

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Reclamation
Rulemaking**

Case No. RC-22-28

PUBLIC SERVICE COMMISSION STAFF TESTIMONY

March 9, 2022

I am Zanna Brinkman, Director with the Reclamation Division of the Public Service Commission.

The Commission is proposing some rule changes to North Dakota Administrative Code Article 69-05.2 covering surface coal mining and reclamation operations. The proposed rulemaking implements House Bill 1353 enacted by the 67th Legislative Session, relating to the establishment of the department of water resources, and the powers and duties of the department of water resources and the state engineer, and implements Senate Bill 2327 enacted by the 65th Legislative Session relating to the creation of the department of environmental quality, the transfer of duties and responsibilities of the state department of health relating to environmental quality to the department of environmental quality, and biennial reports of the department of environmental quality.

The proposed rulemaking updates North Dakota Administrative Code Article 69-05.2 by changing all state engineer and water commission references to the department of water resources and updates one state department of health reference to the department of environmental quality.

The mining and reclamation rule changes adopted by the Commission must be as effective as the counterpart federal rules issued by the federal Office of Surface

Mining (OSM) within the Department of the Interior. Reclamation Division staff does not believe OSM will have any concerns with these rule changes.

This concludes my testimony.

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