiate land use and industrial or agricultural changes that will improve water quality over time.

Our Nonpoint Source Pollution Program can provide cost-share dollars (60 percent federal/40 percent local) to modify operation or design practices to assist in selected activities improve water quality. Nonpoint program projects have included NoTill demonstrations, CAFO design upgrades and water education programs.

### **Groundwater Protection Program**

The DEQ implements the Underground Injection Control (UIC) Program, Source Water Protection Program, and Groundwater Assessment and Remediation programs to protect ground water quality. UIC permits regulate the subsurface disposal of industrial waste. In addition, the Groundwater Program completes ambient groundwater quality monitoring in the oilfield, agricultural sampling programs, and active contaminant remedial action oversight.

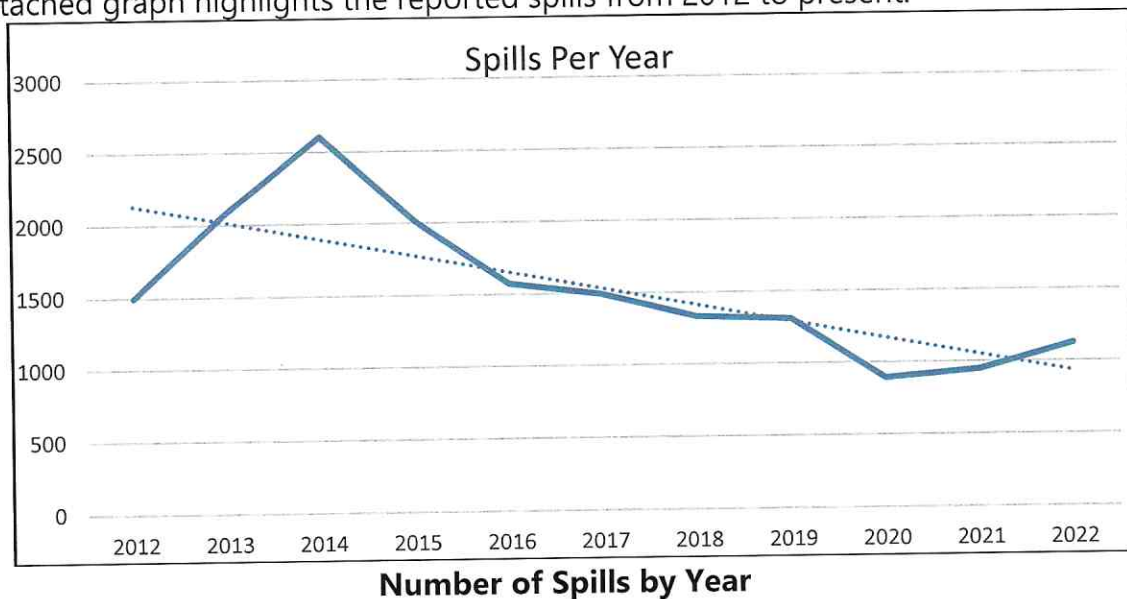
### **Special Projects Coordinator**

The DEQ Special Project Coordinator maintains water quality standards, reviews projects for water quality certifications, responds to dredge and fill requests, and works in a team environment to address special large projects such as the Red River Water Supply or Fargo Diversion. Recent actions by the EPA questioning specific North Dakota Water Quality standards, the federal government not following established science or the law, and federal uncertainty in defining Waters of the United States continue to emphasize the need for highly technical and seasoned staff to provide appropriate state responses to these issues.

## Spill Investigation Program

The DEQ coordinates a multi-division effort to respond to, assess and oversee cleanup of environmental accidents and spills. The 24/7 spill team responds to environmental releases that can impact soil, surface and groundwater quality. Although spills can occur from municipal, industrial, or agricultural activities across the state, most recent spill response efforts are concentrated in oil development counties. The number of reported spills declining in recent years is attributable to better facility design, containment structures and changes in reporting requirements. Even with the decline in reported spills, the reports remain at more than twice the pre-Bakken development years.

The attached graph highlights the reported spills from 2012 to present.



