

Environmental Review Advisory Council Meeting Minutes from May 12, 2026

Chairman Jonathan Fortner called the Environmental Review Advisory Council meeting to order at 3:07 p.m. on Tuesday, May 12, 2026, in Room 223 of the Normandy Building in Bismarck, N.D.

AGENDA: Call to Order, Approval of Minutes, New Business (Board Member updates, Federal Administration Updates, Federal Rule Updates, Legislative Updates, Division updates), Old Business (Rules Updates), Public Comments, Next Meeting Date, and Adjournment

Committee Members: Sherry Adams, Gwen Crawford, Tom Desutter, Julie Ellingson, Steven Fasching, Jonathan Fortner, Randy Hanson, Scott Hopfauf, Mike Metzger, Ed Murphy, Reice Haase, Jeb Williams

Members Present:

Jonathan Fortner, Solid Fuels Industry
Reice Haase, Director of Water Resources
Tom DeSutter, Agronomy/Soil Sciences
Julie Ellingson, Livestock Industry
Mike Metzger, Manufacturing or Agricultural Processing
Ed Murphy, State Geologist
Bruce Kreft (stand-in for Jeb Williams), Director of Game & Fish

Members Absent:

Sherry Adams, Environmental Sciences
Steven Fasching, Liquid & Gas Fuels Industry
Gwen Crawford, County/Municipal Government
Randy Hanson, Waste Management Industry
Scott Hopfauf, Thermal Electric Generators Industry

Staff Members Present:

Dave Glatt, Director
Karl Rockeman, Deputy Director
Beth Jacobson, Accounting
David Bruschwein, Division Municipal Facilities
Marty Haroldson, Division of Water Quality
Chuck Hyatt, Division of Waste Management
Jim Quarnstrom, Division of Chemistry
Jim Semerad, Division of Air Quality
David Stradinger, Division Waste Management
Robin Beyer, Division Waste Management
RaShell Simenson, Division Air Quality
Shannon Fisher, DWSR Manager

Minutes:

ERAC Chair Jonathon Fortner took roll call and called the meeting to order. Moved and seconded to adopt the minutes for the September 29, 2025, meeting, as distributed. The motion carried.

New Business:

Glatt discussed:

DEQ is in a strong position with the new administration and is moving in the right direction. As a sovereign state, North Dakota can rely on its own expertise; however, there are still areas where DEQ can improve.

- Streamlining DEQ processes to improve accountability and reduce agreement documents from 20 pages to 1 page.
- EPA–State relationship is going well.
- Discussed, there are some large animal feedlots needing to be permitted throughout the state.
- Discussed local concerns regarding water usage by data centers.
- Lead and Copper, Safe Drinking Water Act
- David announced this will be his last meeting due to him Retiring.

Board Member Updates

- Riece Haase- Director of Water Resources-reported that the DWR is addressing budget challenges similar to those facing the DEQ. He noted that the Governor's budget guidelines allow for no new FTEs, buildings, or unfunded program expansions. Haase explained that DWR is funded entirely through oil extraction tax revenue and is developing a resilient budget strategy to continue meeting the state's water needs efficiently.
Haase also reported that DWR is conducting an internal dodge process efficiency review aimed at reducing permitting response times and improving consistency for applicants.
In addition, he discussed ongoing DWR involvement with feedlot permitting, dam safety oversight, and increasing interest in data center development. Riece noted that DWR's analysis found projected data center water usage would have minimal impact on the Missouri River water supply.
- Bruce Kreft- Game and Fish- reported that renewable energy projects, including wind, solar, and data centers, continue to be major issues for the conservation section's environmental reviews. Wind development remains active across the state, and the department is working with the Department of Agriculture and applicants to minimize impacts on fish and wildlife resources. He noted there are still many unknowns regarding solar, data centers, and potential nuclear development. Burt emphasized that habitat conservation, particularly maintaining grasslands across the landscape, remains a top priority for the department.
- Ed Murphy-State Geologist-Discussion focused on wildlife crossings along Highway 85, including an unusual observation of a pronghorn jumping a fence despite the species' typical reluctance to cross fences or use underpasses. Participants reviewed ongoing DOT efforts to improve habitat connectivity, as well as paleontological and geological work in the Long X Bridge area, where extensive landslides and unstable slopes have shaped both the landscape and roadway alignments. Historical environmental projects were also discussed, including statewide landfill assessments and outreach efforts in the 1980s and 1990s that contributed to significant landfill consolidation. Updates were provided on high-level radioactive waste oversight, recent legislative revisions, and ongoing discussions surrounding nuclear energy policy in North

