



700 Summer St. NE, Suite 320
Salem, OR 97301-1287
Phone: 503-378-8667
Fax: 503-585-9114

<http://www.oregon.gov/OHLA/Pages/index.aspx>

WHO: Health Licensing Office
Environmental Health Registration Board

WHEN: 9:30 a.m. – Feb. 27, 2014

WHERE: Health Licensing Office
Rhoades Conference Room
700 Summer St. NE, Suite 320
Salem, Oregon

What is the purpose of the meeting?

The purpose of the meeting is to conduct board business. Go to <http://www.oregon.gov/OHLA/EHS/Pages/Meetings2.aspx> for current meeting information.

May the public attend the meeting?

Yes. Members of the public and interested parties are invited to attend all board/council meetings. All audience members are asked to sign in on the attendance roster before the meeting. Public and interested parties' feedback will be heard as designated on the agenda.

May the public attend a teleconference meeting?

Yes. Members of the public and licensees may attend a teleconference board meeting in person at the Health Licensing Office at 700 Summer St NE, Suite 320, Salem, OR.

What if the board/council enters into executive session?

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

Who do I contact if I have questions or need special accommodations?

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049.

Items for Board Action

Approval of the Agenda



Health Licensing Office
Environmental Health Registration Board



9:30 a.m., Feb. 27, 2015
700 Summer St. NE, Suite 320
Salem, Oregon

Call to order

1. **Items for board action**
 - ◆ Approval of agenda
 - ◆ Approval of minutes from Oct. 24, 2014
2. **Policy**
 - ◆ Roundtable discussion on pre-cover onsite septic system inspections with Randy Trox, Bob Baggett and Mark Nystrom
3. **Public/interested parties' feedback**
4. **Reports**
 - ◆ Director report
 - ◆ Licensing and fiscal statistical reports
 - ◆ Regulatory report
5. **Other board business**

Agenda is subject to change.
For the most up to date information visit www.oregon.gov/OHLA

Policy Report

Mark Nystrom

Association of Oregon Counties

~

**DEQ Onsite Program Budget
Note Workgroup**

DEQ Onsite Budget Note Workgroup Report

Mark Nystrom

Association of Oregon Counties

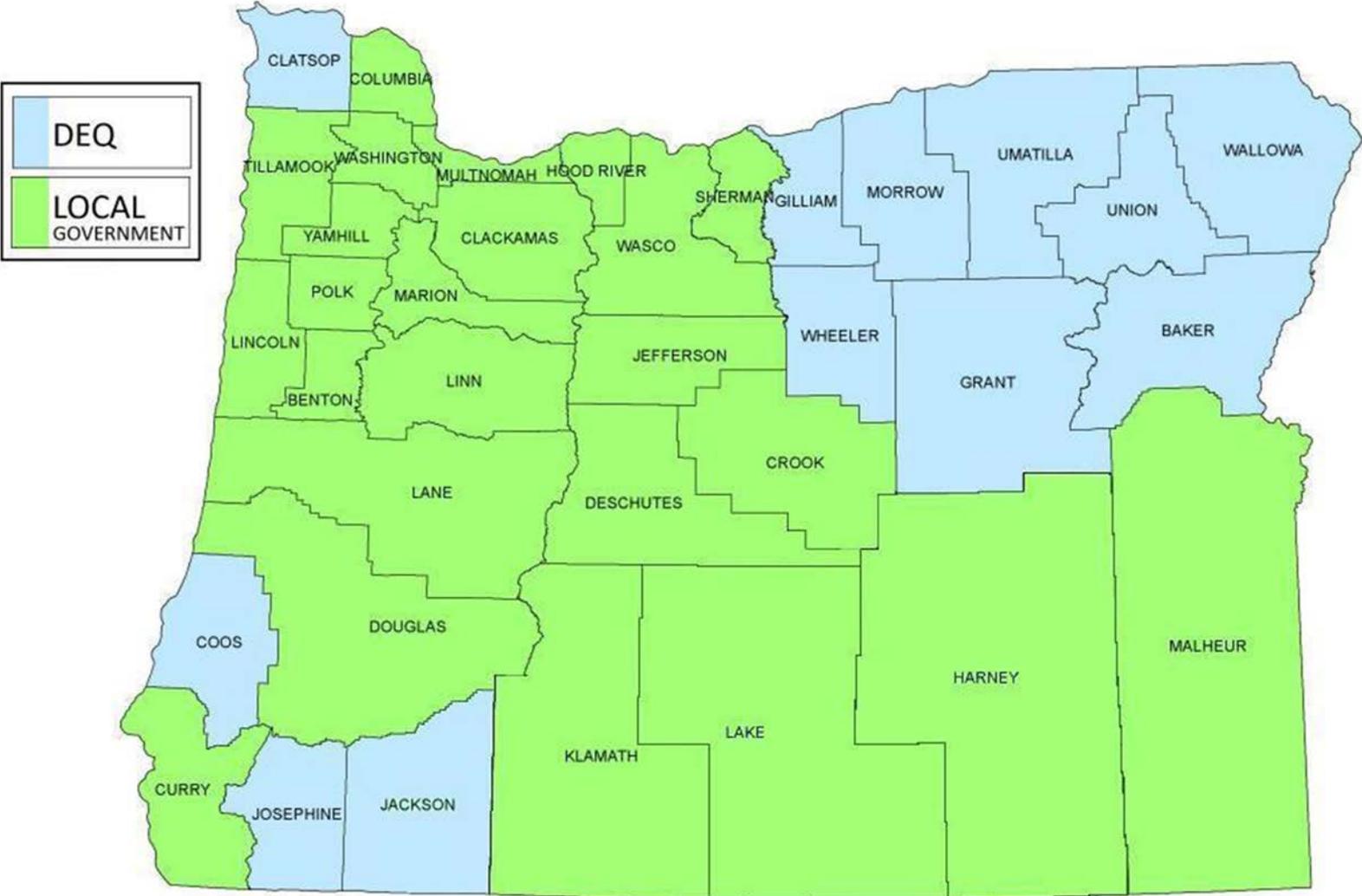
Onsite Septic System Program

Major functions of the program

1. Licensing and Certification
2. Product Approval
3. Complaint Response and Enforcement
4. Reporting of Septic System Performance
5. Policy, Oversight and Technical Assistance
6. Siting and Permitting of Septic Systems



