

Testimony
SB 2308
Senate Political Subdivisions Committee
February 7, 2013
North Dakota Department of Health

Good morning Chairman Andrist and members of the Senate Political Subdivisions committee. My name is David Glatt, Chief of the Environmental Health Section for the North Dakota Department of Health. The Environmental Health Section is responsible for the implementation of many of the environmental protection programs in the state, including the regulation of septic tank servicing businesses. I am here to express support for SB 2308. The potential for environmental impact from the disposal of untreated or undertreated septic tank and domestic wastewater has increased over the past few years. Much of the impact in the oil development counties has been primarily related to improper land application of waste or inadequately designed sewage collection and treatment systems. In addition, long-standing laws and rules regulating the handling and disposal of septage are no longer adequate to address the increasing volume of waste generated by oilfield development activities and associated population growth. We believe SB 2308 will help address these concerns in the following ways:

- It will repeal NDCC 23-19, originally approved more than 40 years ago, and place the responsibility for the regulation of licensed septic tank pumper operations in NDCC 61-28 Water Pollution Control Law. NDCC 61-28 is the primary legislation authorizing the Department of Health to protect water quality and regulate activities that could potentially impact water quality throughout the state. It will also ensure that a consistent enforcement process is applied to all waste dischargers who violate rules developed to protect water quality.
- It will provide the department the authority to require training and certification of licensed septic tank pumpers/haulers and their employees. After the completion of several recent enforcement cases, it has become apparent that some operators lack an understanding of the rules and proper waste disposal/treatment alternatives.
- It will provide the department the authority to establish: (1) rules requiring land application monitoring, record keeping and spill reporting; (2) criteria for the sanitary management of septage; and (3) reasonable fees for permitting septic system service providers.

- It also provides that the department may monitor septic system servicing activities, including the inspection of disposal sites at reasonable times to ensure compliance with state laws, rules and provisions of this new chapter.
- It increases the allowable per day penalty for law or rules violations from the current maximum \$5,000 per day to a maximum of \$12,500 per day for any water quality violation determined under NDCC 61-28.

We also note that there are two other bills currently being considered by the legislature that address some aspect of septic systems. First, SB 2307, which addresses the installation and operation of on-site sewage systems, contains a definition of “septic system” that is identical to the definition in Section 2 of this bill. The definition in SB 2307 would also be included in NDCC 61-28. Second, SB 2355, which addresses the State Health Council’s duties, seeks to amend NDCC 23-19 by removing the reference to “state health council” and replacing it with “state health officer.” The bill we are considering today seeks to repeal NDCC 23-19 and, if adopted, would make the SB 2355 amendment to NDCC 23-19 unnecessary.

The three bills are outlined in the charts below:

| Bill No. | Senate Committee | Summary |
|----------|------------------------|---|
| SB 2307 | Natural Resources | Septic System Installation |
| SB 2308 | Political Subdivisions | Septic System Servicing |
| SB 2355 | Human Services | Powers and Duties of State Health Council |

| Potential Overlap |
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| SB 2307 & SB 2308: Both define “septic system.” |
| SB 2308 & SB 2355: SB 2308 repeals NDCC ch. 23-19, while SB 2355 amends NDCC 23-19-07. |

Finally, the department proposes one amendment to SB 2308. Due to the timing and current level of development of the rules, the emergency clause is not needed and we would propose deleting Sections 8 and 9 of SB 2308.

SB 2308 will provide for more contemporary and consistent regulation and enforcement of septic system service providers, offer compliance outreach through the training and certification components of the bill, and require adequate record keeping to ensure waste is treated and disposed of properly throughout the state.

This concludes my testimony. I would be happy to answer any questions you may have on this matter.