

**Testimony before the
Energy Development and Transmission Committee
October 16, 2014**

Chairman Wardner and members of the Energy Development and Transmission Committee, my name is David Glatt, Environmental Health Section Chief for the North Dakota Department of Health (NDDoH). The Environmental Health Section is responsible for the implementation of many of the environmental protection programs in North Dakota.

I am here today to provide comment on a draft bill to amend Section 23-29-07 of the North Dakota Century Code, specifically relating to a county election exemption for solid waste disposal for crude oil and natural gas exploration and drilling operations.

Before commenting directly on the proposed bill, it is important to briefly review the landfill approval process. Each proposed landfill must go through the following approval process:

- > Every proposed landfill site must go through a pre-application process where the Health Department, State Geologist and State Water Commission review proposed landfill locations for site suitability. At a minimum, each agency independently evaluates each proposed site as it relates to local geology, groundwater resources and topography.
- > Once a site has been selected following the pre application approval process, the applicant must provide public notice of their intent to file a landfill application with the state. It is important to note that the applicant must obtain county land use zoning approval for the proposed landfill operation prior to submitting a landfill permit application to the state for a technical review.
- > Once the NDDoH has completed a technical review of the landfill design, operational and closure plans, and after any outstanding issues identified by the Department have been satisfactorily addressed by the applicant, the NDDoH will issue a notice for Public Comment and Public Hearing on the application.

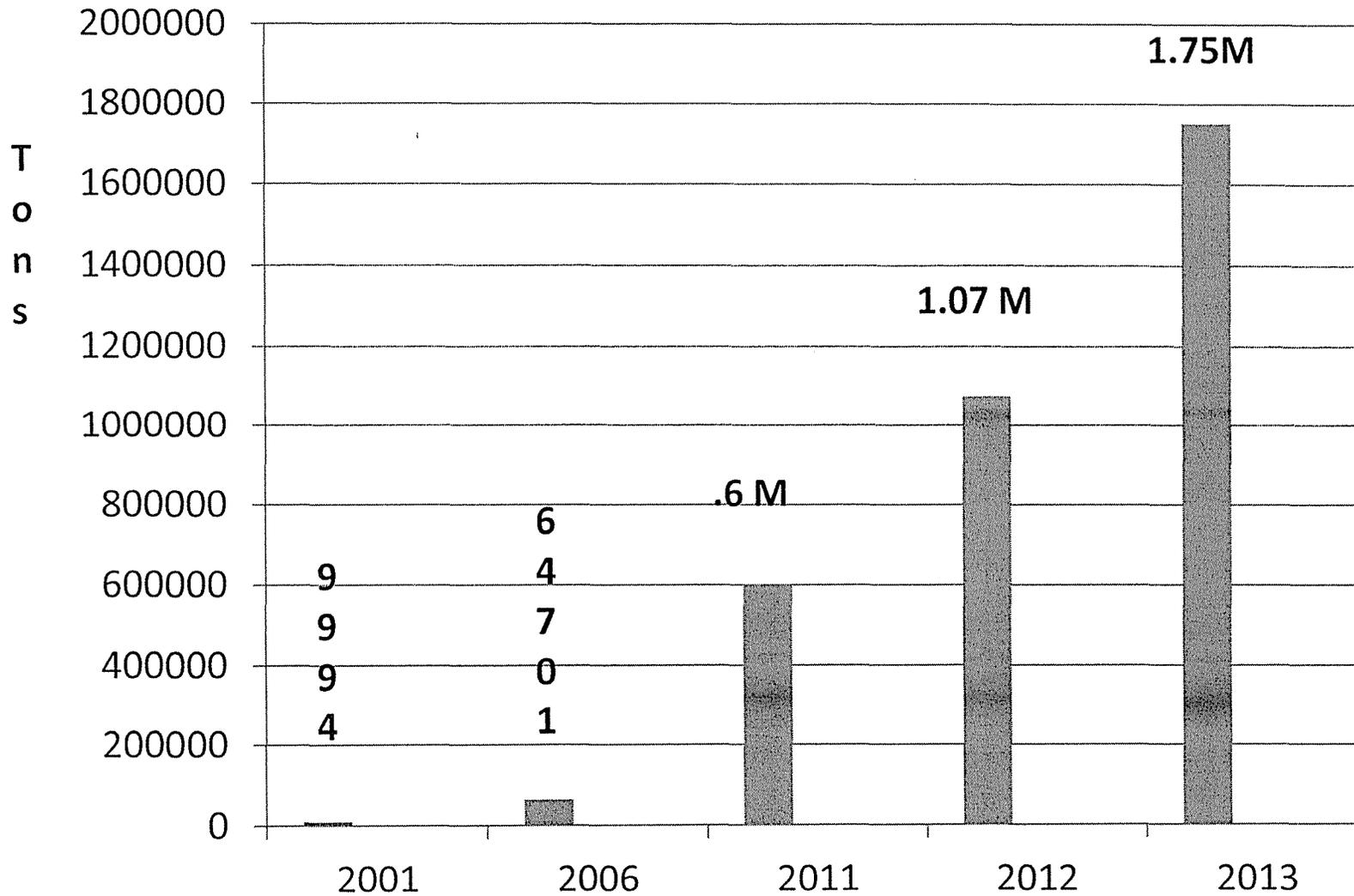
- > After the public comment period has been completed and appropriate responses provided for each public comment, the NDDoH may approve, approve with modifications or deny the landfill permit. If the permit has been approved by the NDDoH, the county is notified of the department's action and has 60 days within which a special election on the permit may be held. The county may also choose to not act within the 60 day period, after which the permit is approved.

