

ENVIRONMENTAL REVIEW ADVISORY COUNCIL
September 7, 2021

A meeting of the Environmental Review Advisory Council was called to order by Randy Binegar at 2:54 p.m., due to technical difficulties, on Tuesday, September 7, 2021, at the Normandy Building, Ground Floor, Bismarck, ND and via Teams Meeting.

Members Present:

Randy Binegar, Liquid & Gas Fuels Industry
Tom DeSutter, Agronomy & Soil Sciences
Jeb Williams, Director, ND Game and Fish Department
Craig Bleth, Minnkota Power Cooperative
Jessica Bell, Senator, Coyote Creek
John Paczkowski, Interim St. Engineer
Andrea Travnicek, Director, ND Department of Water Resources
Steve Dale, County or Municipal Government
Julie Ellingson, Livestock Industry
Dan Wogsland, Corp Agriculture

Staff Members Present:

Shawn Heinle, Municipal Facilities
Jim Semerad, Air Quality
Jim Quanstrom, Chemistry
Cindy Auen, Chemistry
Duane Sandvick, Office of the Director (PTRCF)
Chuck Hyatt, Waste Management
David Bruschwein, Municipal Facilities
Beth Jacobson, Office of the Director
Jennifer Skjod, Public Information Officer
Dave Glatt, Director, DEQ

WELCOME

Jennifer Skjod explained conducting the meeting via Teams and that all the information was sent to the Council members and that the documents were also made available as attachments inside the chat and will be posted publicly.

The meeting was called to order by David Glatt. David expressed appreciation for the group's diverse background and said the input from various agencies is invaluable to see the whole picture. He mentioned how climate change and fossil fuels creates a lot of challenges, and the new administration's focus with fossil fuel and agriculture is about regulation. Our Governor favors innovation over regulation. He shared the due to the small size of our state we need to work closely with each other. North Dakota is seeking new development, and our Governor wants to achieve carbon neutral status. We need to get a seat at the table or be part of the menu. Encourage out of the box thinking for fossil fuel use. Our job at DEQ is to handle things in an environmentally sensitive way, working with challenges and innovations.

APPROVAL OF MINUTES

Discussion that the members received the minutes from the March 10, 2021, meeting. There was a motion to approve them. One correction needs to be made. The minutes should reflect the name Jessica Bell instead of Jennifer Bell.

RANDY BINEGAR MOVED TO APPROVE THE MINUTES FROM THE MARCH 10, 2021, MEETING WITH THE NAME CHANGE NOTED ABOVE. SECOND BY JULIE ELLINGSON. MOTION CARRIED.

OLD BUSINESS

Mini Superfund Update

- Money for the state to address abandoned properties that are contaminated and need to be taken care of right of way.
- Allows us to collect money from penalties
- Want to develop rules for the Mini Superfund
- Don't want to conflict with PTCRF. The rules will cover how to implement this for accounting. Would like to complete the first draft of the rules by the end of the year and share for input.
- There are existing federal superfunds in the state. We would use all other pots of money first that are applicable, then we would use the new funds.

Above Ground Storage Tanks Update

- DEQ is drafting rules for above ground storage tanks. Aging above-ground tanks risk possible contamination. 3847 above-ground tanks were registered this year. Many of those were put in service in the mid 80's to 90's. Many stations have tanks within the city limits. We are working with the ND fire marshal, EPA Region 8, and private sector dealers to come up with a comprehensive proposal that works for everyone. The only above-ground storage tank rules currently in place are from the fire marshal and the EPA.
- ND doesn't have regulations of our own, and some underground tanks have contaminated the groundwater. We need rules to regulate them. Some tank replacements will be needed, and the costs may cause some to go out of business.
- About 60% of the tanks pre-date the year 2000. We still want to provide tank insurance, but we need to minimize our liability by setting regulations that need to be followed.

Lead Rules Update

- The EPA is looking for more input. By December they will decide how to proceed.
- We expect to see three options. The most likely, will be option 2.
 1. Leave the rules as is
 2. Adjust the proposed rule. Extend out the time frame for implementation
 3. Revise the rules and start over
- Discussion that there are federal funds available to help pay for change out of the service connections, so the cities will have some help paying for those charges.
- Lead was banned in city water lines in 1986. Pipes older than that year have the potential to be lead. The lead ban applies only to the city water line to the house. It does not apply to the pipes inside of homes.