Dakota. Ed concluded with personal fieldwork anecdotes involving close encounters with wildlife, including a rattlesnake and a spider bite, highlighting the challenges and unpredictability of working in the field.

- Julie Ellingson- Livestock Industry Discussed on the importance of responsible development and the industry's commitment to protecting the environment while supporting economic growth. Participants shared updates from a recent legislative conference, including discussions on WOTUS, PFAS, and upcoming nutrient management and water reuse initiatives. Julie also expressed appreciation for agency leadership and efforts to help industries stay in compliance while maintaining a practical balance between business needs and environmental protection.
- Thomas Desutter- Agronomy/Soil Sciences- shared updates on soil reclamation work tied to energy development and highlighted the strong working relationship with DEQ. He discussed ongoing collaboration at the annual reclamation conference in Watford City and plans for the upcoming "Bison to the Bakken" program, which will give students a chance to learn about energy careers and see reclamation projects firsthand in western North Dakota. Thomas also expressed appreciation for DEQ's support and the partnerships that make these opportunities possible.
- Mike Metzger- Manufacturing or Agricultural Processing- reported that he works for Minn-Dak Farmers' Cooperative, it is a sugar beet manufacturer in Wahpeton North Dakota. The industry is facing significant challenges, with low sugar prices resulting in substantial losses for growers and continued concerns about market conditions. Much of the organization's focus is currently on working with policymakers to improve the outlook for sugar producers. From an environmental standpoint, the cooperative continues to focus on air and water quality and the management of processing byproducts. The speaker also noted the positive progress made in their relationship with DEQ over the past decade, expressed appreciation for the agency's collaborative approach, and thanked Dave for his leadership while wishing him well in retirement.
- Jonathan Fortner-Solid Fuels Industry- reported ongoing federal environmental and energy regulatory developments, including the Endangerment Finding, coal combustion residuals regulations, regional haze requirements, and pending greenhouse gas rules. While industry groups support efforts to review and revise these regulations, they expressed concern about the timing of rule finalizations, noting that regulatory uncertainty makes long-term planning difficult when policies can change between administrations. Johnathan emphasized the importance of stable, predictable regulations and highlighted North Dakota's affordable and reliable electricity as a key benefit for residents and businesses.
The discussion also addressed the state's role in challenging federal regulations and the unusual dynamic of shifting EPA positions across administrations. Dave noted that growing energy demand, particularly from data centers, is changing the national energy landscape. Rather than focusing on retiring coal plants, discussions increasingly involve maintaining existing generation and expanding other reliable energy sources, including nuclear power, to meet future demand.

Federal Administration Updates:

- Dave provided a federal administration update, noting that the regulatory landscape has shifted and that federal agencies have been more responsive, resulting in quicker approval of programs that had previously been delayed. The department continues to monitor developments related to air quality regulations, including MATS and Waters of the United

States (WOTUS), while awaiting further action from the administration. Regarding the federal budget, Dave noted the potential for a modest funding reduction this year. While the President's proposed budget includes significant cuts to environmental programs, he expects Congress to adjust and anticipates any final reduction to be relatively limited.

