

# Enrolled Senate Bill 835

Sponsored by Senator SMITH DB; Representatives HIEB, WRIGHT

CHAPTER .....

AN ACT

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

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

**SECTION 1.** ORS 454.605 is amended to read:

454.605. As used in ORS 454.605 to 454.755, unless the context requires otherwise:

(1) "Absorption facility" means a system of open-jointed or perforated piping, alternate distribution units or other seepage systems for receiving the flow from septic tanks or other treatment units and designed to distribute effluent for oxidation and absorption by the soil within the zone of aeration.

**(2) "Accessory dwelling unit" has the meaning given that term in ORS 197.312.**

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

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

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

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

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

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

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

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

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

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

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

[(10)] **(11)** "Public health hazard" means a condition whereby there are sufficient types and amounts of biological, chemical or physical, including radiological, agents relating to water or sewage which are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes.

[(11)] **(12)** "Septic tank" means a watertight receptacle which receives the discharge of sewage from a sanitary drainage system and which is so designed and constructed as to separate solids from

liquids, digest organic matter during a period of detention and allow the liquids to discharge to another treatment unit or into the soil outside of the tank through an absorption facility.

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

[(13)] (14) "Sewage disposal service" means:

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

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

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

(d) Grading, excavating and earthmoving work connected with the operations described in paragraph (a) of this subsection.

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

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

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

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

Passed by Senate June 20, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 22, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State