



HOUSE APPROPRIATION COMMITTEE  
HUMAN RESOURCES DIVISION, MARCH 6, 2025

SB2024 Department of Environmental Quality

Dave Glatt, Director & Beth Jacobson, Director of Accounting

NORTH  
**Dakota**  
Be Legendary.™

# SB2024

- Agency Overview
- Budget Overview
- DEQ Challenges





# AGENCY VISION STATEMENT

**Our vision is a sustainable, high-quality environment for current and future generations.**

## **Accomplished Through**

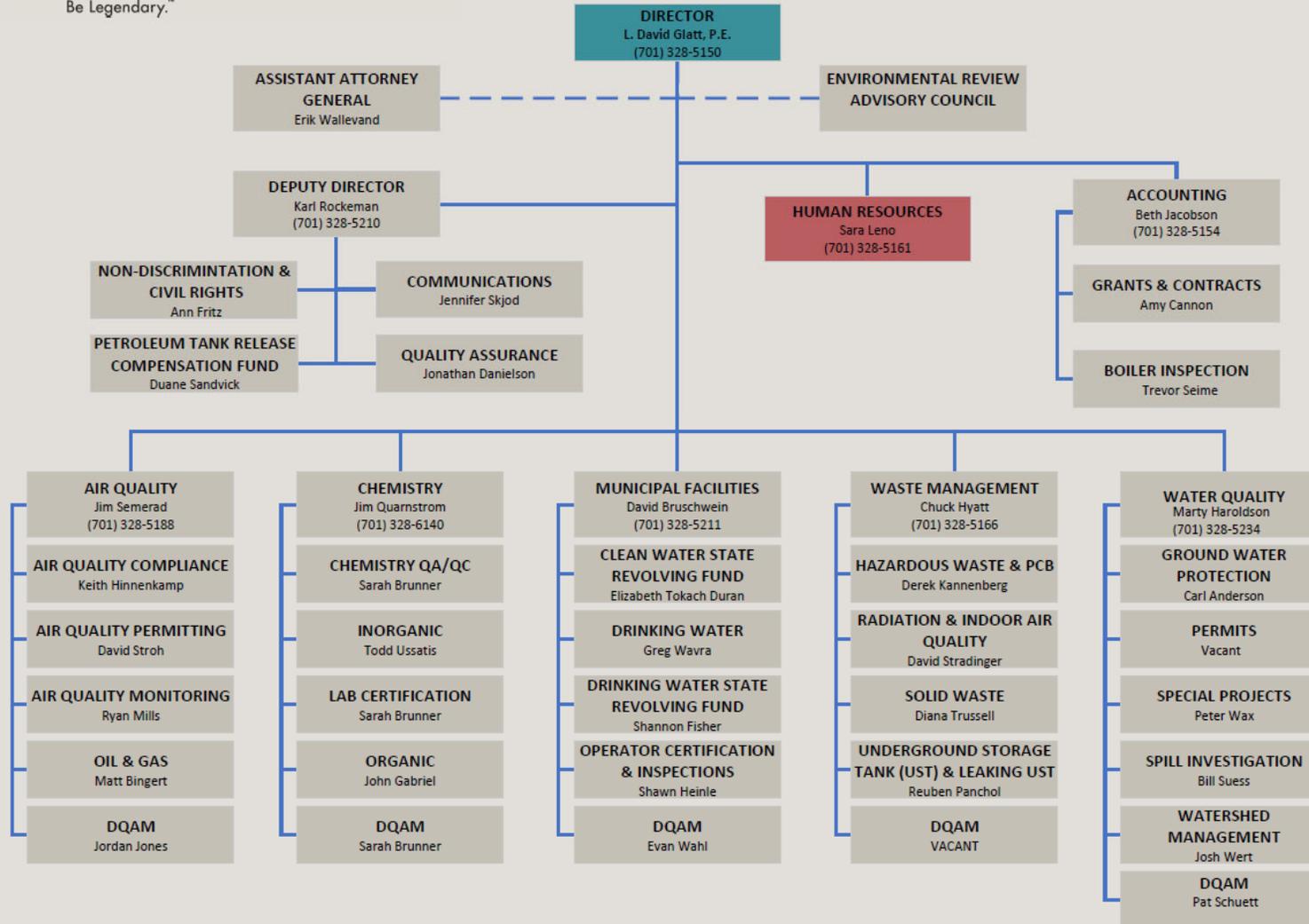
- **Following science and the law**
- **Collaboration with federal, state, tribal and local government, industry and citizens**
- **Working with industry and citizens to find solutions to environmental challenges**

**We are accessible to our customers; transparent in our decisions; and accountable for our actions.**

# STRUCTURED FOR SUCCESS

173 FTE

- 13 FTE - Director's Office
- 8 FTE – Accounting
- 33 FTE – Air Quality
- 16 FTE – Chemistry
- 32 FTE – Municipal Facilities
- 34 FTE - Waste Management
- 37 FTE – Water Quality



# DIRECTOR'S OFFICE– 13 FTE



- Communications
- Geographic Information Systems
- Data Quality Assurance
- Project Management
- Petroleum Release Compensation Fund (PTRCF)
- Community Participation
- Human Resources



- NDCC 23.1-01 Department of Environmental Quality
- NDCC 23.1-10 Environmental Emergency Costs
- NDCC 23.1-12 Petroleum Tank Release Compensation Fund



- Climate Pollution Reduction Grant collected information through 24 input forums in six communities for first state climate plan.
- Hired our first Deputy Director and Director of Human Resources.

# DIVISION OF ACCOUNTING– 8 FTE



- Fiscal Services
- Grants and Contracts
- Boiler Inspection



- NDCC 23.1-16 Boiler Inspection Program



- The State Auditor's Office preformed operation audit for the two-year period ending June 2023. The report found no areas of concern with no audit findings.

# DIVISION OF AIR QUALITY – 33 FTE



- Ambient Air Monitoring
- Permitting
- Compliance
- Oil and Gas



- NDCC 23.1-06 Air Pollution Control



- Achieved attainment of all clean air standards.
- Permitted Dakota Carbon Center East Project LLC or project Tundra.
- Permitted Cerilon first large-scale Gas-to Liquid facility in United States.

# DIVISION OF CHEMISTRY– 16 FTE



- Demands Lab
- Feed and Fertilizer Lab
- Mineral Lab
- Organic Lab
- Petroleum Lab
- Metals Lab
- Laboratory Certification



- NDCC 23.1-01-03(4)  
Establish Laboratory
- NDCC 23.1-01-14  
Environmental laboratories  
Certification Fees



- DHHS & DEQ part of new  
State Laboratory which is  
under construction on  
Capitol Complex.
- New Laboratory Information  
System.
- Re-integrated Laboratory  
Certification Program.

# DIVISION OF MUNICIPAL FACILITIES–32 FTE



- Drinking Water Program
- Operator Training, Certification, & Inspection Program
- Drinking Water State Revolving Fund Program (DWSRF)
- Clean Water State Revolving Fund Program (CWSRF)



- NDCC 23.1-07 Operator Certification, Training, and Inspections
- NDCC 61-28.2 CWSRF Loan Fund Program
- NDCC 61-28.1 DWSRF Loan Fund Program
- NDCC 61-28.1 Drinking Water Program



- 99% compliance rate with health based drinking water regulations.
- DWSRF provided \$8 million to 250 public water systems to assist the lead line inventories.
- The SRF programs worked with DOT to eliminate barriers to provide co-funding for projects.

