

March 20, 2025
Senate Agriculture and Veterans Affairs Committee
HB 1541

Good morning Chairman Luick and Members of the 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 Recycling Technical Committee (OWRTC), established in N.D. Century Code during the 2021 legislative session.

I am here to testify in the neutral position on HB 1541, 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.

HB 1541 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 an advocate of for 13 years and working on for 10 years.

The bill was amended in the House to add Chapter 23.1-17-04, relating to inspections, repairs, and replacements of onsite wastewater systems, as written in lines 12 through 19 of page 6. I think all three of these additions are a step in the right direction toward protecting our citizens.

Particularly, the Chapter includes 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 licensor/inspector, which could potentially delay completion of the installation by days.

I want to point out that the ultimate aim of HB 1541 is 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 it, 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 between 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 a professional soils classifier and an environmental engineer who is either licensed in North Dakota with experience in onsite wastewater or is an educator from a state higher education institution, in place of or in addition to two representatives from public health.

Two examples of a similar committee makeup come from Alabama and North Carolina. The North Carolina Onsite Wastewater Contractor and Inspector Certification Board includes three contractors and three regulators, but also a certified engineer, licensed soil scientist and a home builders association member.

The Alabama Onsite Wastewater Board contains four industry professionals and one regulator, as well as an engineer, educator, manufacturer and consumer.

In both instances, the committee would bring more grounded knowledge to the table and additional perspective for DEQ to consider when adopting rules.

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

Tom Schimelfenig
4380 7th St NE
Bowdon, ND 58418
(701) 650-8792
tompeggy@daktel.com