NORTH Dakota | Environmental Quality
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August 28, 2026

Ms. Liz Fordahl
Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Fordahl:

The Notice of Intent to Amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

Marty Haroldson
Director, Division of Water Quality
Department of Environmental Quality

Enclosures

4201 Normandy Street | Bismarck ND 58503-1324 | Fax 701-328-5200 | deq.nd.gov

Director's Office 701-328-5150
Division of Air Quality 701-328-5188
Division of Municipal Facilities 701-328-5211
Division of Waste Management 701-328-5166
Division of Water Quality 701-328-5210
Division of Chemistry 701-328-6140 2635 East Main Ave Bismarck ND 58501

FULL NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES RELATING TO STANDARDS OF QUALITY FOR WATERS FOR THE STATE

TAKE NOTICE that the North Dakota Department of Environmental Quality (Department) will hold a public hearing to address proposed amendments to the Standards of Quality for Waters of the State, N.D. Admin. Code ch. 33.1-16-02.1 at the following time and location:

2nd Floor Conference Room
North Dakota Department of Environmental Quality
4201 Normandy St, Bismarck, ND 58503-1324
October 7, 2026
5:00 pm CT

The proposed amendments to the Standards of Quality for Waters of the State, N.D. Admin. Code ch. 33.1-16-02.1, are the result of the Department's periodic review of the Standards of Quality for Waters of the State, as required by 33 U.S.C. § 1313(c). The purpose of the proposed amendments is to update language and to make changes to the designated uses, classifications, and numeric criteria for clarity purposes in N.D. Admin. Code ch. 33.1-16-02.1. Specifically, the Department is proposing the following amendments:

Summary of Proposed Changes to the Standards

1. N.D. Admin. Code § 33.1-16-02.1-04. Definitions:
   - Add “Fish Consumption” as a recognized beneficial use under subdivision (12).
2. N.D. Admin. Code § 33.1-16-02.1-09. Surface water classifications, mixing zones, and numeric standards:
   - Explicitly enumerate the designated uses for classified lakes and reservoirs within Appendix II, consistent with the beneficial uses already protected under Class I river standards.
   - Establish a new geophysical/morphometric subclassification framework for reservoirs to reduce heterogeneity among lake types, improve CWA § 303(d)/305(b) assessment accuracy, and support future Use Attainability Analyses (UAAs).
   - Remove the Municipal and Domestic designated use from the Maple River, from its headwaters to the confluence with the Sheyenne River, and reclassify this segment from Class II to Class III, along with the associated change in applicable water quality criteria.
   - Enumerated the acute and chronic chloride water quality criteria for aquatic life use support under CWA 304(a).
3. General language and statement cleanup:
   - Editorial revisions for clarity, readability, and consistency throughout the chapter.
   - Defined “Existing Uses” in § 33.1-16-02.1-04
   - Defined Primary and Secondary Recreational beneficial uses separately

- Referenced all surface water classifications under § 33.1-16-02.1-09 to defined beneficial uses in subsection 12(a-e)
- Edit to Table 1 of § 33.1-16-02.1-09 changing “drinking water” to its pre-defined “Municipal and Domestic” beneficial use
- Enumerated specific use impairment for pH in Table 1 for the previously adopted criterion
- Enumerated specific use impairment for sodium in Table 1 for the previously adopted criterion
- Enumerated the specific use impairment for sulfate in Table 1 for the previously adopted criterion
- Changed the Aquatic Life Value and Human Health Value categories in Table 2 to reflect beneficial use attainment rather than classification.

The proposed amendment is not expected to have an impact on the regulated community in excess of $50,000.

The proposed amendments and supplemental information may be viewed at the office of the North Dakota Department of Environmental Quality 4201 Normandy St. Bismarck, ND 58503-1324 or on its website at: https://deq.nd.gov/PublicNotice.aspx.

All written and oral comments received by October 29, 2026 regarding the proposed rule amendments will be fully considered by the Department.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department at the above address or telephone number below by October 2nd, 2026. The Department will consider every request for reasonable accommodation to provide an accessible meeting facility or other accommodation for people with disabilities, language interpretation for people with limited English proficiency (LEP), and translations of written material necessary to access programs and information. Language assistance services are available free of charge to you. To request accommodations or language assistance, contact the Department’s Non-discrimination/EJ Coordinator at (701) 328-5150 or deqEJ@nd.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

There will be real time public streaming of the public hearing through Microsoft Teams. Information concerning access via telephone or through Microsoft Teams can be obtained by calling (701) 328-5210.

Dated this 28th day of August, 2026.

Marty Haroldson
Director, Division of Water Quality
Department of Environmental Quality