

Introduced by

Senators Bowman, Luick, Lyson

Representatives Hatlestad, Wall, Williams

1 A BILL for an Act to create and enact four new subsections to section 61-28-02 and a new
2 section to chapter 61-28 of the North Dakota Century Code, relating to the regulation of septic
3 system servicing; to amend and reenact subsection 4 of section 61-28-08 of the North Dakota
4 Century Code, relating to civil penalties for violating chapter 61-28 of the North Dakota Century
5 Code; to repeal chapter 23-19 of the North Dakota Century Code, relating to the regulation of
6 cesspools, septic tanks, and privies; to provide a penalty; to provide an effective date; and to
7 declare an emergency.

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

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

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

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

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

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

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

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

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

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

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

- 10 1. A person engaging in the business of servicing septic systems must have a permit
11 issued by the department and must comply with the conditions imposed by the permit.
- 12 2. The department shall administer and enforce a permitting program for septic system
13 servicers and has the following powers and duties:
- 14 a. To require training of and to examine septic system servicers and their
15 employees;
- 16 b. To establish standards and procedures for permitting of septic system servicers;
- 17 c. To issue permits to all applicants who satisfy the requirements for certification
18 under this section and any rules under this section, to renew permits, and to
19 suspend or revoke permits for cause after notice and opportunity for hearing;
- 20 d. To establish reasonable fees for permitting septic system servicers;
- 21 e. To establish criteria for the sanitary management of septage, including standards
22 for the transportation, treatment, and disposal of septage;
- 23 f. To require preapproval of land application sites;
- 24 g. To require recordkeeping and reporting;
- 25 h. To require spill reporting, corrective action, and evidence of financial
26 responsibility; and
- 27 i. To adopt and enforce rules as necessary for implementation of this section.
- 28 3. The department may inspect all septic system servicing activities, including records,
29 equipment, and disposal sites at all reasonable times to ensure compliance with the
30 laws of this state, the provisions of this chapter, and the rules and regulations
31 authorized herein.

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

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

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

7 **SECTION 8. EFFECTIVE DATE.** Section 1 and subsection 2 of section 2 of this Act
8 become effective immediately upon its filing with the secretary of state. Subsections 1 and 3 of
9 section 2 and section 4 of this Act become effective when the rules adopted by the department
10 under subsection 2 of section 2 of this Act become effective.

11 **SECTION 9. EMERGENCY.** Sections 1, 2, and 4 of this Act are declared to be an
12 emergency measure.