

**FIRST ENGROSSMENT  
with House Amendments  
ENGROSSED SENATE BILL NO. 2308**

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; and to provide an effective date.

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

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

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

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

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

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

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

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

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

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

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

- 8           1. A person engaging in the business of servicing septic systems must have a permit  
9           issued by the department and must comply with the conditions imposed by the permit.
- 10          2. The department shall administer and enforce a permitting program for septic system  
11          servicers and has the following powers and duties:
- 12           a. To require training of and to examine septic system servicers and their  
13           employees;
- 14           b. To establish standards and procedures for permitting of septic system servicers;
- 15           c. To issue permits to all applicants who satisfy the requirements for certification  
16           under this section and any rules under this section, to renew permits, and to  
17           suspend or revoke permits for cause after notice and opportunity for hearing;
- 18           d. To establish reasonable fees for permitting septic system servicers;
- 19           e. To establish criteria for the sanitary management of septage, including standards  
20           for the transportation, treatment, and disposal of septage;
- 21           f. To require preapproval of land application sites;
- 22           g. To require recordkeeping and reporting;
- 23           h. To require spill reporting, corrective action, and evidence of financial  
24           responsibility; and
- 25           i. To adopt and enforce rules as necessary for implementation of this section.
- 26          3. In adopting its rules the department shall apply different standards based on the size  
27          of the septic system servicer, on the type of the service provided, quantity of septage  
28          handled, and number of units. The department may not require preapproval of a land  
29          application site for an application from a rural single-family residence on property  
30          owned or leased by the owner or lessee of the single-family residence.

1       4. The department may inspect all septic system servicing activities, including records,  
2       equipment, and disposal sites at all reasonable times to ensure compliance with the  
3       laws of this state. Nothing in this section removes the duty of any person to comply  
4       with applicable public health standards.

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

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

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

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