

Introduced by

1 A BILL for an Act to amend and reenact section 23-29-07 of the North Dakota Century Code,
2 relating to a county election exemption for solid waste disposal for crude oil and natural gas
3 exploration and drilling operations.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 23-29-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-29-07. Permits.**

8 1. The department may issue permits for solid waste management facilities and solid
9 waste transporters. It is unlawful for any person to own, operate, or use a facility for
10 solid waste disposal or transport solid wastes without a valid permit. Upon receipt of a
11 permit application, the department shall give public notice, in the official newspaper of
12 the county in which the facility is to be located, that the department is considering an
13 application for a solid waste management facility. The notice must state the name of
14 the applicant, the location of the facility, and a description of the facility. The
15 department shall require as a condition of a permit for a solid waste management
16 facility, not owned or operated by the state or a political subdivision, that any entity that
17 controls the permitholder agrees to accept responsibility for any remedial measures,
18 closure and postclosure care, or penalties incurred by the permitholder. For purposes
19 of this section, "control" means ownership or control, directly, indirectly, or through the
20 actions of one or more persons of the power to vote twenty-five percent or more of any
21 class of voting shares of a permitholder, or the direct or indirect power to control in any
22 manner the election of a majority of the directors of a permitholder, or to direct the
23 management or policies of a permitholder, whether by individuals, corporations,
24 partnerships, trusts, or other entities or organizations of any type. All permits are

1 nontransferable, are for a term of not more than ten years from the date of issuance,
2 and are conditioned upon the observance of the laws of the state and the rules
3 adopted under this chapter.

4 2. For any permit application completed after July 1, 1994, the department shall notify the
5 board of county commissioners of a county in which a new solid waste management
6 facility will be located of the department's intention to issue a permit for the facility. The
7 board of county commissioners may call a special election to be held within sixty days
8 after receiving notice from the department to allow the qualified electors of the county
9 to vote to approve or disapprove of the facility based on public interest and impact on
10 the environment. If a majority of the qualified electors voting on the question in the
11 election vote to disapprove of the facility, the department may not issue the permit and
12 the facility may not be located in that county.

13 3. Notwithstanding subsection 2, if the new solid waste management facility for which the
14 permit application was completed after July 1, 1994, will be owned or operated by a
15 solid waste management authority, a special election to approve or disapprove of a
16 facility may be called only if the boards of county commissioners from a majority of the
17 counties in the solid waste management district call for a special election. However, a
18 special election must be conducted in each county within the authority. If a majority of
19 the qualified electors voting on the question in the election vote to disapprove of the
20 facility, the department may not issue the permit.

21 4. Subsections 2 and 3 do not apply to a solid waste management facility operated as
22 part of an energy conversion facility or part of a surface coal mining and reclamation
23 operation, if the solid waste management facility disposes of only waste generated by
24 the energy conversion facility or surface coal mining and reclamation operation.

25 5. Subsections 2 and 3 do not apply to a solid waste management facility operated to
26 dispose of solid waste from crude oil and natural gas exploration and drilling
27 operations if the waste is not hazardous waste.