

House Bill 1061

Presented by: **Dean Moos, Director of AML / Reclamation
Public Service Commission**

Before: **House Energy and Natural Resources Committee
The Honorable Todd Porter, Chairman**

Date: **January 14, 2021**

TESTIMONY

Mr. Chairman and committee members, I am Dean Moos, Director of the AML / Reclamation Divisions of the Public Service Commission.

HB 1061 proposes two amendments to North Dakota's Surface Mining and Reclamation Law. These proposed amendments deal with the timing of scheduling an informal conference and applications of mining companies for permit renewal.

The first proposed amendment changes Subsection 1 of Section 38-14.1-19, specifically the timing for scheduling an informal conference on a permit, significant permit revision, or permit renewal application from 30 days to 45 days. Subsection 2 of Section 38-14.1-19 requires that notice of the informal conference be published at least two weeks prior to the scheduled conference in the official county newspaper and newspapers of general circulation in the general area. Currently, depending on when a request for an informal conference is received and the official county newspaper's publication schedule, the Commission has less than a 10 day window in which to schedule the informal conference.

If a request for an informal conference is received, staff must first determine if the request is valid and applicable. Once it is decided that an informal conference will be held, the various parties to the conference must be contacted to coordinate the date of the informal conference. This includes the party or parties requesting the informal conference, an administrative law judge, mining company personnel, and Commission staff. Once the date, time, and location of the informal hearing is agreed upon, the notice must be published in the official county newspaper and newspaper of general circulation at least 2 weeks prior to the scheduled conference date.

The short time set for scheduling an informal conference has caused difficulties for the Commission, permittee, and affected landowners. Increasing this time from 30 to 45 days will allow more flexibility in scheduling the informal conference and still meet the required public notice requirements.

The amendment to Subsection 3 of Section 38-14.1-22 changes the time in which a mining company must apply for permit renewal from 120 days prior to permit expiration to 180 days prior to permit expiration. If there is no request for an informal conference on a permit renewal application, 120 days may be adequate to complete the review of the permit renewal application; however, it is not adequate in the event there is a request for an informal conference.

Mr. Chairman, this concludes my testimony. Thank you for the opportunity to present this information. I will be happy to answer any questions.