

TESTIMONY OF

**Karl Rockeman, Deputy Director of Environmental Quality**

Good afternoon, Chairman Porter and members of the House Energy and Natural Resources Committee. My name is Karl Rockeman, and I am the Deputy Director of the North Dakota Department of Environmental Quality. I am here to testify in support of SB 2110.

**Background**

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 1<sup>st</sup> to January 1<sup>st</sup>. This was requested by stakeholders to reduce confusion by moving the certification year to coincide with the calendar year instead of the state fiscal 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 and there is a different exam for each level. The North Dakota Century Code currently does not allow the option to use a third party in the examination process. The use of third-party testing provides additional flexibility by allowing 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 a criminal penalty and is excessive 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 allowing a class A misdemeanor for intentional or willful violations.

#### **Section 5: NDCC 23.1-07**

The change requested in **Section 5** ensures that an enforcement proceeding for a civil penalty included in Section 4 is covered by NDCC ch. 28-32. This will allow the DEQ to follow its enforcement policy that includes both informal and formal enforcement actions while providing due process protections for those involved.

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