# DIVISION OF WASTE MANAGEMENT–34 FTE



- Hazardous Waste
- Radiation Control
- Solid Waste
- Underground Storage Tanks

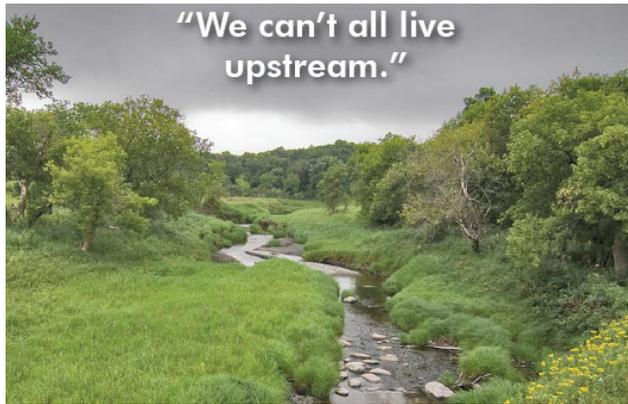


- NDCC 23.1-02 Radiation
- NDCC 23.1-03 Ionizing Radiation Development
- NDCC 23.1-04 Hazardous Waste Management
- NDCC 23.1-08 Solid Waste Management and Land Protection
- NDCC 23.1-13 Petroleum Products
- NDCC 23.1-14 Antifreeze Regulation
- NDCC 23.1-15 Abandoned Motor Vehicles



- DEQ worked with industry to clean up two waste piles of wind blades.
- Received a competitive federal award for radon awareness and mitigation.
- Implemented a process where voluntary remediation of contaminated sites qualify for liability protections. Have 12 active voluntary clean-up sites.

# DIVISION OF WATER QUALITY—37 FTE



- Watershed Management
- Groundwater Protection
- Pollutant Discharge Elimination System Permits Program
- Spill Investigations
- Special Projects



- NDCC 23.1-11 Ground Water Protection
- NDCC 61-28 Surface Water



- 26 Non-Point Source 319 programs supported agriculture producers by providing over \$3 million funding for implementing conservation practices.
- Resolved a \$12.5 million enforcement case for discharge of oil into Ash Coulee Creek.

# BUDGET

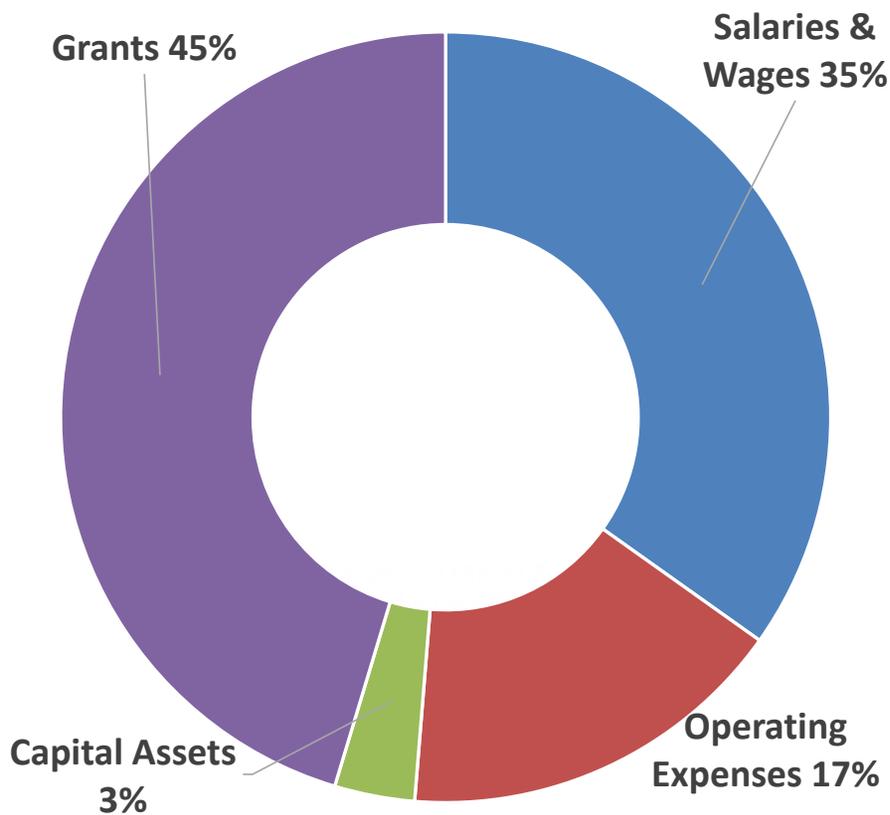
- 2025-27 Executive Recommendation
- Senate Changes
- Budget Topics



# 2025-2027 SUMMARY OF EXECUTIVE RECOMMENDATION TO SENATE BUDGET

Category	2025-27 Base Budget	Executive Increase/ (Decrease)	2025-27 Executive Budget	Senate Increase/ (Decrease)	2025-27 Senate Budget
Salaries & Wages	38,756,030	7,277,935	46,033,965	(2,798,727)	43,235,238
New & Vacant FTE Pool	-	-	-	2,290,870	2,290,870
Operating Expenses	15,457,832	6,296,574	21,754,406	99,300	21,853,706
Capital Assets	1,013,500	3,435,100	4,448,600	215,000	4,663,600
Grants	37,198,118	22,740,341	59,938,459	-	59,938,459
<b>Line Total</b>	<b>92,425,480</b>	<b>39,749,950</b>	<b>132,175,430</b>	<b>(193,557)</b>	<b>131,981,873</b>
Category	2025-27 Base Budget	Executive Increase/ (Decrease)	2025-27 Executive Budget	Senate Increase/ (Decrease)	2025-27 Senate Budget
General Fund	16,350,783	2,781,557	19,132,340	(256,604)	18,875,736
Federal Fund	53,472,646	28,860,730	82,333,376	(250,530)	82,082,846
Special Fund	22,602,051	8,107,663	30,709,714	313,577	31,023,291
<b>Fund Total</b>	<b>92,425,480</b>	<b>39,749,950</b>	<b>132,175,430</b>	<b>(193,557)</b>	<b>131,981,873</b>
<b>FTE</b>	<b>173</b>	<b>1</b>	<b>174</b>	<b>1</b>	<b>175</b>

# 2025-2027 EXECUTIVE RECOMMENDATION



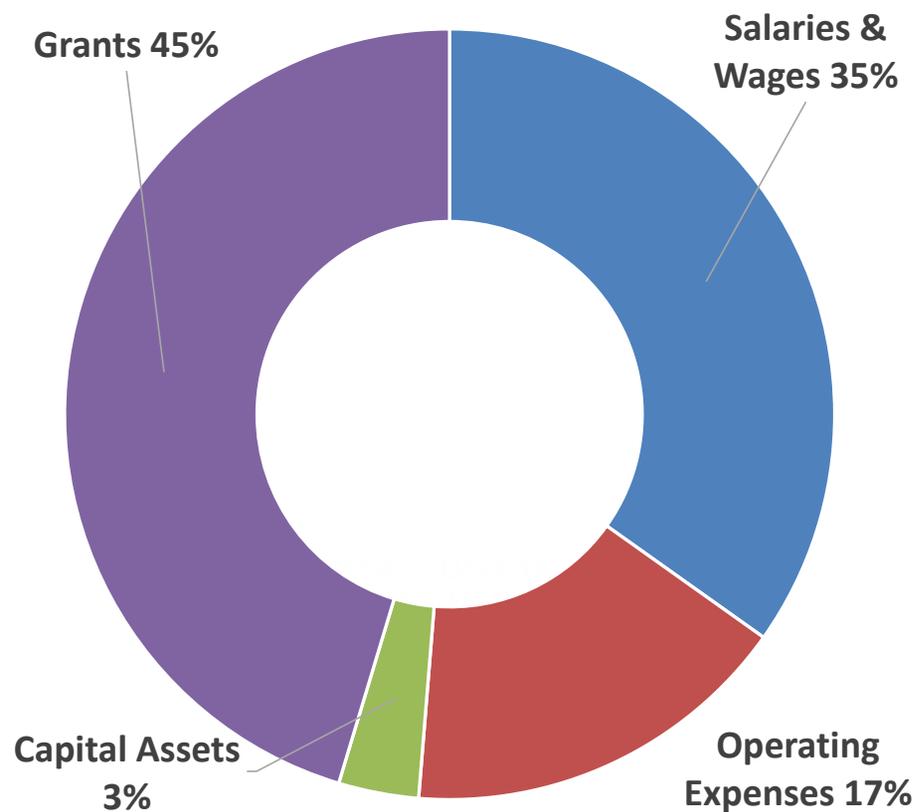
## **SALARIES & WAGES-\$46 million or 35%**

- Increase of \$7.3 million
- Increase due to executive compensation
- Increase to restore the Vacant FTE Pool funding
- Increase to fund cost-to-continue 2025 legislative pay increase
- Increase of 1 FTE in Division of Chemistry for Emerging Contaminant Laboratory

## **OPERATING EXPENSES-\$21.8 million or 17%**

- Increase of \$6.3 million
- Increase in rent
- Increase in NDIT data processing and IT contracts
- One-time and on-going for new laboratory
- Funding for PTRCF database

# 2025-2027 EXECUTIVE RECOMMENDATION



## **CAPITAL ASSETS-\$4.4 million or 3%**

- Increase of \$3.4 million
- Extraordinary repairs for DEQ Training Center.
- Increase in capital asset lines is for the equipment for the new Chemistry Laboratory and federally funded equipment for air monitoring.