Distribution of DEQ and Contract Counties



History of Budget Note Workgroup

- Government Efficiency Task Force—2011
- Final Report—September 2012
 - Private Contractors to Perform Duties of DEQ's Onsite Septic System Program
 - Certified Environmental Health Technician to Perform Limited Duties of the Onsite Septic System Program

2013 Legislative Session

- House Bill 3166
- House Bill 3167
- Both Bills died
- Budget Note added to DEQ's Budget instead

Onsite Budget Note Workgroup

- Convened in July 2013
- Nine meetings
- Published report in October 2013
- Presented report to legislature in February
- DEQ and AOC will present to House and Senate Energy and Environment Committees

Goals of the Workgroup

- **Goal 1: Increase flexibility and efficiencies to meet the needs of rural Oregon**
- **Goal 2: Administrative Improvements**

Strategy Overview

Efficiency Strategies	Administrative Strategies
1A - Require counties to run the program in all counties statewide	2A - DEQ/BCD to partner on e-permitting
1B - Contract with qualified private entities for field work	2B - Change records retention requirement to allow electronic copies as official records
1C - Allow building inspectors with proper training to conduct pre-cover inspections	2C - Evaluate fee schedule
1D - Allow environmental health inspectors with proper training to conduct pre-cover inspections	2D - Define use of surcharge
1E - Create a remote sign off program	2E - 2015 policy option package for general fund to support compliance work
1F - DEQ/neighboring county staff as supervisors	2F - 2015 legislative concept similar to Senate Bill 83 from the 2011 Legislative session
1G - Provide credit for trainees with other professional scientific experience	2G - Implement recruitment strategies
1H - Convene rule advisory committee	

Strategies in **BOLD** require legislative action

AOC Recommendations/Next Steps

- Endorsed all recommendations EXCEPT 1A
 - Substituted: *Reduce the impediments to counties to run the program in all counties statewide.*
- DEQ and AOC plan to discuss jointly developing legislation for the 2015 session.
- Questions?

Department of Environmental Quality Onsite Program 2013 Legislative Session Budget Note Workgroup

Final Report – November 29, 2013

Introduction

The State and Local Government Efficiency Task Force was created by House Bill 2855 in 2011 to *"review opportunities to provide services in the most effective and cost-efficient manner through reorganization of the way services are delivered by state and local government entities and through specific process improvements; and consider the ability of intergovernmental agreements, existing or new service districts and technology to achieve cost savings."* DEQ's onsite septic system program was one of many services the task force analyzed. The task force completed its work in September 2012. You can access the [final report here](#)¹.

House Bill 3166 and House Bill 3167 were introduced by Representative Nathanson on behalf of the task force in the 2013 Legislative session. Both bills were assigned to the House Committee on Consumer Protection and Government Efficiency, but the bills did not make it out of the Committee due to opposition from certain stakeholders. Instead, a note was placed on DEQ's budget that directed DEQ to *"work with cities, counties and other stakeholders to identify innovative ways to utilize the fees assessed for the onsite septic program. The intended outcomes are to increase the quality and efficiency of how onsite septic services are delivered across the state. This may include re-examining the fee schedules and the viability of how the program is currently implemented through a combination of DEQ and contract-county programs. The Association of Oregon Counties has indicated it will provide staff support for these efforts and the Department shall report back during the 2014 legislative session with recommendations for improving the operations of the onsite septic program."*

The Onsite Budget Note Workgroup was convened in July 2013 and held a total of nine meetings through October 2013. Active members of the workgroup are listed on the following page.

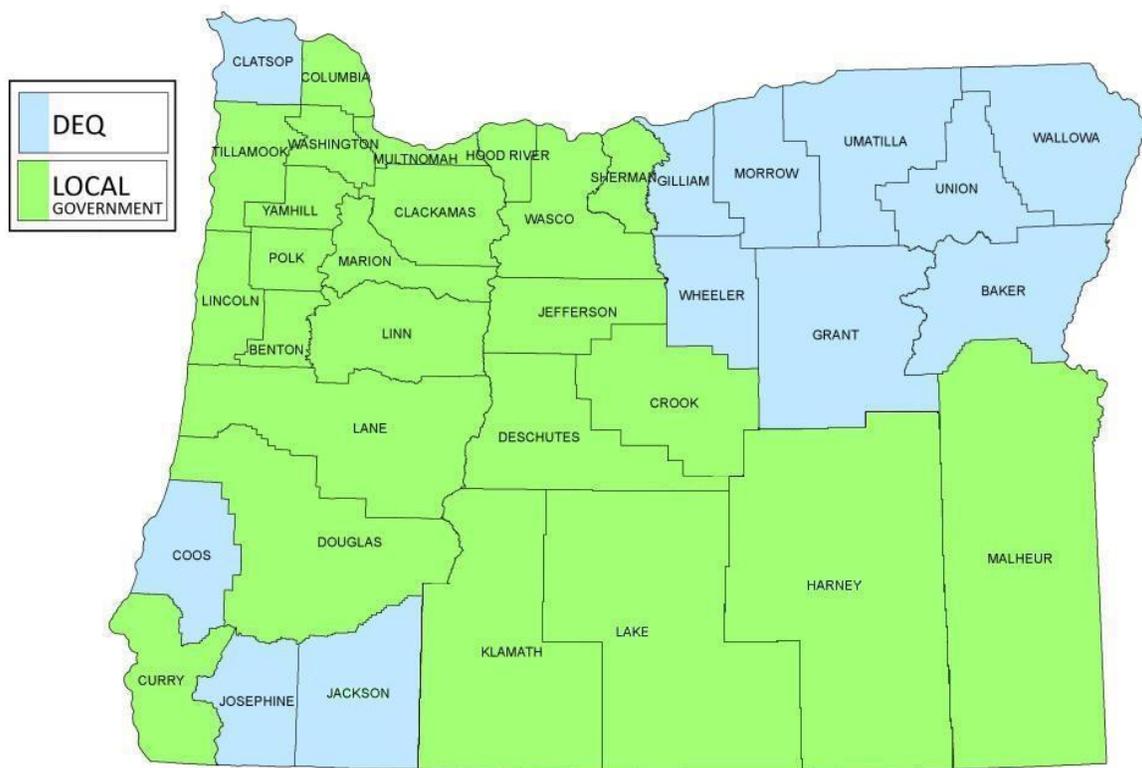
¹ For those viewing this document in hard copy format, the report is located at the following address:
<https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbXNnZXRmMjAxMnxneDo0MzE5M2RkMGUyOGM1YWI2>