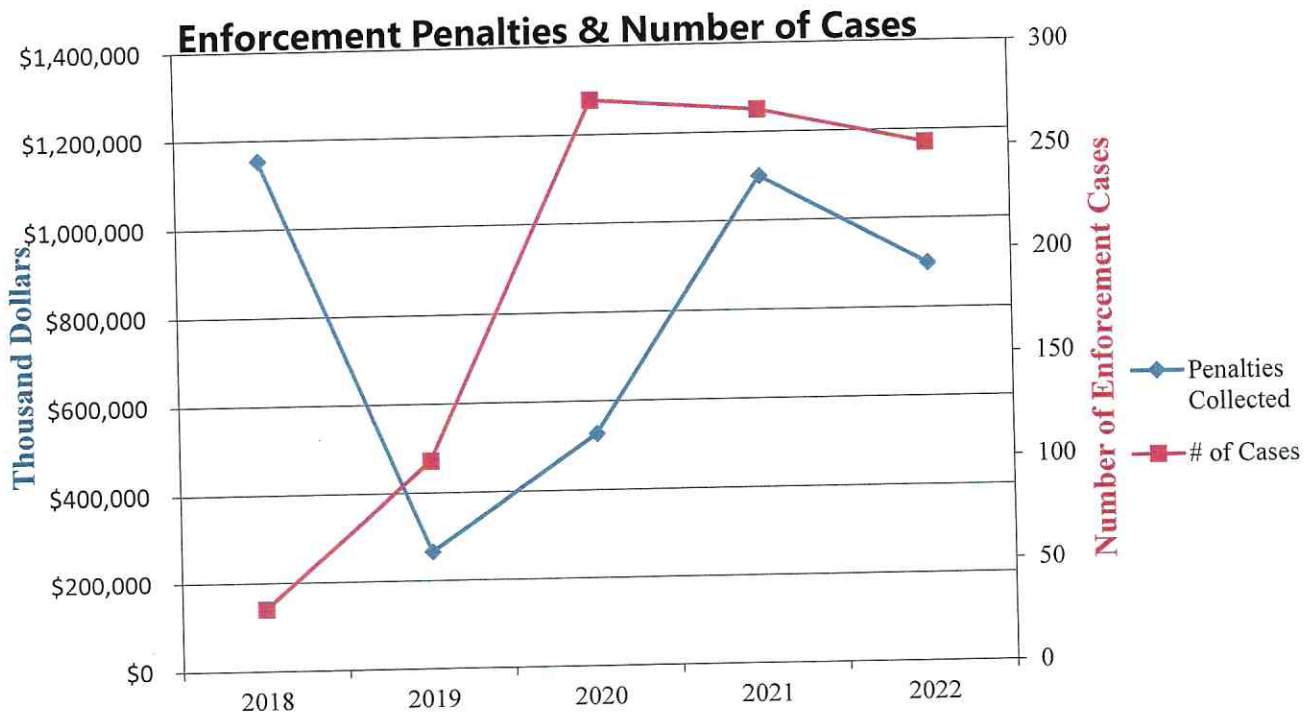
*(In 2017, the reporting threshold was raised from 1 to 10 barrels for oil and brine releases that remain on oil production sites built after 2000.)*

## Legal/Enforcement

The DEQ strives to reach high compliance rates in all programs and activities. We accomplish this through public outreach, educational training opportunities and compliance assistance at all agency levels. However, there are instances when the agency must utilize enforcement actions, including pursuing court action, penalty collection or the development of consent agreements.

The attached table identifies the number of enforcement actions along with the collected penalties from 2018 to present.





Of note is that the legal counsel assigned to the DEQ has also been active in defending challenges to DEQ permit decisions in state court, cooperating with federal agencies in pursuing alleged environmental violations in North Dakota, state rule development, and working with outside legal counsel as we challenge federal regulations which have the potential to impact state decision making authority. Due to the number of enforcement actions, ongoing regulatory changes which require legal review, and the addition of new federal emphasis on programs such as Environmental Justice, the DEQ has added the services of another Assistant Attorney General (part-time).

