

Testimony
Senate Bill 2190
Senate Energy and Natural Resources Committee
January 23, 2015, 9:00 am
North Dakota Department of Health

Good morning Chairman Schaible and members of the Senate Energy and Natural Resources Committee. My name is David Glatt, Environmental Health Section Chief for the North Dakota Department of Health. The Environmental Health Section has the primary responsibility to implement the majority of the environmental protection programs in the state. I am here today to support SB 2190 as it relates to the ability of the North Dakota Department of Health to access funds to be used to address environmental emergencies related to oil development.

Responding to and ensuring the implementation of appropriate remedial action at environmental emergencies is one of the responsibilities of the Environmental Health Section. Environmental emergencies can happen anywhere in the state and be the result of unintentional, accidental or intentional releases of contaminants into the environment. These releases can range from being considered a nuisance with little impact on the public or environment to having major impacts requiring large amounts of staff time and money to remedy. For the vast majority of the environmental emergencies addressed by the Environmental Health Section, a responsible party is identified. The responsible party typically covers the cost to address the public and environmental impacts. However, in some instances, either due to the fact that a responsible party cannot be identified or the responsible party is unable or unwilling to cover the cost of the remedy, the Health Department is left trying to find funding for the remedy.

In the past, we have used a small fund entitled the Environmental Quality Restoration Fund to assist in these cases. The fund was established to be used by the Department to initiate emergency action in the absence of a responsible party. In cases where a responsible party is eventually located, the Department seeks reimbursement. In other cases where a responsible party cannot be found, the Environmental Quality Restoration Fund is depleted. We are concerned that, with the increasing oilfield development, there is greater potential for the Department to have to address environmental emergencies without the prospect of locating a responsible party. The net result is that the emergency fund would be depleted, leaving the Department without the ability to address pressing public or environmental health concerns. SB 2190 will enable the Department to request funding from the Industrial Commission and seek reimbursement in cases which

involve oilfield development. This will ensure the long-term viability of the Environmental Emergency Response Fund and a timely response.

This concludes my testimony. I would be happy to answer any questions.