

SUMMARY

Temporary Modular Housing in the Oil Fields

This summarizes the above-referenced document (dated November 18, 2011). Referenced appendices are included in the document. **Entities considering development of housing in oil-impacted areas of North Dakota are cautioned to secure all necessary approvals and permits prior to construction. This is important to avoid possible costly infrastructure modifications or replacement and enforcement action.**

Zoning

Housing developments must have local zoning approval. **Contact:** Local zoning authority (see Appendix A).

Housing

Housing must conform to the ND State Building Code. Modular structures, new and used, must be IBC (Industrialized Building Commission) compliant. **Contact:** ND Department of Commerce (701.328.5300).

Water Allocation

Housing developments contemplating an independent water source (groundwater or surface water) may be required to obtain a water use permit. **Contact:** State Water Commission (701.328.2754).

Environmental

- **Water Supply System, Wastewater System, Water Hauling.** Plans and specifications for the water supply system must be approved by the North Dakota Department of Health (NDDH) **prior to construction**. Water systems that qualify as a public water system must meet specific monitoring/reporting requirements under the Safe Drinking Water Act. Plans and specifications for the wastewater system must be approved by the applicable local public health unit (LPHU) and the NDDH **prior to construction**. LPHUs may request the NDDH to provide sole review/approval of the wastewater system. Drinking water hauling must be conducted by approved haulers and meet specific requirements. **Contacts:** NDDH, Division of Municipal Facilities (701.328.5211), and LPHU (see Appendix B).
- **Storm Water, Wastewater Discharges, Underground Injection Control (UIC), Wastewater Hauling.** A construction activity permit, which includes a storm water pollution prevention plan, is required for construction projects that disturb 1 or more acres. A direct discharge permit is required for any proposed wastewater discharge to a surface drainage. A UIC permit may be required for: large capacity septic tank/drain field systems (designed to serve more than 20 people per day); and, waste disposal systems receiving sanitary wastes co-mingled with commercial, industrial or automotive wastes. Wastewater hauling and disposal must be conducted by licensed septic tank pumpers/haulers and meet specific requirements. **Contact:** NDDH, Division of Water Quality (701.328.5210).
- **Solid Waste.** All solid waste (garbage) must be properly managed (transported by a permitted waste hauler to a permitted disposal facility). **Contact:** NDDH, Division of Waste Management (701,328.5166).
- **Food and Lodging Establishments.** Food and lodging establishments must meet specific requirements and be licensed. Lodging establishments include mobile home parks, travel trailer parks, campgrounds, and crew camps. **Contact:** NDDH, Division of Food and lodging (701.328.1291).

Temporary Modular Housing in the Oil Fields

North Dakota Department of Health
North Dakota Department of Commerce
North Dakota State Electrical Board
North Dakota State Plumbing Board
North Dakota State Water Commission

November-18-2011

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Temporary Modular Housing in the Oil Fields

Introduction

The North Dakota Department of Health, North Dakota Department of Commerce, North Dakota State Electrical and Plumbing Boards, local health districts, counties and communities have been working to address all environmental and permitting issues associated with setting up temporary/permanent housing camps and trailer parks.

This document specifically addresses modular structures (new and used) that are built in state or outside the state and then shipped to a location in North Dakota. It should be used as a reference guide when planning to set up temporary modular housing in the oil fields.

State law mandates that modular structures new or used must be inspected by an IBC (Industrialized Building Commission) approved third party inspector and also have an IBC label affixed. It is highly recommended that new modular units conform to the IBC format. Modular buildings certified according to this format will be deemed to comply with all requirements of the IBC and will not be subject to state or local inspections for any building component in the factory. Code enforcing state and local jurisdictions may, however, conduct a non-invasive inspection on these properties.

All modular structures being located in North Dakota that have not been inspected by an approved third party inspector and without an IBC label before being located in North Dakota may be inspected by the state and local code enforcement agencies according to state and local codes and amendments or other related procedures and requirements. Inspectors have the right to do a complete inspection, including inspecting behind fixed walls.

