

Testimony
Senate Budget Committee Field Hearing
July 9, 2010
North Dakota Department of Health

Good afternoon. My name is L. David Glatt, and I am chief of the Environmental Health Section for the North Dakota Department of Health. Our department is responsible for the implementation of many state and federal environmental protection programs. Through primacy agreements with the U.S. Environmental Protection Agency (EPA), we implement major elements of the Clean Water, Clean Air, Safe Drinking Water and Hazardous Waste Acts. I am here today to address your question regarding what steps the federal government can take to assist in providing additional flood protection for the Devils Lake region.

I will address your inquiry from a water quality perspective; please note that my comments are not meant to be inclusive of all of the issues associated with Devils Lake flooding.

From a water quality perspective, the Department of Health is well-versed in the issues and, in cooperation with other local, state and federal agencies, has developed an extensive water quality database for the Sheyenne and Red rivers, as well as Devils Lake. This ongoing data collection effort has enabled the department to (1) anticipate potential downstream water quality changes due to operation of the Devils Lake outlet and (2) estimate downstream impacts from various other proposed flood control options. The state's water quality data has proven extremely valuable in the department's decision to pursue modification of the sulfate water quality standard for the Sheyenne River from its headwaters to just below Baldhill Dam. This modification protects the downstream designated uses of the river.

To address issues relating to areas of federal participation and cooperation, I propose the following:

1. The Department of Health has recently completed a triennial review of the water quality standards for the state of North Dakota. This effort seeks to make a permanent change in the sulfate stream standard for a portion of the Sheyenne River as previously noted. In proposing the change an extensive record was developed which includes an examination of the Sheyenne River and Devils Lake water quality trends;

evaluation of other state EPA approved and Canadian water quality standards and a review of technical documents including the Centers for Disease Control report regarding sulfate in drinking water. In addition the Department solicited public input from 3 public hearings and review from the North Dakota Water Pollution Control Board, North Dakota State Health Council, North Dakota Attorney Generals office, and the Administrative Rules Committee. Our record shows a transparent public process following applicable science and the law. The state has completed its review process and has submitted the rule change package to the U.S. EPA for their review and potential approval. We ask your assistance in ensuring that the EPA expedites its review process under the timelines established in rule and law.

2. If additional changes in water quality standards are to be considered to assist with Devils Lake flood relief, they should continue to be based on the best science. Because the Red River is a shared water source, any modifications to the existing standards will require consensus with the state of Minnesota, two EPA regions (VIII and V) and EPA headquarters. Additional consideration also may be required in relation to the Boundary Waters Treaty, a potential State Department issue involving Canada. I believe that the water quality issues associated with a temporary, moderate change in the Red River sulfate standard can be addressed while protecting existing designated uses.
3. As a final request, we would ask for expedited review and approval of the most cost-effective flood relief option that acknowledges downstream impacts. This may include finding ways to move better quality water out of the west end of the lake or other areas located in the upper portion of the basin. Expedited federal review of these alternatives is needed.

As noted earlier, the state has generated significant data and gained considerable knowledge of the water quality issues associated with Devils Lake flooding. From our perspective, there may be further flood relief opportunities that could be explored to balance Devils Lake flooding and downstream concerns. Local, state and federal entities should pursue all options in a true spirit of cooperation to ensure the selection of the most-balanced remedy.

This concludes my testimony. I am happy to answer any questions that you may have on this subject.