

Testimony in Opposition to SB 2308 - Hearing February 6, 2025

Submitted – February 6, 2025

Senators Roesrs and Hogue, Representatives Lefor and Louser, and Members of the Committee:

I am Bruce Ellingson, President of the North Dakota Onsite Wastewater Recycling Association (“NDOWRA). I have served on the Onsite Wastewater Technical Committee since its formation. I OPPOSE SB 2308. I don't believe that ND public health units should or can adopt a statewide technical guide for onsite wastewater systems and recycling treatments. As I have understood, the public health units have had control of permitting and inspection of the onsite systems since about 1976 – as stated in other testimony. It has been said and is known, to this day, that the units have very little cooperation or collaboration between them on matters ranging from technical guides down to the uniformity of fees. Some units require \$25 for licensing while others require \$250 for the same licensing. Some units require payment for system plan modifications and/or variances while other units may not collect any such fees. And some units forbid and will not consider any variances – this reflects unacceptable inconsistencies now and that would continue, I believe, in the future. There are no checks and balances. While I believe that the health units have their hearts in the right place and they do good jobs on some things, it is obvious the separate units across the state cannot get together as one collective body - and that will not happen, I believe, until they are under one authority . It isn't reasonable to have all the health units operating independently – each unit is the captain of their own ship – they are islands unto themselves. Furthermore, to abolish the onsite wastewater recycling technical committee and allow “ EACH Public Health Unit to adopt **the statewide** technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies established by the Department of Health and Human Services” as stated in the proposed Sec. 5 Amendment to reenact ND Century Code 23-35-02.2 is asking for trouble, in my opinion. I believe that onsite wastewater technical committee has done what it was established and mandated by our former governor to do. I agree the onsite wastewater treatment committee should be abolished. It was a good committee and accomplished a lot, including promoting relationships and communication among the contractors, installers and the health department employees. The committee was cost effective and frugal. For most of its life, the committee

functioned with no funding. Funding only occurred at the end of the 2023 session when it received \$40,000. To date, only \$8,000 has been expended for two years of work and travel. Think about this - prior to funding, without hesitation, contractors and installers paid their own expenses including fuel, meals, and hotels if needed – not to mention the value of their time away from their work – to come to Bismark to work on the mandates to the committee. Their selfless and humble commitment to the work for our state is laudable and speaks to their commitment to uniformity in all onsite wastewater matters. I take this opportunity to thank the legislators who gave me the opportunity to serve our state and the committee. I believe, with today's technology, a more streamlined, cost-effective, and otherwise qualified board can be created and would be the platform for advancing so much in the design, permitting, and licensing statewide uniform processes for sewer, septic and onsite wastewater systems. Contractors are quitting! We are losing them and opening the door for sub-standard work and even inviting contractors from other states to come in an profit at our expense – money leaving our state.

Respectfully,

Bruce Ellingson

NDOWRA President and Onsite Wastewater Technical Services Committee member