

ENVIRONMENTAL REVIEW ADVISORY COUNCIL
November 15, 2019

A meeting of the Environmental Review Advisory Council was called to order by Dave Glatt, Office of the Director with the North Dakota Department of Environmental Quality at 1:00 p.m. on Friday, November 15, 2019 at the Environmental Training Center, Bismarck, ND.

Members Present:

Randy Hanson, Waste Management Industry
Randy Binegar, Liquid & Gas Fuels Industry
Tom DeSutter, Agronomy & Soil Sciences
Terry Steinwand, Game & Fish-statute (ex-officio)
Terry O'Clair, Environmental Sciences
Dan Wogsland, Corp Agriculture
Steve Dale, County or Municipal Government
Ed Murphy, State Geologist-statute (ex-officio)
Garland Eberle, State Engineer-statute (ex-officio)
Julie Ellingson, Livestock Industry
Jessica Unruh (teleconference), Solid Fuels Industry
Greg Allen (teleconference), Manufacturing or Agricultural Processing
Paul Jensen (teleconference)

Staff Members Present:

Dave Glatt, Director, Office of the Director
Karl Rockeman, Water Quality
Jim Semerad, Air Quality
Chuck Hyatt, Waste Management
David Bruschein, Municipal Facilities
Jim Quanstrom, Chemistry

Welcome

Dave Glatt opened the meeting. He stated that this is the first official meeting of the Advisory Council and gave a brief explanation of the steps and process that it took to establish the Advisory Council and its panel. An introduction of all members was asked and all council members introduced themselves and the position that they are filling on the council.

Review of Law

Dave Glatt discussed with all members present the law establishing the Council and its purpose in advising NDDEQ in carrying out its duties. Explanation of the open meeting law was given and that this meeting was an open meeting in which there will be discussions on rule making and rule making requirements. The steps and requirements of the purpose of the Council were reviewed and given.

Selection of Chair

Dave Glatt asked for nominations for chairman of the Council.

RANDY BINEGAR MOVED TO NOMINATE TERRY O'CLAIR AS CHAIRMAN OF THE ADVISORY COUNCIL. SECOND BY ED MURPHY.

Dave Glatt requested a roll call (per Maggie Olson) and the MOTION CARRIED. All members voted 'aye'. There were no 'nay' votes.

Open Records Review

Maggie Olson introduced herself as the Assistant Attorney General assigned to the NDDEQ. Along with Maggie is the paralegal Carolyn Kvislen and part-time assistant Rosemary Pederson. Maggie explained the duties of her office and the tasks that her office takes on for the Department. (Open Records Review presentation attached).

Department Overview

Dave Glatt asked all the Division Director's to present a short talk about each of their Divisions. All the Directors have a presentation of what their divisions consist of, what the objective of each division is and what the hot topics are that they are dealing with. The Directors were as follows:

Jim Semerad, Air Quality
Jim Quanstrom, Chemistry
David Bruschwein, Municipal Facilities
Chuck Hyatt, Waste Management
Karl Rockeman, Water Quality

Dave followed up with a brief explanation of the two new programs that the Department acquired. They are the Boiler Program and the Petroleum Tank Release Compensation Fund.

Century Code and Administrative Rules

Dave Glatt explained the century code and administrative rule (included in packet provided) and that the century code is referred to throughout the rulemaking process.

Proposed Rule Review Process and Rules Overview

Dave discussed the proposed rule review process which consists of drafting the rules in a rule format, advertising of the rules for comment, review of public comment and comments are then considered in the draft rule review and final review. We need to get an Attorney General's opinion and go through the Administrative Rules Committee before going into effect. The process can take from 9-12 months before the rules are approved and finalized. It was mentioned to the Council that the Council can meet before the comment period to discuss the proposed rules or they can meet after the comment period to review and approve the rules or both. The schedule for meeting is the decision of the Council's. It was pointed out that there are several programs whose rules are

currently being updated along with new rules being done for boiler inspection and petroleum tank programs.

Next Meeting

Discussion was made for the date, time and place for the next meeting. It was decided to have a meeting before June to discuss the proposed rules so that they are ready to go out for approval mid-summer.

TERRY STEINWAND MOVED TO THE NEXT COUNCIL MEETING BE SET FOR MARCH 18, 2020. SECOND BY GARLAND ERBELE AND CARRIED.

The next council meeting is March 18, 2020 at 9:30 a.m. at Gold Seal Center, 4th Floor Conference Room.

Other Business

The steps of the rules in the interim were explained to the Council. Discussion concerning chronic waste disease and landfills. Brief discussion about phosphorus being released in snowmelt which is a major source of phosphorus in Lake Winnipeg. Recommendation was made for council members to find a replacement for them at the meetings if they cannot attend. Business was concluded. Chairman called for a motion to adjourn.

DAVE GLATT MOTIONED FOR THE MEETING TO ADJOURN. SECONDED BY RANDY HANSON. MOTION CARRIED.