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Testimony in Support of
House Bill No. 1024
House Appropriations Committee
January 10, 2023

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

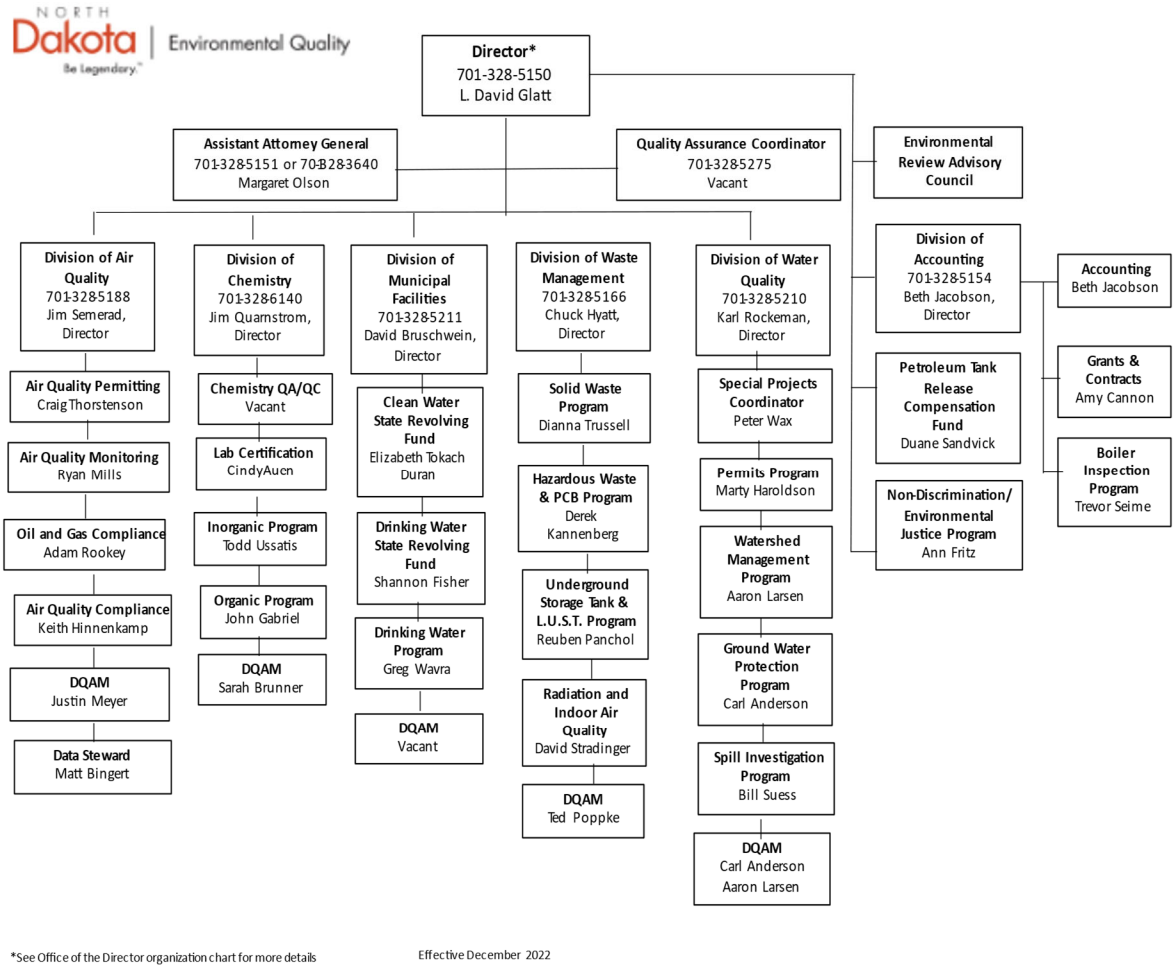
Since the last legislative session, the DEQ has relocated to a new office in north Bismarck. The DEQ currently occupies a portion of the second and all the third floor of the Normandy Office Building (aka ITD Building) located at 4201 Normandy Street. The move addressed the need for additional office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



The appendix contains a complete list of DEQ programs.

Office of the Director

The Office of the Director works to provide policy direction along with various other administrative and technical functions to ensure that the DEQ provides cost-effective solutions following science and the law to the citizens of the state. To assist in this function, the DEQ consults with the Environmental Advisory Board, comprised of 13 members representing industry, agriculture, environmental and other state agencies involved with elements of natural resources.

The DEQ is seeking additional FTEs to address Human Resource needs (the DEQ does not have a full-time HR Position), an Accountant and a Deputy Director. The DEQ also seeks to add the position of Environmental Justice/Nondiscrimination Coordinator and has modified an existing position to allow for a Quality Assurance/Quality Control (QA/QC) Coordinator. The Nondiscrimination Coordinator will ensure the implementation of federal requirements found in statute or grant applications to address Civil Rights and Environmental Justice. With an existing and growing multicultural population, it is incumbent upon us to utilize various

communication methods to ensure that all citizens understand our actions and can participate in our regulatory processes.

Accurate environmental data is foundational in assessing environmental quality and determining regulatory compliance. The DEQ collects, analyzes and stores a significant volume of environmental data to accomplish this goal. To ensure accurate decision making, all collected data must follow strict QA/QC requirements following established Quality Assurance Plans and standard operating procedures. The QA/QC Coordinator will help to ensure proper and accurate data collection.

The Office of the Director continues to implement two programs acquired from the North Dakota Insurance Commissioner's office. They are the North Dakota Boiler Inspection Program and the North Dakota Petroleum Tank Release Compensation Fund.

North Dakota Boiler Inspection Program

The Boiler Inspection Program consists of four inspectors located in Bismarck and Fargo. The program directive is to conduct inspections of commercial, multiple dwelling and government building boilers to ensure their integrity and safety. The program inspects and certifies 11,879 boilers throughout the year and is supported by inspection and certification fees.

North Dakota Petroleum Tank Release Compensation Fund (NDPRCF)

The NDPTRCF was established in 1989 in response to the EPA's requirement that all underground storage tank owners have proof of financial responsibility. The NDPTRCF is managed by a five-member board and can provide up to $1,000,000 to offset remedial action expenses at qualified tank facilities. Throughout this biennium, the PTRCF has modified the tank fee structure to account for the age of the tanks and potential risk, seeking to clarify the PTRCF law to allow for increased program flexibility and added above storage tank regulations.

Division of Air Quality

The Division of Air Quality implements the federal Clean Air Act (CAA) in cooperation with the EPA. Through our cooperative efforts working with the regulated community in compliance assistance, permitting, inspection and enforcement, we continue to be one of a handful of states in compliance with federal ambient air quality standards. DEQ team actions helped to maintain North Dakota air quality through efforts identified in the following programs.

Air Permitting and Compliance Program

The Air Quality Permitting and Compliance Program develops and oversees air quality control permits. It conducts detailed air quality impact analyses including engineering review and computer dispersion modeling, developing state air quality implementation plans and inspect a wide range of regulated air emission sources to ensure compliance. This program requires a high level of expertise to evaluate the application of complex air quality regulations, the design and operation of control devices, and the implementation of best management practices throughout the state. Relatively new to the Air Program is a federal oil and gas regulation referred to as Quad O and Quad Oa. It requires the implementation of a complex list of equipment standards, monitoring and inspection requirements, recordkeeping, and reporting from oilfield operations. This labor-intensive office and field work generates reports for each of the over 17,000 oil wells in North Dakota.

Further, the DEQ has recently seen a large influx of significant proposed projects. These cover a variety of industrial and agricultural sources, such as vegetable oil production from agricultural products, vegetable oil conversion to renewable fuels, petroleum refining, and natural gas processing and conversion to electrical generation. Many of the proposed projects have generated public support as well as opposition, requiring accurate, unbiased detailed analysis of each project. In addition, emphasis on environmental justice and climate impacts adds complexity to the review and permit process. Looking forward, the DEQ is aware of many future potential projects with investors interested in locating to the state. Some of these are in the fossil fuel, agricultural and other familiar industries, and others are new to the agency, such as mineral processing, hydrogen production, conversion of natural gas to liquid products, and carbon capture and sequestration.

Below is a list of known projects being evaluated by the DEQ. Many of these projects will also require a review of water quality and waste impacts.

PTC Projects

Name	Received	Assigned	Status
Red Trail Energy	12/20/22	No	Modifying stack height
Basin – Pioneer	12/13/22	No	Doubling capacity. Modeling (submitted)
ADM- Enderlin Facility	5/11/21; 11/7/22	Craig	App for scrubber
Roughrider Operating	11/4/22	Michaela	Williston Crude Station
Grayson Mills Operating CDP	10/25/22	David	Adding 1 engine
Fufeng	10/12/22	Craig/Rhannon	Wet corn milling plant. Modeling (to be submitted)
Tecton	9/8/22	Craig	Change PTC (vent styrene tanks to atmosphere)
Arrow Midstream	9/8/22	David	Station 8 CS; resolving issues found in audit
Hess – Capa CS 2	8/30/22	David	New; electric with TEG dehy
Minn-Dak	8/24/22	Craig	Amend SO2 limits (9/19/22 in CERIS)
ACS – Drayton	8/23/22	Rhannon	Submitted by email – update BACT on dryer
ONEOK – Pronghorn CS	8/4/22	David	Will draft after Bobcat CS internal review
NDPC – Alexander	8/3/22	Rhannon	On Hold
TrueNorth Steel	7/27/22	David	Equipment added without PTC
Palmer – Bismarck	3/8/22	David	Existing painting operation
Oasis – Williston CS	2/1/22	Ray.	Prelim review done, working with new owner Crestwood on any design updates.