Name	Affiliation
Kim Aldrich	Oregon Onsite Wastewater Association
Robert Baggett	DEQ, Onsite Program
Jackson Baures	Coalition of Local Health Officials
Todd Cleveland	Deschutes County
Dick Florey	Moonshadow Consulting LLC
Judge Steve Grasty	Harney County
Teresa Huntsinger	Oregon Environmental Council
Commissioner Ken Kestner	Lake County
Michael Kucinski	DEQ, Onsite Program
Brannon Lamp	Oregon Onsite Wastewater Association
Nick Lelack	Deschutes County
Tamra Mabbott	Umatilla County
John McAllister	Washington County
Holly Mercer	Oregon Health Licensing Agency
Mark Nystrom	Association of Oregon Counties
Rick Partipilo	Conference of Local Environmental Health Supervisors
Samie Patnode	Oregon Health Licensing Agency
Eric Pippert	Oregon Health Authority
Jennifer Purcell	DEQ, North Coast Regional Solutions Team
Gabrielle Schiffer	Building Codes Division
Ian Stromquist	Oregon Environmental Health Association
Tony West	Harney County

DEQ's Onsite Septic System Program

Over 30 percent of Oregonians rely on septic systems to treat wastewater from their homes and businesses. DEQ regulates the siting, design, installation and ongoing operation and maintenance of septic systems. Without this oversight, septic systems can fail or malfunction, pollute Oregon's land and waterways with raw sewage and create public health hazards.

Currently DEQ operates the onsite septic system program in twelve counties, referred to as "direct service" counties. Twenty-four county programs are operated under contract with DEQ, referred to as "contract counties". The figure on the next page shows the distribution of direct service and contract county programs.



There are two steps involved in the permitting process for most properties served by onsite septic systems. The first step is to evaluate the soil to determine if a septic system can be installed and what type of septic system is needed. The second step is to issue a construction permit that describes the requirements for the system such as the size of the septic tank, amount of drain field, depth of drain field, etc. Once the system is constructed, a pre-cover inspection of the system is performed to determine if the system meets the requirements of the permit and the onsite rules. Currently, only qualified DEQ and contract county staff can perform these steps. Qualifications include a Bachelor’s degree with an emphasis on science and environmental sanitation, 2 years of supervised experience in environmental sanitation, and 10 quarter hours of soil science education.

DEQ and many rural counties have experienced difficulties in hiring inspectors who meet these qualifications. There are many factors that contribute to these difficulties including an aging workforce. Existing inspectors are retiring at a faster rate than new inspectors are joining the workforce. Many counties also struggle with trying to implement fee-supported programs which can create a challenge in offering a potential inspector a competitive salary and benefit package. In addition, many rural counties do not have enough application activity to support hiring a full time inspector.

In rural counties, particularly in eastern Oregon where there are great distances between job sites it can be especially challenging to respond to inspection requests in a timely manner. In areas where there is a short construction season, customers need quick response times in order to complete their projects during the construction season. This need for a quick response often

results in the inspection being waived and the septic system being covered without an inspection. Licensed septic system installers are required to obtain a permit and are the first people who the property owner calls when something goes wrong with the system. Therefore most licensed installers want to have an inspection, because a second set of eyes can catch something the licensed installer may have missed.

The workgroup identified two goals for Oregon's onsite program. First, the program needs to find ways to increase flexibility and efficiencies to better meet the needs of rural Oregonians. Second, Oregon needs to make administrative improvements to the program. More detail about these goals and several strategies necessary to achieve these goals are presented below.

Additional analysis will be required to move these strategies to legislative concepts. The analysis should include consideration of potential efficiencies, cost savings, and other benefits, as well as the capacity of contract counties to implement the strategies.

The strategies listed below were initially a brainstorm list the workgroup developed. By the end of the workgroup's assignment the members reached consensus in all areas except where specifically noted.

Goal 1: Increase flexibility and efficiencies to meet the needs of rural Oregon

Strategies necessary to meet goals

For the purposes of this report, rural Oregon means those areas of the state that are not in the Portland metropolitan area or the Willamette Valley.

