



LEAGUE OF WOMEN VOTERS®
OF OREGON

May 24, 2013

To: Senate Committee on General Government, Consumer and Small Business Protection
Senator Chip Shields, Chair
Members of the Committee

Re: HB 3172A - Onsite Septic Systems: Comments

The League of Women Voters is a grassroots nonpartisan, 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 (available on OLIS under HB 3172 Meeting Materials for 3/26) where the issue before you was discussed. 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. Our researchers note that the Coastal Zone Management Act requires a septic system inspection program and that the Department of Environmental Quality (DEQ) has an agreement with the Environmental Protection Agency (EPA) 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.

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 well known stories about old installations and failing septic systems, both in the Coastal Zone and elsewhere in Oregon. **This is a public health issue.**

DEQ is 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, testimony was offered in the House from the residents of Tenmile Lake and Lakeside. Information about Dunes City is included in our above-mentioned report. 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 a 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.

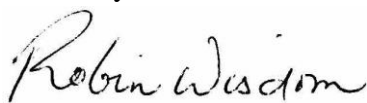
We understand that people like living near rivers and streams and along lakes. The possibility of contamination of those waters and of nearby wells is great. A recent study of the nation’s waters noted how polluted they are. Septics are, granted, only one source. But they are a source you could help fix if this bill were strengthened to require an inspection at time of sale, rather than just a disclosure statement.

We support 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 with heavy tractors or other equipment and damage the drain lines. This is a public health issue that must be addressed and not just given a wink and a nod.

We strongly supported the original bill, whose purpose was “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 are concerned that, if the EPA does not accept this modest effort to address this public health issue, \$2 million in funding for the Department of Land Conservation and Development, who manages the Coastal Zone Management Act, and \$2 million for the Department of Environmental Quality to administer the Clean Water Act may be in jeopardy.

If a return to the original bill is not considered, we hope you can consider further work in the interim to find ways to address this public health issue. Thank you for considering our testimony.

Sincerely,



Robin Wisdom
President



Peggy Lynch
Natural Resources Coordinator