Modular structures located in areas that have not adopted the state code must adhere to North Dakota Century Code section 54-21.3-03, which requires that modular residential structures or prebuilt homes placed in the state be constructed in compliance with the state building code.

Modular residential structures or prebuilt homes placed in a jurisdiction that has amended and/or adopted the state building code must be constructed in compliance with the state building code and the amendments adopted by that jurisdiction.

If the jurisdiction in which the modular structure is set does not have a code enforcing inspection department or has not adopted the state building code, it is the responsibility of the owner of the structure to assure that all state and local codes are met. Life safety issues should be of the highest concern.

If a structure has not been inspected and labeled by IBC, then the local jurisdictions, North Dakota Department of Health, State Electrical Board and State Plumbing Board shall be contacted. Please see Appendix A for a list of local inspection entities, Appendix B for Department of Health contact information, Appendix C for State Electrical Board contact information and Appendix D for State Plumbing Board contact.

The following are permitting requirements and regulatory issues that must be addressed:

I. Installation and Inspection

(North Dakota Department of Commerce - Division of Community Services)

Manufactured Home Installation Program (HUD Manufactured Homes)

108-03-01-02. Scope. This administrative chapter pertains to the first-time installation of each manufactured home installed in North Dakota in a temporary or permanent location and which is designed and commonly used for occupancy by persons for residential purposes beginning July 1, 2006. Each installed manufactured home must display an insignia issued by the Department of Commerce, Division of Community Services, certifying that the home is installed in compliance with this chapter. Temporary installations for the purpose of home display or office use which will be relocated to another location to use as a residence are exempted from this chapter.

For information contact: Cal Steiner 701.227.2415 or Rory Hoffmann 701.391.4382.

For rules and a list of installers and inspectors, visit: www.ndmhip.com

All homes must be set (installed) by a North Dakota Registered Installer, with the exception of a homeowner; however, they must have it inspected by a registered inspector and have an insignia attached.

First calls should be made to the local jurisdiction and an inspector before any work is started.

Third Party Inspection Program (modular structures)

108-02-01-04. Scope. This chapter governs the process for certification of third party inspection agencies for those manufacturers of industrialized, modular, residential and commercial buildings built in a factory. It also governs the procedures to be employed for approving the design, manufacture, inspection, handling, storage, delivery and installation of industrialized modular buildings built in a factory. Industrialized modular buildings certified according to this chapter shall be deemed to comply with all requirements of this chapter and shall not be subject to required state or local inspections for any building component in the factory. This chapter does not govern manufactured homes built in a factory under the United States Department of Housing and Urban Development code pursuant to the Manufactured Housing and Safety Standards Act, nor does it cover any onsite construction, including construction related to the installation of industrialized modular buildings.

For information contact: Cal Steiner 701.227.7415, 701.290.1852 or Bruce Hagen 701.390.4806. For information and rules, visit:

<http://www.communityservices.nd.gov/government/third-party-inspection/>

All modular structures must be inspected by an approved third party inspector and have an IBC label before being brought into North Dakota, or the building and all building components may be inspected by the state and local code enforcement agencies according to state and local codes and amendments or other related procedures and requirements.

North Dakota Century Code section 54-21.3-03(7) also requires that modular residential structures or prebuilt homes placed in the state must be constructed in compliance with the state building code and amendments to the state building code adopted by the jurisdictions in which the modular residential structures or prebuilt homes are placed.

Before structures are brought into the state or built, first contacts should be made to the local jurisdiction and N. Kevin Egilmez, (Interstate Industrialized Building Commission), Project Manager, 703.481.2022; email: kegilmez@interstateibc.org
Website: <http://www.interstateibc.org/about.htm>

II. Zoning

(county/township/city)

All county/township/city zoning and siting requirements must be met. Contact information for county/city planning/zoning is provided in Appendix A.

III. Permitting

(North Dakota Department of Health)

NOTE: If the modular housing structure has not been inspected and labeled by the Industrialized Building Commission, contact the Department of Health.