On Hold

Name	Received	Assigned	Status
Wood Products	9/23/21	Rhannon	On Hold

Review Substantially Completed

Name	Received	Assigned	Status
ONEOK – Stateline CS	10/3/22	David	Drafted (internal review)
Guardian – Hankinson	3/11/22	Craig	(included with T5 application); PN ends 12/29
Hess – Capa CS 1	8/26/22	David	New; draft to company
SAFuelsX	6/23/22	David	PN ends 1/8/23
Roughrider Operating SWD	8/2/22	Craig	NPR Letter being typed

Near Future

Epitome (soybean); expected February. Modeling

In addition to the Air Permit and Compliance Program core responsibilities, there has also been an influx of less routine work due to recent EPA actions under the current administration. These include items that will require changes to North Dakota's Air Quality State Implementation Plan, such as newly proposed oil and gas regulations, Regional Haze ongoing requirements, EPA's proposal to lower the $PM_{2.5}$ National Ambient Air Quality Standard, and upcoming EPA regulations regarding greenhouse gases – specifically for the electrical generation sector. While less routine, this work substantially increases the workload and need for technical expertise to successfully complete and defend developed plans.

Data Collection and Analysis Program

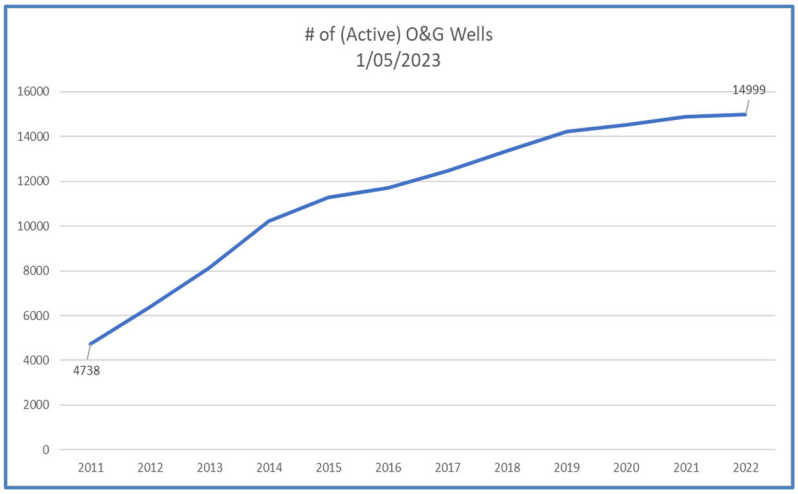
The Data Collection and Analysis Program maintains a 24-hour/7-day-per-week ambient air quality monitoring network in North Dakota. Data from these monitors indicates that North Dakota is one of a handful of states that complies with all national ambient air quality standards. Additional duties include compliance inspections of industry-maintained monitors and analysis of data generated by the air quality monitors. Monitoring data is invaluable when evaluating and defending permits issued by the DEQ. In addition, these monitors have proven useful in detecting smoke from out-of-state fires, which can impact visibility and public health. Extensive wildfires in the Western United States and Canada have resulted in significant public inquiry regarding the data we collect.

Division of Air Quality – Oilfield Impacts

Oil and Gas development and production continues to require significant DEQ attention. Ongoing and increased monitoring, technology reviews and analysis, inspections, permitting, complaint investigations and enforcement consume considerable staff time and effort.

Since 2013, the DEQ has received over 13,000 oil and gas well registrations which require a detailed review for the accuracy of information provided. A year-by-year breakdown is provided below. There was a dip in numbers between 2020 and 2022 partially due COVID and industry uncertainty.

# of Active Wells

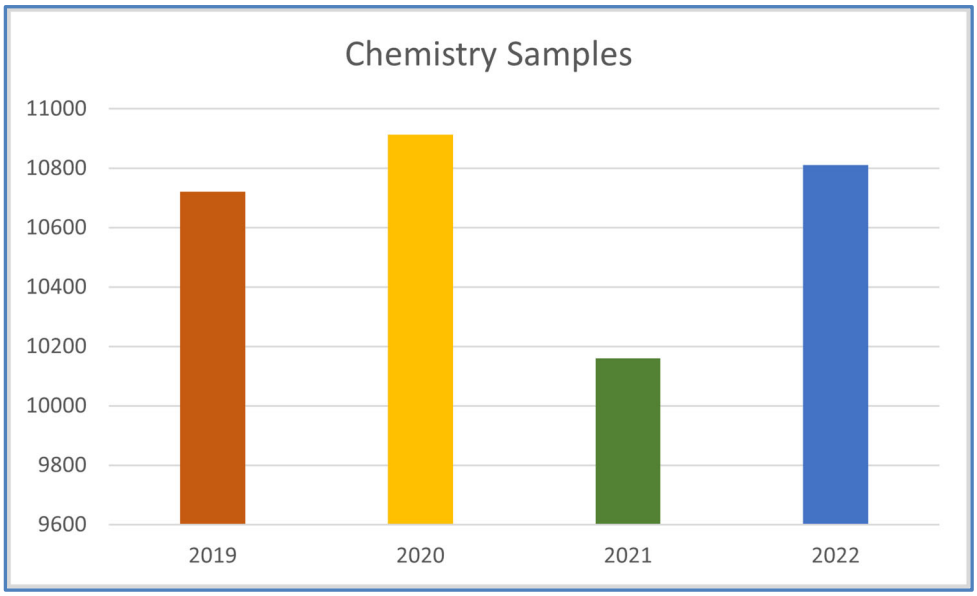


Division of Chemistry

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.

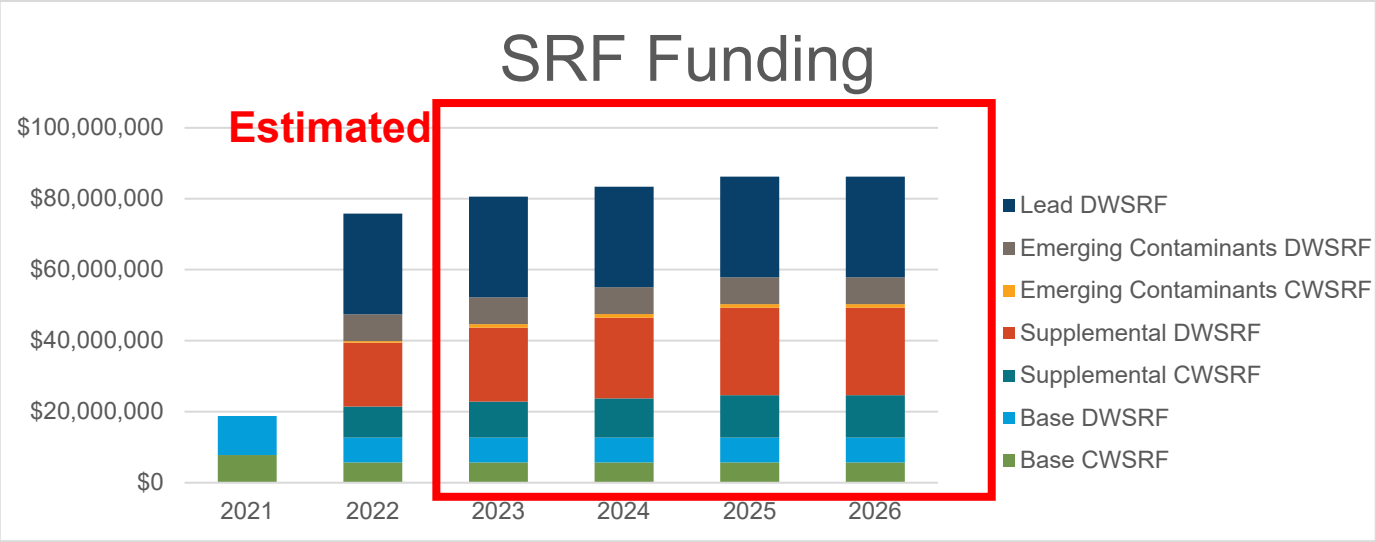
As the SDWA requirements and drinking water standards continue to become more complex, so do the challenges for the regulated community. It is critically important that we train and retain certified operators required to maintain complex treatment infrastructure. The lowering of drinking water quality 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

