

A-Engrossed
House Bill 2080

Ordered by the House March 10
Including House Amendments dated March 10

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Energy and the Environment)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies public policy regarding waters of state and subsurface sewage disposal systems. [*Requires Environmental Quality Commission to adopt rules regarding gray water. Allows commission to appoint advisory committee. Allows permit to be issued for subsurface or alternative sewage disposal system that reuses or discharges gray water even if community or area-wide sewerage system is available.*] **Requires person to obtain permit to construct, install or operate gray water reuse and disposal system. Directs Environmental Quality Commission to adopt rules for issuing permits. Directs commission to consider certain information before adopting rules.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to gray water; amending ORS 454.605, 454.607, 454.610, 454.615 and 468B.015; and declaring
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 468B.015 is amended to read:

6 468B.015. Whereas pollution of the waters of the state constitutes a menace to public health and
7 welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic,
8 agricultural, industrial, recreational and other legitimate beneficial uses of water, and whereas the
9 problem of water pollution in this state is closely related to the problem of water pollution in ad-
10 joining states, it is hereby declared to be the public policy of the state:

11 (1) To conserve the waters of the state **through innovative approaches, including but not**
12 **limited to the appropriate reuse of water and wastes;**

13 (2) To protect, maintain and improve the quality of the waters of the state for public water
14 supplies, for the propagation of wildlife, fish and aquatic life and for domestic, agricultural, indus-
15 trial, municipal, recreational and other legitimate beneficial uses;

16 (3) To provide that no waste be discharged into any waters of this state without first receiving
17 the necessary treatment or other corrective action to protect the legitimate beneficial uses of such
18 waters;

19 (4) To provide for the prevention, abatement and control of new or existing water pollution; and

20 (5) To cooperate with other agencies of the state, agencies of other states and the federal gov-
21 ernment in carrying out these objectives.

22 **SECTION 2.** ORS 454.607 is amended to read:

23 454.607. It is the public policy of the State of Oregon to encourage:

24 (1) Improvements to, maintenance of and innovative technology for subsurface and alternative

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 sewage disposal systems and nonwater-carried sewage disposal facilities consistent with the pro-
2 tection of the public health and safety and the quality of the waters of this state; **and**

3 **(2) The appropriate reuse of gray water for beneficial uses.**

4 **SECTION 3.** ORS 454.605 is amended to read:

5 454.605. As used in ORS 454.605 to 454.755, unless the context requires otherwise:

6 (1) "Absorption facility" means a system of open-jointed or perforated piping, alternate distrib-
7 ution units or other seepage systems for receiving the flow from septic tanks or other treatment
8 units and designed to distribute effluent for oxidation and absorption by the soil within the zone of
9 aeration.

10 (2) "Alternative sewage disposal system" means a system incorporating all of the following:

11 (a) Septic tank or other sewage treatment or storage unit; and

12 (b) Disposal facility or method consisting of other than an absorption facility but not including
13 discharge to public waters of the State of Oregon.

14 (3) "Construction" includes installation, alteration or repair.

15 (4) "Contract agent" means a local unit of government that has entered into an agreement with
16 the Department of Environmental Quality pursuant to ORS 454.725.

17 (5) "Effluent sewer" means that part of the system of drainage piping that conveys treated
18 sewage from a septic tank or other treatment unit into an absorption facility.

19 (6) "Governmental unit" means the state or any county, municipality or other political subdivi-
20 sion, or any agency thereof.

21 **(7)(a) "Gray water" means shower and bath waste water, bathroom sink waste water,**
22 **kitchen sink waste water and laundry waste water.**

23 **(b) "Gray water" does not mean toilet or garbage wastes or waste water contaminated**
24 **by soiled diapers.**

25 [(7)] (8) "Local unit of government" means any county or municipality.

26 [(8)] (9) "Nonwater-carried sewage disposal facility" includes, but is not limited to, pit privies,
27 vault privies and chemical toilets.

28 [(9)] (10) "Public health hazard" means a condition whereby there are sufficient types and
29 amounts of biological, chemical or physical, including radiological, agents relating to water or sew-
30 age which are likely to cause human illness, disorders or disability. These include, but are not lim-
31 ited to, pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes.

32 [(10)] (11) "Septic tank" means a watertight receptacle which receives the discharge of sewage
33 from a sanitary drainage system and which is so designed and constructed as to separate solids from
34 liquids, digest organic matter during a period of detention and allow the liquids to discharge to an-
35 other treatment unit or into the soil outside of the tank through an absorption facility.

