

A-Engrossed
Senate Bill 835

Ordered by the Senate March 29
Including Senate Amendments dated March 29

Sponsored by Senator SMITH DB

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.

Directs Environmental Quality Commission to adopt rules [*authorizing single-family dwelling and accessory dwelling unit constructed on same lot or parcel to be permanently connected*] **setting forth conditions for approving proposal to permanently connect accessory dwelling unit located on same lot or parcel as single-family dwelling** to same subsurface sewage disposal system or alternative sewage disposal system.

A BILL FOR AN ACT

1
2 Relating to subsurface sewage disposal; creating new provisions; and amending ORS 454.605.

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

4 **SECTION 1.** 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) "Accessory dwelling unit" has the meaning given that term in ORS 197.312.**

11 [(2)] **(3)** "Alternative sewage disposal system" means a system incorporating all of the following:

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

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

15 [(3)] **(4)** "Construction" includes installation, alteration or repair.

16 [(4)] **(5)** "Contract agent" means a local unit of government that has entered into an agreement
17 with the Department of Environmental Quality pursuant to ORS 454.725.

18 [(5)] **(6)** "Effluent sewer" means that part of the system of drainage piping that conveys treated
19 sewage from a septic tank or other treatment unit into an absorption facility.

20 [(6)] **(7)** "Governmental unit" means the state or any county, municipality or other political
21 subdivision, or any agency thereof.

22 [(7)(a)] **(8)(a)** "Gray water" means shower and bath waste water, bathroom sink waste water,
23 kitchen sink waste water and laundry waste water.

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

26 [(8)] **(9)** "Local unit of government" means any county or municipality.

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 [(9)] (10) “Nonwater-carried sewage disposal facility” includes, but is not limited to, pit privies,
2 vault privies and chemical toilets.

3 [(10)] (11) “Public health hazard” means a condition whereby there are sufficient types and
4 amounts of biological, chemical or physical, including radiological, agents relating to water or sew-
5 age which are likely to cause human illness, disorders or disability. These include, but are not lim-
6 ited to, pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes.

7 [(11)] (12) “Septic tank” means a watertight receptacle which receives the discharge of sewage
8 from a sanitary drainage system and which is so designed and constructed as to separate solids from
9 liquids, digest organic matter during a period of detention and allow the liquids to discharge to an-
10 other treatment unit or into the soil outside of the tank through an absorption facility.

11 [(12)] (13) “Sewage” means domestic water-carried human and animal wastes, including kitchen,
12 bath and laundry wastes from residences, buildings, industrial establishments or other places, to-
13 gether with such ground water infiltration, surface waters or industrial waste as may be present.

14 [(13)] (14) “Sewage disposal service” means:

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

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

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

21 (d) Grading, excavating and earthmoving work connected with the operations described in par-
22 agraph (a) of this subsection.

23 [(14)] (15) “Subsurface sewage disposal system” means a cesspool or the combination of a septic
24 tank or other treatment unit and effluent sewer and absorption facility.

25 [(15)] (16) “Zone of aeration” means the unsaturated zone that occurs below the ground surface
26 and the point at which the upper limit of the water table exists.

27 **SECTION 2. Section 3 of this 2023 Act is added to and made a part of ORS 454.605 to**
28 **454.755.**

29 **SECTION 3. The Environmental Quality Commission shall adopt rules setting forth the**
30 **conditions for approving a proposal to permanently connect an accessory dwelling unit lo-**
31 **cated on the same lot or parcel as a single-family dwelling to the same subsurface sewage**
32 **disposal system or alternative sewage disposal system as the single-family dwelling.**

33