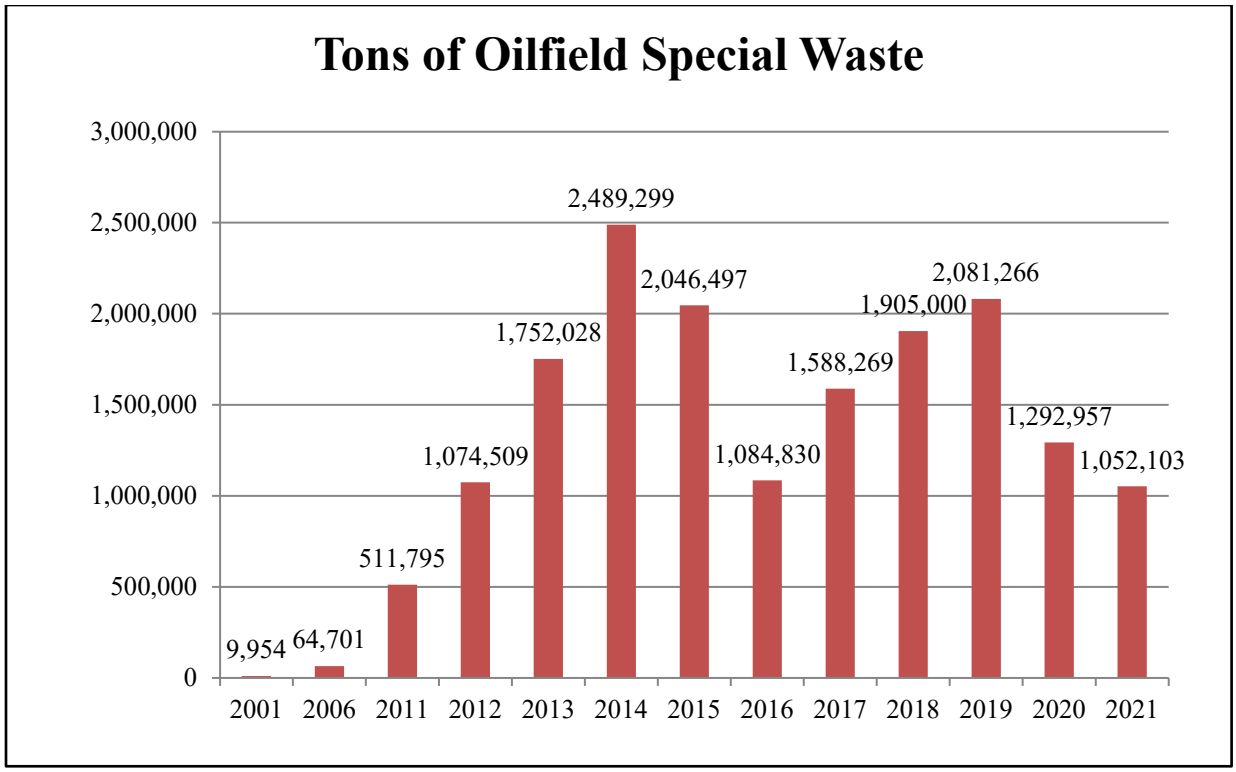
MSW Landfills – 14 (13 active, 1 in post-closure care)

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



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.

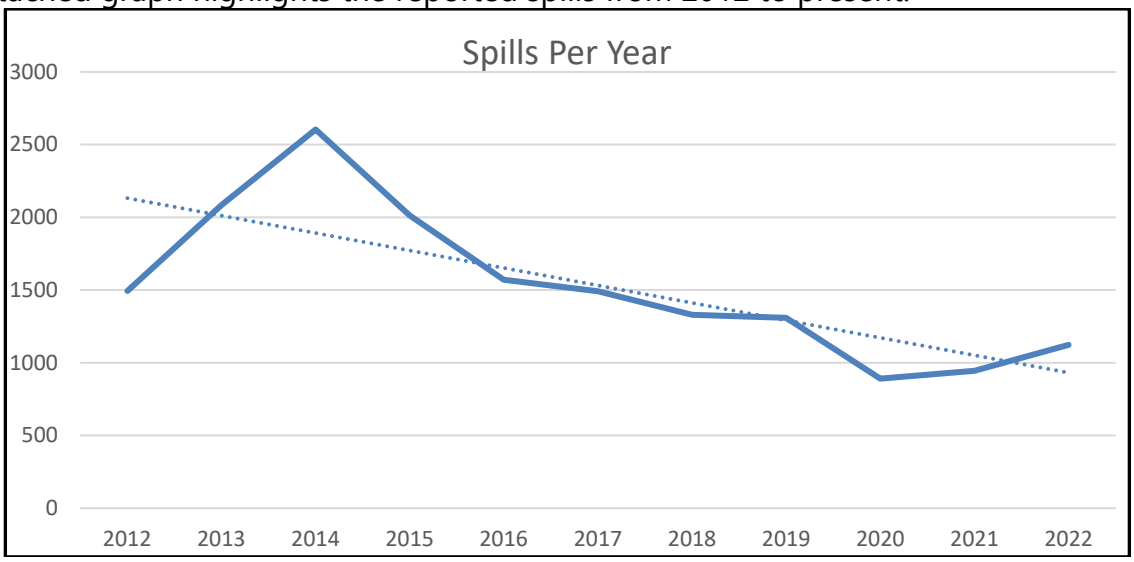
Special Projects Coordinator

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.



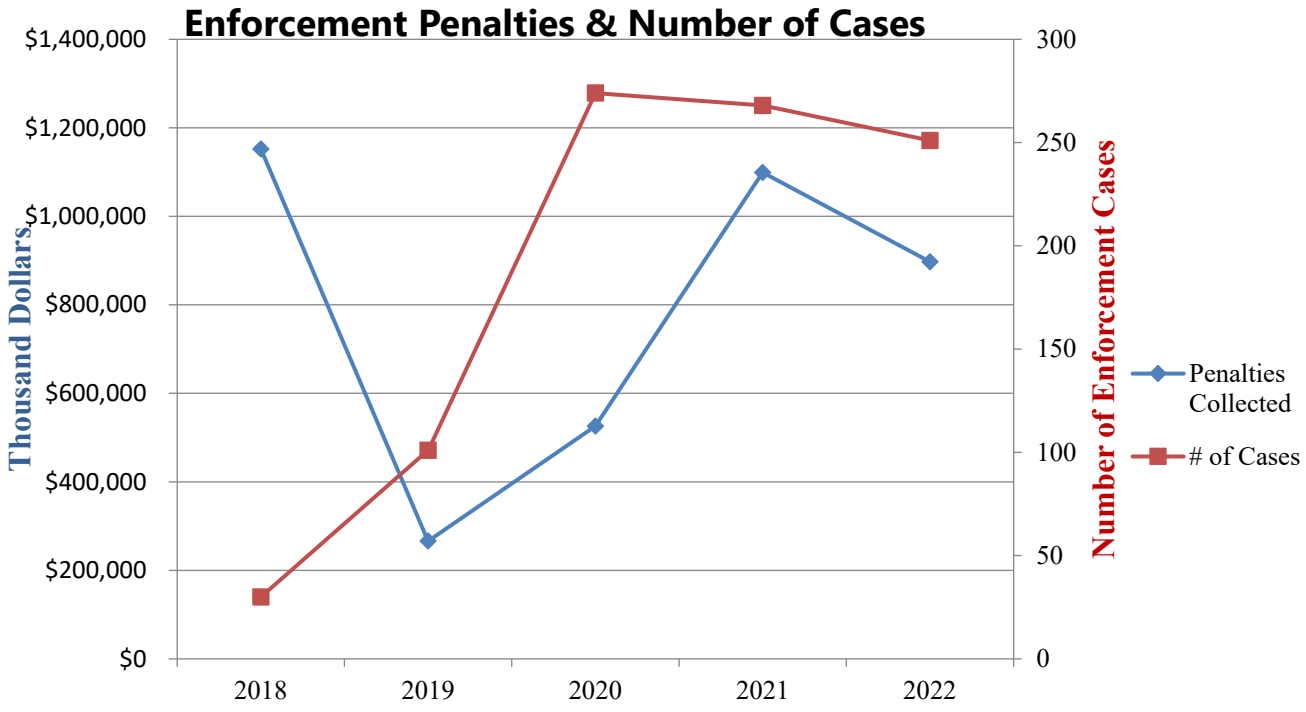
Number of Spills by Year

(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.

3. Environmental Assimilative Capacity

   As the development of the state's natural resources increases, so does the potential impact on environmental quality. Our air sheds, surface and groundwater and landscapes have a finite ability to assimilate environmental contamination. As the impact increases the need for more complex environmental controls are required. This identifies the need for competent environmental professionals who understand when to implement sophisticated control systems and how they should be structured in a required permit. In addition, a knowledge of how the systems operate and are monitored is essential. The DEQ will need to address how best to address this challenge with staff numbers and training to address this issue.

4. Budget Limitations

   National inflation has resulted in significant cost increases in all program areas. Examples of cost increases include 20 percent or more for laboratory supplies, equipment and equipment maintenance, and information technology increases that stress DEQ budget's ability to meet long-term costs. Coupled with the fact that base federal funding for program implementation has remained essentially stagnant or declined puts pressure on the agency to meet ongoing operational costs. The DEQ notes that some of these problems could be addressed in the decision packages presented previously; however, additional longer-term solutions will need to be explored.

   This concludes the Department of Environmental Quality testimony, and we will stand for questions.