- A. DEQ should be in an oversight role only and counties should run the onsite program in their county, either alone or through partnerships and agreements with other counties, or through the formation of service districts.²
- B. Counties could contract with qualified³ private entities to perform the field work and submit it to a county environmental health specialist or waste water specialist for review. Based on the review the county's environmental health specialist or waste water specialist would determine whether to issue the report, permit or certificate, or to require another action.
- C. DEQ should investigate/work with the Oregon Building Codes Division to create a cross-training program that could qualify building inspectors to conduct pre-cover inspections of septic systems after a qualified environmental health specialist or waste water specialist has reviewed and approved construction specifications and issued a permit.⁴

² One workgroup member was not in favor of this strategy because the workgroup did not represent the opinions of all counties, and it may not be financially feasible for every county.

³ The qualifications must be in accordance with Oregon Revised Statutes Chapter 700.

⁴ Two workgroup members were not in favor of this strategy because they were concerned that those performing the pre-cover inspection would be less-qualified and that would result in lower quality inspections. They were also

- D. DEQ should create a program with Oregon Health Authority that could qualify environmental health specialists who currently work in other areas of environmental health to conduct pre-cover inspections of septic systems.
- E. DEQ should create a “sign off from afar” process for pre-cover inspections as an option for permit applicants where a system could be approved without physically visiting the site.⁵
- F. Environmental health specialists and waste water specialists at DEQ and/or neighboring counties could be the supervisor for environmental health specialist trainees and waste water specialist trainees when a qualified supervisor is not available in a county.
- G. For waste water specialist trainees that have professional experience (as determined by the environmental health registration board) in another scientific field, a credit towards the required number of supervised hours should be considered.
- H. DEQ should convene a rule advisory committee of stakeholders to review the entire set of onsite rules⁶ for ways to provide more flexibility and efficiency. The geographic rules, rural area consideration rules and variance rules in Division 071 should be modified to allow more appropriate standards as compared to the standards for the densely populated areas of the state.

Narrative

Currently a local unit of government may elect to run the onsite septic system program under contract with DEQ. If a local unit of government does not run the program, DEQ is responsible for running the program. This has resulted in a distribution of direct service counties and contract counties that is not conducive to efficiency because the direct service counties are spread out across the state. This makes it difficult for DEQ to efficiently move staff to other counties when the work need is present.

The workgroup discussed the benefits of each county running their own program and that DEQ should focus solely on oversight. Counties can use several tools that are currently available to them to increase the economies of scale that may not be available to individual counties or DEQ. The formation of districts and development of intergovernmental agreements can be used to allow multiple counties to run the onsite program in their geographic area. The workgroup discussed how counties currently have the authority under ORS 624.510 for the use of intergovernmental agreements and ORS 431.416 for the formation of public health authorities

concerned that by allowing others to do this work, it would compound the existing problem of some counties not having enough activities to support hiring a full-time inspector. Lastly, they were concerned that this could result in poor communication across jurisdictions.

⁵ Two workgroup members were not in favor of this strategy because they received feedback from installers that they want to have an inspection.

⁶ Oregon Administrative Rules, Chapter 340, Divisions 071 and 073.

and districts. Counties are currently authorized to establish their own fee schedule to cover the costs of providing onsite program services.⁷

In the 2013 legislative session, Senate Bill 582 and House Bill 2698 were approved by the Legislature. These bills allowed the Building Codes Division to accomplish many of the things the workgroup discussed that could be applied to the onsite septic system program.

Senate Bill 582 has two primary components:

- Streamlines certain building code requirements, providing additional flexibility to business in rural areas of the state.
- Encourages regional building inspection programs through state and local government partnerships.

House Bill 2698 compliments Senate Bill 582 by allowing the state to provide a custom and/or regional approach to training and certification of state and local building inspectors. House Bill 2698 also encourages the state to make available cross-training programs and to certify building inspectors through a field evaluation process removing arbitrary minimum education and experience requirements.

The workgroup discussed taking similar components of Senate Bill 582 and House Bill 2698 and applying them to the onsite septic system program in a legislative concept for the next legislative session. However, the workgroup discussed going beyond what the two bills did and look at a partnership between DEQ and Building Codes Division where state and local building inspectors could be trained to conduct pre-cover inspections of septic systems for compliance with permit conditions and onsite program rule requirements. The workgroup discussed a similar partnership between DEQ and Oregon Health Authority. Environmental health specialists and waste water specialist currently working in other areas of environmental health could obtain an appropriate type and amount of training to be qualified to conduct pre-cover inspections.

While this report focuses on the onsite program, the workgroup also discussed similar efficiencies that could be gained for both the Building Codes Division and the Oregon Health Authority. DEQ and contract county staff with the appropriate amount and type of training could conduct certain inspections on behalf of these agencies.

Currently, DEQ does not have the staff to conduct all of the pre-cover inspections that are requested. As a result, approximately 35 percent of the pre-cover inspections that are requested are not conducted, or are waived by the DEQ inspector. The workgroup discussed how it would be better to have someone inspect these systems even if they were not an environmental health specialist or waste water specialist, rather than no one at all. However, the workgroup could not reach consensus regarding a specific remedy for this issue.

⁷ One workgroup member expressed concern about the cost and feasibility to counties to implement a new program and requested consideration for state subsidy, technical assistance, and to allow for adequate time and support to transition from a state to county program.

Many onsite system installations are associated with some other type of building permit. Both building inspectors and septic system inspectors conduct various inspections at the same job site. In rural Oregon, particularly in eastern Oregon where travel distance is a major factor, having one inspector do several different types of inspections can be extremely efficient.

Due to the decreased activities in some rural counties, they have found that hiring a part-time inspector, commonly a retired professional from another government agency such as the Forest Service or Bureau of Land Management has been beneficial. However, in order for most of these retired professionals to meet the qualifications of an onsite septic system inspector they need to obtain two years of full-time supervised experience in environmental sanitation. Two years of full-time supervised experience may be appropriate for a recent college graduate who does not have any experience. However, the workgroup discussed applying a credit towards the amount of supervised experience required for a person who has other professional experience.

