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La Pine, Oregon 97739

House Committee on Energy and Environment  
Oregon State Legislature  
900 Court Street NE, Room 347  
Salem, Oregon 97301

April 17, 2013

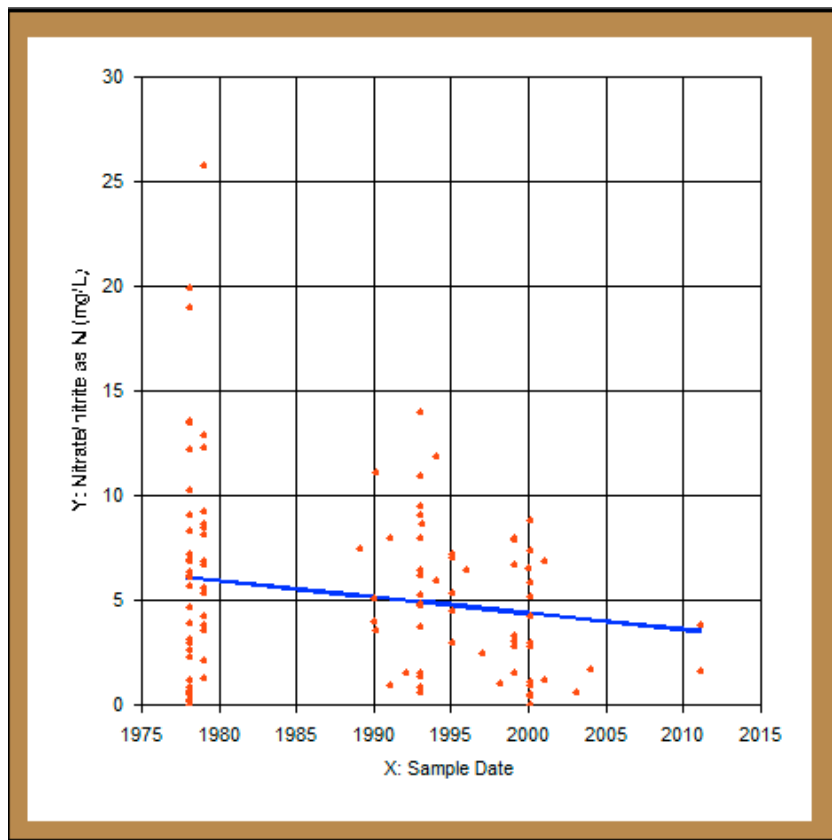
Re: HB 3186, relating to sewage creating new provisions.

Dear Chair Bailey and Committee Members:

Thank you for the opportunity to give testimony about House Bill 3186. I support the bill, including the dash one amendment.

This bill is about economic fairness to a vulnerable population in mostly rural unincorporated communities. Our rural Oregon communities reflect an aging population. For instance, in La Pine, over 51 percent are on Social Security. Rural communities also tend to have a higher percentage of families at or below the federal poverty level. In the La Pine zip code that percentage is 13.6 percent while the state level is 10.2 percent. Rural communities tend to have a median income below the state level. The median household income in La Pine area is over 29 percent less than the state median level. As you can see, affordability becomes a key issue.

Many of these communities were platted out before our land use laws. Often, they were first settled near or before the turn of the last century. Usually, these plats were city lot in size. Indoor plumbing, and septic systems, followed as electricity arrived in the communities. It wasn't until 1972 that the Clean Water Act allowed permitting of septic systems. Prior to the implementation of septic permits, the quality, construction methods and placement of septic systems was mostly a landowner decision. After the Second World War, until the implementation of our land use laws, we saw another type of rural unincorporated