At present, the law provides several opportunities for public notification and review. Since the law has been in effect, there has only been one special election called to address a proposed oilfield landfill operation. That landfill passed the special election and is now in operation. In my opinion, the issue of whether or not to allow a special election has not been a hindrance to location and ultimate permitting of landfill operations. A fully transparent public process has been critical in addressing public concerns and issues.

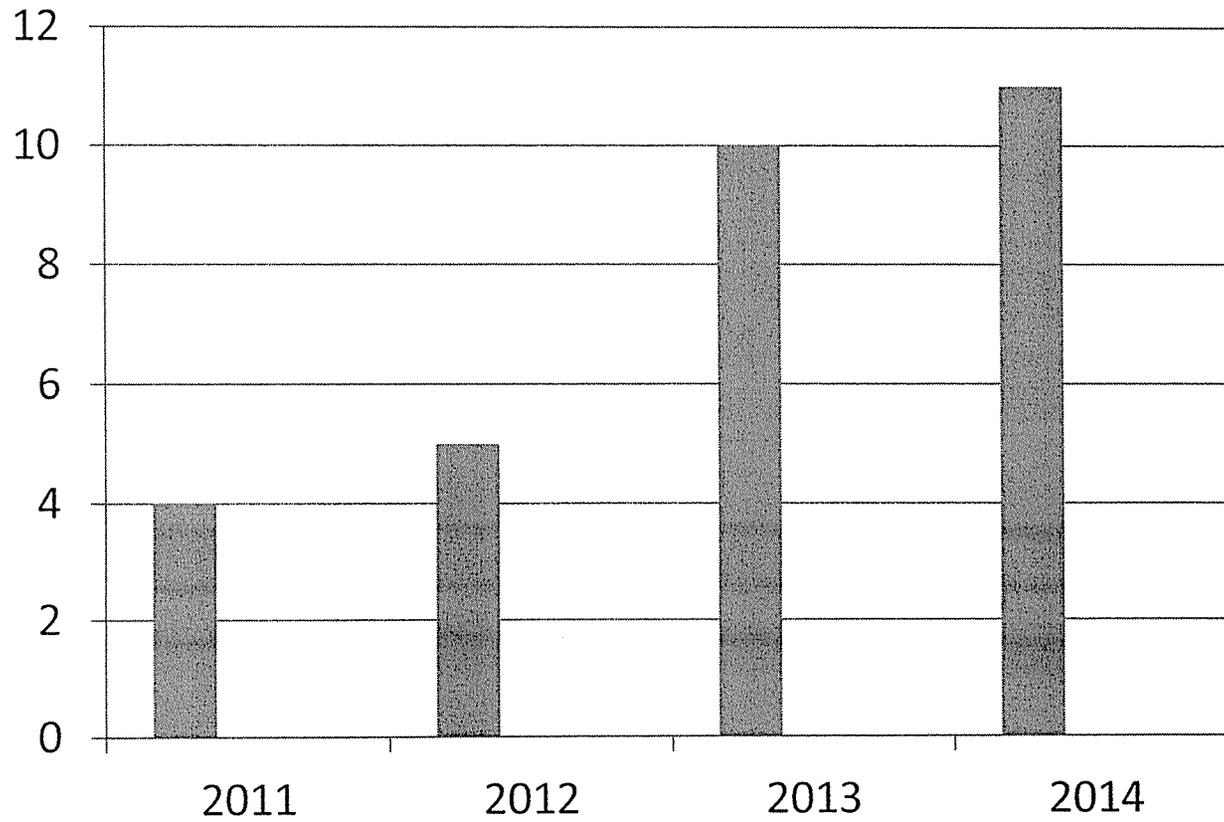
As background I have provided several maps and tables which identify the current state of landfill operations and waste generation in the state.