Stormwater/Runoff

A construction activity permit is required for construction disturbance of 1 or more acres.

- Conditions are outlined in General Permit NDR10-0000, and a stormwater pollution prevention plan is required.
- Applications must be submitted 7 days prior to start of construction.
- The permit is terminated once construction is complete and the site is stabilized.

Additional stormwater information and forms are available at:

<http://www.ndhealth.gov/WQ/Storm/StormWaterHome.htm>

Wastewater

A Direct Discharge Permit (North Dakota Administrative Code (33-16-01) is required for any wastewater discharge leaving property via surface drainage. (North Dakota Pollutant Discharge Elimination System [NDPDES])

- Conditions are facility/waste source-specific.
- An application must be submitted 60 days prior to start of operation.
- Limits are set based on similar facilities and water quality standards.
- A 30-day public comment period may be required.
- Plans and specifications are submitted to the Department of Health for approval.

Indirect discharges (wastewater) piped to a municipal treatment system.

- The city regulates discharges based on its system's treatment/storage capabilities.
- General prohibitions may include specific loading limits or surcharging.
- Copy of agreement between camp and community accepting wastewater is required.
- Department of Health review may be required.

Indirect discharges (wastewater) involving temporary onsite storage and disposal.

- Plans for temporary wastewater storage structures are submitted for review.
- Licensed septic pumpers/haulers are required for proper wastewater removal/disposal.
- Name/phone number of wastewater hauler is required.
- Location/designation of hauled wastewater is required.
- Signed agreement with owner/operator of final designation of wastewater is required.
- Contingency/backup plan for final designation of wastewater is required.

Total containment wastewater impoundments must not discharge.

- Zero-discharge lagoons must meet state design standards.
- Plans and specifications must be reviewed prior to construction.

Individual wastewater treatment systems include septic tanks and drain fields.

- Local health district sets permitting and siting requirements. State plumbing code and/or local health district standards must be met.
- Plans and specifications are reviewed by the Department of Health and/or local health district.
- Large capacity septic/drainfield systems that receive sanitary wastes and are designed to serve more than 20 people per day and waste disposal systems that receive sanitary wastes co-mingled with commercial, industrial or automotive wastes are classified as underground injection wells and are regulated by the Department of Health under NDAC 33-25-01.

Contact the Division of Water Quality, NDPDES Wastewater Program, at 701.328.5210 for wastewater and stormwater requirements, or visit:

<http://www.ndhealth.gov/WQ/WasteWater/WasteWaterProgram.htm>

Contact the North Dakota State Plumbing Board at 701.328.9977 for code requirements, or visit: http://www.governor.state.nd.us/boards/boards-query.asp?Board_ID=83

Contact the Division of Water Quality, UIC Program, at 701.328.5210 for underground injection control program requirements, or visit: <http://www.ndhealth.gov/WQ/GW/uic.htm>

Solid Waste

All solid waste (garbage) must be managed properly, i.e., transported by a permitted waste hauler to a permitted disposal facility (Chapter 23-29 of the North Dakota Century Code (NDCC) and Article 33-20 of the North Dakota Administrative Code [NDAC]).

- Appropriate solid waste information must be provided.
- Source and quantity of solid waste must be included.
- Measures to ensure effective control/characterization of waste must be identified.
- Any other pertinent details must be included.

Contact the Division of Waste Management, Solid Waste Program, at 701.328.5166 for site-specific solid waste requirements and applications, or visit: <http://www.ndhealth.gov/WM/>

Drinking Water

All applicable Safe Drinking Water Act (SDWA) requirements must be followed (NDCC Chapter 61-28.1 and NDAC Article 33-17).

