



LEAGUE OF WOMEN VOTERS®
OF OREGON

April 4, 2013

To: Ways and Means Subcommittee on Natural Resources
Senator Chris Edward and Representative Ben Unger, Co-Chairs
Members of the Committee

Re: SB 5520, Department of Environmental Quality (DEQ) Budget: SUPPPORT

The League of Women Voters is a nonpartisan, grassroots political organization that encourages informed and active participation in government. The League has strong positions on both water quality and quantity. We published two reports on water issues, one in 2009 and another in 2010. We were privileged to have had a seat on the Integrated Water Resources Strategy Policy Advisory Group. As a result of that engagement, we provide testimony today in support of DEQ's proposed budget.

We support the General Fund, Lottery Fund and fees for the base budget/activities of the department. Although this department has monies from a variety of sources, the entire dollar amount still does not provide the full funding needed for the many responsibilities of this department. We are most concerned by the sequestration memo showing erosion of funding which leads to reduction of program capability. **A \$498,000 hit to DEQ operations will hamper their ability to protect Oregon's air, land and water.** So any cuts from the Governor's budget will severely affect this agency's work.

DEQ has accepted the responsibility for implementing the federal Clean Air and Clean Water Acts. We believe Oregon citizens are better served by that decision, but.....with that responsibility comes the need to be sure both administration and enforcement of those Acts are assured. Although this department is funded by many fees, the General Funds in this budget protect Oregonian's health and support our economy.

Of course, beyond the base budget, we have reviewed the Policy Option Packages (POPs) presented by the department and suggest the following priorities based on public health and water quality:

POP 128: Groundwater Monitoring Program: With groundwater providing Oregonians with much of their drinking water, monitoring groundwater for contaminants is important—and this POP only provides for assessments by regions, allowing for the entire state only being assessed every 10 years. Circumstances change much more quickly than that.

POP 120: Onsite Septic System Program: Because we have been told that the passage of Measure 79 has hampered DEQ's ability to assess a fee at time of real property transfer, we certainly support the limited funding suggested by DEQ. However, we ask that you look at the moneys in the Sewer Assessment Deferral Loan Program that the department is recommending be moved to a new small communities grant program to help make this onsite septic program address at least the Coastal Zone. Because the funding source planned for onsite septic is no longer available and this fact was not anticipated when the Governor approved the proposed budget, we believe it is reasonable for you to consider this diversion. The EPA has required that this issue be addressed. It's time. We provide you with a link our [testimony](#) on HB 3172 addressing this issue.

POP 124: Ratifies the fee schedule for 401 Project Certification. Supported by most permittees, this is critical to both public health and our economy.

POP 126: Wastewater System Operator Certification fees. Again, this is both a public health and economic issue.

POP 090: Restoration of some positions related again to the TMDL and Wastewater programs are core to DEQ's mission.

POP 127: Three positions to assure cross-agency collaboration to assure that TMDLs are addressed and AgWQMPs as well. As with the other agencies involved in the implementation of the Integrated Water Resources Strategy, this cross-agency data collection and monitoring—each agency having their own expertise and responsibilities related to water—is critical to moving forward with high quality water and sufficient water quantity for the general public and for our businesses.

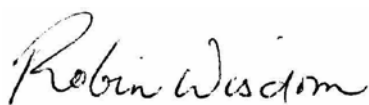
POP 320: The Pesticide Stewardship Partnership Program is a great collaborative between two agencies and will, hopefully, provide Oregonians with cleaner water-for ourselves and the world around us.

The League also has positions on land and air quality so we do not want to ignore those packages. We have consistently supported DEQ's responsibilities related to assuring Oregonians have clean air to breathe AND our businesses can obtain the permits they need to continue to operate in Oregon. Addressing greenhouse gas issues is another expectation we have of this department.

Again, we emphasize our support for the cross-agency work that appears in many of the natural resource agencies this session. The development of the Integrated Water Resources Strategy work provided a platform that allowed for this cross-agency conversation. It was a great investment of taxpayer dollars and will provide a return on that investment for years to come. That project also allowed for a greater conversation with our federal agency partners. We expect that work to continue. The positions requested by each agency will continue this collaboration.

We urge your consideration of our requests.

Sincerely,



Robin Wisdom
President



Peggy Lynch
Natural Resources Coordinator

cc: DEQ Director, Dick Pedersen

Attachments: LWVOR testimony on HB 3172, March 21, 2013
<http://www.lwvor.org/hb-3172-natural-resources/>
LWVOR testimony on HB 3172, March 28, 2013
<http://www.lwvor.org/hb-3172-onsite-septic-natural-resources/>



LEAGUE OF WOMEN VOTERS®
OF OREGON

March 21, 2013

To: House Committee on Consumer Protection and Government Efficiency
Representative Paul Holvey, Chair
Members of the Committee

Re: HB 3172 - Onsite Septic Evaluation (Clean Streams) - **SUPPORT**

The League of Women Voters is a nonpartisan, grassroots political organization that encourages informed and active participation in government. The League recently spent three years studying water quantity and quality and updated its positions on Water Policy. *“The League opposes degradation of all of Oregon’s surface and ground water.” “The League supports policies and legislation that integrate water quality into resource management and include but are not limited to standards for:.....2. Placement and inspection of septic tanks and alternative individual treatment systems,7. Permitting and enforcement procedures with agency funding adequate to ensure timely compliance,.....”*

Recently our Education Fund completed a study of Coastal and Nearshore Oregon where the issue before you was discussed. Our researchers note that the Coastal Zone Management Act requires a septic system inspection program and that DEQ has an agreement with the Environmental Protection Agency to complete a rule adoption by March of 2013. DEQ has recently put their rulemaking on hold. I assume they are awaiting direction from the Legislature.