It is important to point out the statutory and administrative rule differences in the trainee requirements for environmental health specialists and wastewater specialists. An environmental health specialist trainee can only obtain 3,840 hours of supervised experience before being required to register as an environmental health specialist. In addition, an environmental health specialist trainee must obtain the 3,840 hours of supervised experience and pass an exam within a maximum time period of 8 years. However, there is no maximum number of hours of supervised experience that a waste water specialist trainee can obtain, there is no maximum time period a waste water specialist trainee can be registered as a trainee, and there is no maximum time period in which a waste water specialist trainee must take and pass an exam.

Many counties have had to hire inspectors who are not fully qualified and need to put them on a training plan to become fully qualified. The workgroup discussed how environmental health specialists and wastewater specialists who work for DEQ and/or a neighboring county could fulfill the role of supervisor if a county does not have one on staff.

Sign-off from afar is another idea the workgroup discussed that could benefit rural Oregon counties because it would save on travel costs. If appropriate information was submitted with a pre-cover inspection request such as photos, scaled drawings, certification from a licensed and certified installer, videos, etc. a permit holder may choose to have a sign-off from afar where an environmental health specialist or waste water specialist would review the information and determine whether a site inspection was needed or to approve the system construction or require a correction, without physically visiting the site. This could be an option that a permit applicant chooses, and it could be in the form of separate fees, one for the permit and one for the inspection. An applicant would get what they pay for, rather than pay the full permit fee only to have an inspection waived. The workgroup also discussed the possibility of having a slightly modified certificate of satisfactory completion issued for systems that are approved without an inspection.

The workgroup discussed many other opportunities that could be made by a thorough review of the onsite rules including the geographic rules, rural area consideration and variances to the onsite rules. However, the workgroup did not have sufficient time to review all of the onsite rules and adequately address the budget note concerns. Rather than propose a limited and hastily

crafted geographic rule amendment, the workgroup suggested that DEQ convene a rule advisory committee to look at all onsite rules. The circumstances the workgroup has been discussing in rural Oregon including DEQ's continuing challenge in meeting its oversight and direct service responsibilities merit further discussion in the context of the statewide program.

Goal 2: Administrative Improvements

Strategies necessary to meet the goal:

- A. DEQ and the Building Codes Division should explore the possibility of including an optional onsite permit available to counties with coordination through the Building Codes Division's building inspection e-permitting program.
- B. The onsite program's records retention schedule should be modified to allow an electronic copy, consistent with public records law and Secretary of State archive requirements, as the official copy. One of DEQ's functions in their oversight role should be the long-term storage repository for all electronic files in Oregon.
- C. If DEQ's role changes to oversight only, the entire fee schedule should be evaluated to see what revenue is necessary for DEQ to maintain an appropriate oversight role.
- D. Use of the surcharge revenue should be defined (what percentage of the surcharge should be used to support what function or activity).
- E. Other sources of funding are needed to pay for complaint response and enforcement. DEQ should ask for General Fund in the 2015 Legislative session to support the complaint response and enforcement portions of the program.
- F. DEQ should introduce a legislative concept in the 2015 Legislative session that is similar to Senate Bill 83 from the 2011 Legislative session that would support financial assistance, education and outreach.
- G. Recruitment strategies for environmental health specialists and wastewater specialists should include sending recruitments to soil science universities regionally or nationwide.

Narrative

Some contract counties operate their onsite program within the public health or environmental health programs; however many contract counties operate their onsite program in the same department as their building and planning programs. Counties are continually being added to the list of counties that utilize Building Codes Division's e-permitting program. DEQ's existing database is used only by DEQ and is in need of replacement. The workgroup discussed adding DEQ's onsite program to the e-permitting program and how that could solve DEQ's database needs and provide an incentive for those counties that are not using the e-permitting program to join. This could result in more consistency in the way that the various permitting programs are delivered statewide.

Records retention requirements result in significant storage needs for all of the paper files. This space could be used for other purposes if the records retention policies were changed to allow electronic files to be the official record.

If DEQ were only in an oversight role, it is likely that the revenue needed for DEQ to maintain an appropriate oversight role would change. The surcharge revenue is to be used to “*offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program*” but the workgroup discussed use of the surcharge revenue and how it should be defined.

Other sources of funding are necessary to support some activities in the onsite program such as complaint response, enforcement, education and outreach, repairs for low income property owners and abatement of area-wide concerns related to septic systems. DEQ introduced Senate Bill 83 in the 2011 Legislative session that would have provided some of the funding necessary to support these activities. It was not approved, but a similar legislative concept should be introduced in the 2015 Legislative session.

With the difficulties in hiring qualified inspectors, particularly in rural Oregon, DEQ and counties should expand the locations where recruitments are sent. Some counties have had success in reaching out to soil science schools across the west coast and additional success could be achieved by reaching out to similar schools across the nation, marketing Oregon as a desirable place to live.

Next Steps

The table on the next page shows each of the strategies the workgroup identified and their recommendations for what type of legislative or executive action would be needed, if any, to implement. As mentioned above, additional analysis will be required to move some of these strategies to legislative concepts. The analysis should include consideration of potential efficiencies, cost savings, and other benefits, as well as the capacity of contract counties to implement the strategies.