This concludes my testimony. I am happy to answer any questions you may have.

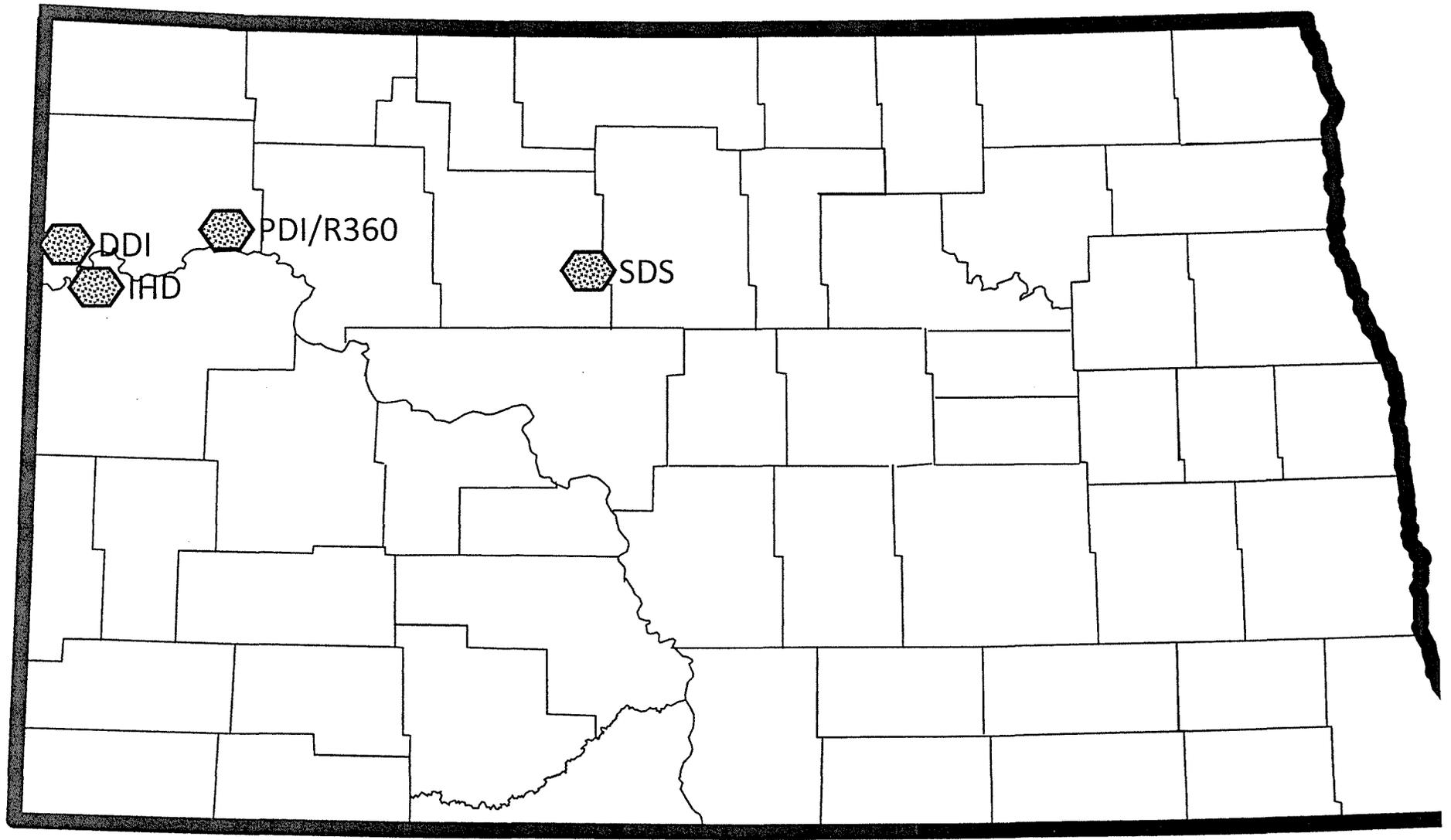
Oilfield Waste Disposed at Landfills Permitted by N.D. Dept of Health: 2011 - 2013



