

My name is James Heckman, I am a retired Environmental Director from First District Health Unit in Minot. I was selected by the ND Onsite Wastewater Recycling Association, and approved by the Governor to be on the Onsite Wastewater Technical Committee (NDOWTC). I have been elected by the committee to be the secretary for the committee. I also own my own excavation equipment and have been involved with water/wastewater installation for over 40 years, either installation, design or inspection.

The NDOWTC was given the task of compiling a code for onsite wastewater installers that could be universally accepted and used by the entire state of North Dakota.

As a Public Health employee, I was always cautious when making policy/codes. The only reason government needs to create codes is to protect the general public from issues out of their control. Codes are meant to primarily protect the ultimate consumer and secondarily, protect the service provider if the conditions of the code are followed and thirdly to protect the environment. Codes were NOT created for the benefit of regulators.

As secretary of the NDOWTC, I had repeatedly asked for items of concern from all the members of the committee. At the October 2022 meeting I again asked the committee members for any items of concern they might have with the prescriptive part of the code, which provides installation directives. The committee agreed at that time that the prescriptive part of the code was acceptable, with no dissention, although a formal vote was not taken at that time.

The onsite code the committee started with was based entirely on the old Plumbing Code found in Century Code. Several years ago, representatives from all the health units and contractors discussed this code, changed a few items and generally approved the code to be used by all the health units. That updated code has been used for many years by several health units that adopted it as written, without any complaints from regulators that I am aware of.

It has come to my attention that Public Health has provided testimony that they think the code is far from complete. My question is this: "If the onsite code was acceptable prior to the creation of the NDOWTC, then why is it now incomplete?" The OWTC committee made small changes to clarify confusing statements and changed wording to eliminate the possibility of individual interpretation, but basically left most of the code unchanged. Furthermore, what areas are incomplete and why didn't those issues get brought forward to the committee?

The creation of a Onsite Wastewater Licensure Board consisting primarily of contractors would be the most cost effective way to move forward. The committee envisioned a board similar to the Plumbing Board or the Electrical Board and other licensure boards made up of peers of each prospective profession.

Public Health could provide regulatory over-site as long as the inspector/s have at least the equivalent training as a Level 3 Installer, or Master Installer.

If Public Health does not want to provide regulatory over-site, an independent third party design/inspection program could be provided by NDSU and the Ext. Service. The committee has been in contact with NDSU and the Ext. Service with this possibility and they were very receptive of the idea of a training program for regulators and possible research projects.

I thank you for your time, patience and willingness to address this issue.

James K. Heckman – REHS