## **GRANTS-\$59.9 million or 45%**

- Increase of \$22.7 million
- Increase in IJA funds for grants to Small and Disadvantage Communities Drinking Water Systems.

# 2025-2027 EXECUTIVE RECOMMENDATION

**GENERAL FUND - \$19 million or 14%**

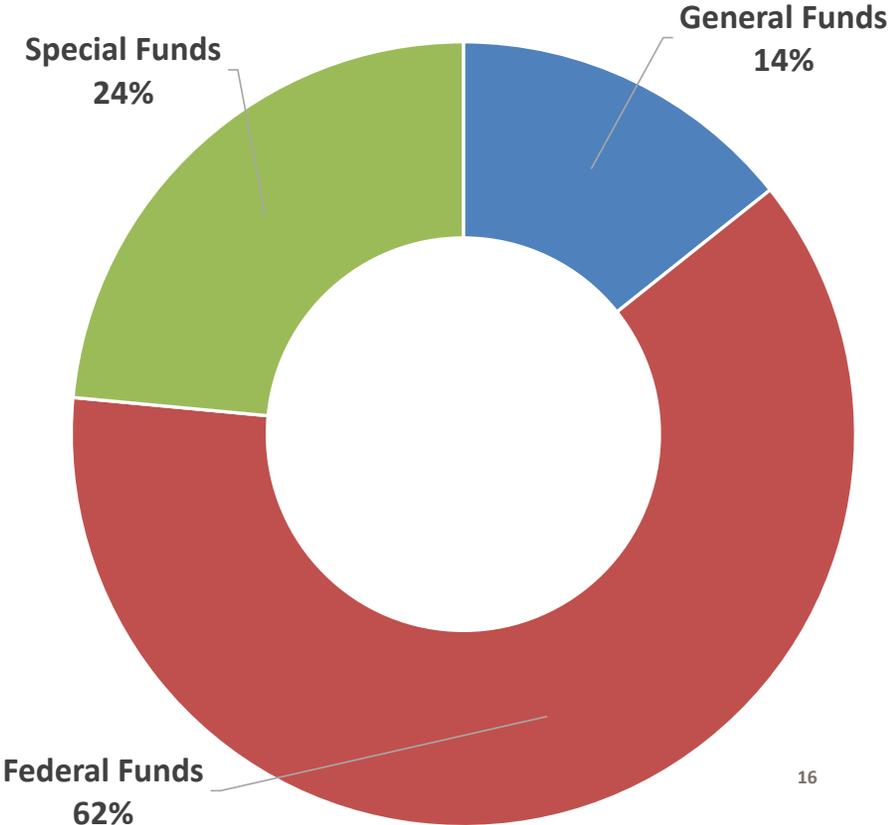
- Increase of \$2.8 million restores Vacant FTE Funding Pool, funds the Executive Compensation Package, rent and new Chemistry Laboratory.

**FEDERAL FUND - \$82 million or 62%**

- Increase of \$29 million for IIJA funds for Small and Disadvantage Communities Drinking Water Systems Grant.

**SPECIAL FUND - \$31 million or 24%**

- Increase of \$8 million restores Vacant FTE Pool funding, funds executive compensation and one-time funds from SIIF for new Chemistry Laboratory.



# 2025-2027 SENATE CHANGES

## Armstrong's 2025-2027 Executive Budget

- Executive compensation 3% and 3%
- Increase of 1 FTE and budget for Emerging Contaminates Testing Laboratory
- One-time moving cost for Chemistry Laboratory
- One-time and on-going cost for new Chemistry Laboratory

## Vacant Funding Pool Adjustments

- 6% of DEQ's Salaries & Wages
- Reduction of \$845,857

## Petroleum Sampling and Testing

- Increase of 1 FTE
- Included \$652,300 of which \$338,000 Salaries & Wages, \$99,300 Operating Expenses and \$215,000 Capital Assets.

Category	2025-27 Executive Budget	Senate Increase/ (Decrease)	2025-27 Senate Budget
Salaries & Wages	46,033,965	(2,798,727)	43,235,238
New & Vacant FTE Pool	-	2,290,870	2,290,870
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Grants	59,938,459	-	59,938,459
<b>Line Total</b>	<b>132,175,430</b>	<b>(193,557)</b>	<b>131,981,873</b>
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<b>FTE</b>	<b>174</b>	<b>1</b>	<b>175</b>

# 2023-25 NEW FTE POSITIONS

Position	Filled Date
Deputy Director	November 1, 2024
Non-Discrimination & Civil Rights Program Manager	July 1, 2023
Accountant Budget Specialist	July 1, 2023
Director of Human Resources	November 1, 2023
Environmental Engineer	July 1, 2023
Environmental Scientist	July 1, 2023
Chemist	Vacant

# EMPLOYEE TURNOVER & OMB VACANCY REPORT

- \$1.27 million request from OMB Vacant Funding Pool for New FTE's.
- July 2023 through January 2025 averaged 14 vacant positions per month.
- Total Vacancy Saving report as of January 2025 \$2.4 million.



# 2023-25 ONE-TIME FUNDING

One-Time Funding	Amount
Chemistry Laboratory Inflation	\$116,800 General
IIJA for State Revolving Fund	\$502,350 Federal
Environmental Data System	\$1,365,444 General & Federal
Grant Authority for State Revolving Fund	\$25,000,000

# 2025-27 ONE-TIME FUNDING

One-Time Funding	Amount
Chemistry Laboratory Moving	\$1,500,000 Special
New Chemistry Laboratory	\$2,075,186 Special
Water Operator Certification Training	\$5,000 Special
PTRCF Database	\$700,000 Special
Emerging Contaminate Laboratory	\$943,200 Special

