

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2267

Introduced by

Senators Myrdal, Klein, Magrum

Representatives K. Anderson, Koppelman

1 A BILL for an Act to create and enact three new sections to chapter 43-18 of the North Dakota
2 Century Code, relating to onsite wastewater treatment systems; to amend and reenact section
3 43-18-24 of the North Dakota Century Code, relating to onsite wastewater treatment system
4 violations; to repeal sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century Code,
5 relating to the onsite wastewater recycling technical committee; and to provide a penalty.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 43-18-24 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-18-24. Violation of chapter - Penalty.**

10 Any person that violates the state plumbing code adopted under section 43-18-09; violates
11 section 43-18-10, 43-18-11, 43-18-11.4, 43-18-17.2, or 43-18-23; or works under the license of
12 another person in a manner that is in violation of section 43-18-13, or installs or services an
13 onsite wastewater sewage treatment system without being licensed under this chapter is guilty
14 of a class B misdemeanor.

15 **SECTION 2.** A new section to chapter 43-18 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Standards for onsite wastewater sewage treatment system installation, servicing,**
18 **and inspection - Adoption of rules.**

19 1. The board shall establish rules relating to the permitting and licensing for onsite
20 wastewater sewage treatment systems.

1 2. The board shall establish standards and procedures for issuing, renewing, denying,
2 suspending, or revoking a permit or license to install, service, or inspect an onsite
3 wastewater sewage treatment system.

4 3. Onsite wastewater sewage treatment system installation, servicing, and inspection
5 must comply with the rules adopted by the board.

6 4. The board may not contract with a local public health unit to inspect an onsite
7 wastewater sewage treatment system.

8 **SECTION 3.** A new section to chapter 43-18 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Appeal to department of environmental quality.**

11 An action of the board denying, modifying, or revoking a permit to install, service, or inspect
12 a wastewater sewage treatment system or an action of the board denying or revoking a license
13 may be appealed to the department of environmental quality by petition for review. The appeal
14 must be filed with the department of environmental quality within ten days of receiving notice
15 from the board. Upon receipt of the petition, the department of environmental quality shall
16 review the appealed decision and if it appears the permit or license was not issued or the
17 license was improperly revoked in accordance with the provisions of this chapter and rule
18 adopted by the board, the department may issue the permit or license.

19 **SECTION 4.** A new section to chapter 43-18 of the North Dakota Century Code is created
20 and enacted as follows:

21 **License required.**

22 1. An individual may not engage in the business of installing or servicing an onsite
23 wastewater sewage treatment system unless licensed by the board. To remain
24 licensed in good standing, an installer shall comply with this chapter and any rules
25 adopted by the board.

26 2. An individual is exempt from the licensing requirements of this chapter if the individual
27 is installing an onsite wastewater sewage treatment system on the individual's
28 premises for the individual's use.

29 **SECTION 5. REPEAL.** Sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century
30 Code are repealed.