

Tri Township

13794 46th Street NW
Alexander, ND 58831

August 5, 2016

Dennis Wolf, M.D.
denniswolf@nd.gov

Jeniffer Schaeffer
jenschaeffer@nd.gov

Duane Pool
duanepool@nd.gov

Wade Peterson
wadepeterson@nd.gov

Gordon Myerchin
gmyerchin@nd.gov

Leona Koch
leonakoch@nd.gov

Jerry Jurena
jerryjurena@nd.gov

Mike Jones
mikejones@nd.gov

Genny Dienstamnn
gdienstmann@nd.gov

Howard Anderson Jr.
hcanderson@nd.gov

Greg Allen
gallen@nd.gov

Re: Decision regarding proposed TENORM rules

Dear Members of the North Dakota Health Council:

Tri Township is home to a special waste facility operated by IHD Solids Management LLC. Our citizens have significant concerns regarding this facility. It is situated atop a large hill, and the waste pile itself is substantial. Our citizens have complained about dust management at the facility, particularly at times when the dust coming off the site and blowing across the highway is so thick you cannot see through it. Based on records we obtained from the North Dakota Department of Health, it appears that there has already been water contamination at this facility. And this facility was one of the first to ask the Department of Health for permission to accept the elevated levels of radioactive waste.

We are writing to you to provide you with some background and the perspective of one of the small communities in the oil patch who must live with these facilities – the landfills that might accept even higher levels of radioactive waste based on your decision.

We exercise our zoning authority through a joint powers agreement with McKenzie County, and we and the County have recently begun reviewing the zoning permit for the IHD facility. Because the rules proposed by the Department of Health are inadequate to protect our community and to even provide us with a sufficient amount of information from which to make decisions on our own regulatory matters, both the County and Township have been forced to commission their own experts and reports on the impact of these facilities to human health and the environment.

August 5, 2016

Page 2

I have attached the report generated for McKenzie County, which was prepared by Jared Torstenson. Mr. Torstenson is an engineer and works with the Colorado Department of Public Health and Environment in the Hazardous Waste Permitting program. He has significant experience with facilities that accept higher levels of radioactive waste in Colorado, and he was critical of several aspects of the plans for the IHD facility, and of the rules you are being asked to pass in general.

Tri Township has also hired experts to conduct a study and create a similar report, although we are looking into a more comprehensive report, particularly because of the indications that we are already faced with groundwater contamination from the facility, as well as due to the concerns raised in the report to McKenzie County. We have also obtained legal counsel to advise us regarding these issues. We hope to convey one thing to you, if nothing else: Our local governments should not be the ones having to do this research so that we can ensure there are adequate safeguards in place to protect our residents. The experts with whom we have spoken, however, have told us that additional safeguards are necessary to protect our citizens and the environment.

Tri Township is currently working with experts to develop another more comprehensive report, and we believe that the information we obtain from our experts will be instructive to you in deciding whether to adopt these rules on radioactive waste as proposed. Tri Township will gladly share the reports and findings of its experts with this body as soon as we obtain them.

It may be that the State of North Dakota can someday put together regulations sufficient to allow these facilities to accept higher levels of radioactive waste, but the regulations the Department of Health is asking you to pass are inadequate to protect our communities. Please vote against adoption of these regulations, and send the Department of Health back to work on drafting rules that protect and health and welfare of our rural citizens. At the very least, delay adoption of these rules until we have more information and better understand how to protect the citizens of North Dakota while operating these facilities.

Sincerely,

Larry Novak

B.J. Lindvig

Kameron Hudson

Larry Novak: Chairman

B.J. Lindvig: Vice Chair;

Kameron Hudson: Supervisor

Tri Township Board of Supervisors