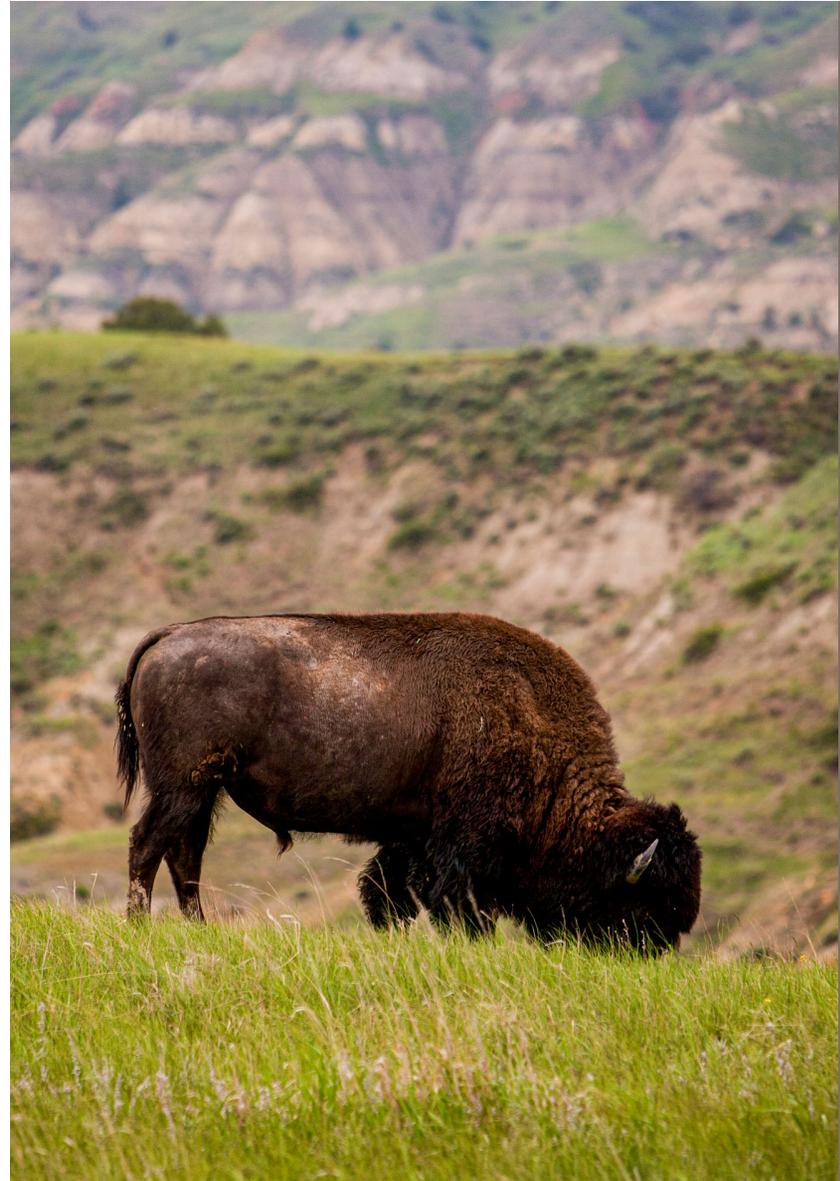
# DEPARTMENT UPDATES

## Audit Finding

- No audit finding for 2021-23 audit.

## General and Special Fund Collections

- Only minor collections deposited into general fund. Special funds collections should remain stable but will increase if new lead and copper rule is passed and if PFAS laboratory is operational.



# DEPARTMENT UPDATES

## Fiscal Relief Fund

- The DEQ wasn't directly appropriated fiscal relief funds. The CARES funding for the State Laboratory is in DHHS budget.

## Other Bills

- HB1577
- HB1541, SB2267, & SB2308



# CHALLENGES





# STATE FEDERAL RELATIONSHIP

- Cooperative Federalism
- Compliance with federal law
- Adjusting to stagnant or decreased federal funding
- Adjust to new administration



ENVIRONMENTAL  
ASSIMILATIVE  
CAPACITY  
&  
EVOLVING  
TECHNOLOGY



# INCREASED REGULATION COMPLEXITY

- The need to train and retain highly competent professionals who understand permitting and treatment.



# IMPROVED MONITORING AND ANALYTICAL METHODS

- Need for ultra clean sample collection, laboratory facilities and sensitive equipment.
- Increased research to define the relative human and environmental risk when contaminants are detected at low limits. How to communicate information to public.
- Develop and implement new treatment methods



# THANK YOU

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*Beth Jacobson | Accounting Director | [bjacobso@nd.gov](mailto:bjacobso@nd.gov) | 328-5154*

Agency Number:	303
Agency Name:	Department of Environmental Quality
Contact Person:	Beth Jacobson
Contact Number:	(701) 328-5154

**Positions Vacant as of December 1, 2024**

FTE Position No.	FTE Position Count	FTE Position Title	Date Vacated	Number of Months Vacant December 2024	Date Expected to Be Filled	Current Status	Salary and Fringe Benefit Amounts 2025-27 Biennium Base Level Funding		
							General Fund	Other Funds	Total
							1651	1.00	Paralegal
1721	1.00	Environmental Scientist II	09/16/24	2.5	12/09/24	Position has been filled. New team member is starting 12/09/24.	192,722		192,722
1725	1.00	Executive Assistant	09/13/23	14.5	12/31/24	Currently reclassifying and actively recruiting for this position. Expect to fill position in December 2024.	116,959	95,694	212,653
1740	1.00	Environmental Scientist II	03/11/24	8.5	02/28/25	Actively recruiting for this position. We had paused recruitment due to lack of qualified candidates in the applicant pool.	58,865	129,503	188,368
1758	1.00	Chemist II	11/15/24	0.5	01/31/24	Actively recruiting for this position. Closes 12/18/24. Expect position to be filled by 1/31/24.	165,940	23,879	189,819
1831	1.00	Environmental Scientist II	03/11/24	8.5	02/28/25	Actively recruiting for this position. We had paused recruitment due to lack of qualified candidates in the applicant pool.	75,348	113,021	188,369
1843	1.00	Environmental Scientist II	09/05/24	3	12/30/24	Position has been filled. New team member is starting 12/30/24.	44,719	178,877	223,596
1908	1.00	Environmental Scientist II	11/01/24	1	01/31/24	Actively recruiting for this position. Closed 11/22/24 and we are currently interviewing. Expect to fill position by January 2024.	26,930	188,513	215,443
1918	1.00	Project Manager	10/01/24	2	12/30/24	Position has been filled. New team member is starting 12/30/24.	112,625	202,409	315,034
1920	1.00	Environmental Scientist II	10/07/24	2	12/18/24	Position has been filled. New team member is starting 12/18/24.		191,300	191,300
1939	1.00	Environ Sciences Admin II	11/01/24	1	01/31/24	Actively recruiting for this position. Closes 12/13/24. Expect to fill position in January 2024.	241,416	154,348	395,764
1952	1.00	Environmental Scientist II	08/13/24	3.5	06/01/25	Position has been filled. New team member is starting 6/1/25.	42,383	145,986	188,369
31409	1.00	Environmental Engineer II	01/15/24	10.5	04/01/24	Actively recruiting for this position. We have posted the position seven (7) times. Currently interviewing.	143,230	68,180	211,410

Agency Number:	303
Agency Name:	Department of Environmental Quality
Contact Person:	Beth Jacobson
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Positions Vacant as of December 1, 2024									
FTE Position No.	FTE Position Count	FTE Position Title	Date Vacated	Number of Months Vacant December 2024	Date Expected to Be Filled	Current Status	Salary and Fringe Benefit Amounts 2025-27 Biennium Base Level Funding		
							General Fund	Other Funds	Total
32006	1.00	Chemist III	07/01/23	17	Pending Rule	This position was requested in 2023-25 biennium to assist with increased sampling requirement for the Lead and Copper rule. The rule has been delayed. Will fill position when the rule is finalized.		213,325	213,325
<b>Total</b>	<b>14.00</b>						<b>\$1,456,657</b>	<b>\$1,705,035</b>	<b>\$3,161,692</b>



## Communications

Provides timely and accurate information to the public on North Dakota Department of Environmental Quality (NDDEQ) activities and topics.

- Participates in the statewide joint information center during statewide responses to disasters, such as fires or flooding.
- Strategically plans and executes agency media outreach and public engagement.

## Technical Services

These resources provide technical expertise to all NDDEQ divisions.