This concludes the first part of our testimony. I will follow up later with additional information regarding future DEQ challenges. I will now introduce Beth Jacobson, DEQ Director of Accounting, to continue the testimony relating to the budget.

## DEQ Challenges moving into the 2023-2025 Biennium

The DEQ has a long history of implementing state policies and regulatory programs resulting in high compliance rates and environmental quality. This is accomplished in partnership with industry, municipalities, other local and state government and working through a cooperative federalism framework with the federal government. We are concerned that the actions of the federal government in the current administration and increased development in the state will challenge the DEQ's ability to maintain or improve environmental and public health quality in North Dakota. Following is a partial list of the challenges facing the agency:

### 1. State Federal Relationship: Anti-Fossil Fuel Agenda

As he started his term, the US EPA Administrator Regan indicated that the agency has an array of "bread and butter" regulations that could pressure coal plants into retirement. Regulatory programs such as regional haze, mercury and coal ash residuals are just recent examples where the EPA has either aggressively questioned the state, did not follow the law or delayed the approval process leaving an industry with regulatory uncertainty. We are concerned regarding the recent EPA approach and its impact on regulatory programs. Our challenges are with the federal administration's approach. For example, new proposed regulations such as Lead Pipe Removal, Coal Combustion Residual, WOTUS, methane control regulations, and mercury standards increasingly stress the ability of the DEQ to conduct its oversight of existing regulations. How the agency will address staffing needs, technical permit reviews and enforcement will be key to maintaining program primacy. Failure to adequately address these concerns could challenge the state's sovereignty and authority.

### 2. Workforce Development

The ability to recruit, acquire and retain environmental professionals is critical in our ability to maintain the quality of environmental and public health and, equally important, to retain federal primacy for several programs. Inflationary impacts on salary, lack of equity between other state agencies and competition with industry have stressed the ability of the agency to retain professional employees. Recent employee departures note a doubling of salary moving to the private sector and a significant increase in pay transferring to another agency. Many of these concerns and potential remedies have been identified in SB 2015.



# North Dakota Department of Environmental Quality

Normandy Building, 4201 Normandy Street, Bismarck, ND 58503-1324  
Fax Number (701) 328-5200  
Website: <https://deq.nd.gov/>

## *Information Directory*

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### **NDDEQ Office of the Director (701) 328-5150**

Director: L. David Glatt

Performance Partnership Agreement & Grants Coordination – Beth Jacobson  
Information Technology Coordination - Gold Seal Center Campus - Allen Johnson  
Data Management - Gary Haberstroh

Communications Coordinator – Jennifer Skjod  
Petroleum Tank Release Compensation Fund (PTRCF) – Duane Sandvick  
Boiler Inspection Program – Trevor Seime  
Quality Assurance -  
Special Projects – Scott Radig  
Geographic Information System Coordination - Ann Fritz  
Legal - Margaret Olson (701) 328-3603; Kristie McCrusher (701) 328-5283

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### **Division of Accounting (701) 328-5150**

Director: Beth Jacobson

Performance Partnership Agreement & Grants Coordination – Beth Jacobson & Amy Cannon  
Accounts Payable – Linda Mahlum  
Revenue – Darci Hulst  
Travel & Motor Pool – Linda Mahlum  
Boiler Inspection Program – Trevor Seime

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### **Division of Air Quality (701) 328-5188**

Director: Jim Semerad

#### **Air Quality Permitting & Compliance Permitting - Craig Thorstenson**

- > Air Quality Permits
- > Dispersion Modeling – Permitting

#### **Compliance - Keith Hinnenkamp**

- > Air Quality Compliance
- > Inspections/Stack Testing
- > Emission Inventory/Reporting
- > Visible Emission Certification
- > Diesel Emission Reduction Programs

#### **Oil & Gas - Adam Rookey**

- > Open Burning (other than landfills)
- > Oil and Gas Wells
- > Permitting, Registration & Compliance
- > Odor Certification
- > Grain Elevators
- > Enforcements

