

OCT 10 2013



NORTH DAKOTA
DEPARTMENT *of* HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



October 10, 2013

Mr. John Walstad
Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Mr. Walstad:

The Notice of Intent to Repeal and Adopt Administrative Rules Relating to the Servicing of Septic or Holding Tanks, Privies, or Portable Restrooms and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in blue ink, appearing to read "Karl Rockeman".

Karl Rockeman
NDPDES Program Manager
Division of Water Quality

Enclosures

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5166

Division of
Water Quality
701.328.5210

NOTICE OF INTENT TO
REPEAL AND ADOPT ADMINISTRATIVE RULES
RELATING TO THE SERVICING OF SEPTIC OR HOLDING TANKS, PRIVIES, OR
PORTABLE RESTROOMS

TAKE NOTICE that the North Dakota Department of Health will hold a public hearing to address the proposed repeal of N.D. Admin. Code Chapter 33-21-01 and proposed new N.D. Admin. Code Chapter 33-21-02 at:

ND Department of Health Training Center
2639 East Main
Bismarck, ND 58501
Thursday, October 10, 2013
7:00 p.m. CDT

The purpose of the proposed repeal and adoption of new rules is to update the Department's regulations by making them more streamlined and to implement Senate Bill No. 2308, relating to septic system servicing, enacted during the 2013 Legislation Session. Specifically, the Department is proposing to repeal and adopt the following:

1. Repeal, in its entirety, N.D. Admin. Code ch. 33-21-01 "Operation of Cleaning, Pumping and Servicing of Cesspools, Septic Tanks, or Privies".
2. Adopt N.D. Admin. Code ch. 33-21-02 "Servicing of Septic or Holding Tanks, Privies, or Portable Restrooms", which contains regulatory requirements for septic system servicers. The proposed rules to be included in N.D. Admin. Code ch. 33-21-02 are:
 - a. N.D. Admin. Code § 33-21-02-01 "Authority"
 - b. N.D. Admin. Code § 33-21-02-02 "Scope and Purpose"
 - c. N.D. Admin. Code § 33-21-02-03 "Definitions"
 - d. N.D. Admin. Code § 33-21-02-04 "Septic Pumper Classification"
 - e. N.D. Admin. Code § 33-21-02-05 "License Application and Renewal"
 - f. N.D. Admin. Code § 33-21-02-06 "Training Requirements"
 - g. N.D. Admin. Code § 33-21-02-07 "Vehicles and Equipment"
 - h. N.D. Admin. Code § 33-21-02-08 "Septage Disposal"
 - i. N.D. Admin. Code § 33-21-02-09 "Spill Reporting and Clean-up"

j. N.D. Admin. Code § 33-21-02-10 “Record Keeping and Reporting Requirements”

The proposed new rules are expected to have an impact on the regulated community in excess of \$50,000, which is addressed in the Department’s regulatory analysis.

The proposed repeal, new rules and regulatory analysis may be viewed at the ND Department of Health, 918 East Divide Ave. Bismarck, ND 58501 or on the Department’s website at www.ndhealth.gov . A copy of the proposed repeal, news rules and regulatory analysis may be obtained by writing the above address or by calling the Department at 701-328-5210. Written or oral comments on the proposed repeal and new rules sent to the above mailing address or telephone number and received by October 21, 2013 will be fully considered. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department at the above address or telephone number at least seven days prior to the public hearing.

Dated this 3 day of September, 2013.

Dennis R. Fewless
Director, Division of
Water Quality