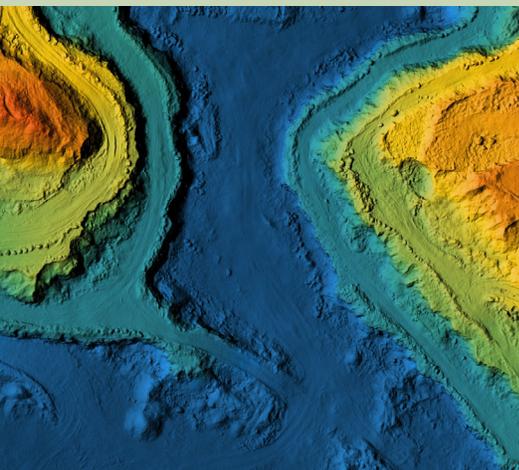
- Geographic Information Systems (GIS) maintains NDDEQ-specific map data as part of the state GIS system and works with all divisions to utilize location-specific data.
- Data Quality Assurance ensures defensible, quality data throughout the NDDEQ, and maintains compliance with data quality objectives for specific grants.
- Project Management applies project management principles to the development and maintenance of NDDEQ data systems to ensure timely and efficient project implementation,



## Petroleum Tank Release Compensation Fund

The Petroleum Tank Release Compensation Fund (PTRCF) provides cost-effective environmental insurance to owners of tanks used in the sale of refined fuel products. The PTRCF is funded by the tank owners through an annual fee and provides up to \$1 million of protection in the event of an accidental release from aboveground and underground storage tanks.

- Currently insures over 2,000 underground storage tanks and 3,800 above ground storage tanks.
- Reviews an average of six claims per year.



## Community Participation and Equity

Furtheres NDDEQ's commitment to serving all people of North Dakota and promotes fairness in the application of its programs and services among all communities. This program also ensures compliance with Title VI of the Civil Rights Act and specific grant requirements.

Director



This division oversees federal and state fiscal requirements including fiscal reporting, budget, contracts, audit and grant applications. It also oversees the Boiler Inspection Program.

The Division of Accounting is responsible for overseeing the financial reporting and records of the agency which includes compliance with all federal and state fiscal regulations. The Boiler Inspection Program is also located in this division.

## Fiscal Services

- Processes the transactions needed to fund day-to-day agency operations. Annually processes over \$27 million of revenue receipts and over \$30 million in payments with over 3,000 combined journal entries.
- Prepares, submits, and monitors agency budget of over \$121 million (2023-25 biennium) and over \$132 million (2025-27 executive recommendation).
- Negotiates NDDEQ's indirect cost allocation rate with federal cognizant.
- Submits all required state and federal fiscal reports including the Annual Comprehensive Financial Reporting (ACFR), Schedule of Expenditure of Federal Awards (SEFA), over 50 annual/final Federal Financial Reports, and annual Disadvantage Business Enterprise reports.
- Monitors, reconciles and provides internal monthly accounting reports on over 150 federal, state, and special fund projects per biennium.
- Maintains agency bonding, equipment records, surplus property, credit card system, monthly and weekly federal draws, agency purchasing cards, 1099 reporting, annual SAM.gov certification, and many other fiscal duties.

## Grants and Contracts

- Reviews, tracks, and submits all federal grant award applications that fund 40% of the NDDEQ. Reviews all MOUs, leases and special fund awards.
- Processes contracts for goods/services and all agency subaward agreements. Annually over 60 contracts totaling over \$2.4 million and over 230 subawards totaling over \$35 million.
- The procurement liaison for the NDDEQ coordinates, tracks and monitors all procurement activities for DEQ including large IT projects.

## Boiler Inspection Program

- Boiler Inspection Program provides initial and periodic inspections of boilers of all sizes, types and pressures in public and commercial locations.
- Provides technical advice to installers, repair firms, operators and owners.
- Oversees the inspection of over 11,000 active boilers, including hot water heating and supply, steam heating, power/process boilers and historical (hobby) boilers.





Ambient air quality monitoring stations are located throughout the state.

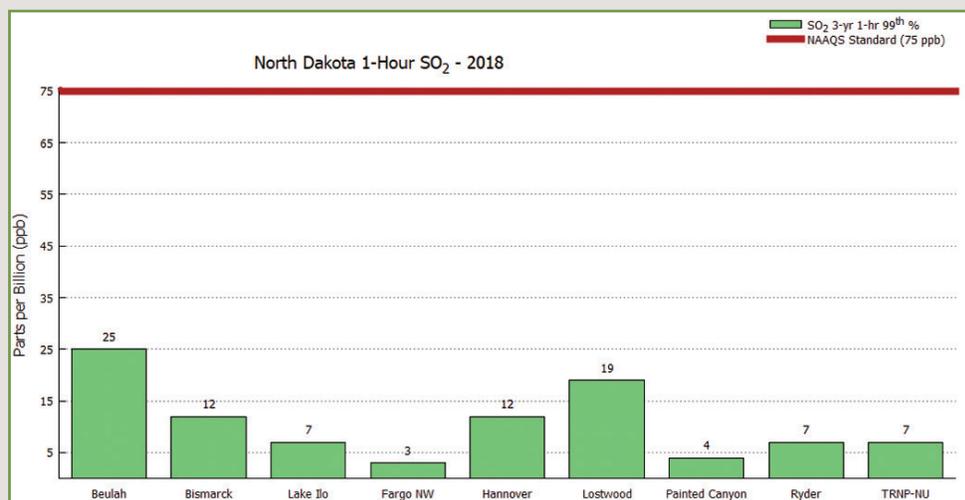
The Division of Air Quality is responsible for protecting North Dakota's air quality. Scientists, engineers and technicians oversee permitting and compliance of state and federal program requirements. The division maintains federal delegation of responsibility for U.S. Environmental Protection Agency (EPA) programs and provides technical assistance on environmental matters and during emergency response efforts. In addition, industry is regulated with the issuance of permits that include specific emission limits to ensure proper operations and clean air. Division staff work proactively with industry to address emissions as well as citizen concerns and complaints.

## The Clean Air Act

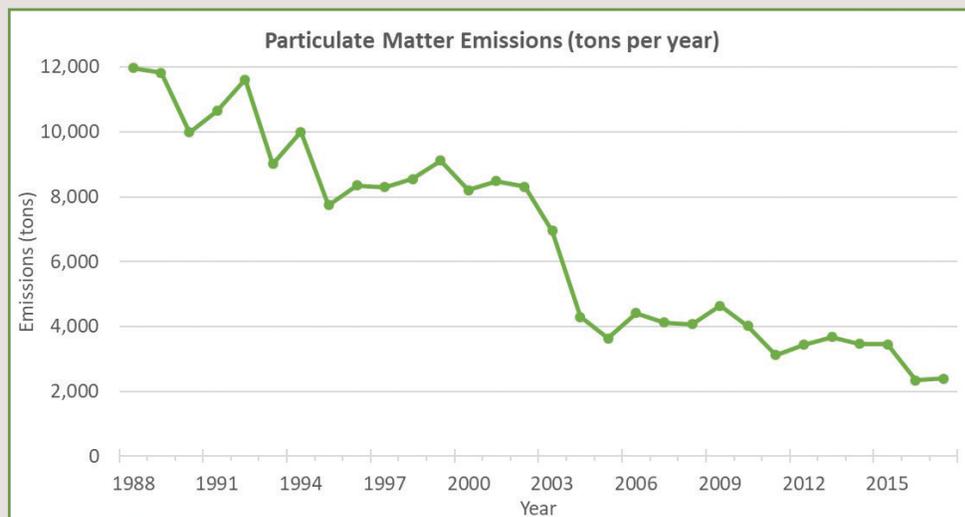
In 1963, Congress created the first of the Clean Air Acts, which established funding for the study of air pollution and for cleanup. In 1970, a more defined Clean Air Act was passed, giving the newly formed EPA the mandate to establish health-based air quality standards and rulemaking authority to reduce air pollution. In 1990, the Clean Air Act Amendments expanded requirements.

## Air Quality in North Dakota

The Clean Air Act establishes health-based concentration limits for several pollutants including carbon monoxide, lead, nitrogen oxides, ozone, particulate matter and sulfur dioxide (SO<sub>2</sub>). These limits establish a ceiling that the states are not allowed to exceed. States that meet these National Ambient Air Quality Standards (NAAQS) are designated as "in attainment."



North Dakota maintains attainment status for all health-based state and national standards, including the SO<sub>2</sub> standard illustrated above.