#### **Ambient Monitoring - Ryan Mills**

- > Ambient Air Quality Data
  - > Ambient Network Operations
- 

### **Division of Chemistry (701) 328-6140**

2635 East Main, Bismarck, ND 58501

Director: Jim Quarnstrom

Inorganic Program - Todd Ussatis  
Organic Program - John Gabriel  
North Dakota Environmental Laboratory Certification  
Program (NDELCP) - Cindy Auen  
Laboratory Quality Assurance/Quality Control –  
Cindy Auen

Information Technology Coordination -  
Kevin Kosse, John Gabriel  
Sample Receipt – Sarah Brunner

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## Division of Municipal Facilities (701) 328-5211

Director: David Bruschwein

### Clean Water State Revolving Loan Fund Program –

Elizabeth Tokach-Duran

Clean Water Revolving Loan Fund

- > Plan Review (wastewater systems)

### Drinking Water State Revolving Loan Fund Program –

Shannon Fisher

- > Drinking Water Revolving Loan Fund
- > Plan Review (water systems)

### Drinking Water Program - Greg Wavra

- > Safe Drinking Water Act
- > Community Fluoridation Program
- > Training and Certification of Water & Wastewater Facility Operators
- > Inspections of Water & Wastewater Facilities
- > North Dakota Water & Pollution Control Conference
- > Publication of the *Official Bulletin*

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## Division of Waste Management (701) 328-5166

Director: Chuck Hyatt

### Solid Waste Program - Diana Trussell

Solid Waste Management:

Municipal, Industrial, Special & Inert Waste

- > Permits, Inspections
- > Operator Training & Certification
- > Open Burning (at solid waste facilities)
- > Transfer Stations

Coal Combustion & Offsite Oilfield Waste

Land Treatment

Scrap Tires & Tire Recycling

Waste Reduction, Recycling & Composting

Energy Recovery

Biomass (waste wood, etc.)

Nutrient Management (Ag Processing)

Emergency Waste & Debris Management

Abandoned & Dangerous Buildings

Abandoned Motor Vehicle Projects, Auto

Salvage & Scrap Metal

Pollution Prevention (P2)

Solid Waste Planning

### Underground Storage Tank Program – Reuben Panchol

Underground Storage Tanks (USTs)

- > Petroleum
- > Hazardous Substances

Above-ground Storage Tanks (ASTs)

- > Spills, Assessments
- > Certification of Biofuels Blender Pump Installation

### Radiation & Indoor Air Quality Control Program

– David Stradinger

- > Radioactive Materials
- > Radon
- > X-Ray Machines
- > Asbestos
- > Indoor Air Quality
- > Mammography Quality Assurance
- > Lead-based Paint

### Hazardous Waste Program & Toxic Substance Control Act – Derek Kannenberg

Hazardous Waste

- > Permits
- > Inspections
- > Corrective Action

Superfund

- > CERCLIS Sites
- > Emergency Response

Emergency Spill Response

- > Site Assessment
- > Site Remediation

Brownfields

Laboratory/Agricultural/Household Chemical Wastes

Polychlorinated Biphenyls (PCBs)

Used Oil

Infectious Waste

Waste Transporter Permits

Voluntary Response Actions

Leaking Underground Storage Tank (L.U.S.T.) Trust Fund

- > Assessment, Remediation
- Antifreeze Registration  
Petroleum Products Testing  
Spill Response



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## Division of Water Quality (701) 328-5210

Director: Karl Rockeman

### **Watershed Management – Aaron Larsen**

- Water Quality Standards
- Nonpoint Source Pollution Management
- > Rivers and Stream Monitoring and Assessment
- > Clean Lakes Assessments
- > Fish Consumption Advisory
- > Watershed Management
- > Water Quality Modeling

### **Water Quality Special Projects - Peter Wax**

- > 404 Dredge & Fill
- > 401 Water Quality Certification
- > Environmental Impact Statements (EIS) Review
- > Water Quality Standards