Strategy	Legislative Action	Exec / Admin Action	Can Implement Now
1A - Require counties to run the program in all counties statewide	Yes ⁸		No (optional) ⁸
1B - Contract with qualified private entities for field work			Yes
1C - Allow building inspectors with proper training to conduct pre-cover inspections	Yes	Yes	Yes (optional) ⁹
1D - Allow environmental health inspectors with proper training to conduct pre-cover inspections			Yes
1E - Create a remote sign-off program		Yes	
1F - DEQ/neighboring county staff as supervisors			Yes
1G - Provide credit for trainees with other professional scientific experience	Yes	Yes	
1H - Convene rule advisory committee			Yes
2A - DEQ/BCD to partner on e-permitting		Yes	
2B - Change records retention requirement to allow electronic copies as official records			Yes
2C - Evaluate fee schedule	Yes	Yes	
2D - Define use of surcharge			Yes
2E - 2015 policy option package for general fund to support compliance work	Yes		
2F – 2015 legislative concept similar to Senate Bill 83 from the 2011 Legislative session	Yes	Yes	
2G - Implement recruitment strategies			Yes

⁸ Currently it is optional for a county to administer the onsite program under contract with DEQ. This strategy would make it mandatory that all counties administer the onsite program under contract with DEQ. It would no longer be optional.

⁹ A building inspector who is also registered as an environmental health specialist or waste water specialist could be qualified to conduct pre-cover inspections and other onsite program duties without executive/administrative action.

CSC Issuance between 1/1/2014 - 12/31/2014

Method of CSC Issuance

DEQ Office

Number of CSCs

Certificate of Satisfactory Completion - Issued

Coos Bay	94
Grants Pass	35
Medford	100
Pendleton	147
Warrenton	11
	387

61.82%

Certificate of Satisfactory Completion - Op of Law

Coos Bay	17
Grants Pass	34
Medford	109
Pendleton	43
Warrenton	36
	239
	626

38.18%

Pre-Cover Inspections Conducted 2014

DEQ Office
Coos Bay

Type of Pre-Cover Inspection

Number of Inspections

Grants Pass	Pre-Cover - Correction Notice Issued	9
	Pre-Cover Inspection	65
	Pre-Cover Inspection Waived	45
		119
	Pre-Cover - Correction Notice Issued	2
	Pre-Cover Inspection	32
	Pre-Cover Inspection Waived	34
		68
Medford	Pre-Cover - Correction Notice Issued	3
	Pre-Cover Inspection	85
	Pre-Cover Inspection Waived	120
		208
Pendleton	Pre-Cover - Correction Notice Issued	79
	Pre-Cover Inspection	139
	Pre-Cover Inspection Waived	68
	Pre-Cover Inspection with Reinspection Fee	1
		287
Warrenton	Pre-Cover - Correction Notice Issued	2
	Pre-Cover Inspection	10
	Pre-Cover Inspection Waived	36
		48
		730

377
Waived
52%

Onsite Septic Permits for Harney County

Year	Authorization	Repair	Evaluation	Construction
2011	1	4	11	12
2012	1	7	12	13
2013	2	10	7	6
2014	2	9	16	13
2015	1	1	5	3

As of 2-25-2015

In the attached work group recommendations on page 6, DEQ offices were not able to conduct requested inspections 35% of the time. Mike Kucinski is a whiz at pulling this information out of the database, but sadly, he moved into a different program with limited availability to gather information for us.

He was able to grab some data for 2014 and it looks worse than what was presented in the work group. Pre-cover inspections were waived 52% of the time. A couple reasons it got worse:

- Curry County was covering Coos and Curry from their office and that person resigned and Curry County returned the program to DEQ and we are covering from Eugene. We are hoping to get someone located there in the near future.
- We had a vacancy in the Medford office that covers Jackson and Josephine counties that we have just filled. Coverage was minimal beginning in October.
- Clatsop County was being covered from staff in Pendleton, and they took on the program in June, about the same time Curry gave the program back.

I expect 2015 to be closer to 35% of inspections and possibly a little better.

Earlier today I said that 52% of the inspections were waived because we couldn't make it. To clarify, some systems need multiple inspections and some only one and some have an inspection that corrections are required and that follow up inspection is waived.

Another piece of information I got from Mike Kucinski is related to the certificate of satisfactory completion that is used approving the septic system. 38% of CSCs issued are issued by operation of law, and that is to say that we could not get to the site to inspect the system within 7 days, and by statute the CSC is deemed issued by operation of law. Not to be too confusing the a subset of the 62% of CSCs that are not issued by operation of law, an unknown exact number of inspections are waived and a CSC is issued, and this would tend to happen when an inspector has a good installer putting the system in.

I hope that makes sense. I initially struggled to make sense of how/if the 38% jibed with the 52%.

338-010-0016

Waste Water Specialist Application Requirements

An individual applying for a waste water specialist registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;

(3) Provide documentation of one of the following qualification pathways:

(a) Registration Pathway 1 – Qualification through Waste Water Specialist Trainee Program.

(A) Trainee with Qualifying Bachelor's Degree: if applicant has obtained a waste water specialist trainee registration issued by the agency, applicant must submit:

(i) An official transcript as defined in OAR 338-005-0020 demonstrating attainment of a qualifying bachelor's degree with 45 quarter hours or equivalent semester hours in soil science courses, pursuant to ORS 700.053(3)(a);

(ii) Proof of 3,840 hours qualifying work experience under ORS 700.053(3)(a) as a registered waste water specialist trainee, under a supervisor specified in ORS 700.053 or equivalent supervisor as approved by the board;

(iii) Examination fees;

(iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See ORS 700.059 and OAR 338-010-0030(2); and

(v) Upon passage of all required examinations and before issuance of registration, applicant must pay all registration fees.

Approval of Minutes



Health Licensing Office
Environmental Health Registration Board



October 24, 2015
700 Summer St. NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Jeff Freund, Chair
Holly Skogley, Vice Chair
Frank Brown
Caroline Gross-Regan
Norman Marsh

MEMBERS BY PHONE

Jonathan Schott

STAFF PRESENT

Holly Mercer, Director
Sylvie Donaldson, Fiscal Services and Licensing Manager
Bob Bothwell, Regulatory Operations Manager
Joanna Tucker-Davis, Assistant Attorney General, Oregon
Department of Justice
Anne Thompson, Policy Analyst
Debby Daniels, Qualification Specialist
Samie Patnode, Policy Analyst

Call to order

Jeff Freund called the meeting of the Environmental Health Registration Board to order at 9:30 a.m. Roll was called.