North Dakota has seen a dramatic reduction in emissions.



Air quality is protected by issuing permits and conducting inspections.

## Division Programs

- Ambient Air Monitoring
- Permitting
- Compliance
- Oil and Gas



North Dakota has over 19,000 producing oil and gas wells.

# Programs in the Division of Air Quality - What We Do

## Ambient Air Monitoring

- Operates a statewide ambient air quality monitoring network.
- Completes annual reviews of the network to ensure EPA standards are being met and identify possible necessary modifications.
- Completes five-year assessments of the network to ensure that it has and will meet monitoring obligations.
- Provides health information materials to the public during wildfire smoke and other environmental events specific to air.
- Reviews data to ensure clean air and monitors trends.

## Permitting

- Evaluates approximately 75 to 100 permit applications annually for the construction of new industrial facilities.
- Reviews applications to determine applicable rules, regulations, emissions and emission limits.
- Conducts computer dispersion modeling to evaluate potential impacts to air quality.
- Issues permits with clear operating limits and regulatory requirements.

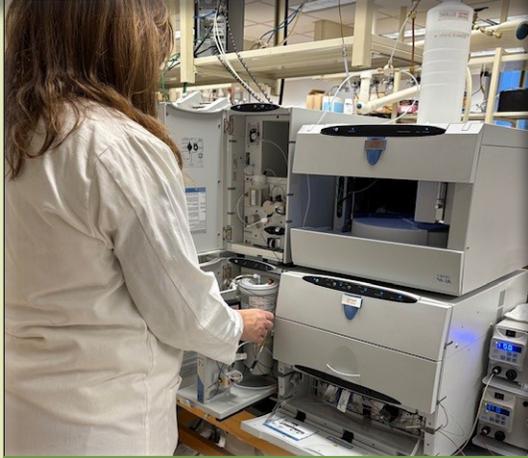
## Compliance

- Conducts inspections at a wide variety of industrial facilities to evaluate compliance with rules, regulations and permits.
- Reviews reports to ensure compliance with applicable regulations and emission limits.
- Investigates air pollution complaints.
- Issues enforcement actions as necessary.
- Regulates more than 1,000 permitted facilities.
- Administers and oversees the Volkswagen Settlement's environmental mitigation trust and EPA grants to replace older diesel-powered vehicles.

## Oil and Gas

- Reviews and processes thousands of oil and gas facility registrations annually.
- Conducts hundreds of oil and gas facility inspections annually.
- Uses infrared optical gas imaging (OGI) technology to determine compliance.
- Proactively works with industry to address emissions as well as citizen concerns and complaints.
- Issues enforcement actions as necessary.
- Regulates over 19,000 producing oil and gas wells.

*Feel free to use this information, but please credit the North Dakota Department of Environmental Quality.*

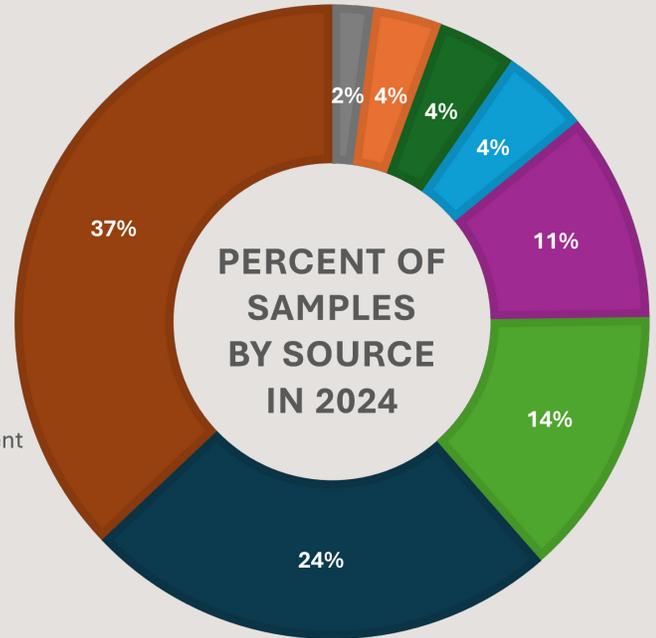


Analyst performs routine maintenance in laboratory.

## Chemistry by the Numbers

- DEQ Lab QC/Other
- Private Samples
- DEQ Water Quality
- DEQ Municipal Facilities
- Dept. of Agriculture
- Tribal Systems
- Water Resources/USGS
- DEQ Watershed Management

12,826 Samples Recieved in 2024



## Mission Statement

*Our mission is to provide legally defensible quality analytical laboratory services within a reasonable time for the department and the state of North Dakota.*

## Chemistry Laboratory

Analytical sections include:

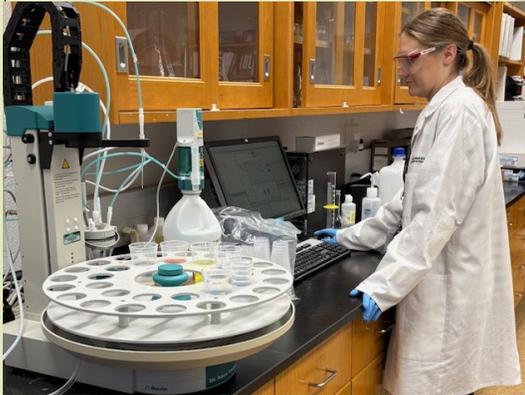
- **DEMANDS LAB:** Performs biochemical oxygen demand, total suspended solids and pH tests; provides analytical data to determine compliance with permit requirements of municipal and industrial wastewater discharges.
- **FEED AND FERTILIZER LAB:** Provides analytical data to the North Dakota Department of Agriculture; tests agriculture feeds and fertilizers, pet foods, and lawn and garden fertilizers to determine compliance with labeling.



Artist rendering of new North Dakota State Laboratory

- **MINERAL LAB:** Tests matrices such as water and soil for major cation and anion parameters or general chemical quality. Typical analyses include sulfates, fluoride, chloride, chemical oxygen demand, nitrate, ammonia and total Kjeldahl nitrogen.
- **ORGANIC LAB:** Provides identification and quantification of insecticides, herbicides, volatile and semi-volatile organic compounds, polychlorinated biphenyls (PCBs) and other synthetic organic compounds in water, soil, river and lake sediments, foliage, fish tissue, sludge, oil, landfill wastes and samples from other environmental sources.

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- **PETROLEUM LAB:** Tests products such as gasoline and diesel for product quality.
- **METALS LAB:** Identifies and quantifies metal concentrations such as sodium, arsenic, lead and copper in drinking water sources and distribution systems, surface and ground water resources, fish, hazardous and solid wastes, river and lake sediments, and other environmental media.

*Webster defines an analyte as "a substance that is the subject of chemical analysis."*

## North Dakota Environmental Laboratory Certification Program (NDELCP)

The NDELCP certifies for regulated parameters analyzed by promulgated methods – methods officially declared as law. The program provides oversight through the certification process of laboratories, providing testing for compliance data to the NDDEQ programs.

The Chemistry Laboratory provides analytical chemistry data for environmental protection, public health, agricultural and petroleum regulatory programs in the state. The laboratory also maintains a certification program for North Dakota laboratories that provide environmental testing services.

The North Dakota Department of Environmental Quality (NDDEQ) programs use laboratory data to monitor and/or regulate solid and hazardous waste; municipal wastewater; agricultural runoff; surface, ground and drinking water quality; petroleum products; and other media of environmental or public health concern.

*Feel free to use this information, but please credit the North Dakota Department of Environmental Quality.*

### It provides certification to ensure compliance with:

- Safe Drinking Water Act, including primary and secondary regulations
- Clean Water Act, including the National Permitted Discharge Elimination System (NPDES), Biosolids Rule, and Coal Combustion Residuals Rule
- Resource Conservation and Recovery Act

### It also:

- Provides certification for approximately 15 in-state laboratories through triennial on-site audits and monitoring proficiency tests.
- Provides reciprocal certification for approximately 36 out-of-state laboratories through annual review of primary certificates and proficiency tests.
- Provides program and technical support for NDELCP-certified labs.
- Provides program and technical support for NDELCP-certified labs.