Federal Rule Updates:

- Jim Semerad, Division of Air Quality, explained ongoing regulatory uncertainty continues to create planning challenges and delays in air quality initiatives. He explained that the department has taken a cautious approach to certain regulatory efforts due to anticipated changes and postponements at the federal level. He also highlighted growing concerns about increasing energy demand, particularly from data centers, and the need for reliable power generation. Existing regulations have not kept pace with the scale of backup power systems being proposed, including large numbers of diesel generators that could have significant air quality impacts if operated simultaneously. The division is evaluating how to address these emerging issues while protecting public health and navigating an evolving regulatory environment.
- Marty Haroldson, Division of Water Quality, provided an update on federal water quality issues, highlighting ongoing uncertainty surrounding water quality and pending litigation that may further clarify federal wetlands jurisdiction. He also discussed challenges related to PFAS, particularly in drinking water and the land application of biosolids from wastewater treatment plants. Marty noted that changing federal guidance and limited direction from EPA have made planning and public messaging difficult, leaving states with continued uncertainty as they await additional federal guidance.
- Chuck Hyatt, Division of Waste Management, provided an update on federal regulatory developments, including coal combustion residuals (CCR) regulations. He noted that North Dakota received partial program approval from EPA and continues to evaluate proposed revisions related to legacy CCR units. Early indications suggest that any future state program approvals could occur more quickly than the original approval process. Chuck also highlighted emerging federal discussions on extended producer responsibility programs and the management of lithium-ion batteries. Key concerns include end-of-life battery disposal, fire risks, and the proper handling of potentially hazardous waste materials resulting from battery fires. The division will continue to monitor federal guidance and regulatory developments in these areas.
- David Bruschwein, Division Municipal Facilities provided an update on several federal drinking water regulations. He reported that updates to the Consumer Confidence Report Rule have been finalized and will require larger water systems to provide reports more frequently. The division is also working to implement the PFAS Maximum Contaminant Level Rule and the Lead and Copper Rule Improvements, both of which remain under judicial review, creating some uncertainty regarding final requirements. Efforts are currently focused on assessing PFAS impacts and identifying lead service lines for future replacement. Additionally, EPA is expected to finalize a perchlorate drinking water rule within the next year, although current data suggest it is unlikely to be a significant concern in North Dakota.
- Beth Jacobson, Accounting, reported that her division does not typically deal with federal regulations directly. The primary federal influence comes through grant guidance, which was updated last October with minor changes related to indirect costs and accounting practices.

She noted that the revisions have had minimal impact, and overall operations remain largely unchanged.

- Jim Quarnstrom, Division of Chemistry updated on the Lead and Copper Rule Improvements (LCRI), which are expected to significantly impact laboratory operations beginning in 2028. The laboratory currently receives about 12,500 samples annually, with approximately 10% related to lead and copper testing. Under the new rule, lead and copper sampling is expected to increase tenfold, from roughly 1,200 to 12,000 samples per year. Jim noted that this increase will affect staffing and laboratory capacity, and preparations are already underway to address the anticipated workload.
- Anine Merkens-Assistant Attorney General updated that there are several federal legislative matters being monitored, with the most immediate being the CCR Legacy Rule. She reported that North Dakota is taking the lead in drafting a multi-state comment letter on the rule and that the group will have an opportunity to review it before it is distributed to participating states. No additional updates were provided beyond those already discussed by other presenters.

Legislative Updates:

- Discussed that no specific DEQ legislative proposals have been identified yet, as planning for the next session is still in the early stages. During the water topics update, Shannon Fisher and Deanna were asked to present at an upcoming Water Topics Overview Committee meeting regarding water affordability and potential legislative changes to support affordability initiatives. The DEQ's State Revolving Fund (SRF) program was also recognized for its recent EPA review, which ranked it among the best in the nation. Despite anticipated reductions in capitalization grants, the program is expected to continue operating successfully as a revolving loan fund. Recognition was given to David and his team for their work managing the program.

Division updates:

- David Bruschwein, Division Municipal Facilities updated that EPA approved North Dakota's Coal Combustion Residuals (CCR) program on November 5, 2025, following a multi-year effort that began in 2018. He also highlighted a record year for the State Revolving Fund (SRF) programs, with significant loan activity and project funding made possible through the Bipartisan Infrastructure Law. While capitalization grants are expected to decrease after 2026, the programs remain strong. David also noted that the operator certification program is moving forward with the use of outside contractors to develop certification exams, following approval from the last legislative session.
- Karl Rockeman, Deputy Director, reported that the new laboratory facility near the Capitol is delayed until June 2026, with a phased move-in planned through the fall. The lab will support modern testing, future expansion including PFAS, and house both chemistry and microbiology programs. He also noted that underground storage tank (UST) rules are finalized, with outreach underway and the registration schedule shifted to a calendar year. In addition, he mentioned ongoing communications efforts following the Public Information Officer's departure and a one-year extension to complete ADA compliance updates for agency publications and the website.
- Jim Quarnstrom, Division of Chemistry update on challenges with the new laboratory data management system, noting ongoing issues with system reliability, basic calculation errors, and difficulty transferring data from instruments into the system and then to customers through

Electronic Data Deliverables (EDDs). While progress has been made over the past several months, several issues remain, though the division expects the system to return to normal within the year. He noted that sample analyses are generally being completed within EPA timelines, and the primary issue has been delaying delivering results to customers. The division is focused on resolving these problems and ensuring timely reporting of data.

- Marty Haroldson from the Division of Water Quality provided an update on ongoing work with municipal facilities and onsite wastewater treatment system regulations, including Senate Bill 2267, which transfers certain responsibilities from local health units to DEQ. Proposed rules will be discussed at a hearing on May 14 at 1:30, with emergency rules currently in place and a goal of final implementation by October. Under the new framework, DEQ will handle installer licensing and appeals between installers and health units, while health units will continue permitting responsibilities. Stakeholder input was gathered from health units and training organizations and incorporated into the draft rules now out for public comment. He also noted that triennial reviews of state water quality standards are planned for public comment around July. Other items, including livestock facilities, were already addressed in prior discussion.

Old Business:

Rules Update:

- Discussed updates on several rulemaking efforts, including lead-based paint, hazardous waste, onsite wastewater systems, and upcoming water quality standards revisions. Staff explained that the lead-based paint and hazardous waste rule updates are primarily intended to maintain consistency with federal regulations and include relatively minor changes. Discussion focused on lead-based paint hazards in older homes, particularly the risks to young children from lead-contaminated dust and paint chips. Staff noted that the proposed rule changes lower allowable lead dust levels to better protect public health and described ongoing collaboration with Health and Human Services to identify and address sources of lead exposure. Committee members also discussed lead contamination in soil around older homes and the challenges of identifying lead-based paint in existing structures. No action was required by the committee, and the updates were provided for consultation and discussion purposes.

Public Comment:

There was no public comment.

Reice Haase moved for adoption of the resolution:

“WHEREAS, Dave Glatt has dedicated more than 43 years of distinguished public service to the citizens of North Dakota through his work in environmental protection, regulatory leadership, and public stewardship; and

WHEREAS, Mr. Glatt has served as the first and only Director of the North Dakota Department of Environmental Quality since its establishment as a standalone agency in 2019, helping guide the agency through its formative years with professionalism, integrity, and scientific expertise; and

WHEREAS, throughout his career, Mr. Glatt played a critical role in implementing environmental protection programs across North Dakota, including work related to drinking water safety, groundwater protection, waste management, and environmental quality standards; and

WHEREAS, Mr. Glatt's steady leadership, institutional knowledge, thoughtful counsel, and characteristic sense of humor have made a lasting impact on the State of North Dakota and the many boards, councils, and organizations with which he worked throughout his career; and
WHEREAS, the members of the North Dakota Environmental Review Advisory Council wish to recognize and express their sincere appreciation for Mr. Glatt's decades of dedicated service to the people of North Dakota;
NOW, THEREFORE, BE IT RESOLVED, that the North Dakota Environmental Review Advisory Council hereby extends its deepest gratitude and appreciation to Dave Glatt for his exceptional career in public service, congratulates him on his retirement, and wishes him continued happiness and success in all future endeavors.
ADOPTED this 12th Day of May, 2026."

Adoption second, and motion carried.

Next Meeting Date:

Fortner suggested using polls to determine next meeting date.

Members' Questions:

Adjournment:

Fortner motioned to adjourn the meeting. Motion was seconded, the motion carried.

The meeting adjourned at 4:35 p.m.

Respectfully submitted,

RaShell Simenson