- All public water systems (PWSs) must provide water meeting SDWA requirements.
- A PWS is a water system that has at least 15 service connections or regularly serves at least 25 people 60 or more days out of the year.
- PWSs are classified as either community or non-community water systems.
 - Community systems serve year-round residents (e.g., cities, subdivisions, mobile home parks, rural water systems).
 - Non-community systems serve other than year-round residents (e.g., restaurants, bars, hotels, campgrounds, truck stops, schools, businesses, industries).
- Plans and specifications for all new and modified PWSs must be submitted for review and meet state design criteria prior to construction.
- Approved water haulers are required. Approval is based on compliance with source water, equipment, equipment maintenance and sampling requirements.

Contact the Division of Municipal Facilities, Drinking Water Program, at 701.328.5211 for site-specific water supply requirements, or visit: <http://www.ndhealth.gov/MF/>

Food Issues

Mobile home, trailer parks, campgrounds, crew camps/man camps and food establishments are required to be licensed by the Division of Food and Lodging.

- A completed application must be submitted for each facility.
- Park layout plans must be submitted including:
 - spacing and roadway widths
 - source of water
 - wastewater treatment/handling system
- Ensure the electrical pedestals are installed according to the state electrical code.
- Water supply and drainage systems must be installed according to state plumbing code.

Contact the Division of Food and Lodging at 701.328.1291 for licensing/requirements of travel trailer parks, mobile home parks, crew camps/man camps and food establishments, or visit: <http://www.ndhealth.gov/FoodLodging/>

Contact information for the North Dakota Department of Health is provided in Appendix B.

IV. Electrical Code

(North Dakota State Electrical Board)

NOTE: If the modular housing structure has not been inspected and labeled by the Industrialized Building Commission, contact the State Electrical Board.

North Dakota Century Code § 43-09-22 provides that the electrical board has jurisdiction over and shall provide for all electrical installations. This means that inspection will be required for all buildings moved from one location to another. This is occurring in the oil field, with temporary housing being brought in from other states, as well as from Canada. As noted

previously, if the structure has been approved by a third party inspector and an IBC label has been affixed, the building shall be deemed to comply with the building code and shall not be subject to required state or local inspections for any building component in the factory. Code enforcing state and local jurisdictions may conduct a non-invasive inspection of these properties pursuant to North Dakota Administrative Code Section 108-02-01-06, for the purpose of identifying and reporting to the division of community services any code violation.

The State Electrical Code also applies to inspections of buildings that have not been approved by a third party inspector, and where no IBC label has been affixed. In these cases, state and local code enforcement agencies may inspect the building and all building components according to state and local codes and amendments or other related procedures and requirements. The inspectors would have the authority to do a complete inspection, including inspecting behind fixed walls. In those cases where the state electrical code is not met, the state electrical board does possess the authority to grant a waiver, based on Section 90.4 of the National Electric Code, which has been adopted as an administrative rule by the State Electric board. This section provides: “By special permission, the authority having jurisdiction may waive specific requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.” Any request for a waiver from the State Electrical Code must be submitted to the State Electrical Board.

Appendix C contains a December 22, 2010 memorandum regarding temporary housing facilities in North Dakota and an application for inspection of factory-built structures.

Contact information for the North Dakota State Electrical Board is provided in Appendix D.

V. Plumbing Code

(North Dakota State Plumbing Board)

NOTE: If the modular housing structure has not been inspected and labeled by the Industrialized Building Commission, contact the State Plumbing Board.

North Dakota Century Code Section 43-18-17.3 provides, “The North Dakota State Plumbing Board has jurisdiction over and shall make provision for inspection of plumbing installations or alterations to public building and installations in newly constructed dwelling units, except as provided in this section. Political subdivisions may provide for inspection of plumbing work done within their jurisdictional limits. The board may charge the person responsible for the installation a reasonable fee not to exceed the cost of inspection. No inspection is required for any repair work or plumbing fixture replacement which requires only minor alteration, or to buildings that are not connected to a public system of waterworks or sewerage, and does not apply to maintenance work conducted by regularly employed maintenance personnel on the business premises of their employer.”

This means that if a building is self-contained and not connected to a public water system, inspection is not required. Otherwise, inspection provided by the State Plumbing Board shall be required.

