

2023 SENATE INDUSTRY AND BUSINESS

SB 2256

2023 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

SB 2256
2/1/2023

A bill relating to the composition of the onsite wastewater recycling technical committee.

9:00 AM Chairman D. Larsen called the meeting to order. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Klein, Senator Boehm.

Discussion Topics:

- Wastewater board members
- DEQ member addition
- Septic systems
- Septic code
- Regulatory authorities and professional contractors

9:00 AM Senator Lee, North Dakota State Senate, District 13, introduced SB 2256 and testified in favor. No written testimony.

9:04 AM Lisa Westman, Director Environmental Health at First District Health Unit, testified in favor of SB 2256. #19611

9:13 AM Allen Anderson, Public Health Director, Walsh County Health District, testified in favor of SB 2256. #18103

9:17 AM Darren Jespersen, Contractor and Installer testified opposed to SB 2256. No written testimony.

9:27 AM Tom Schimelfenig, Licensed plumber, testified opposed to SB 2256. #19610.

9:31 AM Jason Hughduness, Contractor, Carrington, North Dakota, testified opposed to SB 2256. No written testimony.

9:39 AM David Glatt, Director, Department of Environmental Quality, testified neutral on SB 2256. No written testimony.

Additional Written Testimony:
Daphne Johnson Clark #17484
Aaron Johnson #17425

9:45 AM Chairman D. Larsen closed the hearing on SB 2256.

Brenda Cook, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

SB 2256
2/8/2023

A bill relating to regulation of onsite wastewater treatment systems installers; relating to the onsite wastewater recycling treatment system, and investigation of onsite wastewater treatment systems; and relating to the onsite wastewater recycling technical committee; to provide an effective date.

10:42 AM Chairman D. Larsen called the meeting to order. Members present: Chairman D. Larsen, Senator Barta, Senator Klein, Senator Boehm. Members absent: Vice Chairman Kessel.

Discussion Topics:

- Bill review
- Licensing
- Consistent health district codes
- Board membership

10:42 AM Chairman D. Larsen discussed SB 2256 and opened meeting up for discussion.

10:45 AM Committee discussion.

10:49 AM Chairman D. Larsen closed the meeting.

Brenda Cook, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

SB 2256
2/15/2023

A BILL for an Act relating to the composition of the onsite wastewater technical committee

10:47 AM Chairman Larsen called the committee work to order. Senators Klein, Boehm, Larsen, Kessel and Barta present.

Discussion Topics:

- Committee Action

10:47 AM Senator Klein moved DO NOT PASS SB 2256

10:48 AM Senator Boehm seconded.

10:48 AM Roll Call Vote, DO NOT PASS SB 2256

Senators	Vote
Senator Doug Larsen	Y
Senator Greg Kessel	Y
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Jerry Klein	Y

Motion Passed 5-0-0. DO NOT PASS SB 2256. Senator Larsen to carry

10:50 AM Chairman Larsen adjourned the committee work on SB 2256.

Brenda Cook, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2256: Industry and Business Committee (Sen. Larsen, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2256 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

TESTIMONY

SB 2256

Testimony
To the
Senate Industry, Business, and Labor Committee
on
SB 2256

Good morning, Chairman Larsen and members of the committee. I am Aaron Johnson, and I work for Fargo Cass Public Health (FCPH) as an Environmental Health Practitioner and the onsite septic system inspection program lead. Fargo Cass Public Health serves as the regulatory agency for all septic systems in Cass, Richland, Sargent, and Traill counties, and provides septic system consulting in Ransom and Steele counties which do not have septic inspection programs. Prior to Fargo, I worked for 9 years as the septic system inspection lead for Custer Health in Mandan, which served 7 counties for onsite septic regulation.

FCPH employs two Environmental Health Practitioners (EHP) that conduct onsite septic system inspections for installation, repair, and evaluation of condition. We hold national credentialing as Registered Environmental Health Sanitarians through the National Environmental Health Association, as well as state credentialing in North Dakota as licensed Environmental Health Practitioners, and attend yearly continuing education through the University of Minnesota Onsite Sewage Treatment Program and in-state trainings to maintain these state and national credentials. In 2022 FCPH conducted 143 inspections which includes site evaluation, design, and install follow up. There were 26 contractor licenses in 2022.

My testimony today is in support of SB2256. Historically, local public health and the onsite septic installers have worked jointly to create both code and licensure policy that keeps costs low for installers and homeowners while still adhering to the scientific best practices required by regulators to have confidence in the code. The creation of a board with equal numbers of installers and local regulators continues this partnership, and allows it to grow under a statewide framework that expands regulatory requirements in a measured, even way, and avoids creating unfunded mandates in unregulated rural counties. The addition of a DEQ member to the board will provide needed insight from state regulators that have experience with larger systems, and allows for the input of North Dakota state departments into any program developments. Local public health is committed to working with the installers to complete the statewide onsite septic code and provide reciprocity of licensure between all health units.

Thank you for your time and attention on this important issue. Public health continues to be committed to improving onsite septic system regulations throughout North Dakota.

