

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2308
(Senators Bowman, Luick, Lyson)
(Representatives Hatlestad, Wall, Williams)

AN ACT to create and enact four new subsections to section 61-28-02 and a new section to chapter 61-28 of the North Dakota Century Code, relating to the regulation of septic system servicing; to amend and reenact subsection 4 of section 61-28-08 of the North Dakota Century Code, relating to civil penalties for violating chapter 61-28 of the North Dakota Century Code; to repeal chapter 23-19 of the North Dakota Century Code, relating to the regulation of cesspools, septic tanks, and privies; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 61-28-02 of the North Dakota Century Code is created and enacted as follows:

"Septage" means the liquid or solid material removed from septic systems, cesspools, privies, chemical toilets, holding tanks, and similar devices that receive domestic wastewater.

SECTION 2. A new subsection to section 61-28-02 of the North Dakota Century Code is created and enacted as follows:

"Septic system" means a disposal system, and all of its components, used to receive, treat, and dispose of domestic wastewater through microbiological decomposition and soil absorption.

SECTION 3. A new subsection to section 61-28-02 of the North Dakota Century Code is created and enacted as follows:

"Septic system servicer" means a person that engages in the business of servicing septic systems, cesspools, privies, chemical toilets, holding tanks, and similar devices that receive domestic wastewater.

SECTION 4. A new subsection to section 61-28-02 of the North Dakota Century Code is created and enacted as follows:

"Service" or "servicing" means cleaning septic systems, cesspools, privies, chemical toilets, holding tanks, and similar devices that receive domestic wastewater; removing septage from these devices; transporting septage; or disposing septage by applying it to land or otherwise.

SECTION 5. A new section to chapter 61-28 of the North Dakota Century Code is created and enacted as follows:

Septic system servicing - Permit required - Inspection authority - Fees.

1. A person engaging in the business of servicing septic systems must have a permit issued by the department and must comply with the conditions imposed by the permit.
2. The department shall administer and enforce a permitting program for septic system servicers and has the following powers and duties:
 - a. To require training of and to examine septic system servicers and their employees;
 - b. To establish standards and procedures for permitting of septic system servicers;

- c. To issue permits to all applicants who satisfy the requirements for certification under this section and any rules under this section, to renew permits, and to suspend or revoke permits for cause after notice and opportunity for hearing;
 - d. To establish reasonable fees for permitting septic system servicers;
 - e. To establish criteria for the sanitary management of septage, including standards for the transportation, treatment, and disposal of septage;
 - f. To require preapproval of land application sites;
 - g. To require recordkeeping and reporting;
 - h. To require spill reporting, corrective action, and evidence of financial responsibility; and
 - i. To adopt and enforce rules as necessary for implementation of this section.
3. In adopting its rules the department shall apply different standards based on the size of the septic system servicer, on the type of the service provided, quantity of septage handled, and number of units. The department may not require preapproval of a land application site for an application from a rural single-family residence on property owned or leased by the owner or lessee of the single-family residence.
4. The department may inspect all septic system servicing activities, including records, equipment, and disposal sites at all reasonable times to ensure compliance with the laws of this state. Nothing in this section removes the duty of any person to comply with applicable public health standards.

SECTION 6. AMENDMENT. Subsection 4 of section 61-28-08 of the North Dakota Century Code is amended and reenacted as follows:

- 4. Any person who violates this chapter, or any permit condition, rule, order, limitation, or other applicable requirement implementing this chapter, is subject to a civil penalty not to exceed five~~twelve~~ thousand five hundred dollars per day per violation.

SECTION 7. REPEAL. Chapter 23-19 of the North Dakota Century Code is repealed.

SECTION 8. EFFECTIVE DATE. This Act becomes effective January 1, 2014.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2308.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 72 Nays 20 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State