Appendix

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

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 – Dennis Fewless
Special Projects – Dennis Fewless and Scott Radig
Geographic Information System Coordination - Ann Fritz
Legal - Margaret Olson (701) 328-3603; **Kristie McCrusker** (701) 328-5283

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

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*

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

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 Suess

> 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 Pumpers
> 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

OTHER Environmental Information

Fargo Office, 1120 28th Avenue N, Suite B, Fargo, ND 58102, (701) 298-4638, Fax (701) 235-7394
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		NDCC ch. 23.1-01 https://www.ndlegis.gov/cencode/t23-1c01.pdf#nameddest=23p1-01-01
Environmental Review Advisory Council		NDCC § 23.1-01-02 https://www.ndlegis.gov/cencode/t23-1c01.pdf#nameddest=23p1-01-02
DIVISION OF AIR QUALITY		
Air Quality Permitting & Compliance		
	Clean Air Act	42 U.S.C.§ 7401 et seq. (1970) https://www.law.cornell.edu/uscode/text/42/chapter-85/subchapter-I/part-A
	Air Pollution Control	NDCC ch. 23.1-06 https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-01 NDAC Art. 33.1-15 https://ndlegis.gov/information/acdata/pdf/33.1-15-01.pdf
	Construction Permits, Minor Source Operating Permits, Title V Operating Permits	40 CFR Part 60, 61, 63, 64, 70, 72, and 75 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C NDAC Art 33.1-15-01 thru 33.1-15-25 https://ndlegis.gov/information/acdata/pdf/33.1-15-01.pdf
	Compliance and Enforcement	40 CFR Part 60, 61, 63, 64, 70, 72, and 75 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C NDAC Art 33.1-15-01 thru 33.1-15-25 https://ndlegis.gov/information/acdata/pdf/33.1-15-01.pdf

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

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

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

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

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	Community Fluoridation Program	
	Training and Certification of Water & WW Facility Operators	33 U.S.C. § 1383 - See 1 (water only) Clean Water Act https://www.law.cornell.edu/uscode/text/33/1383 NDCC ch. 23.1-07 – Water Distribution and Wastewater Systems Operators https://ndlegis.gov/cencode/t23-1c07.pdf#nameddest=23p1-07-01 NDAC Art. 33.1-19 https://ndlegis.gov/information/acdata/pdf/33.1-19-01.pdf
	Operator Expense Reimbursement Program	Title IV of the 1987 Amendments to the Clean Water Act (CWA) - 33 U.S.C. §1383 https://www.law.cornell.edu/uscode/text/33/1383 Federal Water Pollution Control Act of 1972 - 33 U.S.C 466 et seq - later became CWA https://www.law.cornell.edu/uscode/text/33/466 1986 Amendments to the Safe Drinking Water Act (SDWA) - 42 U.S.C 301j-12 https://www.law.cornell.edu/uscode/text/42/300j-12 Safe Drinking Water Act (SDWA) of 19740-0 42 U.S.C 300g-2 https://www.govinfo.gov/content/pkg/USCODE-2020-title42/pdf/USCODE-2020-title42-chap6A-subchapXII-partB-sec300g-2.pdf

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

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		NDAC ch. 33.1-20-02.1 https://ndlegis.gov/information/acdata/pdf/33.1-20-02.1.pdf NDAC ch. 33.1-20-03.1 https://ndlegis.gov/information/acdata/pdf/33.1-20-03.1.pdf
	Municipal, Industrial, Special & Inert Waste Inspections	NDCC § 23.1-08-18 https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-18
	Municipal Solid Waste Operator Training & Certification	NDCC § 23.1-08-15 https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-15 NDAC ch. 33.1-20-16 https://ndlegis.gov/information/acdata/pdf/33.1-20-16.pdf
	Industrial, Special & Inert Waste Operator Training	NDAC § 33.1-20-04.1-02(1) https://ndlegis.gov/information/acdata/pdf/33.1-20-04.1.pdf NDAC § 33.1-20-04.1-04(2)(f) https://ndlegis.gov/information/acdata/pdf/33.1-20-04.1.pdf NDAC § 33.1-20-11-06 https://ndlegis.gov/information/acdata/pdf/33.1-20-11.pdf NDCC § 23.1-08-03(9) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-03
	Open Burning at Solid Waste Facilities	NDCC § 23.1-08-02(11) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-02

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		NDCC § 23.1-08-07(2) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-07 NDAC § 33.1-20-04.1-02(6) https://ndlegis.gov/information/acdata/pdf/33.1-20-04.1.pdf NDAC ch. 33.1-15-04 https://ndlegis.gov/information/acdata/pdf/33.1-15-04.pdf NDAC Art. 33.1-15 https://ndlegis.gov/information/acdata/html/33.1-15.html
	Solid Waste Transfer Stations	NDCC § 23.1-08-03(8), NDCC § 23.1-08-03(11) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-03 NDCC § 23.1-08-04(12) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-04 NDAC § 33.1-20-04.1-06 https://ndlegis.gov/information/acdata/pdf/33.1-20-04.1.pdf
	Coal Combustion Residuals Waste	NDCC § 23.1-08-04 https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-04 NDAC ch. 33.1-20-07.1 https://ndlegis.gov/information/acdata/pdf/33.1-20-07.1.pdf
	Oilfield Special Waste (Offsite Oilfield Waste)	NDCC § 23.1-08-04(8), NDCC § 23.1-08-04(11), NDCC § 23.1-08-04(12) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-04 NDAC ch. 33.1-20-07.1 https://ndlegis.gov/information/acdata/pdf/33.1-20-07.1.pdf

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	Land Treatment	NDCC § 23.1-08-04(8), NDCC § 23.1-08-04(11), NDCC § 23.1-08-04(12) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-04 NDAC ch. 33.1-20-09 https://ndlegis.gov/information/acdata/pdf/33.1-20-09.pdf
	Scrap Tires & Tire Recycling	NDCC § 23.1-08-04(8), NDCC § 23.1-08-04(11), NDCC § 23.1-08-04(12) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-04 NDAC § 33.1-20-02.1(4) https://ndlegis.gov/information/acdata/pdf/33.1-20-02.1.pdf NDAC § 33.1-20-04.1-07(4) https://ndlegis.gov/information/acdata/pdf/33.1-20-04.1.pdf
	Waste Reduction, Recycling & Composting	NDCC § 23.1-08-02(15) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-02 NDCC § 23.1-08-03(8), NDCC § 23.1-08-03(11), NDCC § 23.1-08-03(12) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-03 NDCC § 23.1-08-05 https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-05

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		NDCC § 23.1-08-16 https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-16 NDAC § 33.1-20-01.1-04 https://ndlegis.gov/information/acdata/pdf/33.1-20-01.1.pdf NDAC § 33.1-20-02.1-02 https://ndlegis.gov/information/acdata/pdf/33.1-20-02.1.pdf NDAC § 33.1-20-04.1-04 https://ndlegis.gov/information/acdata/pdf/33.1-20-04.1.pdf NDAC § 33.1-20-17-01 https://ndlegis.gov/information/acdata/pdf/33.1-20-17.pdf
	Energy Recovery	NDCC § 23.1-08-02(13) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-02 NDCC § 23.1-08-03 https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-03 NDAC § 33.1-20-01.1-04 https://ndlegis.gov/information/acdata/pdf/33.1-20-01.1.pdf NDAC § 33.1-20-17-01 https://ndlegis.gov/information/acdata/pdf/33.1-20-17.pdf NDAC § 33.1-20-04.1-08 https://ndlegis.gov/information/acdata/pdf/33.1-20-04.1.pdf

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		NDAC § 33.1-20-13-02 https://ndlegis.gov/information/acdata/pdf/33.1-20-13.pdf
	Biomass (waste wood, etc.)	NDCC § 23.1-08-02(15) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-02 NDCC § 23.1-08-03 https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-03 NDCC § 23.1-08-16 https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-16 NDAC § 33.1-20-01.1-04 https://ndlegis.gov/information/acdata/pdf/33.1-20-01.1.pdf NDAC § 33.1-20-02.1-02 https://ndlegis.gov/information/acdata/pdf/33.1-20-02.1.pdf NDAC § 33.1-20-04.1-07 https://ndlegis.gov/information/acdata/pdf/33.1-20-04.1.pdf NDAC § 33.1-20-04.1-08 https://ndlegis.gov/information/acdata/pdf/33.1-20-04.1.pdf NDAC § 33.1-20-13-02 https://ndlegis.gov/information/acdata/pdf/33.1-20-13.pdf NDAC § 33.1-20-17-01 https://ndlegis.gov/information/acdata/pdf/33.1-20-17.pdf
	Nutrient Management (Ag Processing)	NDAC § 33.1-20-01.1-03(34), NDAC § 33.1-20-01.1-03(42) https://ndlegis.gov/information/acdata/pdf/33.1-20-01.1.pdf

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		NDAC ch. 33.1-20-09 https://ndlegis.gov/information/acdata/pdf/33.1-20-09.pdf NDCC § 23.1-08-02(15) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-02
	Emergency Waste & Debris Management	NDCC § 23.1-08-19 https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-19 NDAC § 33.1-20-02.1-01 https://ndlegis.gov/information/acdata/pdf/33.1-20-02.1.pdf
	Abandoned & Dangerous Buildings	NDCC § 23.1-08-01 https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-01 NDAC § 33.1-20-01.1-04(1) https://ndlegis.gov/information/acdata/pdf/33.1-20-01.1.pdf
	Abandoned Motor Vehicle Projects, Auto Salvage & Scrap Metal	NDCC ch. 23.1-15 https://ndlegis.gov/cencode/t23-1c15.pdf
	Pollution Prevention	NDCC § 23.1-08-03(8) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-03
	Solid Waste Planning	NDCC§ 23.1-08-03(4) https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-03 NDAC ch. 33.1-20-17 https://ndlegis.gov/information/acdata/pdf/33.1-20-17.pdf

