

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1114

Introduced by

Energy and Natural Resources Committee

(At the request of the State Department of Health)

1 A BILL for an Act to amend and reenact section 23-29-03, subsection 3 of section 23-29-05.1,
2 and section 23-29-12 of the North Dakota Century Code, relating to solid waste management;
3 to repeal sections 23-29-09 and 23-29-16 of the North Dakota Century Code, relating to solid
4 waste management correspondence and environmental protection; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 23-29-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **23-29-03. Definitions.**

- 9 1. "Collection" means the aggregation of solid waste from the places at which the waste
10 was generated.
- 11 2. "Department" means the state department of health.
- 12 3. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or
13 placing of any solid waste into or on any land or water including ground water.
- 14 4. "Industrial waste" means solid waste, which is not a hazardous waste regulated under
15 chapter 23-20.3, generated from the combustion or gasification of municipal waste and
16 from industrial and manufacturing processes. The term does not include municipal
17 waste or special waste.
- 18 5. "Infectious waste" means solid waste that may contain pathogens with sufficient
19 virulence and in sufficient quantity that exposure of a susceptible human or animal to
20 the solid waste could cause the human or animal to contract an infectious disease.
- 21 6. "Landfill" means a publicly or privately owned area of land where solid wastes are
22 permanently disposed.
- 23 7. "Litter" means discarded and abandoned solid waste materials that are not special
24 waste or industrial waste.

- 1 8. "Major appliance" means an air conditioner, clothes dryer, clothes washer, dishwasher,
2 freezer, microwave oven, oven, refrigerator, stove, furnace, water heater, humidifier,
3 dehumidifier, garbage disposal, trash compactor, or other similar appliance.
- 4 9. "Municipal waste" means solid waste that includes garbage, refuse, and trash
5 generated by households, motels, hotels, and recreation facilities; by public and
6 private facilities; and by commercial, wholesale, and private and retail businesses. The
7 term does not include special waste or industrial waste.
- 8 10. "Open burning" means the combustion of solid waste without control of combustion air
9 to maintain adequate temperature for efficient combustion, containment of the
10 combustion reaction in an enclosed device to provide sufficient residence time and
11 mixing for complete combustion, and control of the emission of the combustion
12 products.
- 13 11. "Person" means any individual, corporation, limited liability company, partnership, firm,
14 association, trust, estate, public or private institution, group, federal agency, political
15 subdivision of this state or any other state or political subdivision thereof, and any legal
16 successor, representative agent, or agency of the foregoing.
- 17 12. "Political subdivision" means a city, county, township, or solid waste management
18 authority.
- 19 13. "Resource recovery" means the use, reuse, or recycling of materials, substances,
20 energy, or products contained within or derived from ~~municipal~~solid waste.
- 21 14. "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water
22 supply treatment plant, or air pollution control facility and other discarded material,
23 including solid, liquid, semisolid, or contained gaseous material resulting from
24 industrial, commercial, mining, and agricultural operations, and from community
25 activities. The term does not include:
- 26 a. Agricultural waste, including manures and crop residues, returned to the soil as
27 fertilizer or soil conditioners; or
- 28 b. Solid or dissolved materials in domestic sewage, or solid or dissolved material in
29 irrigation return flows or industrial discharges that are point sources subject to
30 permits under section 402 of the Federal Water Pollution Control Act, as
31 amended [Pub. L. 92-500; 86 Stat. 816; 33 U.S.C. 1251 et seq.], or source,

1 special nuclear, or byproduct material as defined by the Atomic Energy Act of
2 1954, as amended [68 Stat. 919; 42 U.S.C. 2011 et seq.].

3 15. "Solid waste management" means the purposeful systematic control of the storage,
4 collection, transport, composting, resource recovery, land treatment, and disposal of
5 solid waste.

6 16. "Special waste" means solid waste that is not a hazardous waste regulated under
7 chapter 23-20.3 and includes waste generated from energy conversion facilities; waste
8 from crude oil and natural gas exploration and production; waste from mineral and ore
9 mining, beneficiation, and extraction; and waste generated by surface coal mining
10 operations. The term does not include municipal waste or industrial waste.

11 17. "Storage" means the containment and holding of solid waste after generation for a
12 temporary period, at the end of which the solid waste is processed for resource
13 recovery, treated, disposed of, or stored elsewhere.

14 18. "Transport" means the offsite movement of solid waste.

15 **SECTION 2. AMENDMENT.** Subsection 3 of section 23-29-05.1 of the North Dakota
16 Century Code is amended and reenacted as follows:

17 3. A person violating this section is guilty of an infraction for which a minimum fine of
18 ~~one~~two hundred dollars must be imposed, except if the litter discarded and abandoned
19 amounted to more than one cubic foot [0.0283 cubic meter] in volume or if the litter
20 consisted of furniture or a major appliance, the offense is a class B misdemeanor and
21 the person is subject to the civil penalty provided in section 23-29-12.

22 **SECTION 3. AMENDMENT.** Section 23-29-12 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **23-29-12. Penalties.**

25 ~~Unless another penalty is specifically prescribed, a person violating this chapter, or any rule,~~
26 ~~order, or condition in a permit issued under this chapter, is subject to a civil penalty not to~~
27 ~~exceed one thousand dollars per day of such violation.~~

28 1. Any person who violates this chapter or any permit condition, rule, order, limitation, or
29 other applicable requirement implementing this chapter is subject to a civil penalty not
30 to exceed twelve thousand five hundred dollars per day per violation, unless the

1 penalty for the violation is otherwise specifically provided for and made exclusive in
2 this chapter.

3 2. Any person who willfully violates any provision of this chapter or any permit condition,
4 rule, order, limitation, or other applicable requirement implementing this chapter is
5 guilty of a class C felony, unless the penalty for the violation is otherwise specifically
6 provided for and made exclusive in this chapter.

7 3. Any person who willfully makes any false statement, representation, or certification in
8 any application, record, report, plan, or other document filed or required to be
9 maintained under this chapter or any permit condition, rule, order, limitation, or other
10 applicable requirement implementing this chapter or who falsifies, tampers with, or
11 willfully renders inaccurate any monitoring device or method required to be maintained
12 under this chapter or any permit condition, rule, order, limitation, or other applicable
13 requirement implementing this chapter is guilty of a class C felony, unless the penalty
14 for the violation is otherwise specifically provided for and made exclusive in this
15 chapter.

16 **SECTION 4. REPEAL.** Sections 23-29-09 and 23-29-16 of the North Dakota Century Code
17 are repealed.