

Testimony
House Bill 1160
Senate Political Subdivisions Committee
March 2, 2017, 9:45 a.m.
North Dakota Department of Health

Good morning Chairman Burckhard and members of the Senate Political Subdivisions Committee. My name is Karl Rockeman, and I am the director of the Division of Water Quality within the North Dakota Department of Health's Environmental Health Section. The Division of Water Quality protects and monitors our water resources to ensure the quality of surface and ground water for the public's use.

The Division of Water Quality operates the septic pumper program through the implementation of state laws. I am here today to testify on House Bill 1160, which is an amendment to NDCC 61-28-04.1(2)(d), to exempt plumbers who are licensed under chapter 43-18 from the septic pumper's permit fee, while leaving the permit requirements and environmental protections in place.

During the 2013 legislative session, a major revision of the septic pumper law took place, largely driven by problems with improper disposal and illegal dumping of septic waste across the state. The revision was needed to create a framework for tracking environmental compliance and to provide continuing education on proper disposal of septic waste. This framework has helped reduce the number of illegal disposal incidents.

Prior to the 2013 revision, individuals in the business of pumping septic systems were required to pay an annual fee of \$50 for the first servicing unit and \$15 for each additional unit. They also had to obtain a \$1,000 surety bond to receive a license. Master plumbers were exempt from these requirements. Institution of the \$50 first unit fee dates to 1979, and the \$15 per unit fee dates to 1955.

The revised rules now require septic pumpers to pay an annual \$50 fee per servicing unit, and master plumbers are no longer exempt from obtaining septic pumping permits. New companies pay a one-time \$100 new applicant fee, and there is no surety bond requirement. The department also provides annual training and annual exams free of charge.

Fee Type	Old Rule (1979-2013)	Current Rule (2013 – present)
New Application (One-time fee unless not renewed the following year or by the March 1 deadline)	NA	\$100
Servicing Unit (renewal or new)	\$50 1 st unit +\$15 each add'l unit	\$50
Replacement Fee (pumper plate)	\$15	\$25
Surety Bond	\$1,000	NA

During the public comment period of the administrative rules process in 2013, the department received comments on the master plumber exemption and consistency among companies. The applicable comments and the department's response, as presented to the Administrative Rules Committee, are attached to this testimony.

During the 2016 septic pumper permitting season, 165 companies that operated 381 servicing units were granted permits.

The exemption in House Bill 1160 could affect an estimated seven licensed plumbers who operate 10 servicing units. Of those seven, four are master plumbers who currently hold septic pumper permits and operate a total of five units.

This concludes my testimony. I am happy to answer any questions you may have.