



**NORTH DAKOTA**  
DEPARTMENT *of* HEALTH

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## NEWS RELEASE

For Immediate Release:  
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For More Information, Contact:  
L. David Glatt, Chief  
Environmental Health Section  
North Dakota Department of Health  
Phone: 701.328.5210  
E-mail: [dglatt@nd.gov](mailto:dglatt@nd.gov)

### **State Health Department Approves Devils Lake Outlet Permit**

BISMARCK, N.D. – The North Dakota Department of Health yesterday approved the Devils Lake outlet permit. After review of all public comments, the department determined that the permit will be reissued as originally drafted.

The permit allows the North Dakota State Water Commission to discharge surface water from Devils Lake to assist in addressing flooding concerns in the Devils Lake Basin while ensuring water quality and maintaining beneficial uses of the Sheyenne and Red River systems.

The current permit will expire June 30, 2013. However, the Department of Health approved the permit with the knowledge that new federal rules are scheduled to go into effect Aug. 12, 2008, that would not require a permit for the Devils Lake outlet to operate.

The U.S. Environmental Protection Agency (EPA) recently issued a regulation clarifying that water transfers are not subject to regulation under the National Pollutant Discharge Elimination System (NPDES) permitting program. This rule defines water transfers as an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal or commercial use. This rule focuses exclusively on water transfers and does not affect any other activity that may be subject to NPDES permitting requirements.

If the new EPA rules go into effect August 12, the Department of Health will issue a memorandum of agreement (MOA) at that time with the North Dakota State Water Commission outlining the operating conditions of the Devils Lake Outlet to maintain beneficial uses of waters of the state. The MOA will replace the current permit.

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600 E. Boulevard Ave. Dept. 301, Bismarck, North Dakota 58505-0200  
Phone: 701.328.2372 Fax: 701.328.4727 E-mail: [health@nd.gov](mailto:health@nd.gov)

Visit the health department home page at [www.ndhealth.gov](http://www.ndhealth.gov).

For more information, contact L. David Glatt, North Dakota Department of Health, at 701.328.5210.

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