36 [(11)] (12) "Sewage" means domestic water-carried human and animal wastes, including kitchen,
37 bath and laundry wastes from residences, buildings, industrial establishments or other places, to-
38 gether with such ground water infiltration, surface waters or industrial waste as may be present.

39 [(12)] (13) "Sewage disposal service" means:

40 (a) The construction of subsurface sewage disposal systems, alternative sewage disposal systems
41 or any part thereof.

42 (b) The pumping out or cleaning of subsurface sewage disposal systems, alternative sewage dis-
43 posal systems or nonwater-carried sewage disposal facilities.

44 (c) The disposal of materials derived from the pumping out or cleaning of subsurface sewage
45 disposal systems, alternative sewage disposal systems or nonwater-carried sewage disposal facilities.

1 (d) Grading, excavating and earth-moving work connected with the operations described in par-
2 agraph (a) of this subsection.

3 [(13)] (14) "Subsurface sewage disposal system" means a cesspool or the combination of a septic
4 tank or other treatment unit and effluent sewer and absorption facility.

5 [(14)] (15) "Zone of aeration" means the unsaturated zone that occurs below the ground surface
6 and the point at which the upper limit of the water table exists.

7 **SECTION 4.** ORS 454.610 is amended to read:

8 454.610. [(1) *As used in this section "gray water" means any domestic sewage other than toilet and*
9 *garbage wastes, including shower and bath waste water, kitchen waste water and laundry wastes.*]

10 (1) **A person may not construct, install or operate a gray water reuse and disposal system**
11 **without first obtaining a permit from the Department of Environmental Quality. A gray**
12 **water reuse and disposal system for which a permit has been issued under this section is**
13 **exempt from the requirements of ORS 454.655. The Environmental Quality Commission shall**
14 **adopt rules for permits issued under this section. In adopting the rules, the commission**
15 **shall:**

16 (a) **Consider the recommendations of an advisory committee appointed by the department**
17 **pursuant to ORS 183.333;**

18 (b) **Minimize the burden of permit requirements on property owners; and**

19 (c) **Prescribe requirements that allow for separate systems for the treatment, disposal**
20 **or reuse of gray water. These requirements must ensure the protection of:**

21 (A) **Public health, safety and welfare;**

22 (B) **Public water supplies; and**

23 (C) **Waters of the state, as that term is defined in ORS 468B.005.**

24 (2) [*Nothing in ORS 454.605 to 454.755 except*] **Subject to ORS 454.645, [shall] the rules adopted**
25 **by the commission under this section may not prohibit the discharge of gray water if:**

26 (a) Soil and site conditions for such gray water conform to the rules of the department [*of En-*
27 *vironmental Quality*] regarding standard subsurface sewage disposal systems or alternative sewage
28 disposal systems, except that such systems may use two-thirds the normal size surface area for a
29 drainfield and shall be preceded by a treatment facility such as, but not limited to, a septic tank;
30 or

31 (b) Such gray water is discharged into an existing subsurface sewage disposal system or alter-
32 native sewage disposal system [*which*] **that** is functioning satisfactorily, or a public sewage system
33 [*which*] **that** serves the dwelling from which such gray water is derived.

34 **SECTION 5.** ORS 454.615 is amended to read:

35 454.615. The Environmental Quality Commission shall [*by September 1, 1975,*] adopt [*by rule*
36 *standards which*] **rules that:**

37 (1) Prescribe minimum requirements for the design and construction of subsurface sewage dis-
38 posal systems, alternative sewage disposal systems and nonwater-carried sewage disposal facilities
39 or parts thereof including grading, excavating and earth-moving work connected therewith, and al-
40 low for use of alternative systems and component materials consistent with the minimum require-
41 ments. Requirements prescribed under this section may vary in different areas or regions of the
42 state.

43 (2) Prescribe minimum requirements for the operation and maintenance of subsurface sewage
44 disposal systems, alternative sewage disposal systems and nonwater-carried sewage disposal facili-
45 ties or parts thereof.

1 (3) Prescribe requirements for the pumping out or cleaning of subsurface sewage disposal sys-
2 tems, alternative sewage disposal systems and nonwater-carried sewage disposal facilities or parts
3 thereof, for the disposal of material derived from such pumping out or cleaning, for sewage pumping
4 equipment, for sewage tank trucks and for the identification of sewage tank trucks and workers.

5 *[(4) Prescribe requirements for handling kitchen, bath and laundry wastes as opposed to human
6 and animal wastes which recognize the possibility for separate treatment of different types of waste.]*

7 **SECTION 6. This 2009 Act being necessary for the immediate preservation of the public
8 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
9 on its passage.**

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