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Radiation & Indoor Air Quality		
	Radioactive Materials	NDCC ch. 23.1-02 - Radiation https://www.ndlegis.gov/cencode/t23-1c02.pdf#nameddest=23p1-02-01 NDCC ch. 23.1-03 – Ionizing Radiation Development https://ndlegis.gov/cencode/t23-1c03.pdf#nameddest=23p1-03-01 NDAC art. 33.1-10 https://ndlegis.gov/information/acdata/pdf/33.1-10-01.pdf NDCC ch. 23.1-05 - Southwestern low-level radioactive waste disposal compact https://www.ndlegis.gov/cencode/t23-1c05.pdf#nameddest=23p1-05-01
	Radon	
	X-Ray Machines	NDCC § 23.1-03-03 https://ndlegis.gov/cencode/t23-1c03.pdf#nameddest=23p1-03-03 NDCC § 23.1-03-04 https://ndlegis.gov/cencode/t23-1c03.pdf#nameddest=23p1-03-04 NDAC Art. 33.1-10 https://ndlegis.gov/information/acdata/pdf/33.1-10-01.pdf
	Asbestos	42 U.S.C. § 7401 et. Seq. Clean Air Act https://www.law.cornell.edu/uscode/text/42/chapter-85/subchapter-I/part-A

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		NDCC ch. 23.1-06 https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-01 NDAC § 33.1-15-13-02 https://ndlegis.gov/information/acdata/pdf/33.1-15-13.pdf
	Indoor Air Quality	
	Mammography Quality Assurance	38 U.S.C. § 7319 Mammography Quality Standards Act https://www.law.cornell.edu/uscode/text/38/7319
	Lead-based Paint	15 U.S.C. § 2601 et seq.Toxic Substances Control Act https://www.govinfo.gov/content/pkg/USCODE-2020-title15/pdf/USCODE-2020-title15-chap53-subchapI-sec2601.pdf 42 U.S.C. 4852d Residential Lead-Based Paint Hazard Reduction Act https://www.law.cornell.edu/uscode/text/42/4852d NDCC ch. 23.1-06 https://ndlegis.gov/cencode/t23-1c06.pdf#nameddest=23p1-06-01 NDAC ch. 33.1-15-24 https://ndlegis.gov/information/acdata/pdf/33.1-15-24.pdf 40 CFR 745 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-R/part-745?toc=1
	OOOO and OOOOa - Standards of Performance for Crude Oil & Natural Gas Production, Transmission and Distribution for which	40 CFR Part 60 Subpart OOOO https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-60/subpart-OOOO

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	Const., Mod., or Reconstr. Commenced after 8-23-2011, and before 9-18-2015.	40 CFR Part 60 Subpart OOOOa https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-60/subpart-OOOOa?toc=1
	Technologically Enhanced Naturally Occurring Radioactive Material (TENORM)	NDAC ch.33.1-10-23 https://www.ndlegis.gov/information/acdata/pdf/33.1-10-23.pdf
HW Program & Toxic Substances		42 U.S.C., Chapter 82, subchapter III https://www.law.cornell.edu/uscode/text/42/chapter-82/subchapter-III NDCC ch. 23.1-04 Hazardous Waste Mgt https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-01 NDAC Art 33.1-24 https://ndlegis.gov/information/acdata/html/33.1-24.html
	Hazardous Waste Permits	42 U.S.C. § 6925 https://www.law.cornell.edu/uscode/text/42/6925 40 CFR Part 270 https://www.law.cornell.edu/cfr/text/40/part-270 NDCC § 23.1-04-08 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-08 NDCC § 23.1-04-05 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-05

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		NDAC Art. 33.1-24-06 https://ndlegis.gov/information/acdata/pdf/33.1-24-06.pdf
	Hazardous Waste Inspections	42 U.S.C. § 6927 https://www.law.cornell.edu/uscode/text/42/6927 NDCC § 23.1-04-12 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-12
	Hazardous Waste Corrective Action	42 U.S.C. § 6924(u) & (v) https://www.law.cornell.edu/uscode/text/42/6924 40 CFR 264, subpart F https://www.law.cornell.edu/cfr/text/40/part-264/subpart-F NDCC § 23.1-04-08 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-08 NDCC § 23.1-04-13 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-13 NDCC § 23.1-04-14 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-14 NDCC § 23.1-04-15 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-14 NDAC §§ 33.1-24-05-47 thru 33.1-24-05-58 https://ndlegis.gov/information/acdata/pdf/33.1-24-05.pdf

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	Superfund Sites	42 U.S.C. § 9601 et seq. (Subch. I) Hazardous Substances Releases, Liability, and Compensation https://www.govinfo.gov/content/pkg/USCODE-2020-title42/pdf/USCODE-2020-title42-chap103-subchapI-sec9601.pdf 40 CFR Part 35.6000 (Subpart O) - Cooperative Agreements and Superfund State Contracts for Superfund Response Actions https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-O NDCC ch. 23.1-10 – Environmental Emergency Costs https://www.ndlegis.gov/cencode/t23-1c10.pdf#nameddest=23p1-10-01
	Emergency Response	NDCC § 23.1-04-14 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-14
	Emergency Spill Response Site Assessment	NDCC § 23.1-04-14 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-14
	Emergency Spill Site Remediation	NDCC § 23.1-04-14 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-14
	Brownfields	CERCLA 128(a) - Comprehensive Environmental Response, Compensation, and Liability Act -- otherwise known as CERCLA or Superfund (42 U.S.C. ch. 103) https://www.law.cornell.edu/uscode/text/42/chapter-103 42 U.S.C. § 9628 – State response programs https://www.law.cornell.edu/uscode/text/42/9628

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	Lab/Agricultural/Household Chemical Wastes	42 U.S.C. § 6921 https://www.law.cornell.edu/uscode/text/42/6921 42 U.S.C. § 6922 https://www.law.cornell.edu/uscode/text/42/6922 40 CFR Part 262 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-262 NDCC § 23.1-04-05(2), (7) https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-05 NDAC ch 33.1-24-03 https://ndlegis.gov/information/acdata/pdf/33.1-24-03.pdf
	Polychlorinated Biphenyls (PCBs)	
	Used Oil	42 U.S.C. § 6935 https://www.govinfo.gov/content/pkg/USCODE-2020-title42/pdf/USCODE-2020-title42-chap82-subchapIII-sec6934.pdf 40 CFR Part 279 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-279 NDCC §§ 23.1-04-05, 23.1-04-08 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-05

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		https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-08 NDAC § 33.1-24-05-600 thru 33.1-24-05-689 https://ndlegis.gov/information/acdata/pdf/33.1-24-05.pdf
	Infectious Waste	NDCC § 23.1-08-03 https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-03 NDAC ch. 33.1-20-12 https://ndlegis.gov/information/acdata/pdf/33.1-20-12.pdf
	Waste Transport Permits	NDCC § 23.1-08-09 https://ndlegis.gov/cencode/t23-1c08.pdf#nameddest=23p1-08-09 NDAC § 33.1-20-02.1-01 https://ndlegis.gov/information/acdata/pdf/33.1-20-02.1.pdf
Underground Storage Tank Program		42 U.S.C., Chapter 82, subchapter IX https://www.law.cornell.edu/uscode/text/42/chapter-82/subchapter-IX NDCC ch. 23.1-04 Hazardous Waste Management https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-01 NDAC Art. 33.1-24 https://ndlegis.gov/information/acdata/html/33.1-24.html
	UST Petroleum	40 CFR 280 and 281 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-280

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		https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-281 NDCC ch. 23.1-04 Hazardous Waste Management https://ndlegis.gov/cencode/t23-1c04.html NDAC Art. 33.1-24 https://ndlegis.gov/information/acdata/html/33.1-24.html
	UST Hazardous Substances	40 CFR 280 and 281 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-280 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-281 NDCC ch. 23.1-04 Hazardous Waste Management https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-01 NDAC Art. 33.1-24 https://ndlegis.gov/information/acdata/html/33.1-24.html
	Above-ground Storage Tanks Spills, Assessments	33 U.S.C. § 1251 et seq. (1972) Clean Water Act (CWA) https://www.law.cornell.edu/uscode/text/33/chapter-26/subchapter-I 42 U.S.C. § 9601 et seq. (1980) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) https://www.law.cornell.edu/uscode/text/42/chapter-103/subchapter-I

		42 U.S.C. § 6901 et seq. (1976) Resource Conservation and Recovery Act (RCRA) https://www.law.cornell.edu/uscode/text/42/chapter-82/subchapter-I 42 U.S.C. § 300f et seq. (1974) Safe Drinking Water Act (SDWA) https://www.law.cornell.edu/uscode/text/42/300f NDCC ch. 23.1-04 Hazardous Waste Management https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-01 NDCC ch. 23.1-11 Ground Water Protection https://ndlegis.gov/cencode/t23-1c11.html NDCC ch. 61-28 Control, Prevention, and Abatement of Pollution to Surface Water https://ndlegis.gov/cencode/t61c28.html NDCC ch. 61-28.1 Safe Drinking Water Act https://ndlegis.gov/cencode/t61c28-1.html NDCC ch. 23.1-11 Ground Water Protection https://ndlegis.gov/cencode/t23-1c11.pdf NDAC ch. 33.1-16-02.1 Standards of Quality for Waters of the State https://ndlegis.gov/information/acdata/pdf/33.1-16-02.1.pdf NDAC Art. 33.1-16 Control, Prevention, and Abatement of Pollution of Surface Water https://ndlegis.gov/information/acdata/html/33.1-16.html