### **Spill Investigation Program - Bill Sues**

- > Spill Response
- > Remediation Oversight
- > Cleanup Guidance

### **Wastewater Facility/Permits - Marty Haroldson**

- > North Dakota Pollutant Discharge Elimination System (NDPDES) Permits
- > Effluent Treated Discharges
- > Stormwater Permitting
- > Feedlot Inspections/Approvals
- > Septic Pumps
- > Temporary/Hydrostatic Discharges
- > Pretreatment

### **Groundwater Protection Program - Carl Anderson**

- > Underground Injection Control (UIC) Program
- > Source Water Protection
- > Groundwater Remediation and Assessment
- > Ambient Groundwater Monitoring
- > Facility Siting

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## **OTHER Environmental Information**

**Fargo Office**, 1120 28th Avenue N, Suite B, Fargo, ND 58102, (701) 298-4638, Fax (701) 235-7394

**Towner Office**, PO Box 58, Towner, ND 58788, (701) 537-2043, Fax (701) 537-2044

**Environmental Hot Line** 1-800-755-1625

**Environmental Training Center** 2639 E Main Avenue, Bismarck, ND 58501, (701) 328-6628, Fax (701) 328-6206

**Approvals of Anhydrous Ammonia Facilities - State Ag Dept.** (701) 328-2231

**Emergency Response Spills - State Radio** 1-800-472-2121 (in-state) or (701) 328-9921 (out-of-state)

**Environmental Microbiology** - Christie Massen (701) 328-6272

**Oil Field Related Spills** - Oil & Gas Division (701) 328-8020

**SARA Title III - Dept of Emergency Services** Fraine Barracks, PO Box 5511, Bismarck, ND 58506-5511, (701) 328-8100

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# DEPARTMENT OF ENVIRONMENTAL QUALITY CHART OF LAW

UPDATED 1/6/23

<b>DEPARTMENT OF ENVIRONMENTAL QUALITY</b>		NDCC ch. 23.1-01 <a href="https://www.ndlegis.gov/cencode/t23-1c01.pdf#nameddest=23p1-01-01">https://www.ndlegis.gov/cencode/t23-1c01.pdf#nameddest=23p1-01-01</a>
Environmental Review Advisory Council		NDCC § 23.1-01-02 <a href="https://www.ndlegis.gov/cencode/t23-1c01.pdf#nameddest=23p1-01-02">https://www.ndlegis.gov/cencode/t23-1c01.pdf#nameddest=23p1-01-02</a>
<b>DIVISION OF AIR QUALITY</b>		
Air Quality Permitting & Compliance		
	Clean Air Act	42 U.S.C. § 7401 et seq. (1970) <a href="https://www.law.cornell.edu/uscode/text/42/chapter-85/subchapter-I/part-A">https://www.law.cornell.edu/uscode/text/42/chapter-85/subchapter-I/part-A</a>
	Air Pollution Control	NDCC ch. 23.1-06 <a href="https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-01">https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-01</a>
		NDAC Art. 33.1-15 <a href="https://ndlegis.gov/information/acdata/pdf/33.1-15-01.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-15-01.pdf</a>
	Construction Permits, Minor Source Operating Permits, Title V Operating Permits	40 CFR Part 60, 61, 63, 64, 70, 72, and 75 <a href="https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C">https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C</a>
	Compliance and Enforcement	NDAC Art 33.1-15-01 thru 33.1-15-25 <a href="https://ndlegis.gov/information/acdata/pdf/33.1-15-01.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-15-01.pdf</a> 40 CFR Part 60, 61, 63, 64, 70, 72, and 75 <a href="https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C">https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C</a>
		NDAC Art 33.1-15-01 thru 33.1-15-25 <a href="https://ndlegis.gov/information/acdata/pdf/33.1-15-01.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-15-01.pdf</a>



