

Environmental Review Advisory Council Meeting Minutes from March 8, 2023

Chairman Terry O'Clair called the Environmental Review Advisory Council meeting to order at 3:00 p.m. on Wednesday, March 8, 2023, in Room 210 of the Normandy Building in Bismarck. N.D.

Members present:

Terry O'Clair, Environmental Sciences, Chairman
Steve Dale, Municipal Government
Randy Binegar, Liquid Fuels Industry
Craig Bleth, Thermal Electric Generators Industry
Tom DeSutter, Agronomy/Soil Sciences
Julie Elingson, Livestock Industry
Randy Hansen, Waste Management Industry
Ed Murphy, State Geologist
John Paczkowski, Water Resources
Scott Peterson, Game & Fish
Dan Wogland: Crop Agriculture

Members absent:

Jessica Bell, Solid Fuels Industry

Staff members present:

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

Minutes:

Tom DeSutter moved to approve the October 22nd, 2022 minutes as distributed. Julie Elingson seconded the motion. The motion carried.

Old Business:

Chuck Hyatt announced that the proposed radiological health rule revisions, presented to the ERAC at the previous meeting, were reviewed and approved by the Administrative Rules Committee on December 5th. They were then published on January 1st. The DEQ then sent a copy of the rules to the U.S. Nuclear Regulatory Commission. The NRC published the rules without comment.

New Business:

Dave Glatt summarized the legislative session and highlighted bills the DEQ testified to. Beth Jacobson discussed the DEQ budget as proposed to the legislature.

Board Member Comments:

- Terry O'Clair had a question about special funds. Beth Jacobson said special funds included licensing fees, the Volkswagen settlement grant, and the half percent interest charged for State Revolving Fund loans that the DEQ uses on operating expenses such as wages and salaries.
- Randy Hanson asked how many open positions there currently are within the department. Dave Glatt replied that there were about ten open positions now, but some retirements were also coming up soon.
- Randy Binegar asked if it would be helpful for ERAC members and the public to provide testimony for bills that impact the DEQ. Dave agreed that could be helpful.
- Terry O'Clair asked if there was a specific quantity that would trigger a spill report. Dave said the DEQ reporting standards were the most stringent in the state as we require reporting every spill –even as little as a gallon.
- Steve Dale asked for an update on lead line replacement. David Bruschein discussed the lead line inventory project and how that would assist in identifying Bipartisan Infrastructure Law projects to help remove lead service lines.
- Steve also asked about wastewater discharge limits. Karl Rockeman said he didn't see any changes for those limits unless things started impacting the Red River. Karl said the water quality standards require a review every three years and would be out for public comment soon. He did not think there would be any negative impact on municipal dischargers. The DEQ would like to see nutrient reduction, but they understand the challenges and cost associated with its removal.
- Julie Ellingson brought up Waters of the United States (WOTUS) challenges. There was discussion on what might constitute navigable water bodies. Dave Glatt said the DEQ believes the state understands how to manage WOTUS better than the federal government.
- Randy Hanson asked if the DEQ planned to continue to monitor PFAS in landfills or if they planned to just test for a baseline. David Bruschein said the DEQ is currently getting baseline data, but they expect EPA to release some drinking water standards soon. The DEQ also plans to start doing some fish tissue collections and see if we have

some biotic accumulations. One of the challenges we have is at this point; we still don't have good toxicity data for most compounds in the PFAS family.

- Dan Wogslund asked if the DEQ would play any role in the EPA Endangered Species Act. Karl Rockeman replied that unless it deals with discharges or contaminants, we typically haven't had that much involvement with endangered species.
- Tom DeSutter thanked Karl Rockeman, Pete Wax, and all who helped organize the North Dakota Reclamation Conference. It was well attended, with lots of useful information.

Public Comment:

There was no public comment.

Dan Wogslund motioned to adjourn the meeting. Ed Murphy seconded the motion. The motion carried.

The meeting adjourned at 4:30 p.m.

Respectfully Submitted,

Jennifer L. Skjod
Public Information Officer