

Testimony to the House Political Subdivisions Committee on HB 1183

February 4, 2021

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Good afternoon, Chairman Dockter and members of the House Political Subdivisions Committee. My name is Mary Korsmo and I am the Executive Director of the North Dakota State Association of City and County Health Officials (NDSACCHO) representing North Dakota's 28 local public health units (LPHUs). I am here today in opposition of HB 1183 as currently written.

The local public health units, in consultation and coordination with installers, have been working for several years to make adjustments to the Century Code relating to onsite sewage systems. There is widespread agreement that revisions are needed, in fact much overdue, regarding the current onsite septic system program.

Assuming that "public health units" listed in HB 1183 are referring to local public health units, the LPHUs support statewide adoption of a unified code. In September 2019, NDSACCHO members passed the following position statement: **The NDSACCHO supports statewide adoption of a unified onsite sewage treatment system consisting of basic standards while allowing for local modifications. This Association supports enabling legislation in ND Century Code with the technical code in administrative rules moved to the newly created Department of Environmental Quality. This Association further supports uniform interpretation, education of installers and inspectors, coordination with NDSU extension services for technical assistance and vendor product review at the State level.**

On December 1, 2020, NDSACCHO membership further moved to adopt the ND Association of Counties (NDACo) Onsite Wastewater Resolution: **2020-11. Onsite Wastewater Systems. Improper installation of onsite wastewater systems is a health threat to all of North Dakota's citizens and natural water resources. Over the years a patchwork of regulation has resulted in various standards leading to frustration of regulators, installers, and landowners. This Association supports legislation moving**

responsibility for uniform statewide minimum standards and installer licensing to a single state agency provided with adequate resources to fulfill the responsibilities. Further this Association supports the development and adoption of updated statewide onsite waste-water treatment standards and for uniform statewide educational requirements for licensed installers. However, this Association believes that responsibility for local licensure and inspections remain with the local public health unit and the fees supporting that activity be retained locally.

These resolutions, along with several years of discussions and effort, continue to demonstrate local public health's commitment of working with all groups involved to improve the current system. Local public health units have been working to adopt a unified statewide code over several years with most having already adopted in whole or in part with local modifications. A map displaying the unified code adoption status is attached.

NDSACCHO cannot support Section 2 of HB 1183 defining the technical board membership when the representation is clearly disproportionate. Local public health units must have equal representation on the board if the system is to be improved.

There are additional concerns that need to be addressed, such as in Powers, under duties of board section. Currently, LPH issues installer licenses and retains the fees. Does this bill remove that from LPH and subsequent licensing fee revenue? Furthermore, the exemption allowing homeowners to do their own installation without any education or oversight is extremely concerning. The environmental safety of our land and citizens is the very reason for regulations and inspections like those that apply to onsite sewage treatment systems.

While eager to move this issue forward, NDSACCHO cannot support HB 1183 in its current form and we request that the bill be amended to meet concerns of the local public health units. We look forward to working with all entities involved to revise and improve North Dakota's onsite septic system requirements for the health and safety of all citizens.