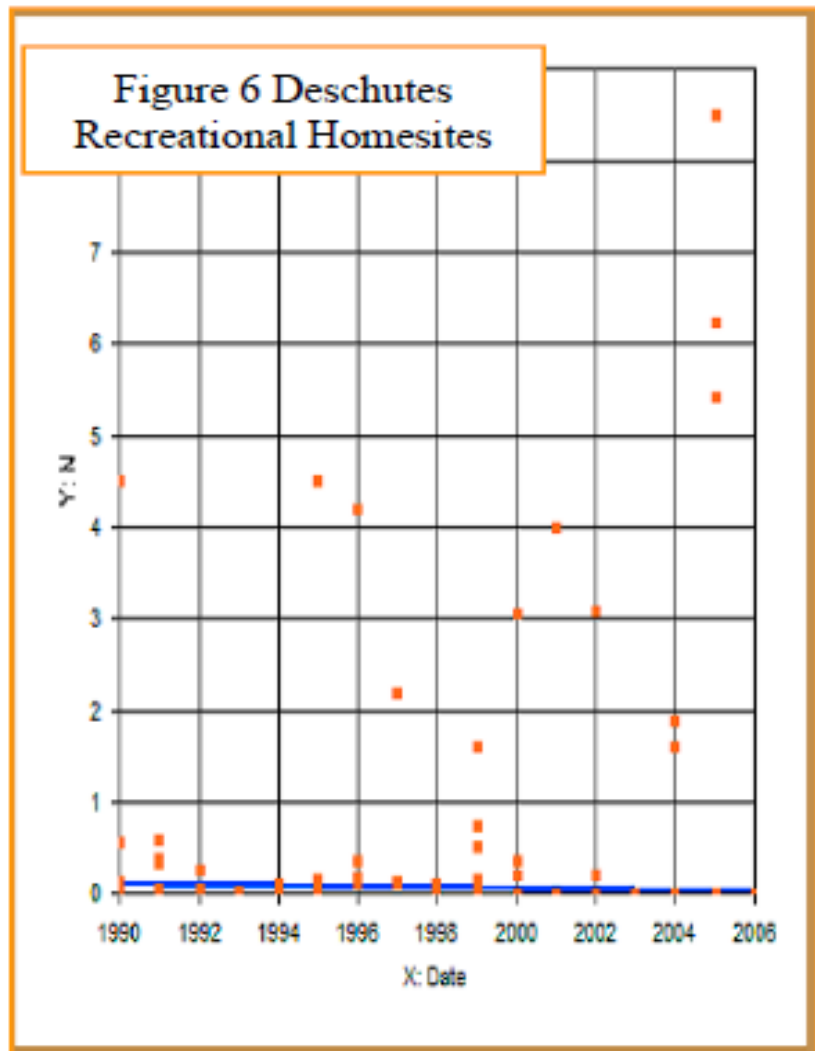


community. These started as vacation retreats that turned into retirement dreams. Build-out for these communities, if like La Pine, mostly include permitted septic systems.

It is important to realize that we have two different problems:

(a) communities or areas platted with small lots and waste treatment systems installed prior to Oregon's permitting rules, or (b) communities platted prior to Oregon's land use laws but with larger lots and permitted septic systems because build-out happened after the permitting rules. In the former type of community, there can be a hodgepodge of onsite waste treatment. For instance, in the La Pine core area, there were bottomless cesspools, dug to the aquifer, filled with drain rock and interspaced with drain pipe. It was no wonder that we had polluted water wells in the La Pine core area, some with soap bubbles from the local laundromat! When I ran a statistical trend line for the La Pine core area (now sewered), I could see a significant, but downward trend. In contrast, see the trend line for a type (b) community, with mostly ½ acre lots, often with a high water table. I apologize for the poor quality of the charts, however, you can see the blue trend lines. As you can see, the type (b) community does not reflect near the initial level of nitrates as the trend line of the type (a) community. Part of that reflects the age difference between the build-outs, however, it also reflects the presence or absence of permitting standards.

The intent of the Bill and the dash one was to address unaffordable upgrades to properly permitted existing septic systems, not to grant abeyance to non-permitted systems. I recognize that the dash one probably needs additional amendments to address the non-permitted systems. From the La Pine experience, it appears that policy lumps all non-sewered properties into the same problem. Non-permitted systems have the characteristics to cause serious health and environment problems much faster than permitted systems on lots suited for proper drain fields, etc. The La Pine core area, as an example, shows a clear trend line, so it is easier to demonstrate the need. The areas outside the core area do not show that trend nor demonstrate a need. The bill and dash one amendment makes sense for communities where public health and environmental issues are slight or nonexistent in the present, but projected for the future.



The intent of this bill is to prevent the destruction of rural unincorporated communities. It is sad that so much taxpayer money was wasted in the La Pine Basin (estimates range from \$20 to \$30 million), with little results. I am aware that we have type (a) communities who need immediate attention. I wish our government had spent the bulk of that money on the type (a) communities instead of wasting it on the La Pine Basin. I know of one such community that would appreciate just 1 or 2 percent of what was wasted on us! In terms of public health and the environment, we should first put our taxpayer resources into upgrading those communities. We need to restore them to economic health by providing approved waste treatment. For the type (b) communities, however, we need to adopt the dash one amendment of this bill (with subsequent amendments) to develop a plan that addresses waste treatment in a reasoned manner that does not create economic havoc.

In summary, I believe the Bill and the dash one amendment are a sound beginning to solve a problem that brought fiscal injustice to my community and my neighbors.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Huddle', with a long horizontal flourish extending to the right.

John Huddle, Ed.D.

Lobbyist

Deschutes County Citizen's Action Group