

B-Engrossed
Senate Bill 931

Ordered by the Senate June 6
Including Senate Amendments dated April 11 and June 6

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.

[Directs] **Authorizes** Environmental Quality Commission to adopt rules for determining whether community or area-wide sewerage system *[will accommodate proposed sewage discharge]* **is available** 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.]

Prohibits Department of Environmental Quality from determining community or area-wide sewerage system is available unless sewerage system is within 200 feet of property to be served. Sunsets *[repair or replacement provision]* **prohibition** 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 may 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 is available, including consideration of:**

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

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

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

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

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

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

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

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

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

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

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

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

35 (c) Upon request of the applicant, shall conduct a hearing in the manner provided in ORS
36 454.635 (4) and (5) on the reasons specified in a notice of intent to deny the application with the
37 burden of proof upon the department to justify the reasons specified; and

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

42 **SECTION 2. For purposes of ORS 454.655 (4), the Department of Environmental Quality**
43 **may not determine that a community or area-wide sewerage system is available unless the**
44 **sewerage system is within 200 feet of the property to be served.**

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

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

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

9 **SECTION 5.** Notwithstanding any other provision of law, the General Fund appropriation
10 made to the Department of Environmental Quality by section 1 (2), chapter _____, Oregon
11 Laws 2023 (Enrolled House Bill 5018), for the biennium beginning July 1, 2023, for water
12 quality, is increased by \$237,072 for the purpose of administering section 2 of this 2023 Act
13 and the amendments to ORS 454.655 by section 1 of this 2023 Act.

14 **SECTION 6.** This 2023 Act takes effect on the 91st day after the date on which the 2023
15 regular session of the Eighty-second Legislative Assembly adjourns sine die.
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