

# **Bond Case Briefs**

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## **UTILITIES - NORTH DAKOTA**

### **Environmental Driven Solutions, LLC v. Dunn County**

**Supreme Court of North Dakota - March 7, 2017 - N.W.2d - 2017 WL 899992 - 2017 ND 45**

Waste oil treatment company brought action against county, seeking declaratory judgment that Industrial Commission, rather than county, had jurisdiction to determine siting of company's treating plant.

The Commission intervened in the proceedings. The District Court granted summary judgment in favor of company. County appealed.

The Supreme Court of North Dakota held that county's zoning requirements, which county used to halt construction of waste oil treating plant, were preempted by state law, and thus county had no authority through its zoning regulations to veto Industrial Commission's siting of plant.

Commission had statutory authority to regulate waste oil treating plants, and legislative intent indicated that Commission would occupy the field of regulation of oil and gas waste treatment plants.