Director Holly Mercer opened the meeting with an agenda change. While the topics of the meeting would remain, the order in which they would be presented would be altered so the meeting would flow better.

Items for board action

◆ **Approval of revised agenda**

Holly Skogley made a motion, with a second by Frank Brown, to approve the revised agenda. Motion passed unanimously.

◆ **Approval of minutes**

Holly Skogley made a motion, with a second by Norman Marsh, to approve the minutes for June 27, 2104. Motion passed unanimously. Frank Brown made a motion, with a second by Caroline Gross-Regan, to approve the minutes for July 18, 2014. Motion passed unanimously.

◆ **Approval of 2015 meeting dates**

Holly Skogley made a motion, with a second by Norman Marsh, to approve the meeting times and dates presented by the Office:

- 9:30 a.m. Friday, Feb. 20, 2015
- 9:30 a.m. Friday, June 26, 2015
- 9:30 a.m. Friday, Oct. 23, 2015

Motion passed unanimously.

◆ **Approval of 2015 chair and vice chair**

Jonathan Schott made a motion, with a second by Frank Brown, to retain Jeff Freund as chair and Holly Skogley as vice chair in 2015. Motion passed unanimously.

◆ **Policy background prior to public comment**

Before the written the comments were read into the record, Mercer explained how the Board and Office got to the draft rule language that led to the public comments. She said that Mark Nystrom, of the Association of Oregon Counties, presented a workgroup report on the Oregon Department of Environmental Quality (DEQ) budget note about the onsite septic system program. Health Licensing Office (HLO) staff and legal counsel drafted some language around the “sign off from afar” concept. This public comment was what we received in response to the proposed language.

Schott asked for some background on the process being discussed. Freund explained that there’s a proposal to allow non-registered environmental health specialist (REHS) staff to perform simple pre-cover onsite septic system inspections in lieu of an REHS to save money or be more efficient in the field.

Mercer said the other piece of the language was that final report needed to be signed off on by a licensed environmental health specialist. The data gathering could be done by someone who wasn’t licensed. This came up because of a DEQ budget note and a government efficiency workgroup that wanted to explore how rural counties could get these inspections performed. If the inspections aren’t done in a set amount of time the inspections are waived. There was a concern that the waivers might be happening more often and maybe there is a way to have the data gathered and reviewed by a licensee.

◆ **Public comment I**

Policy analyst Anne Thompson read the exhibits into the record:

- Exhibit 1 from Ian Stromquist sent Oct. 21, 2014
- Exhibit 2 from Mike Matthews sent Oct. 21, 2014
- Exhibit 3 from Bill Emminger sent Oct. 16, 2014
- Exhibit 4 from John Zalaznik sent Oct. 14, 2014
- Exhibit 5 from Russ Hanson sent Oct. 14, 2014

Skogley asked to see OAR 340-071-0170, the DEQ rule that Exhibit 1 said the proposed language would “directly contradict.” The rule was brought up and displayed by staff.

Mercer explained that the Board’s statute and rules provided more latitude on who can do these inspections than perceived. The perception is that the Board has a very narrow view on who can do these inspections.

Skogley said the problem was the idea that there are so many inspections being waived that more need to be looked at. She said DEQ reported that the agency didn’t have the staff and can’t afford more to bring more REHS on staff.

Mercer explained the Board's choices are to proceed with rulemaking or continue to research other options. Mercer also said that if someone feels that an inspector should be licensed, they can file a complaint and HLO can assess it from an investigation standpoint on a case-by-case basis.

Freund said that allegedly DEQ has done this in the past – contracted in some counties with local electrical or plumbing inspectors to do these pre-covers, so precedence has been set. He said the Board should let the complaint process work itself out and asked how many complaints the Office has received.

Regulatory manager Bob Bothwell said there were no complaints that he knows of in the three years he has been at HLO.

Joanna Tucker-Davis, assistant attorney general with Oregon Department of Justice, explained the goal of the language, comparing it with the Board's statutes, focusing on the judgment component.

Skogley said the meeting was the first she had heard DEQ was using people other than EHS' to do this inspection work.

After more discussion about the DEQ exemption in statute and budget issues with DEQ, Mercer said that a representative from that agency's onsite program could come to the next meeting and have an open discussion, but Mercer suggested the Board provide questions in advance.

Freund said that more discussion on the issue was merited and more input would be appropriate.

Mercer said she would speak to Randy Trox at DEQ about the Board's questions and seek input from other stakeholders.

Reports

◆ Director's report

Mercer reviewed the military qualification and military spouse/domestic partner administrative rules the Office filed. She also reviewed the Board's priorities, which included the DEQ onsite program, and clarification around scope of practice.

◆ Licensing and fiscal statistical reports

Sylvie Donaldson, Fiscal Services and Licensing Manager, showed the board the licensing and renewal totals. There were 246 registrants, with the majority being male environmental health specialists.

◆ Regulatory report

Bothwell said there were six complaints in this biennium and two have been closed. The rest remain open.

Public comment II

None.

Executive session

Freund called for the Environmental Health Registration Board to enter executive session pursuant to

ORS 192.660(2)(f) at 11:28 a.m. for the purpose of considering information or records exempt from public inspection.

Freund concluded executive session and the board reconvened regular session at 12:10 p.m. It was noted that no decisions were made and no votes were taken in executive session.

Other board business

Donaldson stated that the new National Environmental Health Association exam was revised, updated and took effect in July.