# DEPARTMENT OF ENVIRONMENTAL QUALITY CHART OF LAW

UPDATED 1/6/23

Air Quality Monitoring		42 U.S.C. § 7401 et seq. (1970) Clean Air Act <a href="https://www.law.cornell.edu/uscode/text/42/chapter-85/subchapter-I/part-A">https://www.law.cornell.edu/uscode/text/42/chapter-85/subchapter-I/part-A</a>
	Air Pollution Control	NDCC ch. 23.1-06 <a href="https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-01">https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-01</a> NDAC Art. 33.1-15 <a href="https://ndlegis.gov/information/acdata/pdf/33.1-15-01.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-15-01.pdf</a>
	Ambient Air Quality Data	40 CFR 58 <a href="https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-58?toc=1">https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-58?toc=1</a> NDCC § 23.1-06-04 <a href="https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-04">https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-04</a> NDAC ch. 33.1-15-02 <a href="https://ndlegis.gov/information/acdata/pdf/33.1-15-02.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-15-02.pdf</a> NDAC § 33.1-15-19-03 <a href="https://ndlegis.gov/information/acdata/pdf/33.1-15-19.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-15-19.pdf</a> 40 CFR 50, 53, and 58 <a href="https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C">https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C</a>
	Ambient Network Operations	NDCC § 23.1-06-04 <a href="https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-04">https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-04</a> NDAC ch. 33.1-15-02 <a href="https://ndlegis.gov/information/acdata/pdf/33.1-15-02.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-15-02.pdf</a>

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		NDAC ch. 33.1-15-11 <a href="https://ndlegis.gov/information/acdata/pdf/33.1-15-11.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-15-11.pdf</a>
	Dispersion Modeling - Planning	40 CFR 51 <a href="https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-51?toc=1">https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-51?toc=1</a>  NDCC § 23.1-06-04 <a href="https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-04">https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-04</a>
	State Implementation Planning	NDAC ch. 33.1-15-02 <a href="https://ndlegis.gov/information/acdata/pdf/33.1-15-02.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-15-02.pdf</a>  40 CFR 51 <a href="https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-51?toc=1">https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-51?toc=1</a>  NDCC § 23.1-06-04 <a href="https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-04">https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-04</a>
		NDAC ch. 33.1-15-02 <a href="https://ndlegis.gov/information/acdata/pdf/33.1-15-02.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-15-02.pdf</a>
<b>DIVISION - MUNICIPAL FACILITIES</b>		
Clean Water State Revolving Loan Fund Program		
	CW Revolving Loan Fund	33 U.S.C. §1383 - See 1 Clean Water <a href="https://www.law.cornell.edu/uscode/text/33/1383">https://www.law.cornell.edu/uscode/text/33/1383</a>



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		<p>40 CFR Part 35.3100 – Subpart K – State Water Pollution Control Revolving Funds  <a href="https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-K">https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-K</a></p> <p>NDCC ch. 61-28.2 – Water Pollution Control Revolving Loan Fund  <a href="https://ndlegis.gov/cencode/t61c28-2.pdf#nameddest=61-28p2-01">https://ndlegis.gov/cencode/t61c28-2.pdf#nameddest=61-28p2-01</a></p> <p>NDAC Art 33.1-35  <a href="https://ndlegis.gov/information/acdata/pdf/33.1-35-01.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-35-01.pdf</a></p>
	Plan Review (wastewater systems)	<p>33 U.S.C. § 466 et seq. - See 2 Clean Water Act -  <a href="https://www.law.cornell.edu/uscode/text/33/466">https://www.law.cornell.edu/uscode/text/33/466</a></p> <p>NDCC ch. 61.28  <a href="https://ndlegis.gov/cencode/t61c28.html">https://ndlegis.gov/cencode/t61c28.html</a></p> <p>NDAC Art. 33.1-03-08  <a href="https://ndlegis.gov/information/acdata/pdf/33.1-03-08.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-03-08.pdf</a></p>
Drinking Water State Revolving Loan Fund Program		
	Drinking Water Revolving Loan Fund	<p>42 U.S.C. §301j-12 - See 3 Safe Drinking Water Act  <a href="https://www.law.cornell.edu/uscode/text/42/300j-12">https://www.law.cornell.edu/uscode/text/42/300j-12</a></p> <p>40 CFR Part 35.3500 – Drinking Water State Revolving Funds  <a href="https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-L">https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-L</a></p> <p>NDCC ch. 61-28.1 – Safe Drinking Water Act  <a href="https://ndlegis.gov/cencode/t61c28-1.html">https://ndlegis.gov/cencode/t61c28-1.html</a></p>

