

Testimony
To the
House Industry, Business, and Labor Committee
on
SB 2253

Good morning, Chairman Louser and members of the committee. I am Daphne Johnson Clark, Team Leader for Environmental Health Services for Upper Missouri District Health Unit and have been with UMDHU since 2003. UMDHU provides local public health services to Divide, McKenzie, Mountrail, and Williams counties. I have a staff of 2 Environmental Health Practitioners. One staff member is trained to do site evaluations, inspect onsite septic systems for proper installation and/or repair, work with homeowners and contractors to develop septic plans, and to license contractors. She has completed several trainings including with University of Minnesota Onsite Sewage Treatment Program, attended in state trainings and conferences to obtain continuing education credits to maintain state EHP and working towards national REHS credential. In 2021 we issued 165 permits issued for septic systems. In NW North Dakota there were 103 contractor licenses in 2022.

I am neutral on SB2253. I served on the Onsite Wastewater Technical Committee during the interim. Although it's true we worked hard in a short period of time there are still some items that need to be worked through.

I was at the health unit during the oil boom, and I believe that gives me a unique perspective on two important areas: Having all stakeholders at the table and being able to maintain flexibility to adjust to local issues in a timely and effective manner.

1. We want to assure we have a technical guide that protects investment made by the people of ND that own septic systems and assure they receive the best system they can. Although Local Public Health had input on the guide, installers had the majority of members on the board and therefore passed elements of the septic guide that will lead to septic failures. For example, putting water softener water into the drainfield will lead to early failure and frozen septic systems. When a septic system fails it frequently backs up into the home. This can lead to thousands of dollars worth of damage. Even when it doesn't back up into the home it can run off the septic owner's property and on to a neighbor's property leaving the possibility of property damage and illness. The technical guide as it stands right now has gaps that will lead to early failures. It currently is not written with the public's health in mind and is why I am concerned. **The guide needs to be reviewed by North Dakota Department of Environmental Quality.**
2. Section 2, Statewide Technical guide 2.c. Circumstances under which a registered professional engineer shall prepare plans and specifications is an area where Department of Environmental Quality (DEQ) should be involved as this is part of their regulations. This is why review by them is so important and **why it should go through their rule making process.** During the oil boom DEQ and UMDHU worked closely together on septic issues as it was one of the largest public health issues at that time. Our working together as a team was indispensable.

3. The Technical Guide at this point still is not finished. **There may be areas where it conflicts with DEQ regulations. Technical guides (codes) need changes over time** and there is no mechanism to do this as this bill is written.
4. Since the technical guide has no “home” it would be **better suited to be in Administrative Rules under DEQ**. If put into Century Code, it then would have to wait until a legislative session to have changes made. This could lead to harms and serious public health concerns.
5. An insight I gained while we responded to the oil boom was that our code had to be changed during this time many times as gaps would become apparent, and fixes needed to be put into place. For example: our regular installers knew that bed systems would not work in our soils however new installers coming in that used them in other areas were trying to put them in. We then had to make an addition to our code that disallows bed systems unless they consult with us prior to installation, and we confer on if that will work or not. Once again during this time and many changes our partnership with DEQ was important. When I started at the health unit in 2003 at UMDHU we issued 40 septic permits and I remember the individual I worked with was excited because that meant we were growing. In 2012 We permitted 1099 systems at the height of the boom. **The code needs to be able to remain responsive to situations like this and won't be able to do so if it is in century code but will if it is in administrative code under DEQ.**

Thank you for your time.