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		NDAC ch. 33.1-20-13 Water Protection Provisions https://ndlegis.gov/information/acdata/pdf/33.1-20-13.pdf NDAC 33.1-24 Hazardous Waste Management https://ndlegis.gov/information/acdata/html/33.1-24.html NDAC ch. 45-10-02 Petroleum Tank Release Compensation Fund https://www.ndlegis.gov/information/acdata/pdf/45-10-02.pdf
	Leaking Underground Storage Tank Trust Program Assessment, Remediation	40 CFR 280 and 281 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-280 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-281 NDCC ch. 23.1-04 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-01 NDAC Art. 33.1-24 https://ndlegis.gov/information/acdata/html/33.1-24.html
	Antifreeze Regulation	NDCC ch. 23.1-14 https://ndlegis.gov/cencode/t23-1c14.pdf#nameddest=23p1-14-01
	Petroleum Products Testing	NDCC ch. 23.1-13 – Petroleum Products https://ndlegis.gov/cencode/t23-1c13.pdf NDAC Art. 33.1-34 https://ndlegis.gov/information/acdata/pdf/33.1-34-01.pdf

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	Spill Response	40 CFR 280 and 281 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-280 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-281 NDCC ch. 23.1-04 https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-01 NDAC Art. 33.1-24 https://ndlegis.gov/information/acdata/html/33.1-24.html
DIVISION - WATER QUALITY		
Watershed Management		
	Water Quality Standards	33 U.S.C. 1341 https://www.law.cornell.edu/uscode/text/33/1341 40 CFR 131 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-131?toc=1 NDCC § 61-28-04 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-04 NDAC ch. 33.1-16-02.1 https://ndlegis.gov/information/acdata/pdf/33.1-16-02.1.pdf
	Nonpoint Source Pollution Management	33 U.S.C. 1329 https://www.law.cornell.edu/uscode/text/33/1329

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		NDCC § 61-28-04 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-04
	Rivers & Stream Monitoring & Assessment	33 U.S.C. 1313 https://www.law.cornell.edu/uscode/text/33/1313 NDCC § 61-28-04 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-04
	Clean Lakes Assessments	33 U.S.C. 1256 https://www.law.cornell.edu/uscode/text/33/1256 NDCC § 61-28-04 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-04
	Fish Consumption Advisory	
	Watershed Management	33 U.S.C. 1329 https://www.law.cornell.edu/uscode/text/33/1329 NDCC § 61-28-04 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-04
	Water Quality Modeling	33 U.S.C. 1313 https://www.law.cornell.edu/uscode/text/33/1313 NDCC § 61-28-04 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-04
Water Quality Special Projects		
	404 Dredge & Fill	33 U.S.C. 1344 https://www.law.cornell.edu/uscode/text/33/1344
	404 Water Quality Certification	33 U.S.C. 1341 https://www.law.cornell.edu/uscode/text/33/1341
		NDCC ch. 23.1-11 Ground Water Protection https://ndlegis.gov/cencode/t23-1c11.html

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		NDCC ch. 61-28 Control, Prevention, and Abatement of Pollution to Surface Water https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-01 NDAC 33.1-16-02.1 https://ndlegis.gov/information/acdata/pdf/33.1-16-02.1.pdf
	Environmental Impact Statements (EIS) Review	42 U.S.C. 4321 et seq. https://www.law.cornell.edu/uscode/text/42/chapter-55 NDCC ch. 23.1-11 Ground Water Protection https://ndlegis.gov/cencode/t23-1c11.pdf#nameddest=23p1-11-01 NDCC ch. 61-28 Control, Prevention, and Abatement of Pollution to Surface Water https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-01 NDAC ch. 33.1-16-02.1 https://ndlegis.gov/information/acdata/pdf/33.1-16-02.1.pdf
	Water Quality Standards	33 U.S.C. 1341 https://www.law.cornell.edu/uscode/text/33/1341 40 CFR 131 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-131?toc=1 NDCC ch. 23.1-11 Ground Water Protection https://ndlegis.gov/cencode/t23-1c11.html NDCC ch. 61-28 Control, Prevention, and Abatement of Pollution to Surface Water https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-01

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		NDAC ch. 33.1-16-02.1 https://ndlegis.gov/information/acdata/pdf/33.1-16-02.1.pdf
Spill Investigation Program Spill Response		
	Oil Spills	33 U.S.C. 2701 https://www.law.cornell.edu/uscode/text/33/2701 NDCC § 61-28-06 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-06 NDAC ch. 33.1-16-02.1 https://ndlegis.gov/information/acdata/pdf/33.1-16-02.1.pdf
	Other spills	NDCC § 61-28-06 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-06 NDAC ch. 33.1-16-02.1 https://ndlegis.gov/information/acdata/pdf/33.1-16-02.1.pdf
Wastewater Facility/Permits		
	ND Pollutant Discharge Elimination System (NDPDES) Permits	33 U.S.C.§ 1251 et seq. (1972) https://www.law.cornell.edu/uscode/text/33/chapter-26/subchapter-I NDCC ch. 61-28 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-01 NDAC ch. 33.1-16 https://ndlegis.gov/information/acdata/html/33.1-16.html

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		NDAC ch. 33.1-21 https://ndlegis.gov/information/acdata/html/33.1-21.html
	Wastewater Releases	33 U.S.C. 1342 https://www.law.cornell.edu/uscode/text/33/1342 40 CFR 122 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122?toc=1 NDCC § 61-28-04 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-04 NDAC ch. 33.1-16-01 https://ndlegis.gov/information/acdata/pdf/33.1-16-01.pdf
	Stormwater Regulations	33 U.S.C. 1342 https://www.law.cornell.edu/uscode/text/33/1342 40 CFR 122 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122?toc=1 NDCC § 61-28-04 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-04 NDAC ch. 33.1-16-01 https://ndlegis.gov/information/acdata/pdf/33.1-16-01.pdf
	Feedlot Inspections/Approval/Runoff	33 U.S.C. 1342 https://www.law.cornell.edu/uscode/text/33/1342 40 CFR 122 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122?toc=1

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		NDCC § 61-28-04 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-04 NDAC ch. 33.1-16-03.1 https://ndlegis.gov/information/acdata/pdf/33.1-16-03.1.pdf
	Septic Pumpers	NDCC § 61-28-04.1 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-04p1 NDAC ch. 33.1-21-02 https://ndlegis.gov/information/acdata/pdf/33.1-21-02.pdf
	Small Business Assistance	
	Pretreatment	33 U.S.C. 1317 https://www.law.cornell.edu/uscode/text/33/1317 40 CFR 403 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-N/part-403?toc=1 NDCC § 61-28-04 https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-04 NDAC ch. 33.1-16-01.1 https://ndlegis.gov/information/acdata/pdf/33.1-16-01.1.pdf
Groundwater Protection and UIC Programs		
	Underground Injection Control (UIC) Program	40 CFR Part 145 State UIC Programs https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-145?toc=1

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		40 CFR Part 147 State Underground Injection Control Programs https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-147 NDCC ch. 61-28 Control, Prevention, and Abatement of Pollution to Surface Water https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-01 NDCC ch. 23.1-11 Ground Water Protection https://ndlegis.gov/cencode/t23-1c11.html NDCC ch. 61-28.1 Safe Drinking Water Act https://ndlegis.gov/cencode/t61c28-1.pdf#nameddest=61-28p1-01 NDAC ch. 33.1-25-01 Underground Injection Control Program https://ndlegis.gov/information/acdata/pdf/33.1-25-01.pdf
	Source Water Protection	42 U.S.C. § 300f et seq. (1974) Safe Drinking Water Act (SDWA) https://www.law.cornell.edu/uscode/text/42/300f NDCC ch. 23.1-11 Ground Water Protection https://ndlegis.gov/cencode/t23-1c11.html
	Groundwater Remediation & Assessment	33 U.S.C. §1251 et seq. (1972) Clean Water Act (CWA) https://www.law.cornell.edu/uscode/text/33/chapter-26/subchapter-I NDCC ch. 23.1-04 Hazardous Waste Management https://ndlegis.gov/cencode/t23-1c04.pdf#nameddest=23p1-04-01

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		NDCC ch. 23.1-11 Ground Water Protection https://ndlegis.gov/cencode/t23-1c11.html NDCC ch. 23.1-13 Petroleum Release Remediation https://ndlegis.gov/cencode/t23-1c13.pdf#nameddest=23p1-13-01 NDCC ch. 61-28 Control, Prevention, and Abatement of Pollution to Surface Water https://ndlegis.gov/cencode/t61c28.pdf#nameddest=61-28-01 NDCC ch. 61-28.1 Safe Drinking Water Act https://ndlegis.gov/cencode/t61c28-1.pdf#nameddest=61-28p1-01 NDAC ch. 33.1-16-02.1 Standards of Quality for Waters of the State https://ndlegis.gov/information/acdata/pdf/33.1-16-02.1.pdf NDAC Art. 33.1-16 Control, Prevention, and Abatement of Pollution of Surface Water https://ndlegis.gov/information/acdata/html/33.1-16.html NDAC ch. 33.1-20-13 Water Protection Provisions https://ndlegis.gov/information/acdata/pdf/33.1-20-13.pdf NDAC Art. 33.1-24 Hazardous Waste Management https://ndlegis.gov/information/acdata/html/33.1-24.html

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OTHER PROGRAMS		
	Boiler Inspection	NDCC ch. 23.1-16 https://www.ndlegis.gov/cencode/t23-1c16.pdf#nameddest=23p1-16-01
	Petroleum Release Tank Compensation Fund	NDCC ch. 23.1-12 Petroleum Release Remediation https://ndlegis.gov/cencode/t23-1c12.html

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Testimony in Support of
House Bill No. 1024
House Human Resources Appropriation Committee
January10, 2023

TESTIMONY OF
Beth Jacobson, Director of Accounting

Good afternoon Chairman Nelson and members of the House Human Resources Appropriation Committee. My name is Beth Jacobson, I am the Director of Accounting for the Department of Environmental Quality (DEQ). I prepared the budget for the department, and I will be covering the budget portion of the testimony in support of House Bill 1024.

