



**Public Health**  
Prevent. Promote. Protect.

**Grand Forks Public Health**

(701) 787-8100

Fax (701) 787-8145

151 South 4th Street, Suite N301

Grand Forks, ND 58201-4735

[www.grandforksgov.com/publichealth](http://www.grandforksgov.com/publichealth)

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

Good afternoon, Chairman Larsen and members of the committee. I am Javin Bedard, Environmental Health Manager for Grand Forks Public Health (GFPH). GFPH provides environmental services within Grand Forks County and for three additional Public Health Units; Pembina, Walsh, Nelson/Griggs. Our services are funded by and through State Aid allocated for regional environmental health services, amounting to \$70,000 per biennium for GFPH. I am testifying today in opposition to SB 2253.

The proper treatment and disposal of wastewater is fundamental to public health to prevent disease. As such, Environmental Health Practitioners in the state have worked together to create a common septic code and pursued its adoption across the state. Septic contractors were invited and participated in the creation of this code; public comment was also permitted as part of each local adoption process. During the last legislative session, HB 1183 modified North Dakota Century Code 23-35 to mandate local public health units adoption of a code created by a new board, the Onsite Wastewater Recycling Technical Committee, comprised of Environmental Health Practitioners and septic contractors. The bill before you proposes, yet again, a new board for oversight, except now comprised of five licensees. GFPH opposes these changes, in principle, as it provides for the septic industry to be self-regulating with the authority to instruct local public health on what oversight is allowed. There are other effective systems of oversight that could be considered, such as the current model that local public health already uses in the regulation of food safety with State oversight.

Septic regulation oversight could effectively be delivered through a partnership of local public health and the Department of Environment Quality (DEQ). The improper treatment and disposal of wastewater causes water pollution, and its regulation is fundamental to environmental protection and oversight, which is the purview of DEQ. This is well recognized, DEQ already provides oversight of wastewater treatment for public systems, septic pumpers, private systems serving 25 people or more, and/or systems greater than 2,500 gallons per day. DEQ is also responsible for subsurface drain field systems serving more than 20 people under class V injection well regulations. Failing private sewage disposal systems are known to be a contributing factor in nonpoint water pollution and should also have DEQ's preventive oversight, in conjunction with the programs they already facilitate and oversee. I don't think DEQ is unwilling to provide such oversight; however, I understand DEQ's past reluctance to take on a program without adequate resources. Directing an unfunded mandate for programmatic oversight

is not conducive to creating successful programs, and while DEQ avoided that, it was handed to local public health by HB 1183 last session. I am currently faced with providing septic oversight in five counties with a budget of \$35,000 per year. I am here asking for more help than this.

Local public health is more than willing to provide septic oversight but has lacked adequate resources to do so comprehensively across the state. Local public health has previously requested state agency oversight to facilitate having a statewide septic regulation and licensing of contractors. I submit to you to consider amending this bill to place DEQ in charge of septic system regulation, to provide for contractor training and licensing, to review and approve septic technologies and materials, and to facilitate local public health or county zoning as the local permitting, inspection, and enforcement agencies. Please also consider that adequate funding will be necessary for the success of any system of oversight decided upon.

Thank you for your time and consideration.