Contact information for the North Dakota State Plumbing Board is provided in Appendix E.

VI. State Water Commission – Water Use Permits

Before constructing a multiple housing unit that includes an independent water source (a well rather than a municipal or rural water hookup), the Appropriations Division of the State Water Commission should be contacted (701-328-2754, swcapprop@nd.gov) to determine if a water use permit is required.

APPENDIX A. LOCAL INSPECTION CONTACT INFORMATION

Contact the appropriate local authority if modular housing structures are not supplied with an IBC label by a third party inspector, so compliance with all applicable regulations is met. Also contact these individuals to ensure compliance with zoning and siting requirements.

BOTTINEAU

Lisa Peterson, Planning Administrator
314 W 5th St
Bottineau ND 58318-1204
701.228.2901
lisa.peterson@co.bottineau.nd.us

BURKE

Jeanine Jensen, County Auditor
Planning/Zoning Commission Sec
PO Box 310
Bowbells ND 58721-0310
jsjensen@nd.gov
701.377.2861

DIVIDE

Gayle Jastrzebski, County Auditor
PO Box 49
Crosby ND 58730
gjastrze@nd.gov
701.965.6351

Carol Lampert-Crosby City Auditor
PO Box 67
Crosby ND 58730
701.965.6029

Cyndie Fagerbakke-Noonan City Mayor
PO Box 125
Noonan ND 58765
701.925.5672

DUNN

Tracey Dolezal, County Tax Director
PO Box 246
205 Owens Street
Manning ND 58642-0246
701.573.4448
tracey.dolezal@co.dunn.nd.us

McKENZIE

No County Planning & Zoning
Watford City
Peni Peterson, Planning Commission Sec
PO Box 911
Watford City ND 58854
701.444.4209

MOUNTRAIL

Donald Longmuir, County Zoning
Administrator
PO Box 248
Stanley ND 58784
701.628.2909 Phone
donl@co.mountrail.nd.us

RENVILLE

Jerene Bender, County Zoning Officer
PO Box 68
Mohall ND 58761-0068
701.756.6398
jbender@nd.gov

STARK

Diane Brines, Stark County Zoning Director
PO Box 130
Dickinson ND 58601
701.456.7671 (work)
701.456.7634 (fax)
dbrines@starkcountynd.gov

WILLIAMS

Jenelle Loomer, Administrator
Williams County Planning & Zoning
PO Box 2047
Williston ND 58802-2047
Phone: 701.577.4565
jenellel@co.williams.nd.us

James Horton, Building Inspector
Phone: 701-577-4564

APPENDIX B. NORTH DAKOTA DEPARTMENT OF HEALTH CONTACT INFORMATION

The approval process for most permits requires a public comment period. The North Dakota Department of Health recommends that you take this into consideration as you proceed with project planning. We encourage you to arrange a meeting with the North Dakota Department of Health as soon as practicable. To expedite the permit review process required by each program, we will make every effort to conduct concurrent reviews. If you have any specific questions about the requirements identified above, please contact the North Dakota Department of Health.

North Dakota Department of Health
Division of Food and Lodging
600 East Boulevard Ave
Bismarck ND 58505-0200
701.328.1291
Toll free 1.800.472.2927
Fax: 701.328.1890
<http://www.ndhealth.gov/FoodLodging/>

North Dakota Department of Health
Division of Water Quality
918 E Divide Ave
Bismarck ND 58501-1947
701.328.5210
Fax 701.328.5200
<http://www.ndhealth.gov/WQ/>

North Dakota Department of Health
Division of Municipal Facilities
918 E Divide Ave
Bismarck ND 58501-1947
701.328.5211
Fax 701.328.5200
<http://www.ndhealth.gov/MF/>

North Dakota Department of Health
Division of Waste Management
918 E Divide Ave
Bismarck ND 58501-1947
701.328.5166
Fax 701.328.5200
<http://www.ndhealth.gov/WM/>

NORTH DAKOTA LOCAL PUBLIC HEALTH UNIT CONTACTS

First District
801 11th Ave SW
PO Box 1268
Minot ND 58702-1268
701.852.1376
www.fdhhu.org

Southwestern
2869 3rd Ave W
Dickinson ND 58601
701.483.0172
www.swdhu.org
701.483.0171

Upper Missouri
110 W Broadway
Suite 101
Williston ND 58801
701.774.6400
www.umdhu.org

Custer
210 2nd Ave NW
Mandan ND 58554
701.667.3370

APPENDIX C.