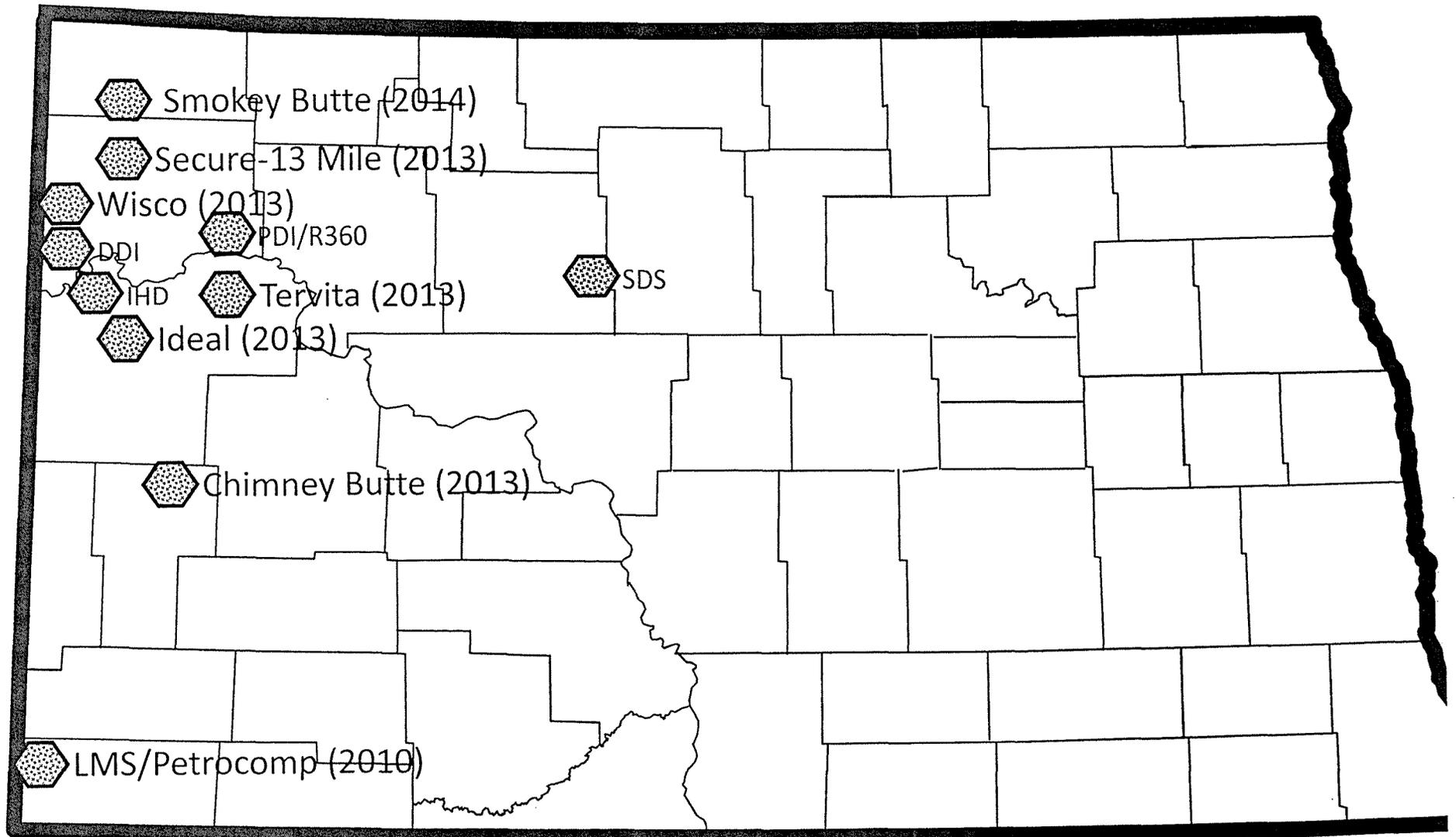
NDDoH Permitted Landfills For Oilfield Special Waste 2014 Update



