

Environmental Review Advisory Council Meeting Minutes from January 29, 2024

North Dakota Department of Environmental Quality Director Dave Glatt called the Environmental Review Advisory Council meeting to order at 1:00 p.m. on Monday, Jan. 29, 2024, in Room 223 of the Normandy Building in Bismarck. N.D.

Members present:

Dr. Tom DeSutter, Agronomy/Soil Sciences
Sherry Adams, Environmental Sciences
Steven Fasching, Liquid and Gas Fuels Industry
Jonathon Fortner, Solid Fuels Industry
Ed Murphy, State Geologist
Andrea Travnicek, Water Resources
Jeb Williams, Game & Fish

Members absent:

Craig Bleth, Thermal Electric Generators Industry
Julie Elingson, Livestock Industry
Randy Hansen, Waste Management Industry

Staff members present:

Dave Glatt, Director
Chuck Hyatt, Waste Management
David Bruschwein, Municipal Facilities
Karl Rockeman, Water Quality
Jim Quarnstrom, Chemistry
Jim Semerad, Air Quality
Beth Jacobson, Accounting
Jennifer Skjod, Public Information
Duane Sandvick, Directors Office
Diana Trussell, Waste Management

Minutes:

The council decided to approve the March 2023 minutes at the Spring 2024 meeting.

New Business:

- Dave Glatt called the meeting to order in absence of a council chairman, as Terry O'Clair resigned his position in 2023. He welcomed new Environmental Review Advisory Council members Sherry Adams (representing environmental sciences), Steven Fasching (representing the liquid fuels industry) and Jonathan Fortner (representing the solid fuels industry).
- Erick Wallevand, the North Dakota Department of Environmental Quality (NDDEQ) attorney, provided a synopsis of several recent federal rules that will impact the agency including the Mercury and Air Toxics Standards Rule, the Greenhouse Gas Rule, the Methane State Implementation Plan Adoption Rule, the Methane Existing Sources Rule, the Baseline Water Quality Standards for Tribes, the Coal Combustion Residual Rule, and the National Environmental Policy Act.
- Beth Jacobson, NDDEQ Accounting Director, explained the North Dakota Administrative Rule changes to the Boiler Inspection rules. Steven Fasching motioned to move forward with those changes as proposed. Jonathan Fortner seconded the motion. The motion carried.
- Duane Sandvick, NDDEQ Petroleum Tank Reserve Fund (PTRF) Program Director, explained the proposed changes to the PTRF rules. These rules have not gone through public comment yet. When the public comment period is over, these rules will be brought before the ERAC for final approval.
- Diana Trussell, NDDEQ Solid Waste Program Director, reviewed proposed rule changes for the solids waste program. These rules have not gone through public comment yet. When the public comment period is over, these rules will be brought before the ERAC for final approval.
- Erick Wallevand discussed the recent Waters of the United States case. North Dakota did challenge ruling. He explained the motions for summary judgement and the preliminary junction. He and Dave Glatt discussed EPA's actions regarding Regional Haze. EPA has not decided on the state's implementation plan within the time outlined in the statute. North Dakota asked the courts to intervene. The Chevron deference is front of the court right now. This will determine how much oversight federal agencies have for state activities.
- Dave Glatt explained the Climate Pollution Reduction Grant and the public input process the NDDEQ is implementing in order to develop the state plan. Also involved is the development of a state greenhouse gas baseline inventory. The Primary Climate Action Plan is due to EPA March 1, 2024.
- Karl Rockeman said the legislative council approved the most recent water quality standards. EPA is reviewing them. There are lots of new projects in the state that are triggering multiple permit review for the department. Cold weather and resulting pipeline and equipment malfunctions has impacted the spill response team.

- David Bruschwein, Municipal Facilities Director, discussed Lead and Copper Rule activities in the state. The division is also closely following EPAs proposed PFAS drinking water rule.
- Jim Semerad, Air Quality Director, said we recently hit record natural gas production in the Bakken. They are in the beginning stages of a collaborative OOOO review with oil companies in the state. North Dakota's air quality was negatively impacted by Canadian wildfires this past summer.
- Chuck Hyatt, Waste Management Director, said that new rules for the X-ray and Hazardous Waste Programs will be proposed at the next ERAC meeting. These rules will be updated to better match up with current federal rules. Wind blade disposal has been a problem. The Solid Waste Program is working with industry groups to address this. PFAS is also present in landfill leachate and how to address this issue is an ongoing concern.
- Beth Jacobson, Accounting Director, the DEQ budget this biennium is about \$120 million compared to approximately \$60 the previous biennium. Much of this is due to the State Revolving Fund monies. This entails much more detailed tracking.
- Jim Quarnstrom, Director of the Chemistry Laboratory explained how the Lead and Copper rule will potentially have a big impact on the lab. The previous biennium the Chemistry lab analyzed 22,000 samples. This new rule could increase those samples to 45,000. The new state laboratory building was officially approved. The Chemistry lab will share this building with the microbiology lab. Groundbreaking should happen in April/May 2024.

Board Member Comments:

- Jonathan Fortner expressed appreciation for the DEQ updates. He expressed an interest in serving as ERAC Chair.
- Sherry Adams motioned to accept Jonathan Fortner as ERAC Chair. Steven Fasching seconded the motion. The motion carried.
- Jennifer will send out a Doodle Poll for a future May/June 2024 ERAC meeting.

Public Comment:

There was no public comment.

Jonathan Fortner motioned to adjourn the meeting. Steven Fasching seconded the motion. The motion carried. The meeting adjourned at 3:05 p.m.

Respectfully Submitted,

Jennifer L. Skjod
Public Information Officer