MEMORANDUM

DATE: DECEMBER 22, 2010

SUBJECT: TEMPORARY HOUSING FACILITIES IN NORTH DAKOTA

Firms that are locating temporary housing structures into North Dakota are requested to send in a set of blueprints, along with the attached Application for Inspection of Factory Built Structures. Upon inspection, if electrical wiring deficiencies are found, an Electrical Inspection Report will be forwarded to you at that time for necessary action. Exceptions may be granted on temporary housing structures. Any requests for exceptions must be in writing to the North Dakota State Electrical Board.

APPLICATION FOR INSPECTION OF FACTORY BUILT STRUCTURES

Model Series/Number _____
 Serial Number _____
 Dealer's Name _____ Phone No. _____
 Address _____
 Owner _____ (H) Phone No. _____ (W) _____
 Owner's Address: _____
 (Location of Structure) _____

TO: North Dakota State Electrical Board
 PO Box 7335
 Bismarck, North Dakota 58507-7335

We request your inspection service to inspect the unit(s) listed below for State approval and wiring certification.

Please submit along with this form a wiring diagram of the structure and a copy of the license of the Master electrician supervising the work. The cost of the inspection fee and certification for one- and two-family dwellings, apartment buildings, motels and sleeping units is as follows:

EFFECTIVE: APRIL 1, 2005

ONE AND TWO FAMILY DWELLINGS:

One Family \$100.00
 Two Family \$150.00

OTHER STRUCTURES (Apartments, Motels, and Other Buildings):

Inspection Fee Based on Job Cost (Minimum \$50.00)

TOTAL AMOUNT ENCLOSED \$ _____

Make check payable to *North Dakota State Electrical Board:*

SIGNED _____
 TITLE _____
 COMPANY _____
 ADDRESS _____
 DATE _____

Inspection fees

Job Cost	Inspection Fee
Up to \$300.00	\$25.00 (minimum fee)
\$300.00 to \$3,000.00	\$25.00 for the first \$300.00 plus 2% on balance up to \$3,000.00
\$3,000.00 to \$10,000.00	\$79.00 for the first \$3,000.00 plus 1.5% on balance up to \$10,000.00
\$10,000.00 to \$15,000.00	\$184.00 for the first \$10,000.00 plus 1% on balance up to \$10,000.00
\$15,000.00 to \$100,000.00	\$234.00 for the first \$15,000.00 plus 1/2 of 1% on balance up to \$100,000.00
Over \$100,000.00	\$659.00 for the first \$100,000.00 plus 1/4 of 1% on balance

**APPENDIX D. NORTH DAKOTA STATE ELECTRICAL BOARD
CONTACT INFORMATION**

North Dakota State Electrical Board
1929 N Washington Street, Suite A-1
PO Box 7335
Bismarck, ND 58507-7335
701.328.9522
Fax 701.328.9524

Please direct your questions to the following individuals:

Lyle Wergeland Director of Inspections 701.328.9522

The North Dakota State Electrical Board has also posted information online at www.ndseb.com regarding inspection requirements.

**APPENDIX E. NORTH DAKOTA STATE PLUMBING BOARD
CONTACT INFORMATION**

North Dakota State Board of Plumbing
1110 College Drive Suite 210
Bismarck, ND 58501
Phone: 701.328.9977
Email: ndplumb@nd.gov

For help regarding the inspection process, please contact Chief Inspector Jack Skaley at 701.328.9979, or email: jskaley@nd.gov.