

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

Good morning, Chairman Larsen 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. He has completed several trainings with University of Minnesota Onsite Sewage Treatment Program and attended 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 credential. In 2022 we issued 162 permits which includes site evaluation, design, and install follow up. There were 52 contractor licenses in 2022. An average of 4 hours is spent on each permit including travel time.

I am neutral on SB2253. I had the privilege to serve on the Onsite Wastewater Technical Committee during the interim. We worked hard to develop a statewide code that could be adopted by all local health units. There are some barriers that need to be worked out prior to public health units adopting the code. Local public health units are committed to developing a statewide onsite septic code and reciprocity between all health units. We support the concept of a licensing board; however, the following bullets indicate the barriers that need to be addressed prior to our support of this bill.

1. This bill is directed to all Public Health Units. There are counties in North Dakota that the planning and zoning departments permit onsite septic systems. The board has not yet solicited comments and input from these counties.
2. Section 1, 6. Sets the fee for the permit issued by local Public Health. Local Boards of Health work to keep the costs reasonable and limit the taxpayer dollars needed to support the contractors and homeowner's expense. The proposed fee would require either state or local taxpayer support. The costs of this program have not been identified, nor the amount of tax dollars needed to support this.
3. Section 2, Board Appointment 2. Removing Public Health off the board after August 1, 2024, would then put the installers alone in charge of the code that Public Health would need to enforce. Only installers would then be able to adjust the code, and many are not trained in the science to do so. Public Health cannot enforce a code that is not based on the science that they are trained on. The code that is adopted must be science based and account for the unique locations, soil structure, and terrain throughout the state.
4. Section 2, Statewide Technical guide 2.a. There are differences among Public Health units and a standardized permit form may not be possible. This item could be addressed in the future with both public health and installers at the table.
5. 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 should be involved as it is part of their regulations. This is why their membership on the Board is so important.

6. The board should remain made up of 4 Public Health Environmental Health Practitioners, 4 installers with the addition of one Department of Environmental Quality representative. SB 2256 is a bill that includes the addition of DEQ to the board.

Thank you for your time and attention on this important issue. Public health continues to be committed to improving on site septic system regulations throughout the State.

I would be happy to answer any questions and my administrator, Lisa Clute, is also here that I may defer questions you may have to her.