

A-Engrossed Senate Bill 931

Ordered by the Senate April 11
Including Senate Amendments dated April 11

Sponsored by Senator MEEK; Senators FINDLEY, HANSELL

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.

[Specifies that community or area-wide sewerage system is not available for purposes of issuance or denial of permit unless sewerage system is within _____ feet of property.]

Directs Environmental Quality Commission to adopt rules for determining whether community or area-wide sewerage system will accommodate proposed sewage discharge for purposes of sewage disposal system construction permit.

Authorizes Department of Environmental Quality to issue permit for repair or replacement of sewage disposal system without regard to availability of sewerage system if certain criteria are met. Sunsets repair or replacement provision on January 2, 2025.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to sewage disposal system permits; creating new provisions; amending ORS 454.655; and
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 454.655 is amended to read:

6 454.655. (1) Except as otherwise provided in ORS 454.675, without first obtaining a permit from
7 the Department of Environmental Quality, no person shall construct or install a subsurface sewage
8 disposal system, alternative sewage disposal system or part thereof. However, a person may under-
9 take emergency repairs limited to replacing minor broken components of the system without first
10 obtaining a permit.

11 (2) A permit required by subsection (1) of this section shall be issued only in the name of an
12 owner or contract purchaser in possession of the land. However, a permit issued to an owner or
13 contract purchaser carries the condition that the owner or purchaser or regular employees or a
14 person licensed under ORS 454.695 perform all labor in connection with the construction of the
15 subsurface or alternative sewage disposal system.

16 (3) The applications for a permit required by this section must be accompanied by the permit
17 fees prescribed in ORS 454.745.

18 (4)(a) After receipt of an application and all requisite fees, subject to ORS 454.685, the depart-
19 ment shall issue a permit if it finds that the proposed construction will be in accordance with the
20 rules of the Environmental Quality Commission. A permit may not be issued if a community or
21 area-wide sewerage system is available which will satisfactorily accommodate the proposed sewage
22 discharge. The prohibition on the issuance of a permit in this subsection does not apply to a public
23 agency as defined in ORS 454.430.

24 **(b) The commission shall adopt rules for determining whether a community or area-wide**

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 **sewerage system will satisfactorily accommodate a proposed sewage discharge. Rules adopted**
2 **by the commission must require consideration of factors that include, but need not be lim-**
3 **ited to:**

4 **(A) The legal availability and physical availability of a sewerage system;**

5 **(B) The scope and magnitude of the proposed repairs to an existing subsurface sewage**
6 **disposal system or alternative sewage disposal system;**

7 **(C) The cost of repairs to an existing subsurface sewage disposal system or alternative**
8 **sewage disposal system compared to the cost of connecting to a sewerage system;**

9 **(D) Statewide planning goals; and**

10 **(E) Environmental and public health concerns associated with the proximity of seepage**
11 **pits, cesspools or drainfields to wells or waters of this state.**

12 (5)(a) Unless weather conditions or distance and unavailability of transportation prevent the is-
13 suance of a permit within 20 days of the receipt of the application and fees by the department, the
14 department shall issue or deny the permit within 20 days after such date. If such conditions prevent
15 issuance or denial within 20 days, the department shall notify the applicant in writing of the reason
16 for the delay and shall issue or deny the permit within 60 days after such notification.

17 (b) If within 20 days of the date of the application the department fails to issue or deny the
18 permit or to give notice of conditions preventing such issuance or denial, the permit shall be con-
19 sidered to have been issued.

20 (c) If within 60 days of the date of the notification referred to in paragraph (a) of this subsection,
21 the department fails to issue or deny the permit, the permit shall be considered to have been issued.

22 (6) Upon request of any person, the department may issue a report, described in ORS 454.755 (1),
23 of evaluation of site suitability for installation of a subsurface or alternative sewage disposal system
24 or nonwater-carried sewage disposal facility. The application for such report must be accompanied
25 by the fees prescribed in ORS 454.755.

26 (7) With respect to an application for a permit for the construction and installation of a septic
27 tank and necessary effluent sewer and absorption facility for a single family residence or for a farm
28 related activity on a parcel of 10 acres or more described in the application by the owner or con-
29 tract purchaser of the parcel, the Department of Environmental Quality:

30 (a) Within the period allowed by subsection (5)(a) of this section after receipt by it of the ap-
31 plication, shall issue the permit or deliver to the applicant a notice of intent to deny the issuance
32 of the permit;

33 (b) In any notice of intent to deny an application, shall specify the reasons for the intended de-
34 nial based upon the rules of the Environmental Quality Commission for the construction and in-
35 stallation of a septic tank and necessary effluent sewer and absorption facility or based upon the
36 factors included in ORS 454.685 (2)(a) to (j);

37 (c) Upon request of the applicant, shall conduct a hearing in the manner provided in ORS
38 454.635 (4) and (5) on the reasons specified in a notice of intent to deny the application with the
39 burden of proof upon the department to justify the reasons specified; and

40 (d) In the case of issuance of a permit, may include as a condition of the permit that no other
41 permit for a subsurface sewage disposal system or alternative sewage disposal system shall be issued
42 for use on the described parcel while the approved septic tank, effluent sewer and absorption facility
43 are in use on the described parcel.

44 **SECTION 2. Notwithstanding ORS 454.655 (4), the Department of Environmental Quality**
45 **may issue a permit to repair or replace a subsurface sewage disposal system or alternative**

1 sewage disposal system without regard to the availability of a community or area-wide
2 sewerage system if:

3 (1) The proposed construction is for the repair or replacement of a subsurface sewage
4 disposal system or alternative sewage disposal system for which a certificate of completion
5 has been issued under ORS 454.665;

6 (2) The subsurface sewage disposal system or alternative sewage disposal system serves
7 a single-family dwelling that is located outside of the boundaries of a city; and

8 (3) The department determines that the proposed construction otherwise satisfies the
9 requirements of ORS 454.655 and rules adopted by the Environmental Quality Commission.

10 **SECTION 3.** Section 2 of this 2023 Act is repealed on January 2, 2025.

11 **SECTION 4.** (1) The amendments to ORS 454.655 by section 1 of this 2023 Act become
12 operative on January 1, 2024.

13 (2) The Department of Environmental Quality and the Environmental Quality Commis-
14 sion may take any action before the operative date specified in subsection (1) of this section
15 that is necessary to enable the department or the commission to exercise, on and after the
16 operative date specified in subsection (1) of this section, all the duties, functions and powers
17 conferred on the department and the commission by the amendments to ORS 454.655 by
18 section 1 of this 2023 Act.

19 **SECTION 5.** This 2023 Act takes effect on the 91st day after the date on which the 2023
20 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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