

TESTIMONY OF

Karl Rockeman, Director of Water Quality

Good afternoon, Chairman Patten and members of the Senate Energy and Natural Resources Committee. My name is Karl Rockeman, and I am the director of the Division of Water Quality within the North Dakota Department of Environmental Quality. The Division of Water Quality protects and monitors our water resources to ensure the quality of surface and groundwater for public use. I am here to testify in support of SB 2074.

This agency bill resulted from reviewing red tape reduction strategies. It will remove roadblocks that prevent citizens from accessing groundwater data, thereby, improving transparency while maintaining appropriate privacy protections. Monitoring environmental conditions is one of the DEQ's most resource-intensive activities, but that data forms the foundation for all our other programs. It provides real-world verification that our work is effective. Because of this, data transparency is second only to accuracy, and that transparency helps us to build and maintain public trust.

The DEQ collects water samples from 975 wells, currently all publicly installed monitoring wells, as part of its agricultural and western (oilfield) ambient monitoring programs. This data is used to inform policy and has often shown that these industries, when practiced under appropriate oversight, can have little to no impact on groundwater quality.

For some background, this section was adopted with the groundwater protection regulations in 1991 with the intention of protecting the privacy of private water well owners who voluntarily participate in the pesticide monitoring program. However, in 2003 an Attorney General's opinion interpreted this section to more broadly cover publicly installed wells for all ambient monitoring programs. The Department feels that the proposed changes would help clarify the original intent and make groundwater data more publicly available, while still respecting the privacy of private well owners.

Line 15 adds the descriptor to refer only to the pesticide groundwater monitoring program. Line 15-19 removes language regarding disclosure of names and addresses and refers to the common definition in the state open records law. The Department requests an amendment to restore the original proposed language that was removed due to a clerical error. Please refer to the attached amendment.

Line 19-20 excludes data collected from wells installed by or required by a state agency. This

narrows the scope to private wells while allowing us to release required data for environmental permits, spills or wells installed by the state.

These changes will allow easier access to data on public groundwater resources for residents, industry, and the public.

Mr. Chairman and committee members, this concludes my testimony. I ask for your support of SB2074, and I would be happy to answer any questions.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2074

Page 1, line 18, replace “not public records subject to” with “exempt under”

Renumber accordingly