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	Plan Review (water systems)	<p>42 U.S.C. §300g-2 - See 4 Safe Drinking Water Act  <a href="https://www.govinfo.gov/content/pkg/USCODE-2020-title42/pdf/USCODE-2020-title42-chap6A-subchapXII-partB-sec300g-2.pdf">https://www.govinfo.gov/content/pkg/USCODE-2020-title42/pdf/USCODE-2020-title42-chap6A-subchapXII-partB-sec300g-2.pdf</a></p> <p>NDCC ch. 61-28.1  <a href="https://ndlegis.gov/cencode/t61c28-1.html">https://ndlegis.gov/cencode/t61c28-1.html</a></p> <p>NDAC Art. 33.1-03-08  <a href="https://ndlegis.gov/information/acdata/pdf/33.1-03-08.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-03-08.pdf</a></p> <p>NDAC Art. 33.1-17  <a href="https://ndlegis.gov/information/acdata/pdf/33.1-17-01.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-17-01.pdf</a></p>
Drinking Water Program		
	Safe Drinking Water Act	<p>42 U.S.C. § 300g-2 - See 4 Safe Drinking Water Act  <a href="https://www.govinfo.gov/content/pkg/USCODE-2020-title42/pdf/USCODE-2020-title42-chap6A-subchapXII-partB-sec300g-2.pdf">https://www.govinfo.gov/content/pkg/USCODE-2020-title42/pdf/USCODE-2020-title42-chap6A-subchapXII-partB-sec300g-2.pdf</a></p> <p>40 CFR Part 141 – National Primary Drinking Water Regulations  <a href="https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-141">https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-141</a></p> <p>NDCC ch. 61-28.1  <a href="https://ndlegis.gov/cencode/t61c28-1.html">https://ndlegis.gov/cencode/t61c28-1.html</a></p> <p>NDAC Art. 33.1-17  <a href="https://ndlegis.gov/information/acdata/pdf/33.1-17-01.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-17-01.pdf</a></p>



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	Community Fluoridation Program	
	Training and Certification of Water & WW Facility Operators	<p>33 U.S.C. § 1383 - See 1 (water only) Clean Water Act <a href="https://www.law.cornell.edu/uscode/text/33/1383">https://www.law.cornell.edu/uscode/text/33/1383</a></p> <p>NDCC ch. 23.1-07 – Water Distribution and Wastewater Systems Operators <a href="https://ndlegis.gov/cencode/t23-1c07.pdf#nameddest=23p1-07-01">https://ndlegis.gov/cencode/t23-1c07.pdf#nameddest=23p1-07-01</a></p> <p>NDAC Art. 33.1-19 <a href="https://ndlegis.gov/information/acdata/pdf/33.1-19-01.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-19-01.pdf</a></p>
	Operator Expense Reimbursement Program	<p>Title IV of the 1987 Amendments to the Clean Water Act (CWA) - 33 U.S.C. §1383 <a href="https://www.law.cornell.edu/uscode/text/33/1383">https://www.law.cornell.edu/uscode/text/33/1383</a></p> <p>Federal Water Pollution Control Act of 1972 - 33 U.S.C 466 et seq - later became CWA <a href="https://www.law.cornell.edu/uscode/text/33/466">https://www.law.cornell.edu/uscode/text/33/466</a></p> <p>1986 Amendments to the Safe Drinking Water Act (SDWA) - 42 U.S.C 301j-12 <a href="https://www.law.cornell.edu/uscode/text/42/300j-12">https://www.law.cornell.edu/uscode/text/42/300j-12</a></p> <p>Safe Drinking Water Act (SDWA) of 1974-0 42 U.S.C 300g-2 <a href="https://www.govinfo.gov/content/pkg/USCODE-2020-title42/pdf/USCODE-2020-title42-chap6A-subchapXII-partB-sec300g-2.pdf">https://www.govinfo.gov/content/pkg/USCODE-2020-title42/pdf/USCODE-2020-title42-chap6A-subchapXII-partB-sec300g-2.pdf</a></p>

