

HOUSE AMENDMENTS TO HOUSE BILL 2080

By COMMITTEE ON ENVIRONMENT AND WATER

March 10

1 On page 1 of the printed bill, line 2, delete “, 454.655”.

2 Delete lines 5 through 28 and delete pages 2 through 5 and insert:

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

4 “468B.015. Whereas pollution of the waters of the state constitutes a menace to public health
5 and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs do-
6 mestic, agricultural, industrial, recreational and other legitimate beneficial uses of water, and
7 whereas the problem of water pollution in this state is closely related to the problem of water pol-
8 lution in adjoining states, it is hereby declared to be the public policy of the state:

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

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

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

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

19 “(5) To cooperate with other agencies of the state, agencies of other states and the federal
20 government in carrying out these objectives.

21 “**SECTION 2.** ORS 454.607 is amended to read:

22 “454.607. It is the public policy of the State of Oregon to encourage:

23 “(1) Improvements to, maintenance of and innovative technology for subsurface and alternative
24 sewage disposal systems and nonwater-carried sewage disposal facilities consistent with the pro-
25 tection of the public health and safety and the quality of the waters of this state; **and**

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

27 “**SECTION 3.** ORS 454.605 is amended to read:

28 “454.605. As used in ORS 454.605 to 454.755, unless the context requires otherwise:

29 “(1) ‘Absorption facility’ means a system of open-jointed or perforated piping, alternate distrib-
30 ution units or other seepage systems for receiving the flow from septic tanks or other treatment
31 units and designed to distribute effluent for oxidation and absorption by the soil within the zone of
32 aeration.

33 “(2) ‘Alternative sewage disposal system’ means a system incorporating all of the following:

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

35 “(b) Disposal facility or method consisting of other than an absorption facility but not including

1 discharge to public waters of the State of Oregon.

2 “(3) ‘Construction’ includes installation, alteration or repair.

3 “(4) ‘Contract agent’ means a local unit of government that has entered into an agreement with
4 the Department of Environmental Quality pursuant to ORS 454.725.

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

7 “(6) ‘Governmental unit’ means the state or any county, municipality or other political subdivi-
8 sion, or any agency thereof.

9 “(7)(a) **‘Gray water’ means shower and bath waste water, bathroom sink waste water,
10 kitchen sink waste water and laundry waste water.**

11 **“(b) ‘Gray water’ does not mean toilet or garbage wastes or waste water contaminated
12 by soiled diapers.**

13 “[7] (8) ‘Local unit of government’ means any county or municipality.

14 “[8] (9) ‘Nonwater-carried sewage disposal facility’ includes, but is not limited to, pit privies,
15 vault privies and chemical toilets.

16 “[9] (10) ‘Public health hazard’ means a condition whereby there are sufficient types and
17 amounts of biological, chemical or physical, including radiological, agents relating to water or sew-
18 age which are likely to cause human illness, disorders or disability. These include, but are not lim-
19 ited to, pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes.

20 “[10] (11) ‘Septic tank’ means a watertight receptacle which receives the discharge of sewage
21 from a sanitary drainage system and which is so designed and constructed as to separate solids from
22 liquids, digest organic matter during a period of detention and allow the liquids to discharge to an-
23 other treatment unit or into the soil outside of the tank through an absorption facility.

24 “[11] (12) ‘Sewage’ means domestic water-carried human and animal wastes, including kitchen,
25 bath and laundry wastes from residences, buildings, industrial establishments or other places, to-
26 gether with such ground water infiltration, surface waters or industrial waste as may be present.

27 “[12] (13) ‘Sewage disposal service’ means:

28 “(a) The construction of subsurface sewage disposal systems, alternative sewage disposal sys-
29 tems or any part thereof.

30 “(b) The pumping out or cleaning of subsurface sewage disposal systems, alternative sewage
31 disposal systems or nonwater-carried sewage disposal facilities.

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

34 “(d) Grading, excavating and earth-moving work connected with the operations described in
35 paragraph (a) of this subsection.

36 “[13] (14) ‘Subsurface sewage disposal system’ means a cesspool or the combination of a septic
37 tank or other treatment unit and effluent sewer and absorption facility.

38 “[14] (15) ‘Zone of aeration’ means the unsaturated zone that occurs below the ground surface
39 and the point at which the upper limit of the water table exists.

40 **“SECTION 4.** ORS 454.610 is amended to read:

41 **“454.610. [(1) As used in this section ‘gray water’ means any domestic sewage other than toilet and
42 garbage wastes, including shower and bath waste water, kitchen waste water and laundry wastes.]**

43 **“(1) A person may not construct, install or operate a gray water reuse and disposal sys-
44 tem without first obtaining a permit from the Department of Environmental Quality. A gray
45 water reuse and disposal system for which a permit has been issued under this section is**

1 **exempt from the requirements of ORS 454.655. The Environmental Quality Commission shall**
2 **adopt rules for permits issued under this section. In adopting the rules, the commission**
3 **shall:**

4 **“(a) Consider the recommendations of an advisory committee appointed by the depart-**
5 **ment pursuant to ORS 183.333;**

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

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

9 **“(A) Public health, safety and welfare;**

10 **“(B) Public water supplies; and**

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

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

14 **“(a) Soil and site conditions for such gray water conform to the rules of the department [of**
15 *Environmental Quality*] regarding standard subsurface sewage disposal systems or alternative sewage
16 disposal systems, except that such systems may use two-thirds the normal size surface area for a
17 drainfield and shall be preceded by a treatment facility such as, but not limited to, a septic tank;
18 or

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

22 **“SECTION 5.** ORS 454.615 is amended to read:

23 **“454.615. The Environmental Quality Commission shall [by September 1, 1975,] adopt [by rule**
24 **standards which] rules that:**

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

31 **“(2) Prescribe minimum requirements for the operation and maintenance of subsurface sewage**
32 **disposal systems, alternative sewage disposal systems and nonwater-carried sewage disposal facili-**
33 **ties or parts thereof.**

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

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

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