

January 26, 2025

**House Energy and Natural Resources Committee  
HB 1541**

Good morning Chairman Porter and Members of the House Energy and Natural Resources Committee:

My name is Tom Schimelfenig. I've been in the onsite wastewater industry for 47 years, and I've been licensed by the N.D. State Plumbing Board for 38 years.

I also currently serve as chairman of the Onsite Wastewater Technical Review Committee (OWRTC), established in N.D. Century Code during the 2021 legislative session.

I am here to testify in the neutral position on SB 2267, as we need change in the onsite wastewater industry.

I have been licensed through the North Dakota State Plumbing Board since 1987, the year the North Dakota Sewer and Water Service Code was first adopted. That document, 43-18.2 Rules and Regulations of Sewer and Water Installation, continues to guide our industry's practices today. It was derived from the Uniform Plumbing Code (UPC), which has been in existence for 80 years. The UPC was established by the The International Association of Plumbing and Mechanical Officials, a technical expert on plumbing and mechanical issues since 1926.

The positive part of HB 1541 is that it is a step in the right direction, creating an opportunity for the establishment of a uniform statewide code for the installation of onsite wastewater systems. This is something I have been working on for 13 years.

The bill states, in line 5 and 6 of page 2, that the code would include a requirement that inspections be completed within one business day. This is important given the conditions we operate under, reducing unnecessary wait time for the contractor when installing systems. I have had instances where I have sent in a notice of installation, only to receive an out of office notice from the licenser, which could potentially delay completion of the installation by days.

As introduced, HB 1541 seeks to reassign regulation of the onsite wastewater industry away from the N.D. Plumbing Board and into the state Department of Environmental Quality (DEQ). This bill, as I understand that, would require plumbers to license with both the N.D. Plumbing Board and DEQ in order to install water and sewer service lines.

The bill also establishes an environmental quality advisory committee with six voting members, three of each from industry and public health. I don't think this is in the best interest of the industry or the citizens of North Dakota, considering that in the past there has been a lack of consensus among public health and the industry on this matter.

By definition, an advisory committee is a group of experts who provide guidance to an organization's management. Therefore, I suggest that the committee include two other members that would provide technical expertise not represented on the committee as proposed. I recommend that the committee include an environmental engineer licensed in North Dakota with experience in the onsite wastewater industry, as well as a professional soils classifier.

I appreciate your time and consideration, and I am willing to answer any questions you may have.

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Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1541

Introduced by

Representatives Koppelman, K. Anderson, Grueneich, Hagert, Nelson, Monson, Satrom,  
Weisz

Senators Magrum, Myrdal, Klein, Thomas

1 A BILL for an Act to create and enact a new chapter to title 23.1 of the North Dakota Century  
2 Code, relating to sewer, septic, and private water systems and the environmental quality  
3 advisory committee; to repeal sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century  
4 Code, relating to the onsite wastewater recycling technical committee; and to provide a transfer.

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

6 **SECTION 1.** A new chapter to title 23.1 of the North Dakota Century Code is created and  
7 enacted as follows:

#### 8 **Sewer, septic, and private water systems - Authority.**

9 Notwithstanding any other provision of law, the department of environmental quality has the  
10 exclusive authority to adopt rules regarding licensing, permitting, and inspections of sewer,  
11 septic, and private water systems and shall provide assistance and guidance to the department  
12 of health and human services, water districts, municipalities, and local health boards in all  
13 matters related to sewer, septic, and private water systems.

#### 14 **Environmental quality advisory committee - Members - Appointment - Duties.**

- 15 1. The environmental quality advisory committee consists of:  
16 a. The director of the department of environmental quality or the director's designee;  
17 b. Three representatives from local public health units, appointed by the governor;  
18 and

- 1           c. Three individuals who must be licensed septic installers, appointed by the  
2                   governor from a list of names forwarded by a professional onsite wastewater  
3                   recycling association;  
4           d. One environmental engineer representing an institution of higher education or a  
5                   private firm licensed in the state, appointed by the governor; and  
6           e. One professional soil classifier registered by the state board of registration for  
7                   professional soil classifiers, appointed by the governor.
- 8           2. An appointed member must have been a resident of the state for at least five years  
9                   immediately preceding appointment to the committee.
- 10          3. The director or the director's designee shall serve as chairman of the board and is an  
11                   ex officio member of the board.
- 12          4. The committee shall:
- 13               a. Recommend standards and procedures relating to licensing, permitting, and  
14                   inspections of sewer, septic, and private water systems, including a requirement  
15                   for proposed inspections to be completed within one business day.
- 16               b. Create and recommend a statewide technical guide for sewer, septic, and private  
17                   water systems.

18           **Environmental quality advisory committee - Members - Terms of office - Vacancies.**

19           Each appointed member of the committee shall qualify by taking the oath of office required  
20 of civil officers and shall hold office for a term of four years and until a successor is appointed  
21 and qualified. The terms of office of the appointed members must be arranged so no more than  
22 two terms expire on June thirtieth of each year. To accomplish the staggering, the initial term of  
23 appointees may be for less than four years. The governor shall fill a vacancy on the board by  
24 appointment from the class of members to which the member belonged.

25           **Certain septic, sewer, and private water systems exempt.**

26           This chapter does not apply to any septic, sewer, or private water system constructed,  
27 produced, or installed before August 1, 2025, or the extension of such a system.

28           **SECTION 2. REPEAL.** Sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century  
29 Code are repealed.

30           **SECTION 3. TRANSFER - FUNDS UNDER THE CONTROL OF THE STATE BOARD OF**  
31 **PLUMBING TO DEPARTMENT OF ENVIRONMENTAL QUALITY - SEPTIC SYSTEMS.** The

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- 1 state board of plumbing shall transfer any remaining funds at the end of the biennium, from the
- 2 state plumbing board fund relating to the regulation of septic tanks and septic systems, to the
- 3 department of environmental quality operating fund for the purpose of the regulation of septic
- 4 tanks and septic systems.