Our researchers noted that Dunes City adopted an ordinance in 2006 that included inspection of septic systems. *“During the time the ordinance was in effect, 69% of septic systems underwent some inspection or pumping activity. Of these, 12% had failed systems, or needed replacement or repairs.”*

When this issue was presented before an interim legislative hearing, Rep. Deborah Boone shared a very telling story: when she purchased her home (located in the Coastal Zone), she discovered that the septic pipe went directly into the nearby river. Of course, she corrected that problem. But hers is just one of many stories well known about old installations and failing septics, both in the Coastal Zone and elsewhere in Oregon. **This is a public health issue.**

We **support** HB 3172, where an evaluation of an onsite wastewater treatment system report must be presented by the seller at the time of transfer of real property. We are not experts on the various systems, but do know that failing septics are a very real health

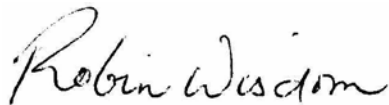
issue and that such a report seems like a reasonable method of addressing—or at least raising--this critical issue. We also know that many coastal residents will be financially impacted by this rule. But we have no other answer.

We note that Page 2, line 9 of the bill provides that inspections are valid for two years. Perhaps every five years is adequate to assure public health protection while also recognizing the financial burden to property sellers.

Most important to the League is that the inspections begin. The purpose of this bill is “to restore and maintain the quality of public waters and to protect the public health and general welfare of the people of the State of Oregon.” We encourage you to pass this bill.

On the issue of financial burden, in 2011 we supported SB 83 related to establishment of a grant and loan program for owners of subsurface sewage disposal systems. **We encouraged DEQ to again offer this legislation for consideration in 2013, especially for low income or low cost housing. I am unaware if a similar bill is before this body.** We cannot go backwards, but we need to find ways to help those in need as the program goes forward.

Thank you for considering our request. We urge passage of HB 3172.



Robin Wisdom
LWVOR President



Peggy Lynch
Natural Resources Coordinator

Cc: Dick Pedersen, Director, Oregon Department of Environmental Quality



**LEAGUE OF WOMEN VOTERS®
OF OREGON**

March 28, 2013

To: House Consumer Protection and Government Efficiency
Representative Paul Holvey, Chair
Members of the Committee

Re: Onsite Septic HB 3172: **SUPPORT**

The League of Women Voters is a grassroots nonpartisan, political organization that encourages informed and active participation in government. We have provided written testimony dated March 21 on this bill, explaining not only our positions, but providing factual information on the seriousness of this issue. On March 26th we asked that our Coastal and Nearshore Report be added to the record. That document not only shows the boundaries of the Coastal Zone and the Coastal Non Point Pollution Zone, but has a section on nonpoint pollution, including this issue of septic system pollution.

The League is dismayed at the acquiescence of DEQ to this voluntary proposal and their willingness to allow Oregon's waters to be contaminated. They are responsible for administering the Clean Water Act. We know that most Oregonians get their drinking water from groundwater. According to DEQ, 70% of Oregonians, including over 90% of rural residents, rely on groundwater as their primary or secondary drinking water source. There are an estimated 200,000 to 350,000 individual home domestic wells that supply drinking water to Oregonians. Many of those same Oregonians also rely on septic systems. Testimony provided by a septic system provider in 2011 stated that approximately 30% of all single family homes have on-site septic systems.

Although I do not have statistics on septic failures, you received testimony from the residents of Tenmile Lake and Lakeside. We provided information about Dunes City. You heard that the McKenzie River is the sole drinking water source for Eugene and surrounding communities. The Eugene Water and Electric Board (EWEB) provided testimony in 2011: "Upstream of EWEB's intake, over 4,000 septic systems exist, discharging an estimated 900,000 gallons of wastewater to the environment on a daily basis." During a temporary program in 2008-09, "A total of 439 septic systems were inspected...of which 108 required pump-outs due to out of balance scum/sludge layers that reduced treatment efficiency of household wastewater and 55 systems needed significant repairs or replacement." In the La Pine area DEQ is continuing work with residents to address groundwater contaminant concern: "The entire area shares environmental characteristics (shallow, unconfined groundwater, highly porous soil) that increases the risk of contaminated groundwater and drinking water." Among the recommendations under discussion include 5 year inspections and mandatory pumping on a regular basis.

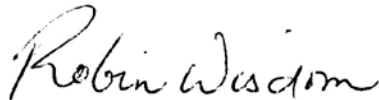
We are equally dismayed that the Realtors do not seem to feel responsible to the buyers of real property. This is a public health issue. We understand that people like living near rivers, streams and along lakes. The possibility of contamination of those waters and of nearby wells is great. A recent study of the nation's waters noted how polluted they are. Septics are, granted, only one source. But they are a source you can help fix with this bill.

As to the issues raised by Mr. Chandler, we supported a rulemaking exercise on this issue so that various situations could be addressed such as age of system, how often an inspection should occur, etc. We recognize that there are differences in older systems vs. newer systems. But we also know that rural residents can accidentally drive over even new systems and damage the drain lines.

We continue to be concerned about costs to low income homeowners as stated in our earlier letter. We understand that there is a fund at DEQ that was originally created to help with a similar issue that might, under your direction, be made available to help these homeowners. But this is a public health issue that must be addressed and not just given a wink and a nod.

Thank you for considering our testimony.

Sincerely,



Robin Wisdom
President



Peggy Lynch
Natural Resources Coordinator