I will first address the base-level budget compared to the 2023-25 Governor's Executive Recommendation, walk through the budget changes to arrive at the Executive Recommendation, and I will also touch base on a few other budget related items as requested.

Base-Level Budget Comparison to Executive Recommendation

The budget outlined in the table below includes the Office of the Director and the Division of Accounting along with five divisions: Air Quality, Chemistry Laboratory, Municipal Facilities, Water Quality, and Waste Management. In the table below, you will note significant increase in several budget lines. The increases are mainly due to federal funding related to the Infrastructure Investment and Jobs Act (IIJA).

Category	2021-23 Base Level Budget	2023-25 Executive Recommendation	Increase/(Decrease)
Salaries & Wages	32,551,817	38,126,784	5,574,967
Operating Expenses	10,771,898	16,208,026	5,436,128
Capital Assets	1,247,172	1,168,500	(78,672)
Grants	15,060,118	36,838,118	21,778,000
Total By Line	**59,631,005**	**92,341,428**	**32,710,423**

Category	2021-23 Base Level Budget	2023-25 Executive Recommendation	Increase/(Decrease)
General Fund	12,661,075	14,687,602	2,026,527
Federal Funds	25,585,277	53,655,863	28,070,586
Special Funds	21,384,653	23,997,963	2,613,310
Total by Fund	**59,631,005**	**92,341,428**	**32,710,423**

FTE	**166**	**173**	**7**

2023 – 2025 Budget Changes as Recommended in Executive Recommendation

In May 2022 the Governor released the budget guidelines for the 2023-25 Base Budget. I will overview the changes made to the base level budget and then go through the decision packages to arrive at the 2023-25 Governor's Executive Recommendation. For your reference, Attachment A identifies the specific adjustments made to the base level budget to arrive at the Executive Recommendation. I will briefly explain each adjustment and the purpose of the adjustment.

Base Budget Changes

- The executive recommendation includes an increase to support the cost to continue the 2021-23 second year 2 percent salary increase in the 2023-25 Biennium. The increase is just over $231,000.

- The executive compensation package increases the salary and wages line by approximately $3 million. The executive compensation package includes a 6 percent performance-based increase for the first year and a 4 percent increase for the second year of the biennium, and a fully funded state-paid health insurance premium. With a competitive labor market and high inflation over the last few years, this investment in our workforce is greatly needed to retain and attract team members.

- As many of you are aware, the cost of technology is increasing. Due to the increased cost of technology-related expenses, an adjustment of $223,000 was included in the 2023-25 base budget to support increases for the North Dakota Information Technology Department.

- The decrease of $120,000 in the Capital Improvements line removes the bond payment from the department's budget. In the 2021-23 biennium, the department paid off the Capital Bond for the Laboratory Complex.

- To reflect and account for additional federal funding the department included an increase of federal funding in the base budget of $3.2 million. Of the $3.2 million only $260,000 is an increase in the salaries line. This increase is for temporary employees in our Water Quality Monitoring program to conduct the triannual rivers and streams survey, a small increase for temporary employees in the Division of Waste Management for the Coal Combustion Residual Grant (CCR), and an increase in temporary salary funding for summer internships offered throughout the department.

  In the operating line, the increase in federal funding is just over $2.3 million which is mainly for Infrastructure Investment and Jobs Act (IIJA) funding including Brownfields, Water Quality Management, and Clean and Drinking Water Administration programs.

The decrease in the Capital Improvement line was in the Chemistry Laboratory. These funds were redirected to the operating line to offset the increased cost of consumables and other operating costs for the laboratory.

Finally, the increase in the Grants line of about $780,000 is mainly for the Small and Disadvantage Communities Drinking Water Grant. This grant is passed through to enhance a project to reach an underserved or disadvantaged community.

Decision Package Changes

The department submitted six decision packages for consideration in the executive recommendation. Included in the six packages were two versions of the Municipal Facilities IIJA and Lead and Copper Decision Package. One version was fully funded with federal funding and the other version was funded with federal and special funds. Of the six decision packages, five included the executive recommendation with the fully funded federal version removed. Note, one decision package was submitted as a placeholder to allow the department to be part of the litigation pool funding which the Attorney General's Office oversees.

- Two of the department's highest priority decision packages in the executive recommendation include funding to support the Chemistry Laboratory. In the 2021-23 biennium, the department was appropriated one-time funding for a new Laboratory Information Management System (LIM System) to replace an outdated DOS-based system. This funding supported the purchase and development of the LIM System. However, as we moved forward on the project it was discovered the ongoing licensing and maintenance cost was much higher than anticipated. The executive recommendation includes $280,000 in operating general funds to support the ongoing costs of the LIM system.

- The Chemistry Laboratory relies on consumables supplies for day-to-day operation. Recent inflation has significantly impacted the cost of consumables. The Executive Recommendation includes one-time general funds of $116,800 to offset the increased cost of laboratory supplies and consumables.

- The Office of Director and Division of Accounting support the program functions for the entire department. As a new agency, we discovered the need for several vital positions. The executive recommendation includes an addition of four (4) FTEs and funding of $1.1 million to support an Assistant Director, a Human Resource Director, an Environmental Justice and Civil Right Coordinator, and an Account Budget Specialist.

  Two of the positions, the Environmental Justice/Civil Rights Coordinator, and an Accountant Budget Specialist were requested and approved in the June 2022 Emergency Commission meeting. We are requesting to keep the two positions, which are vital to the daily operations of the department and help us respond to the increase in federal regulations.

The request to add an Assistant Director was the result of succession planning. This position would back up the director and oversee daily operations of the department. The Assistant Director will provide stability with the coordination of department-wide unified policies.

The last position in this decision package is for a Director of Human Resources (HR). The DEQ is considered a large-sized agency per Human Resource Management Services (HRMS)-HR tiers. Agencies of similar size have two to three HR staff. Currently, DEQ relies on HRMS for all our HR services. All four positions in this decision package will be funded by the negotiated indirect cost rate and funded with general, federal, and special funds.

- The next decision package totaling around $23 million is funded with Federal and Special funds for the Municipal Facilities and Chemistry Laboratory Divisions. The funds requested include IIJA State Revolving Funds (SRF) and funds for the new Lead and Copper Rule. This decision package includes a mixture of one-time funding and ongoing request with an increase of three (3) FTEs. The IIJA funds are awarded annually for five years with project periods expected for the next ten years.

  The three FTEs in this decision package support two Environmental Engineers and one Chemist for Lead and Copper Testing. In June 2022 we did receive emergency commission approval to hire two of the positions to move forward with the IIJA applications and the new Lead and Copper Rule. The Engineer positions will manage 10-12 projects per year. We are expecting an increase of about 37 projects per year. The third position is for a Chemist in response to the new Lead and Copper Rule. We expect a 766% increase in samples for Lead and Copper in the Chemistry Laboratory as a result of the new Lead and Copper Rule.

  The majority of the funds in this decision package are in the Grants line for subawards totaling $20 million for Small and Disadvantaged Communities Drinking Water grants and $1 million for Sewer Overflow and Stormwater Reuse Municipal Grants. These funds will be directly awarded to specific improvement projects throughout the state.

  This decision package is partially funded by the executive recommendation. The department requested six (6) FTEs of which three (3) FTEs were funded in the Executive Recommendation. When budgeting for the IIJA funds, there was and still is, uncertainty about what is needed. As we move forward in implementing the IIJA grants, if the need arises, the department may request support for additional FTEs.

- The final decision package is for Environmental Data System totaling just over $1.5 million and is a mixture of one-time funding and ongoing appropriation. The Department reviewed our current systems and prepared short and long terms goals for consolidation and enhancements. The department currently has over 36 separate environmental data systems for storing and managing data. We are looking to reduce this to 10 or fewer to standardize the data system. These systems will allow the automation of data collection and improve our ability to manage the data and the environmental programs we implement.

  This decision package also includes migrating the Pollutant Discharge Elimination System (PDES) Program and Solid Waste Program system to nVIRO which is the same system currently used in Air Quality. This would be a significant upgrade for both systems, and it provides users at regulated facilities one web-based system to submit, and track required compliance reports electronically.

One-Time Funding

In the 2021-23 Biennium, the department received $1 million of one-time funding for the LIM System in the Chemistry Laboratory. As stated in my previous testimony, we are in the process of implementing the new LIM System and expect to complete it by June 2023.

The 2023-25 Executive Recommendation includes one-time funding totaling just under $2 million. A small portion of the one-time funding was included to offset inflation increases in the Chemistry Laboratory. We also have one-time funding in the Municipal Facilities IIJA request to purchase equipment in the Chemistry Laboratory, one-time set-up costs for office and IT equipment for new FTEs, and one-time funds in the IT contractual line to enhance the Drinking Water Portal. The last budget amount of one-time funding is for IT contractual development for the Environmental Data Systems.

Other HB1024 Sections

In addition to the fiscal item in HB1024, the Department is requesting to include a section for an accounting housekeeping item. We are proposing to add language regarding the accounting of the Environmental Quality Restoration Fund (EQRF). The section proposed, includes language that on the 1st day of July in any year the department would transfer uncommitted or unrestricted money in the EQRF over $5 million to the general fund.