## *Safe drinking water is the central focus of the Division of Municipal Facilities.*

Staffed by scientists and engineers, the division includes four major programs:

- ◆ Drinking Water Program
- ◆ Drinking Water State Revolving Fund (DWSRF) Program
- ◆ Clean Water State Revolving Fund (CWSRF) Program
- ◆ Operator Training, Certification and Inspection (OTCI) Program



## Drinking Water Program

This program is directly responsible for ensuring that public water systems in North Dakota comply with all enforceable drinking water standards established under the Safe Drinking Water Act.

This is accomplished by:

- Monitoring for contaminants
- Ensuring proper design of new or upgraded water facilities
- Providing compliance and technical assistance

These activities are essential to ensure safe, compliant and proper operation and maintenance of public water treatment and distribution facilities.

## Operator Training, Certification and Inspection (OTCI) Program

The OTCI Program provides operator training, certification, and inspects drinking water and wastewater systems. This program also provides technical assistance to private water systems and promotes operator certification by reimbursing small public drinking water system operators for expenses incurred during training necessary to obtain and maintain certification.

## Drinking Water State Revolving Fund (DWSRF) Program

The DWSRF Program helps finance infrastructure needed to ensure adequate drinking water treatment, storage and distribution.

*Continued on next page*

*Did you know there are approximately 370 public drinking water systems in North Dakota? These systems are routinely inspected under the Drinking Water Program to ensure facilities comply with state and federal public health standards. More than 92% of North Dakota citizens receive drinking water from a community or rural public water system.*



Continued from previous page

Fargo's wastewater treatment facility

*Did you know that the State Revolving Fund programs provide funds as they are requested by the borrower? This allows the interest to only accrue on the funds that have been paid out, rather than the full loan amount!*

*Most loan programs provide the borrower with a lump sum of the loan amount.*

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## The Clean Water State Revolving Fund (CWSRF) Program

The CWSRF Program helps finance wastewater infrastructure improvements. Eligible projects include wastewater treatment, wastewater collection, sewer rehabilitation, sewage sludge management, storm-water control and nonpoint source pollution activities.

Low interest loans are available to systems for qualifying Clean Water and Drinking Water SRF projects. The programs currently offer a 2% effective interest rate to aid communities with financing their infrastructure projects.

As systems pay back their loans, the interest and principal payments and interest earnings are used as a source of funds for additional projects. This revolving feature of the SRFs ensures that North Dakota has funds for needed projects in the future.

SRF staff members are also responsible for review and approval, prior to construction, of all water supply and wastewater projects in North Dakota for public water systems (PWSs). This includes any publicly- or privately-owned system that serves or may serve PWSs such as businesses, campgrounds, commercial facilities, crew camps, mobile home parks, recreational vehicle parks and subdivisions. Staff members ensure that: (1) new or modified public water and wastewater systems meet established state design criteria prior to construction; (2) facilities can achieve desired public health objectives; and (3) facilities can be safely and properly operated and maintained.



Compacting waste at a landfill

## Responsibilities of the Division of Waste Management include:

- Overseeing the handling, storage, transport, treatment and disposal of waste and radioactive materials.
- Enforcing Resource Conservation and Recovery Act (RCRA) Subtitles C and D regulations, National Emission Standards for Hazardous Air Pollutants (NESHAP) Part 61, and regulatory authority granted through agreement with the Nuclear Regulatory Commission
- Working with other divisions on significant issues involving:
  - ~ Air quality (burning, dust)
  - ~ Water quality (leachate management, groundwater)
  - ~ Municipal facilities (infrastructure abandonment)
  - ~ Chemistry (sampling and analysis)
- Encouraging recycling activities and beneficial reuse through promotion and education. (Recycling activities are not regulated.)

## *One of the most important assets available to us in North Dakota is our natural environment.*

The programs in the North Dakota Department of Environmental Quality's Division of Waste Management work to protect and improve the state's natural environment for all.

This is done by enforcing state and federal environmental laws to regulate where and how materials are stored and their ultimate disposal.

## By the Numbers

### Hazardous Waste

- 25 large, 91 small and 765 very small quantity hazardous waste generators
- 5 permitted facilities
- 107 hazardous material assessments and 67 cleanups at 108 Brownfields sites since 2003

### Radiation Control

- 181 radioactive materials licenses
- More than 800 x-ray registrants and 2,450 x-ray machines registered

### Solid Waste

- ~1,900 permitted waste haulers
- 243 inert waste landfills
- 11 oilfield special waste landfill facilities
- 8 coal combustion residuals facilities and 15 special waste facilities
- 7 industrial waste facilities
- 13 municipal solid waste landfills and 32 transfer stations

### Underground Storage Tanks

- Regulates the underground storage of petroleum hydrocarbon products in tanks with volumes of more than 110 gallons
- 873 facilities including 2,294 tanks
- 81 leaking tank sites cleaned up in the last 10 years
- 100 to 150 gas stations randomly sampled each year to ensure fuel quality
- 825 antifreeze product labels assessed annually for compliance with consumer notification requirements



Removing an underground storage tank



Proper design during landfill closures will minimize long-term environmental impacts.

**The Division of Waste Management employs approximately 32 staff in the following programs:**

## **Hazardous Waste Program (including Brownfields and PCBs)**

The Hazardous Waste Program provides for the comprehensive regulation of hazardous waste from “cradle-to-grave” to protect public health, safety and welfare, and to enhance the state’s environment. The program regulates the generation, treatment, recycling, storage, transportation and disposal of hazardous waste and used oil through permitting and inspection activities.

It also administers the Brownfields Program whereby federal Brownfields State Response grants can be used for environmental assessment and hazardous material cleanup activities. These grants can help with converting contaminated (or potentially contaminated), underdeveloped, unproductive property into productive real estate.

North Dakota has entered into a cooperative agreement with the U.S. Environmental Protection Agency (EPA) to conduct inspections of facilities for proper disposal of polychlorinated biphenyl (PCB) wastes, which are regulated under the federal Toxic Substances Control Act (TSCA). Inspection reports are sent to EPA Region VIII for compliance evaluation and enforcement actions.



**Before**



**After**

Proper removal of lead-based paint protects the public, especially children, from exposure.

## **Radiation Control and Indoor Air Programs**

The Radiation Control Program regulates the use of radioactive materials and radiation-producing devices to protect the public and the environment. It licenses/registers and inspects radioactive material users and x-ray facilities.

The Indoor Air Program conducts radon testing in schools and local, state and federal government buildings in North Dakota. It assists North Dakotans in testing their own homes for radon, understanding test results, and providing resources for radon mitigation in homes with elevated radon levels. It also licenses contractors and certifies workers for asbestos and lead-based paint (LBP) abatement activities. The program enforces emission standards for asbestos and ensures management of LBP materials in pre-1978 target housing and child-occupied facilities to minimize exposure.

## **Solid Waste Program (including Abandoned Auto Fund)**

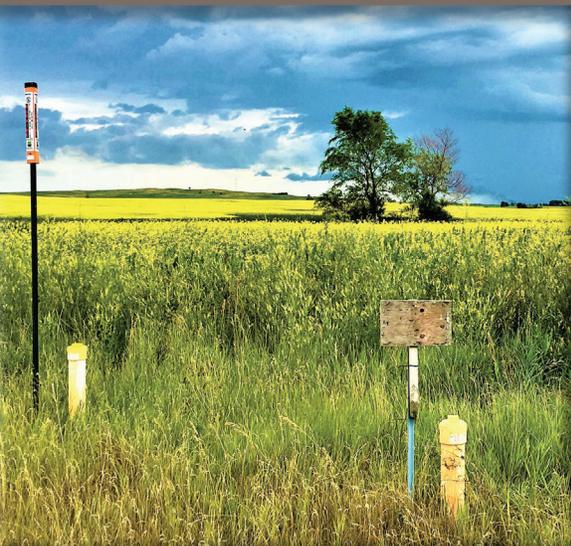
The Solid Waste Program administers regulations on industrial, inert, municipal and special waste facilities, including permitting their design, operation and eventual closure. It oversees waste haulers, infectious waste treatment and disposal, and land treatment of waste materials. The program provides educational assistance to encourage the reduction, recycling and beneficial reuse of solid waste.

