

SENATE BILL NO. 2362

Introduced by

Senators Heitkamp, G. Nelson, Wogsland

Representative Dorso

1 A BILL for an Act to establish a drinking water treatment revolving loan fund; and to amend and
2 reenact section 61-28.1-03 and subsections 2 and 3 of section 61-28.1-10 of the North Dakota
3 Century Code, relating to the powers and duties of the state department of health; and to
4 provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 61-28.1-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **61-28.1-03. Powers and duties of department.** The department may exercise the
9 following powers and shall have the following duties:

- 10 1. Administer and enforce a safe drinking water program pursuant to the provisions of
11 this chapter.
- 12 2. Provide technical assistance on request to ~~municipalities~~ public water systems of
13 the state and other persons, and cooperate with appropriate federal agencies.
- 14 3. Advise, consult, and cooperate with other public agencies and with affected groups
15 and industries.
- 16 4. Issue such orders as may be necessary to effectuate the purposes of this chapter
17 and enforce the same by all appropriate administrative and judicial process.
- 18 5. Maintain an inventory of public water systems within the state, which inventory may
19 consist of such information as the department deems necessary.
- 20 6. Conduct sanitary surveys of public water systems within the state.
- 21 7. Adopt rules and regulations relating to maximum contaminant levels, monitoring
22 and analytical requirements and reporting, public notification, and recordkeeping
23 which the department determines are necessary to protect public health and
24 welfare.

- 1 8. Adopt rules and regulations relating to the siting, construction, operation, and
2 modification of public water systems which the department determines are
3 necessary to prevent violation of maximum contaminant levels.
- 4 9. Require the submission of plans, specifications, and such other information as it
5 deems necessary.
- 6 10. Establish a plan for the provision of safe drinking water under emergency
7 circumstances.
- 8 11. Require each supplier of water to keep such records and make such reports to the
9 department as it may deem necessary.
- 10 12. Establish a schedule of fees that may be charged by the department for laboratory
11 tests conducted at the request of any supplier of water; such fees shall be
12 deposited in the general fund.
- 13 13. Require any supplier of water to notify the users of such public water system of any
14 violations of any provision of this chapter, any regulation, the terms or conditions of
15 any approval, any variance or exemption, or any order issued by the department.
- 16 14. Request and accept grants of funds or services from any federal or state agency,
17 or any other source, public or private, and to administer such grants in accordance
18 with any terms or conditions thereof. Any such grants received shall be used only
19 for the purposes for which they are made.
- 20 15. Designate the state department of health as the state safe drinking water agency
21 for all purposes of the federal Safe Drinking Water Act and is authorized to take all
22 actions necessary and appropriate to secure for the state the benefit of such Act
23 and any grants made thereunder.
- 24 16. Ensure that all new public water systems, excluding those that principally provide
25 service to transients, commencing operation after October 1, 1999, demonstrate
26 technical, managerial, and financial capacity to comply with all rules adopted under
27 this chapter which are in effect, or will be in effect, on the date of commencement
28 of operations.
- 29 17. Develop and implement a strategy to assist all public water systems in acquiring
30 and maintaining technical, managerial, and financial capability to comply with all
31 rules adopted under this chapter.

1 **SECTION 2. AMENDMENT.** Subsections 2 and 3 of section 61-28.1-10 of the North
2 Dakota Century Code are amended and reenacted as follows:

3 2. Any person who willfully violates this chapter or any regulation or order of the
4 department shall be punished by a civil penalty of not more than ten thousand
5 dollars per day of violation or an administrative penalty of not more than two
6 thousand dollars per day of violation.

7 3. Any person who violates this chapter, or any rule implementing this chapter, and
8 any person who violates any order issued by the department under this chapter is
9 subject to a civil penalty not to exceed five thousand dollars per day of violation or
10 an administrative penalty of not more than one thousand dollars per day of
11 violation.

12 **SECTION 3. Drinking water treatment revolving loan fund - Purposes -**

13 **Establishment.** To coordinate funding for public water systems in North Dakota, there is
14 established a drinking water treatment revolving loan fund to be administered by the state water
15 commission. The loan fund is also authorized under section 1452(a) of the federal Safe
16 Drinking Water Act, as amended. On February 17, 1978, the state department of health was
17 granted primacy for conducting a safe drinking water program in North Dakota under the Safe
18 Drinking Water Act [42 U.S.C. 300f] and chapter 61-28.1. As the agency with primacy, the
19 department must provide oversight and certain technical services to assist in administering the
20 drinking water treatment revolving loan fund.

21 **SECTION 4. State water commission - Powers and duties - Administration.** The
22 state water commission has the following powers and duties and shall administer the drinking
23 water treatment revolving loan fund as follows:

24 1. To apply for and accept grants of money from the United States environmental
25 protection agency or other federal agencies for the purpose of providing loans or
26 loan guarantees to community water systems and nonprofit noncommunity water
27 systems.

28 2. To administer the drinking water treatment revolving loan fund as established. The
29 state water commission may enter into contracts and other agreements in
30 connection with the operation of the drinking water treatment revolving loan fund to

1 the extent necessary or convenient for the implementation of the drinking water
2 treatment revolving loan fund.

3 3. To administer and disburse funds in accordance with section 1452(a) of the federal
4 Safe Drinking Water Act [42 U.S.C. 300j], as amended.

5 4. To adopt rules necessary for administering the drinking water treatment revolving
6 loan fund.

7 **SECTION 5. Powers and duties of state department of health.** The state
8 department of health has the following powers and duties regarding the drinking water
9 treatment revolving loan fund:

10 1. To establish assistance priorities for the drinking water treatment revolving loan
11 fund, after consultation with other appropriate state agencies.

12 2. To monitor and oversee planning, design, and construction and approve
13 disbursement and project costs associated with the drinking water treatment
14 revolving loan fund.

15 3. To adopt rules necessary for technical assistance to the fund.