

JAN 16 2018



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



January 11, 2018

Ms. Vonette Richter  
Assistant Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard, 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

Dear Ms. Richter:

The Notice of Intent to Amend and Adopt Administrative Rules relating to the Servicing of Septic or Holding Tanks, Privies or Portable Toilets 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 black ink, appearing to read "L. David Glatt".

L. David Glatt, P.E.  
Environmental Health Section Chief  
North Dakota Department of Health

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  
AMEND 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 (NDDH) and the Environmental Health Section Chief, on behalf of the North Dakota Department of Environmental Quality (NDDEQ), will hold a public information meeting and hearing on proposed changes to the N.D. Admin. Code. The proposed changes are amendments to Servicing of Septic or Holding Tanks, Privies, or Portable Restrooms, N.D. Admin. Code ch. 33-21-02, and adoption of Servicing of Septic or Holding Tanks, Privies, or Portable Restrooms, N.D. Admin. Code ch. 33.1-21-02. The proposed changes are not expected to have an impact on the regulated community in excess of \$50,000. The hearing will be held on Tuesday, February 13, 2018, beginning at 5:30 PM CST at the NDDH, 918 East Divide Avenue, Bismarck, ND 58501.

The purpose of the proposed amendments to Servicing of Septic or Holding Tanks, Privies, or Portable Restrooms, N.D. Admin. Code ch. 33-21-02, is to update the NDDH's rules and to implement House Bill No. 1160, relating to the prohibition of charging permit fees to a licensed plumber who services septic systems, enacted during the most recent legislative session. As proposed, the amendments will provide clarification in the regulations while adopting the legislative change. Specifically, the NDDH is proposing the following amendments to N.D. Admin. Code Chapter 33-21-02:

1. Amend N.D. Admin Code § 33-21-02-01 to remove language specifying the Department of Health.
2. Amend N.D. Admin Code § 33-21-02-05(4)(b)(1) by adding text for clarity.
3. Amend N.D. Admin Code § 33-21-02-05(6) by adding a new subsection exempting licensed plumbers operating one unit from permit fees.

The proposed rulemaking also implements Senate Bill No. 2327, enacted during the most recent legislative session, concerning the creation of the NDDEQ. The Environmental Health Section Chief, who is authorized under S.L. 2017, ch. 199, § 1 (S.B. 2327) to adopt rules for the NDDEQ, is proposing to adopt the NDDH's Servicing of Septic or Holding Tanks, Privies, or Portable Restrooms, N.D. Admin. Code ch. 33-21-02, including the proposed amendments, as the NDDEQ's Servicing of Septic or Holding Tanks, Privies, or Portable Restrooms, N.D. Admin. Code ch. 33.1-21-02. In addition, the proposed NDDEQ rules contain minor edits to reflect the creation of the new agency. If adopted, the proposed NDDEQ rules will be effective upon establishment of the NDDEQ, as specified in S.L. 2017, ch. 199, § 1 (S.B. 2327).

Comments regarding changes to the existing North Dakota Administrative Code will be considered. Comments regarding rules being transferred from NDDH to NDDEQ that are not substantively changed from existing code are beyond the scope of this proceeding and will not be considered because the transfer of authority is mandated by S.B. 2327. Comments regarding

rules only changed in formatting or numbering that are not substantively changed from existing code, will be considered only as they relate to such changes.

The proposed changes and supporting material for both the NDDH and NDDEQ may be viewed at the NDDH, Division of Water Quality, 918 East Divide Ave. Bismarck, ND 58501-1947, or on the Department's website at [deg.nd.gov/PublicNotice.aspx](http://deg.nd.gov/PublicNotice.aspx). A copy of the proposed amendments may be obtained by writing to the above address or by calling 701.328.5210. Written comments on the proposed changes for both the NDDH and NDDEQ sent to the above mailing address and received by Friday, February 23, 2018 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 9 day of January, 2018.

L. David Glatt  
Section Chief  
Environmental Health Section