Covid Wastewater Testing

- The NDDEQ partnered with NDSU for the testing.
- The virus is in the wastewater. The level in the wastewater doesn't equal the number of positive cases in the cities.
- The testing is funded through the end of this year.
- The test results are based on 24-hour samples, 1 test per hour
- If a community isn't testing people for Covid, the Covid Wastewater testing results can still be monitored as a guide to what is happening in that community.
- Partner with the Department of Health to do the testing through December

Local Zoning Approval for TENORM

- 2017 landfill had higher levels of TENORM.
- Conditional use permit is required
- 2019 Williams County denied theirs through May 2021.
- Two were approved this year for TENORM conditional permits and are under review
- Radioactive licenses are also required
- 30 day public comment period and a public hearing is required

NEW BUSINESS

Facility Move

- Why did we move?
 - Previous building
 - Had 40,000 sf, but only 20,000 was usable square footage
 - We needed more space
 - We were paying \$15 per square foot, high cost and paying for square footage that was not usable
 - Needed more parking
 - Building had HVAC issues
 - Normandy building
 - Has 40,000 sf, and over 30,000 is usable square footage
 - \$We are paying \$12 per square foot
 - More space
 - Large lunchroom and plenty of conference rooms
- We were able to scan a lot of files and recycle tons of paper. We are working on how to digitize more in the future

Proposed Amendment to Operator Certification Fees

- Propose increasing our fees from \$10 certificate and \$5 testing fees to a maximum of \$25 certificate and \$15 testing fee
- This would allow more outreach to smaller communities.
- Fees would be more similar to other states.
- 1990 was the last time we changed our fees
- Cities with under 3300 people in their system would qualify for a reimbursement program
- Cities under 500 are not required to be certified

Lab Certification Administrative Rule Change

- Administrative Rule change due to federal requirements. Our effective date will change so it matches the federal effective date.
- Federal regulations took effect in July this year, if these go through they will be effective for ND on January 1

Regional Haze

- Rule started in 2000. We are in home stretch of getting plan feedback completed
- Protect and improve visibility
- Reduce our emissions
- Most impacted are power plants
- Move to public comment, get Governor's signature, and then get EPA
- Reaching for natural visibility by 2064
- 70% of visibility in ND is from other states. The other 30% is left from naturally occurring things in the environment. There is only a very small percent left that we could adjust
- We are making good progress sending to stakeholders and putting it online for comment

Summit Settlement & Remediation

Information shared about the Black Hill Creek spill. This has been a joint effort between the EPA and DEQ with good collaboration

Meridian Update

- September 12 is the deadline to get their information in to see if they are meeting the requirements for starting construction
- PSD regulations need to be met and are probably more strict than other states

EPA/Federal Infrastructure Funding

- A lot of federal funding is available
- Other agencies want their concerns met too
- It has been hard to get enough materials and supplies and the money must be spent by 2026
- Federal Infrastructure bill is trying to get approval to fund clean water program

ERAC Survey Results

- A lot of the elements have been implemented already in our program
- Looking for additional ways to get diverse comments so everyone has a seat at the table
- Social media outreach had good comments to reach communities about air and water

DIVISION UPDATES: NEW OR EVOLVING ISSUES

Jim Semerad, Air Quality
Jim Quanstrom, Chemistry
David Bruschwein, Municipal Facilities
Chuck Hyatt, Waste Management
Beth Jacobson, Accounting
Dave Glatt updated for Karl Rockeman, Water Quality

BOARD MEMBER COMMENTS

- Carbon Intensity paper is due next summer/fall
- Landfill and DOD are doing sampling, but we are not finding it in the drinking water

PUBLIC COMMENTS

Provide factsheets, updates and have a workgroup on those topics to have board members participate in.

Dave Glatt shared that he is working toward having all staff return to working in the office. It is about culture and interacting with other employees. Being accessible, transparent, and working with each other.

NEXT MEETING – DATE/TIME

The next meeting was set for March 8, 2022.

ADJOURNMENT

The meeting was adjourned at 5:26 PM

Submitted,

L. David Glatt, P.E.
Executive Secretary