

# House Bill 2559

Sponsored by Representative MEEK (Pre-session filed.)

## 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 **as introduced**.

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.

## A BILL FOR AN ACT

1  
2 Relating to sewage disposal system permits; amending ORS 454.655.

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

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

5 454.655. (1) Except as otherwise provided in ORS 454.675, without first obtaining a permit from  
6 the Department of Environmental Quality, no person shall construct or install a subsurface sewage  
7 disposal system, alternative sewage disposal system or part thereof. However, a person may under-  
8 take emergency repairs limited to replacing minor broken components of the system without first  
9 obtaining a permit.

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

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

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

23 **(b) For purposes of paragraph (a) of this subsection, a community or area-wide sewerage**  
24 **system is not available unless it is within \_\_\_\_\_ feet of the property.**

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

30 (b) If within 20 days of the date of the application the department fails to issue or deny the  
31 permit or to give notice of conditions preventing such issuance or denial, the permit shall be con-

**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 sidered to have been issued.

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

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

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

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

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

19 (c) Upon request of the applicant, shall conduct a hearing in the manner provided in ORS  
20 454.635 (4) and (5) on the reasons specified in a notice of intent to deny the application with the  
21 burden of proof upon the department to justify the reasons specified; and

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

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