General and Special Funds Collections

The department only has minor collections that are deposited into the state general fund. No changes are anticipated to general fund collections. Special fund collections are expected to remain the same. Only two programs are likely to see an increase in special fund collections.

The Chemistry Laboratory anticipates an increase due to increased testing requirements for the new Lead and Copper Rule. We are projecting a 766% increase in tests. The increase in special funds collections in the laboratory will support the FTE increase and increase of consumable supplies. The Petroleum Tank Release Compensation Program (PTRCF) is also anticipating an increase in special fund collections. The increase is due to adopting a risk-based fee schedule to ensure the fund remains solvent. This was set in motion in the 2019-21 biennium when the PTRCF transferred to the department.

Other Bills

The department is tracking several bills which may have an impact on our appropriation. The Executive Recommendation included $90 million to be considered in Senate Bill 2015 which would include $1.3 million in target equity funds for the DEQ. This target equity funding package is in addition to the executive compensation package and specifically designated for Scientist, Engineer, Chemist, and Science Administrative positions. We are experiencing record turnover and in a recent HRMS study, the DEQ was one of the lowest-paying state agencies. Other bills the department is tracking include Senate Bill 2003 for litigation pool funding and various other bills related to employee compensation.

Financial Audit Findings

The 2019-2021 biennium is the first biennium for the Department of Environmental Quality as a stand-alone state agency. The State Auditor's Office did perform an audit for the 2019-2021 biennium with three audit findings noted.

- Recommendation to review and approve all permits for special oilfield landfills within 120 days as required by N.D.A.C. 33.1-20-03.1-04. The department agreed to implement this finding and has already caught up on a backlog of permits. The department has taken steps to clearly track all start and stop dates of permits.

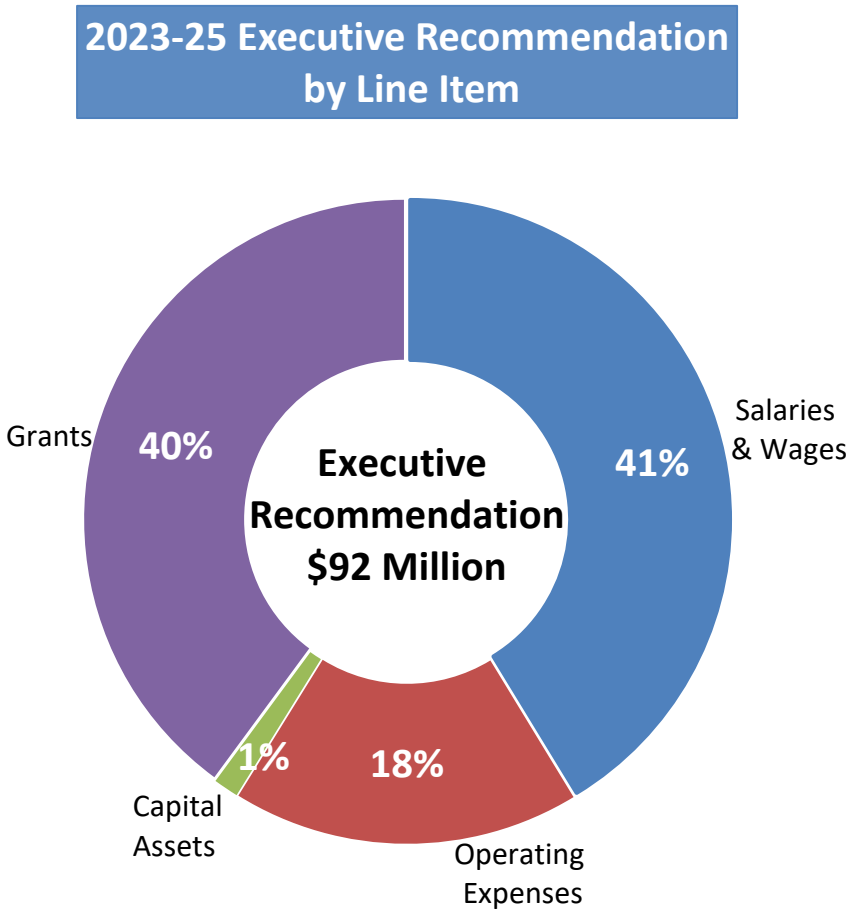
- Recommendation for the Solid Waste Program to develop a policy that defines risk assessment procedures to use in determining the active length of approved permits. The department agreed to implement this finding. The department had an informal policy in place however the Standard Operating Procedures are being finalized to include guidance on determining permit length.

- Recommendation for the department to evaluate policies and procedures to ensure they contribute to meeting the overall program objective. This includes modifying or implementing policies and procedures to ensure proper communication of inspection results, inspections verifying all required information, proper tracking and follow-up of noncompliance, and assignment of inspection duties among staff. The department was already in the process of implementing this finding. The Standard Operating Procedures are being finalized and the tracking system has been implemented to ensure proper communication of inspection results.

The department was aware of the issues noted in the finding and is in the process of addressing them. Unfortunately, with limited resources to implement a data tracking system and staffing resources stretched thin due to turn over, the process was delayed. Our budget addresses the resources needed to ensure these findings are implemented and properly addressed.

2023 – 2025 Summary of the Governor's Executive Recommendation

I will finish up with an overall review of the Governor's Executive Recommendation by appropriation line and by funding source. The Executive Recommendation includes a total of $92.3 million appropriated by line.



Salaries and Wages

Salaries and wages make up $38 million or 41 percent of the budget. The increase in the salaries line item is attributed to the executive compensation package, the increase to fund 7 FTEs and a small increase in the temporary employee line.

Operating Expenses

The operating budget totals just over $16 million making up 18 percent of our budget. Operating Expenses increase is mainly due to IIJA funding. This increase is mainly for IT contracts and operating contracts.

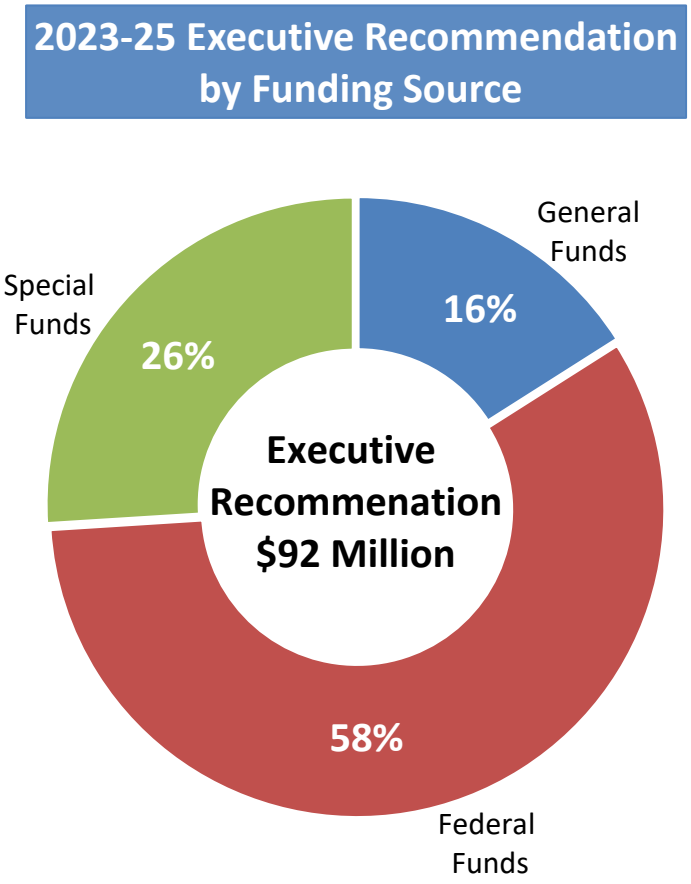
Capital Assets

Capital assets of $1 million make up only 1 percent of the Department's total budget. The Capital asset line includes funding for extraordinary repairs for the Environmental Training Center, and equipment costs of over $5,000, mainly for the laboratory and air monitoring program.

Grants

Grants, which are sub-awarded to many local entities within the state total $36.8 million and make up 40 percent of our budget. The increase in the grant line totals $21.8 which is mainly due to IIJA funds for Small and Disadvantage Communities Drinking Water System grants.

Next, I will briefly go over the breakdown by funding source of the Governor's Recommendation for the DEQ.



As noted in the above chart, the DEQ is funded by 16 percent general funds, 58 percent federal funds, and 26 percent special funds. The Executive Recommendation includes $14.7 million in general funds with an increase of $2 million. The increase in general funds supports the executive compensation package and funds the additional FTEs in Director's Office and Accounting Division.

Federal funds total just under $53.7 million with an increase of $28 million. The increase in federal funds is mainly due to IIJA funds in Municipal Facilities Division.

The special funds make up just under $24 million which is an increase of $2.6 million. The increase in special funds is due to the executive compensation package and to support decision packages.

The status of our federal funding is often uncertain. With that uncertainty, we prepared our budget by assuming that federal grant amounts will essentially hold even, except as noted above. We recognize that as we proceed through the next biennium we will have to adjust our budget, operations, and possibly staffing if federal funding changes from the amounts included in our budget request.

Conclusion

Chairman Nelson and members of the Committee, this concludes my testimony on House Bill 1024. In the upcoming weeks, we look forward to working with you on the detail of the Governor's Executive Recommendation for the Department. I will now turn it back to Dave Glatt who has some final comments, and we will stand for any questions.