

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1089
(Energy and Natural Resources Committee)
(At the request of the Department of Environmental Quality)

AN ACT to create and enact a new subsection to section 23.1-08-03 of the North Dakota Century Code, relating to improving efficiencies in the department of environmental quality; to amend and reenact subsection 1 of section 23.1-08-09 and section 61-28.1-12 of the North Dakota Century Code, relating to improving efficiencies in the department of environmental quality; to repeal section 23.1-08-05 of the North Dakota Century Code, relating to improving efficiencies in the department of environmental quality; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 23.1-08-03 of the North Dakota Century Code is created and enacted as follows:

Adopt rules to establish standards and requirements for solid waste pilot projects.

SECTION 2. AMENDMENT. Subsection 1 of section 23.1-08-09 of the North Dakota Century Code is amended and reenacted as follows:

1. The department may issue permits for solid waste management facilities and solid waste transporters. A person may not own, operate, or use a facility for solid waste disposal or transport solid wastes without a valid permit. Upon receipt of a permit application, the department shall give public notice, in the official newspaper of the county in which the facility is to be located, that the department is considering an application for a solid waste management facility. The notice must state the name of the applicant, the location of the facility, and a description of the facility. The department shall require as a condition of a permit for a solid waste management facility, not owned or operated by the state or a political subdivision, that any entity that controls the permitholder agrees to accept responsibility for any remedial measures, closure and postclosure care, or penalties incurred by the permitholder. For purposes of this section, "control" means ownership or control, directly, indirectly, or through the actions of one or more persons of the power to vote twenty-five percent or more of any class of voting shares of a permitholder, or the direct or indirect power to control in any manner the election of a majority of the directors of a permitholder, or to direct the management or policies of a permitholder, whether by individuals, corporations, partnerships, trusts, or other entities or organizations of any type. All permits are ~~nontransferable~~transferable, are for a term of not more than ten years from the date of issuance, and are conditioned upon the observance of the laws of the state and the rules adopted under this chapter.

SECTION 3. AMENDMENT. Section 61-28.1-12 of the North Dakota Century Code is amended and reenacted as follows:

61-28.1-12. Department - Powers and duties - Administration.

The department has the following powers and duties and shall administer the drinking water treatment revolving loan fund as follows:

1. To apply for and accept grants of money from the United States environmental protection agency or other federal agencies which must be deposited in the drinking water treatment revolving loan fund to be used for purposes authorized under the Safe Drinking Water Act, including the following:

- a. To provide loans or loan guarantees, or other financial assistance, to community water systems and nonprofit noncommunity water systems eligible for assistance from the revolving loan fund.
 - b. As a source of revenue and security for the payment of principal and interest on bonds issued by the state through the public finance authority if the bond proceeds are deposited in the revolving loan fund.
 - c. To buy or refinance debt obligations issued after July 1, 1993, to finance a project eligible for assistance from the revolving loan fund.
 - d. To guarantee or purchase insurance for debt obligations issued to finance a project eligible for assistance from the revolving loan fund.
 - e. To provide other financial and technical assistance and to make any other expenditure authorized under the Safe Drinking Water Act.
 - f. To earn interest before the disbursement of financial or technical assistance.
 - g. To pay administrative expenses associated with the revolving loan fund as authorized under the Safe Drinking Water Act.
2. To administer the drinking water treatment revolving loan fund as established. The department may enter into contracts and other agreements in connection with the operation of the drinking water treatment revolving loan fund to the extent necessary or convenient for the implementation of the drinking water treatment revolving loan fund. The department may combine the financial administration of the drinking water treatment revolving loan fund and the financial administration of the water pollution control revolving loan fund established under chapter 61-28.2. The department may cross-collateralize the drinking water treatment revolving loan fund and the water pollution control revolving loan fund as authorized by the administrator of the federal environmental protection agency under the Safe Drinking Water Act.
 3. To administer and disburse funds ~~with the approval of the state water commission~~ and in accordance with section 1452(a) of the federal Safe Drinking Water Act [42 U.S.C. 300j], as amended.
 4. To establish assistance priorities and to expend grant funds pursuant to the priority list for the drinking water treatment revolving loan fund, ~~after consulting with and obtaining the approval of the state water commission.~~
 5. To adopt rules necessary for administering the drinking water treatment revolving loan fund.

The governor, or the governor's designee, may transfer grant funds from the drinking water treatment revolving loan fund to the water pollution control revolving loan fund established by chapter 61-28.2 and from the water pollution control revolving loan fund to the drinking water treatment revolving loan fund, as authorized by the Safe Drinking Water Act.

SECTION 4. REPEAL. Section 23.1-08-05 of the North Dakota Century Code is repealed.

SECTION 5. CONTINGENT EFFECTIVE DATE. Section 2 of this Act becomes effective upon the receipt by the legislative council of the certification from the department of environmental quality that solid waste management facility and transporter permit transfer rules have been adopted.

Dennis Johnson
Speaker of the House

Tammy Miller
President of the Senate

Bull J. Reich
Chief Clerk of the House

Michael Meyer
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1089.

House Vote: Yeas 88 Nays 5 Absent 1

Senate Vote: Yeas 45 Nays 1 Absent 1

Bull J. Reich
Chief Clerk of the House

Received by the Governor at 9:43 AM. on March 15, 2023.

Approved at 10:52 AM. on March 20, 2023.

Doug Burgum
Governor

Filed in this office this 21st day of March, 2023,
at 8:43 o'clock A. M.

Michael Howe
Secretary of State