The program administers the state Abandoned Auto Fund. Local governments can apply for reimbursement for the costs of collecting and recycling abandoned automobiles, other vehicles and scrap metal.

## **Underground Storage Tanks Program**

Staff members in the Underground Storage Tank (UST) Program work with owners and operators of underground storage tanks to ensure that compliance, leak detection, new installations, upgrades and tank closures are in accordance with North Dakota’s rules. The UST Program also uses federal funds to conduct investigations and remediation activities at leaking underground storage tank sites where the owner/operator is unable to pay for these activities, when they are available.

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Groundwater monitoring wells (yellow pipes) are located across the state.

***Water quality is essential to public health, our natural environment and economic development in North Dakota.***

The programs found in the North Dakota Department of Environmental Quality's Division of Water Quality work to protect and improve water quality for all uses. Enforcement of state and federal environmental laws is accomplished through permitting, inspection, sampling, analytical services and monitoring activities.

The Division of Water Quality employs nearly 40 staff members in its five programs.

- ◆ Watershed Management
- ◆ Groundwater Protection
- ◆ North Dakota Pollutant Discharge Elimination System (NDPDES) Permits
- ◆ Spill Investigation
- ◆ Special Projects

## By the Numbers

### Watershed Management

- 56,800 miles of rivers and streams
- 330 lakes covering 750,000 acres
- 3,206,820 acres of wetlands
- 24 ambient water quality sites monitored
- 65 waterbodies monitored for Harmful Algal Blooms annually

### Groundwater Protection

- 70 groundwater aquifers monitored
- 275 wells monitored annually
- 200 public drinking water systems participate in Source Water Protection Program
- 8 permitted Class I injection wells
- 900 Class V injection wells

### NDPDES Discharge Permits

- 400+ facilities permitted to discharge wastewater
- 600+ facilities permitted to discharge stormwater
- 2,000 facilities permitted to discharge construction stormwater

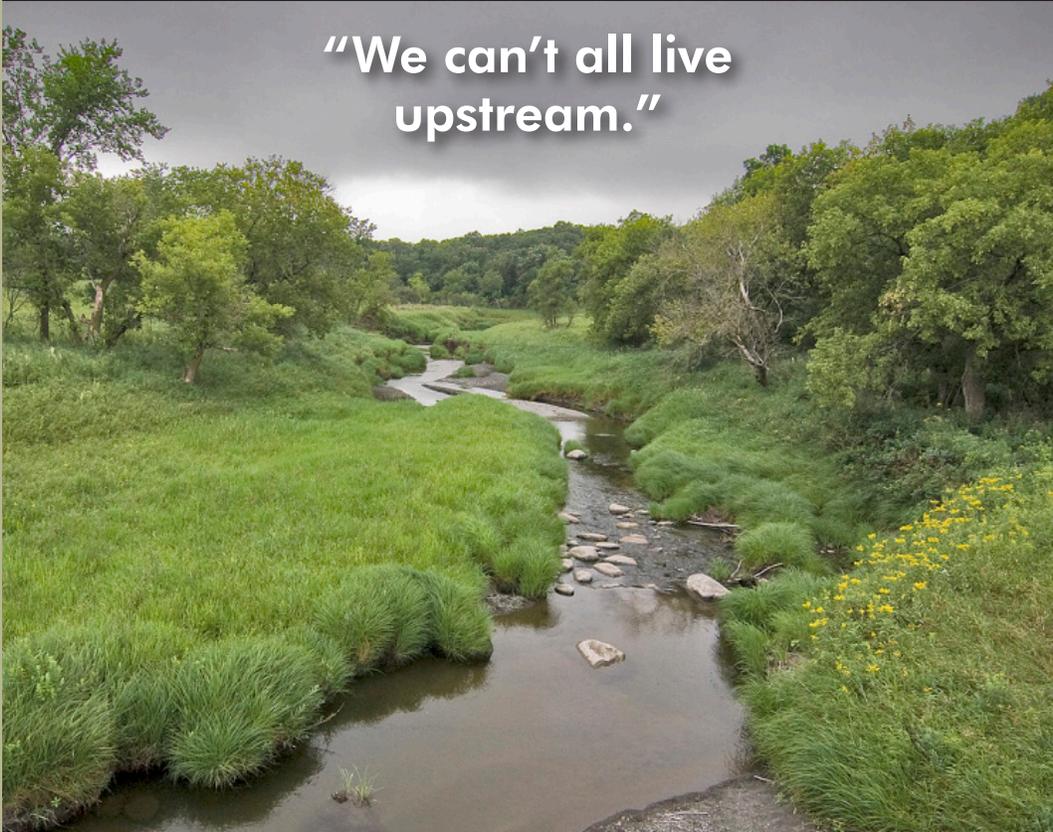
### Spill Investigations

- 1,300 spills reported on an annual average - response and technical assistance provided

### Special Projects

- 3-year review - North Dakota's water quality standards updated
- 10 to 15 projects reviewed every year to address water quality concerns

**"We can't all live upstream."**



## About the Division of Water Quality

*The primary responsibility of the division is safeguarding water quality.*

### This DOES include:

- Protecting groundwater, streams, rivers, wetlands and lakes.
- Permitting wastewater discharges
- Enforcing Clean Water Act regulations
- Investigating spills and providing technical assistance on remediation

### This DOES NOT include:

- Regulating private wells
- Requiring or issuing permits for every activity that impacts waters of the state

Fish and macroinvertebrate populations are assessed to help determine the water quality of a river.



## Watershed Management Program

The Watershed Management Program is primarily responsible for monitoring and assessing water quality in streams, rivers, lakes and wetlands across North Dakota. This is done in cooperation with many local, state and federal partners. The program's 10 members address water quality concerns by developing Total Maximum Daily Loads, maintaining an ambient monitoring network, conducting lake water quality assessments, conducting biological monitoring and providing technical assistance for watershed projects. Additionally, staff members implement initiatives such as the Nutrient Reduction Strategy, the Basin Water Quality Management Framework and information/education programs.

## Groundwater Protection Program

The Groundwater Protection Program protects and monitors groundwater quality and works towards restoration of groundwater that has been impacted by contaminants. The six-member staff administers the following subprograms: Source Water Protection, Underground Injection Control, and the Western Ambient and Agricultural Ambient Groundwater Monitoring. The program has continuously monitored groundwater across the state since 1992.

## NDPDES Discharge Permits Program

The North Dakota Pollutant Discharge Elimination System (NDPDES) Program, commonly called the Permits Program, was developed in response to the legislation of the 1972 Clean Water Act (CWA). The program's 12 members administer municipal/industrial wastewater, stormwater, pretreatment, concentrated animal feeding operations and septic pumper regulations.

## Spill Investigation Program

The Spill Response Program was first started in 2015 to more actively document and monitor oilfield and general contamination incidents of soil and water. Currently, the program's six members address issues such as waste management, groundwater and surface water protection, and public relations. Program members work in a variety of divisions including Water Quality, Waste Management and Air Quality.

## Special Projects Program

Special projects are diverse in scope. They entail the development of water quality standards that protect the beneficial uses of water in North Dakota. Water quality certification ensures that federally permitted activities comply with water quality standards. Some major issues such as the Devils Lake outlet, Missouri River management and others require a multi-disciplinary approach to achieve solutions. Participation of the Special Projects Program in this process is essential for the protection of water quality and enhancement of aquatic ecological health.

*Feel free to use this information, but please credit the North Dakota Department of Environmental Quality.*