2011 OILFIELD WASTE DISPOSAL FACILITIES



2014 OILFIELD WASTE DISPOSAL FACILITIES

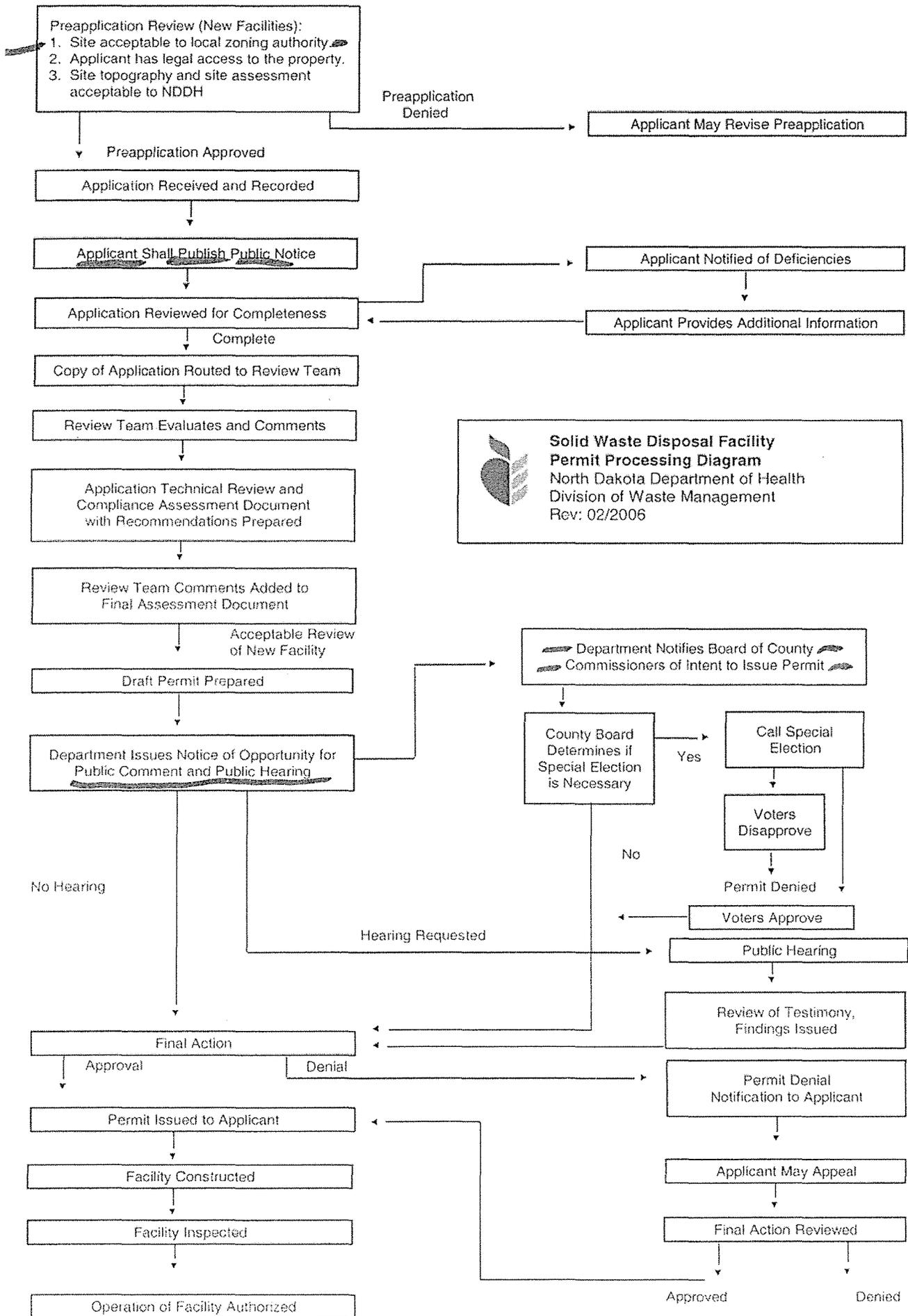


Permitted Facilities and Year of Initial Permit for New Facilities (year)

Oilfield Special E&P Waste Disposal (cu yards)

Company/Facility	Added Permit Capacity (cubic yds waste)			Proposed (est)	
	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	
Dishon Disposal, Inc.	607,000			1,525,000	
IHD Solids Management, LLC	1,700,000			10,169,000	
Little MO Special (Petrocomp)		82,000			
Prairie Disposal, Inc.			7,100,000		
Sawyer Disposal Services		3,889,000			
Chimney Butte LLC		9,626,000			
Tervita Blue Buttes		5,000,000			
Ideal		1,742,000		1,742,000	
Secure Energy - 13 Mile		4,900,000			
Wisco			3,200,000		
Smoky Butte			4,590,000		
Env. Solutions (Draft)				971,433	
Totals (cubic yards)	2,309,012	25,239,000	14,890,000	42,438,012	14,407,433 56,845,445
Totals (tons - est (1))				55,169,416	18,729,663 73,899,079

1. 1.3 tons/yard conversion rate for oilfield drilling waste, .77 conversion factor for tons to yards




Solid Waste Disposal Facility Permit Processing Diagram
 North Dakota Department of Health
 Division of Waste Management
 Rev: 02/2006