

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

Good morning, Chairman Louser and members of the committee. I am Lisa Westman, Director of Environmental Health at First District Health Unit. First District provides local public health services to Bottineau, Burke, McHenry, McLean, Renville, Sheridan, and Ward counties. I have a staff of 6 Environmental Health Practitioners. One staff member coordinates our septic program and 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. Our office licensed 52 contractors for septic installation in 2022. He has completed several trainings with University of Minnesota Onsite Sewage Treatment Program and attended the conference for the National Onsite Wastewater Recycling Association. He regularly attends in state trainings and conferences to obtain continuing education credits to maintain the state EHP and national REHS credentials. In 2022 we issued 162 permits which includes site evaluation, design, and install follow up. An average of 4 hours is spent on each permit including travel time.

We at First District feel we have a solid septic program and good relationships with the installers. We assure response to installers and homeowner questions in a timely manner to resolve issues. Throughout this legislative session I have heard from several contractors wondering why this bill is necessary and what the issues are because they like the system the way it is and do not see reason for change. Local Public Health is committed to cooperating with the installers to ensure there is a good septic system installation process for the homeowners, their neighbors and water supplies.

We want to assure that every contractor that is currently providing services is still allowed to do so. The majority are private business owners and regulation should work in conjunction with and validate their business, not hinder it. Some installers have indicated to me that the licensure process laid out in this bill is concerning. This example was brought to me, what happens if a level 2 installer is putting in a system and they run into an issue that a level 3 installer is only qualified to install? Does this stop progress? Is it more cost and time to the homeowner? About 15% of the plans we design end up revised due to issues found on site during installation. These are questions without answers.

I had the privilege to serve on the Onsite Wastewater Technical Committee during the interim. The committee is made up of 8 members, consequently tied votes are broken by the chairman. This committee was formed as a result of last legislative session and was charged with creating a statewide technical guide. We began with a base code that was originally put together by regulators and installers working cooperatively. Excellent revisions were made to ensure cost effective installation and repairs to systems could be done with evidence-based practices and could be adopted by all local health units. At this time the regulations have not been adopted by the committee, not all members are in agreement that they are science based and with the homeowner in mind. Actions by this legislative session may impact these regulations.

Overall, the regulations need to be an application of proven methods to ensure the homeowners get the best product in a cost-effective way and limit potential impacts to communities, lakes, rivers, and drinking water. We are often contacted by banks or buyers of homes to provide information about the septic system at a current property and as EHP's we hold a certain professional liability to assure we are working with the best tools.

Cooperation amongst all stakeholders is required to achieve the best product. DEQ has a stake in this as well and agreed to participate in the resolution. This bill recreates another system that is not

necessary when we know how other regulations and codes function throughout the state. Utilize the system that has worked, the regulations belong in the administrative rules for the Department of Environmental Quality.

I am neutral on SB 2253 because although some work needs to be done, it is a step forward and Public Health continues to be committed to improving onsite septic system regulations throughout the State.

Thank you for your time and attention on this important issue.