

Testimony
Senate Bill 2307
House Energy and Natural Resources Committee
March 14, 2013
North Dakota Department of Health

Good afternoon, Chairman Porter and members of the House Energy and Natural Resources Committee. My name is Wayne Kern, and I am Director of the North Dakota Department of Health's Division of Municipal Facilities. I am here to provide information regarding Senate Bill 2307.

Senate Bill 2307 addresses the regulation of on-site sewage disposal. On-site sewage disposal systems, such as septic tank drain field systems, are used for disposal of sewage at rural farms, homes, businesses and developments that are outside the reach of public sewage systems. On-site sewage disposal systems can fail if improperly designed, constructed and maintained. Failure can result in adverse environmental and public health impacts. Increased development in rural areas of the state has led to installation of more on-site sewage disposal systems. This trend is expected to continue well into the future, increasing the potential for adverse environmental and public health impacts.

Currently, there is no statewide program in North Dakota for regulation of on-site sewage disposal. Instead, on-site sewage disposal, if regulated, is regulated by local public health units. Local public health units that administer environmental programs have either adopted the general standards contained within the state plumbing code or adopted similar standards for use within their jurisdiction. There are presently up to 17 counties that do not have environmental programs to address on-site sewage disposal.

There are several issues related to how on-site sewage disposal is presently addressed in North Dakota. These include the following:

- Lack of statewide coverage – As previously stated, there are currently up to 17 counties that do not have environmental programs to address on-site sewage disposal.
- Lack of uniform standards – Currently, standards vary between local public health units that administer an on-site sewage disposal program. This includes standards for design and construction of on-site systems and standards for certification and training of on-site system installers.

- Lack of a level playing field across the state – The lack of statewide coverage and uniform standards creates an unlevel playing field and confusion for installers. On-site sewage disposal systems have and will continue to be installed in uncovered counties without approval. This increases the chance for failure and adverse environmental and public health impacts.

Senate Bill 2307 would address these issues by establishing a statewide program for regulation of on-site sewage disposal. This bill:

- Defines septic system, septic system installer, small septic system and large septic system. The distinction between small and large septic systems is based on population, with small systems serving less than 25 individuals and large systems serving 25 or more individuals.
- Requires the state Department of Health to administer a statewide certification and training program for septic system installers.
- Requires the state Department of Health to develop updated statewide standards for alteration, repair, construction and installation of septic systems.
- Requires approval of septic systems prior to alteration, repair, construction and installation. The state Department of Health would be responsible for large systems and local public health units would be responsible for small systems.
- Provides the state Department of Health inspection, fee, and enforcement authority for program administration.

Proper on-site sewage disposal is unarguably necessary to protect public health and the environment. Taken as a whole, this bill would move North Dakota toward uniform, statewide regulation of on-site sewage disposal. To achieve this outcome, local public health units that currently do not have an environmental program to address on-site sewage disposal would be required to develop one. Also, the state Department of Health will need the appropriation approved by the Senate to develop appropriate rules, implement the certification and training program, and review and approve large on-site systems. The appropriation is for two FTEs and operating funds beyond the Governor's Executive Budget.

I appreciate the opportunity to provide you with this information. I would be happy to answer any questions you have at this time.