

# Enrolled Senate Bill 931

Sponsored by Senator MEEK; Senators FINDLEY, HANSELL, SMITH DB, Representative HIEB

CHAPTER .....

AN ACT

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

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

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

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

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

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

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

**(b) The commission may adopt rules for determining whether a community or area-wide sewerage system is available, including consideration of:**

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

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

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

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

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

(5)(a) Unless weather conditions or distance and unavailability of transportation prevent the issuance of a permit within 20 days of the receipt of the application and fees by the department, the

department shall issue or deny the permit within 20 days after such date. If such conditions prevent issuance or denial within 20 days, the department shall notify the applicant in writing of the reason for the delay and shall issue or deny the permit within 60 days after such notification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Passed by Senate June 20, 2023**

.....  
Lori L. Brocker, Secretary of Senate

.....  
Rob Wagner, President of Senate

**Passed by House June 23, 2023**

.....  
Dan Rayfield, Speaker of House

**Received by Governor:**

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

**Approved:**

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

.....  
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

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

.....  
Secretary of State