

TESTIMONY OF

David Glatt, Director of the North Dakota Department of Environmental Quality

Good afternoon Chairman Dockter and members of the House Political Subdivisions Committee. My name is David Glatt, and I am the Director of the Department of Environmental Quality (DEQ). The DEQ is responsible for the implementation of many of the environmental protection programs in the state. I am here today to provide support for the concept of establishing a statewide on-site wastewater treatment uniform code and program as promoted by HB 1183.

Currently, reference to septic tank and drainfield regulation is contained in the North Dakota State Plumbing Code. However, enforcement of the state code has been largely accomplished through multi county public health units with long standing programs that oversee the construction and installation of treatment systems in their jurisdictions. Although onsite wastewater installations are regulated by Public Health Units over a majority of the state, some parts of the state have little to no local regulation for residential installations. To address some of the differences between local public health jurisdictions and to provide some continuity for licensed installers, Public Health Units have worked to establish a comprehensive technical guidance. This effort has resulted in some success but lacks state authority to require its adoption in every county. It is our interpretation that HB 1183 is an effort to establish a state program that will address some of the implementation issues, address regulation continuity and provide for dispute resolution input.

To provide the DEQ clarity as to our involvement in the program, we have the following statements and questions.

- HB 1183 will establish a Board with the powers and duties to include developing standards and guidance, testing and licensing installers, establish and collect fees, conduct hearings, and establish and enforce rules. Based upon the assumption that the DEQ will be tasked to implement and enforce many of the duties of the Board, we have provided a fiscal note. The fiscal note identifies an impact of \$485,000 per biennium, including two FTE's and associated operational and travel costs. This is our best estimate relating to the impact on the DEQ.
- It is assumed that every county or Public Health Unit will be required to adopt the rules or guidance. How will oversight in counties that currently do not have an established relationship with a Public Health Unit be accomplished?
- How will the state code interface or support Public Health Units or counties with existing onsite wastewater programs?

- An amendment may be needed to delete reference to the septic tank authority in the State Plumbing Code.
- The bill states "An individual is exempt from the requirements of this chapter if the individual is installing an onsite sewage treatment system on the individual's premises for the individual's use." We suggest that an individual be exempt from the licensing requirements but not from the code which identifies proper design and construction requirements. Perhaps the word "licensing" can be inserted into the sentence before "requirements" to clarify the intent on page 3, line 1.
- To provide more diverse experience and opinions, the committee may want to consider including an even number of installers and public health unit representatives on the Board.

We support the desire to establish a statewide uniform code. We realize that there may be some implementation challenges, however, we believe that these can be addressed with cooperation of all interested parties.

This concludes my testimony. I stand for questions from the committee.