I would be happy to answer any questions.

Testimony
To the
Senate Industry, Business, and Labor Committee
on
SB 2256

Good morning, Chairman Larsen and members of the committee. I am Daphne JohnsonClark, Team Leader for Environmental Health Services for Upper Missouri District Health Unit and have been with UMDHU since 2003. UMDHU provides local public health services to Divide, McKenzie, Mountrail, and Williams counties. I have a staff of 2 Environmental Health Practitioners. One staff member 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. She has completed several trainings including with University of Minnesota Onsite Sewage Treatment Program, attended in state trainings and conferences to obtain continuing education credits to maintain state EHP and working towards her national REHS credential. In 2021 we issued 165 permits issued for septic systems. There were 103 contractor licenses in 2022.

I am in support of SB2256. I had the privilege to serve on the Onsite Wastewater Technical Committee during the interim. I feel we worked hard in a short period of time however there are still some items that need to be worked through.

I was at the health unit during the oil boom, and I believe that gives me a unique perspective.

1. Department of Environmental Quality (DEQ) should be added to the Board because there are parts of the code that pertain to their office, and they should have a seat at the table. This would be in addition to the 4 Public health representatives and the 4 installers. During the oil boom DEQ and UMDHU worked closely together on septic issues as it was one of the largest public health issues at that time. Our working together as a team was indispensable. Having all parties concerned at the table is important to address any issues that may arise and to serve our communities the best we can.

Thank you for your time.

Testimony on SB 2256
Senate Industry, Business, and Labor Committee

Good morning, Chairman Larsen and members of the committee. My name is Allen Anderson and I'm the Public Health Director for Walsh County Health District. I am voicing my support of SB 2256.

Walsh County Health District designates Grand Forks Public Health to provide environmental health services for Walsh County. Their Environmental Health Practitioners provide the on-site septic inspections and technical support for installers and homeowners.

The addition of a member of the Division of Environmental Quality to the Onsite Wastewater Technical Committee. The remaining members should remain the same with 4 Environmental Health Practitioners and 4 installers, which provides for equal input and collaboration among local installers and local regulators. Adding a member from DEQ will ensure coordination and input from the State in regards to septic systems. Additionally, the expertise and knowledge offered by a DEQ member will assist in providing science-based input to the committee which benefits the health and safety of all North Dakotans. I believe this will also help greatly in the development and provision of a statewide septic code. Local public health units across the State are committed to working with the installers to complete the statewide onsite septic code and provide licensure reciprocity between all health units.

I am recommending a "do pass" of SB 2256. Thank you for your consideration. I'm available for any questions that you may have.

February 1, 2023

**Senate Business, Industry and Labor Committee
Senate Bill 2256**

Good afternoon Chairman Larsen and Members of the Senate Business, Industry and Labor Committee:

My name is Tom Schimelfenig. I've been in the onsite wastewater industry for 45 years, and I've been licensed by the N.D. State Plumbing Board for 35 years.

I also currently serve as chairman of the Onsite Wastewater Technical Review Committee (OWRTC) referenced in SB 2256.

I am here today to urge a do not pass on SB 2256.

The purpose of the OWRTC when it was established in 2021 was to create a uniform statewide code for onsite wastewater systems and clearly define how industry professionals will be licensed and how their work will be evaluated.

I oppose this bill because changing the make-up of the committee tips the scales in favor of the regulatory authorities and away from the professional contractors in the industry. This is an unfair practice.

Chairman and members of the committee: What purpose does it serve to change the make-up of a committee that was established by the legislature one session ago?

The benefit is to public health, state employees who would have an unfair advantage just as the uniform statewide code for onsite wastewater systems is being implemented.

The majority of the current OWRTC membership has brought forth SB 2253, which is also before this committee. SB 2253 effectively replaces the OWRTC with a permanent onsite wastewater board effective August 1, 2024. This is modeled after other industry regulatory authorities, including the State Plumbing Board and State Electrical Board.

Again, I urge a "do not pass" on SB 2256.

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

Testimony
To the
Senate Industry, Business, and Labor Committee
on
SB 2256

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 EHP 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 septic contractors. He has completed several trainings with University of Minnesota Onsite Sewage Treatment Program, attended conferences for the National Onsite Wastewater Recycling Association, and regularly attends in state trainings and conferences to obtain continuing education credits for maintaining state EHP and national REHS credential. In 2022 we issued 162 permits which includes site evaluation, design, and system install follow up. We had 52 contractor licenses in 2022.

I am in support of SB2256. I had the privilege to serve on the Onsite Wastewater Technical Committee during the interim. The board should remain made up of 4 Public Health Environmental Health Practitioners and 4 installers with the addition of one Department of Environmental Quality representative. The addition of a DEQ member will assure there is coordination and input with the State regarding septic systems. It also assures that EHPs that have been trained in the science of septic systems provide their knowledge and expertise to the development of a statewide code. Local public health is committed to working with the installers to complete the statewide onsite septic code and provide reciprocity between all health units.

Thank you for your time and attention on this important issue. Public health continues to be committed to improving onsite 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.