

# Environmental Review Advisory Council Meeting Minutes from May 7, 2024

*Chairman Jonathan Fortner called the Environmental Review Advisory Council meeting to order at 2:00 p.m. on Tuesday, May 7, 2024, in Room 124 of the Normandy Building in Bismarck. N.D.*

## **Members Present:**

Dr. Tom DeSutter, Agronomy/Soil Sciences - Virtual  
Sherry Adams, Environmental Sciences - Virtual  
Steven Fasching, Liquid & Gas Fuels Industry  
Craig Bleth, Thermal Electric Generators Industry – Scott Hopfauf  
Jonathan Fortner, Solid Fuels Industry  
Jeb Williams, Director of Game & Fish - Virtual  
Andrea Travnicek, Director of Water Resources – John Paczkowski  
Ed Murphy, State Geologist – Virtual  
Julie Ellingson - Virtual

## **Members Absent:**

Randy Hanson, Waste Management Industry  
Kayla Pulvermacher, Crop Agriculture

## **Staff Members Present:**

Dave Glatt, Director  
Chuck Hyatt, Waste Management  
David Bruschwein, Municipal Facilities  
Jim Quarnstrom, Chemistry  
Beth Jacobson, Accounting  
Diana Trussel, Solid Waste  
Jennifer Skjod, Public Information

## **Minutes:**

Sherry Adams motioned to accept minutes for the March 8, 2023, and January 9, 2024, minutes as distributed. Jeb Williams seconds motion. The motion carried.

## **New Business:**

Dave Glatt requested discussion from board members regarding their biggest industry challenges and where we need to be going forward.

## **Board Member Comments:**

- Jonathan Fortner discussed time spent by solid fuels (coal) industry on federal rules and costs to implement them. The MATs Rule hit the federal register. Coal Combustion Residuals to hit the federal register tomorrow, waiting on Greenhouse Gas and others that are less high-profile rules.

- Scott Hopfauf, Minnkota Power (sitting in for Craig Bleth) discussed four large rules and concerns with piecing them all together.
- Jonathan Fortner added that these are not climate change rules. Negative impacts: utilities costs flow through to the rate payer, longer outage period costs, reliability issues. We are already in a position where the grid is fragile.
- Steve Fasching discussed NSPS technical update reviews, EPA's looking at harder implementation of camera work/optical imagery, talks of updates to Appendix K. Issues if not using software to calculate emissions.
- Dave Glatt asked about environmental benefit from some of these regulations. Steve Fasching replied that it's more the timeframe of implementation that is making the biggest waves within the industry.
- Tom DeSutter discussed work with the reclamation advisory group, climate reduction plan, and wind erosion, and the broad effort to reduce tillage and carbon footprint.
- Dave Glatt asked what's the potential for agriculture to be looking at sequestration of carbon with the Climate Pollution Reduction plan, is it an untapped resource for the state? Tom DeSutter replied that he thinks there are a lot of opportunities, especially in some of the disturbed soils that haven't been monitored in the past.
- Sherry Adams discussed septic systems and worry regarding legislation. Health and Agriculture concerned with bird flu and dairy cattle and landfills not wanting to take in birds. Agencies seeking Environmental Practitioners. Requested reach-out regarding partnership with Public Health.
- Karl mentioned work with NDSU extension office regarding training foreign animal carried diseases June 11-12 as well as September 10-11 in Carrington.
- Jeb Williams discussed aquatic nuisance and Zebra Mussel infestation. Putting out additional awareness and education on how people impact the spread of aquatic nuisance. Continued partnerships needed regarding additional grassland acres to reduce pressure on endangered species and landowner compensation.
- Dave asked if CWD is still a big issue. Jeb responded, we are concerned as a state, trying to gather as much data as possible while avoiding restrictions on hunting. Hoping not to hit impactful percentages to species population declines.
- Ed Murphy questioned link between CWD and Mad Cow relative to jumping between animals and humans.
- Jeb stated there is currently no link to that CWD jumps over to humans, but we are following data closely and pushback on irresponsibly published information.
- John Paczkowski discussed ongoing efforts regarding Missouri River Intake study, Western States Water Collection Survey regarding how and what data is collected in effort to get handle on what other states are doing; Multi-State Survey of Surface Water Management effort focused on basin scale rather than a county scale due to wrap up fall of 2024; navigability discussion to have 17 water bodies to be re-proofed, six water bodies to be looked at this year being the Missouri River, Yellowstone River, Red River of the North, Boidy Sioux, Mouse, Upper Delacs Lake; and Managed Aquifer Resource study. Stated he is curious about Passive Carbon Capture and whether there are concerns for negative impact to surrounding vegetation or other environmental issues.
- Dave Glatt stated there is interest in direct carbon capture, unaware of studies on negative impacts.
- Jim Semerad discussed air quality assessment and power required for active carbon capture and that there will be a full air permit for the units.

- Ed Murphy discussed, Brine ponds and feasibility of salt caverns for carbon storage, rules written for deep geothermal, removing critical minerals from lignite, and acid leaching.
- Julie Ellingson briefly discussed the Mad Cow disease topic, then moved on to the May 1 rule announcement amending the NEPA policy making the process more cumbersome; the Model Zoning Taskforce has been meeting to find opportunities to grow animal agriculture and expand development within the state and AFO grant has seen increased interest; paying close attention to Bird Flu in dairy herds. One-third of testing has come back negative.

#### **Federal Rules Updates:**

- Eric Wallevand discussed the July 8 effective date for MATs Rule. Greenhouse/Carbon Rule rumored to be published in the next couple weeks. Methane Quad-o Rule - ND filed motion to stay the rule on April 12. Final publication of the rule regarding CCR Legacy Rule pre-published April 25, 2024, possible final publication tomorrow. Tribal Reserve Rights Rule was finalized May 2, 2024, with an effective date of June 3, 2024. No new updates on Water Quality Standards Rule, noted to be finalized in April but waiting on EPA. Regional Haze Litigation has a final decision date in November 2024.
- Dave Glatt discussed challenges with EPA standards. Decrease in funding from EPA. Decreasing grants. Possibly taking over and running programs as state programs. Revolving loan funds cut by 50%. Decrease in UST and non-point funding. EPA struggles to regulate rules that already exist.

#### **Old Business:**

- Beth Jacobson discussed boiler inspection program transfer and rule updates.
- Diana Trussel discussed updates to PTRCF fund rule changes and amendments to solid waste and landfills rules.
- Jonathan Fortner called to motion approval for amended landfill rules. Tom DeSutter motioned to approve. Scott Hopfauf seconds motion. Motion carried.

#### **Public Comment:**

There was no public comment.

Steve Fasching motioned to adjourn the meeting. John Paczkowski seconded the motion. The motion carried.

The meeting adjourned at 3:35 p.m.

Respectfully submitted,

Amber Nelson