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DIVISION - WASTE MGMT.		
Solid Waste Management Program		<p>42 U.S.C., Chapter 82, subchapter IV  <a href="https://www.law.cornell.edu/uscode/text/42/chapter-82">https://www.law.cornell.edu/uscode/text/42/chapter-82</a></p> <p>NDCC ch. 23.1-08 Solid Waste Management and Land Protection  <a href="https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-01">https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-01</a></p> <p>NDAC Art. 33.1-20  <a href="https://ndlegis.gov/information/acdata/html/33.1-20.html">https://ndlegis.gov/information/acdata/html/33.1-20.html</a></p> <p>42 U.S.C. § 6944  <a href="https://www.law.cornell.edu/uscode/text/42/6944">https://www.law.cornell.edu/uscode/text/42/6944</a></p> <p>40 CFR 258  <a href="https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-258">https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-258</a></p> <p>NDCC § 23.1-08-09  <a href="https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-09">https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-09</a></p> <p>NDAC ch. 33.1-20-02.1  <a href="https://ndlegis.gov/information/acdata/pdf/33.1-20-02.1.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-20-02.1.pdf</a></p> <p>NDAC ch. 33.1-20-03.1  <a href="https://ndlegis.gov/information/acdata/pdf/33.1-20-03.1.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-20-03.1.pdf</a></p> <p>NDCC § 23.1-08-09  <a href="https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-09">https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-09</a></p>
	Municipal Solid Waste Permits	
	Industrial, Special & Inert Waste Permits	



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		<p>NDCC ch. 23.1-11 Ground Water Protection  <a href="https://ndlegis.gov/cencode/t23-1c11.html">https://ndlegis.gov/cencode/t23-1c11.html</a></p> <p>NDCC ch. 23.1-13 Petroleum Release Remediation  <a href="https://ndlegis.gov/cencode/t23-1c13.pdf#nameddest=23p1-13-01">https://ndlegis.gov/cencode/t23-1c13.pdf#nameddest=23p1-13-01</a></p> <p>NDCC ch. 61-28 Control, Prevention, and Abatement of Pollution to Surface Water  <a href="https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-01">https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-01</a></p> <p>NDCC ch. 61-28.1 Safe Drinking Water Act  <a href="https://ndlegis.gov/cencode/t61c28-1.pdf#nameddest=61-28p1-01">https://ndlegis.gov/cencode/t61c28-1.pdf#nameddest=61-28p1-01</a></p> <p>NDAC ch. 33.1-16-02.1 Standards of Quality for Waters of the State  <a href="https://ndlegis.gov/information/acdata/pdf/33.1-16-02.1.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-16-02.1.pdf</a></p> <p>NDAC Art. 33.1-16 Control, Prevention, and Abatement of Pollution of Surface Water  <a href="https://ndlegis.gov/information/acdata/html/33.1-16.html">https://ndlegis.gov/information/acdata/html/33.1-16.html</a></p> <p>NDAC ch. 33.1-20-13 Water Protection Provisions  <a href="https://ndlegis.gov/information/acdata/pdf/33.1-20-13.pdf">https://ndlegis.gov/information/acdata/pdf/33.1-20-13.pdf</a></p> <p>NDAC Art. 33.1-24 Hazardous Waste Management  <a href="https://ndlegis.gov/information/acdata/html/33.1-24.html">https://ndlegis.gov/information/acdata/html/33.1-24.html</a></p>
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OTHER PROGRAMS		
	Boiler Inspection	NDDC ch. 23.1-16 <a href="https://www.ndlegis.gov/cencode/t23-1c16.pdf#namedest=23p1-16-01">https://www.ndlegis.gov/cencode/t23-1c16.pdf#namedest=23p1-16-01</a>
	Petroleum Release Tank Compensation Fund	NDDC ch. 23.1-12 Petroleum Release Remediation <a href="https://ndlegis.gov/cencode/t23-1c12.html">https://ndlegis.gov/cencode/t23-1c12.html</a>