

Introduced by

Representative M. Nelson

1 A BILL for an Act to amend and reenact sections 23.1-11-01, 23.1-11-05, 23.1-11-06, and
2 23.1-11-08 of the North Dakota Century Code, relating to monitoring and regulation of special
3 waste in ground water; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 23.1-11-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23.1-11-01. Degradation prevention program - Maintenance of waters.**

8 This chapter establishes a degradation prevention program to protect ground water
9 resources, encourage the wise use of agricultural chemicals, provide for public education
10 regarding preservation of ground water resources, monitor legacy waste pits and other special
11 waste, and provide for safe disposal of wastes in a manner that will not endanger the state's
12 ground water resource. Waters of the state must be maintained within standards established
13 under this chapter unless it can be affirmatively demonstrated that a change in quality is
14 justifiable to provide necessary economic or social development and will not adversely affect the
15 beneficial uses of water. For purposes of this chapter, "special waste" has the same meaning as
16 in section 23.1-08-02.

17 **SECTION 2. AMENDMENT.** Section 23.1-11-05 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **23.1-11-05. Ground water standards.**

20 The department shall establish standards for compounds, including special waste, in
21 ground water as set forth by other states and the United States environmental protection
22 agency unless new scientifically confirmed data provides justification for changing these
23 standards.

1 **SECTION 3. AMENDMENT.** Section 23.1-11-06 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **23.1-11-06. Ground water quality monitoring.**

4 The department shall conduct ground water quality monitoring activities in cooperation with
5 the state engineer and other state agencies. Based on monitoring results, the department shall
6 implement or require appropriate mitigation activities or remedial action to prevent future
7 contamination of ground water. The commissioner ~~may~~:

- 8 1. May implement or require appropriate mitigation activities pursuant to chapter 4.1-33
9 to prevent future contamination of ground water as it relates to the use of pesticides.
- 10 2. Shall implement or require appropriate mitigation activities to prevent future
11 contamination of ground water from special waste.

12 **SECTION 4. AMENDMENT.** Section 23.1-11-08 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **23.1-11-08. Access for ground water monitoring.**

15 The department may request landowners or operators allow access for monitoring of
16 ground water and of soils at a depth where pesticides or special waste may threaten ground
17 water. If the department is denied access by the landowner or operator, the department may
18 apply to any court of competent jurisdiction for authorization to obtain access. The court, upon
19 the application and compliance with chapter 29-29.1, may issue the authorization for the
20 purposes requested. After consultation with the landowner or operator, the department shall
21 conduct the monitoring in a manner that causes the least possible economic impact or
22 hindrance to the landowner's or operator's operations. The names and addresses of landowners
23 and operators who participate in a ground water monitoring program may not be linked, in any
24 public disclosure, to the findings of the program unless it is determined by rule that a compelling
25 public interest justifies the disclosure. Without that determination, disclosure of the information
26 is a violation of section 12.1-13-01.