

TESTIMONY OF

David Bruschwein, Director of the Division of Municipal Facilities

Good morning, Chairman Wobbema and members of the Senate Workforce Development Committee. My name is David Bruschwein, and I am the Director of the Division of Municipal Facilities at the North Dakota Department of Environmental Quality. I am here to testify in support of SB 2110.

Background

First, I would like to give a brief background on the certification program. The Department of Environmental Quality (DEQ) is responsible for certifying operators of public drinking water and wastewater systems within North Dakota. The certification requires operators to obtain sufficient education and experience, and then complete a final examination. The DEQ recently received several stakeholder requests to update our certification process. Thus, DEQ is proposing SB 2110 to make the necessary updates and improvements as requested.

Section 1: NDCC 23.1-07-04

The change requested in **Section 1** moves the start of the operator certification year from July 1st to January 1st. This was requested by stakeholders to reduce confusion by moving the certification year to coincide with the calendar year.

Section 3: NDCC 23.1-07-06

The change requested in **Section 3** would allow the DEQ the option to use a third-party testing service. Currently, DEQ staff develop, conduct, and grade exams. There are 5 levels of certification for both drinking water and wastewater systems based on size and complexity. There is a different exam for each level. The North Dakota Century Code does not allow the option to use a third party in the examination process. The use of third-party testing allows for a more secure exam process, a more detailed review of completed exams by exam takers, and eventually a proctored exam site option. The use of a proctored site is very desirable for small system operators who would be able to take an exam at a time of their choosing instead of being limited to the monthly testing day.

Section 2: NDCC 23.1-07-05

The change requested in **Section 2** is to allow the operator certification testing fees to be set in the Administrative Code. The requested change will allow the DEQ to update exam fees

more easily to reflect the changes in third-party testing costs.

Section 4: NDCC 23.1-07-08

The change requested in **Section 4** updates the penalty implementation for violations of operator certification. Currently, the North Dakota Century Code only provides a class A misdemeanor for operator violations. This is an excessive penalty for most operator certification violations. Further, state's attorneys may not have the time or resources to bring these kinds of criminal actions forward. The requested change allows DEQ to apply civil penalties while still providing a class A misdemeanor for intentional or willful violations.

Mr. Chairman and committee members, this concludes my testimony. I ask for your support for SB2110. I would be happy to answer any questions.