Freund mentioned the cosmetology inspection issue, and Mercer said the inspection sheets have been revised. Tucker-Davis said the “clean air” component was removed because the facility needed to comply, but inspectors don’t have the training to take air samples.

The Board also discussed rural hair salons and discussed how to make sure facility licenses have appropriate septic systems. Donaldson explained cosmetology qualifications and said there is no way to link facility licenses with the appropriate sanitary permitting.

Freund said that the thousands of rural salons may be what the Board should focus on. Skogley said the groundwater in Oregon is getting contaminated. Mercer said weighing the impact on business against the impact on the environment would be an interesting debate.

The meeting adjourned at 12:48 p.m.

Minutes prepared by: Anne Thompson, Policy Analyst

Director's report

Licensing and Fiscal Statistical Reports

Health Licensing Office Environmental Health Registration Board

Licensing Division Statistics as of February 12, 2015

2013 - 2015 Biennium

Authorizations Issued

Quarter	Environmental Health Specialist	Waste Water Specialist	Environmental Health Specialist Trainee	Waste Water Specialist Trainee	Total
1st	2	-	3	-	5
2nd	3	-	2	-	5
3rd	3	-	4	-	7
4th	1	-	1	-	2
5th	-	-	3	-	3
6th	6	-	1	-	7
7th	-	-	-	-	-
8th	-	-	-	-	-
Total:	15	-	14	-	29

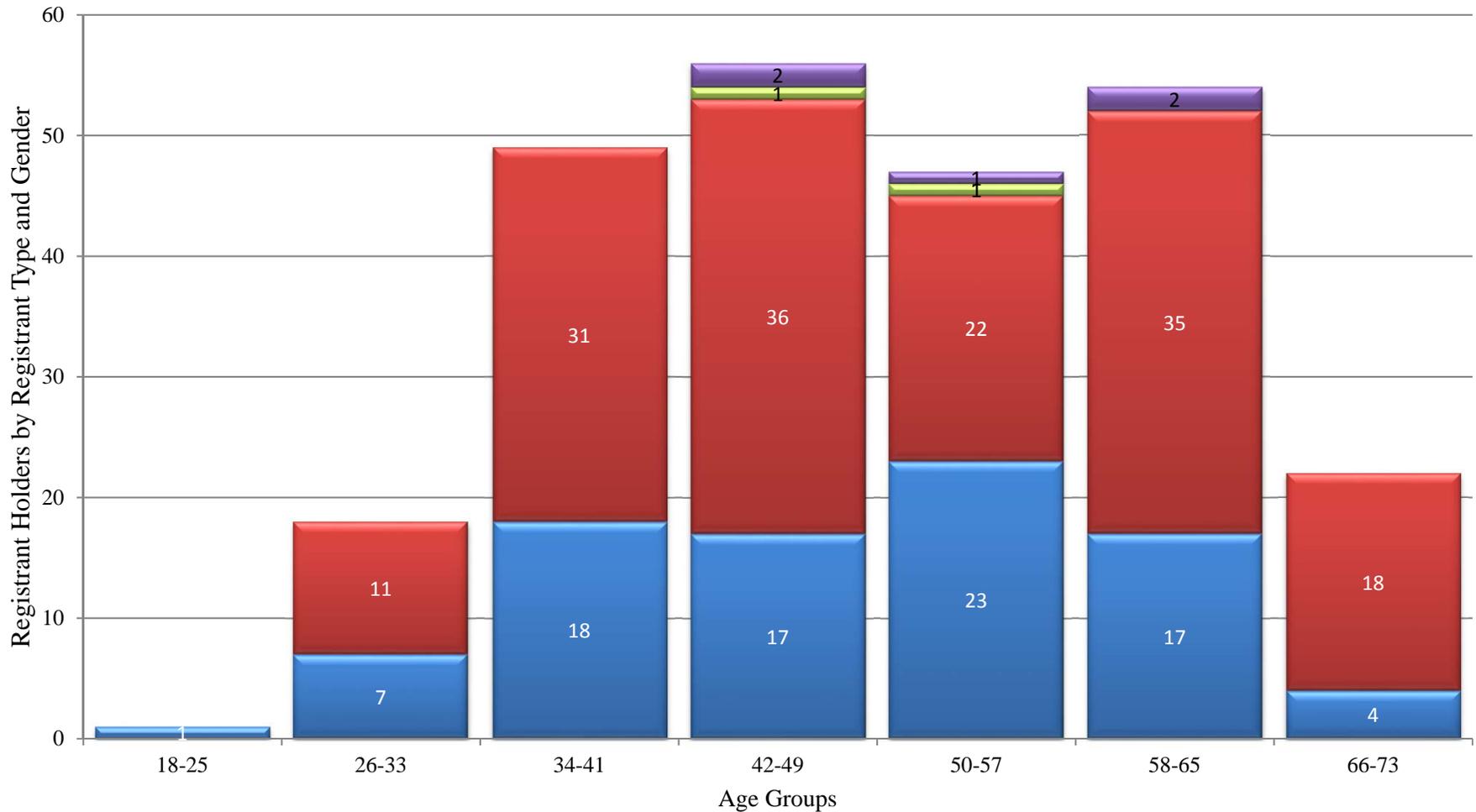
Renewals Processed

Quarter	Environmental Health Specialist	Waste Water Specialist	Total	% Renewed Online
1st	61	1	62	48.39%
2nd	56	3	59	45.76%
3rd	53	2	55	67.27%
4th	65	1	66	51.52%
5th	61	1	62	38.71%
6th	48	3	51	50.98%
7th	11	-	11	45.45%
8th	-	-	-	0.00%
Total:	355	11	366	50.00%

Environmental Health Registration Board

Active Environmental Health and Waste Water Registrants

Statistics grouped by Registration Type, Gender and Age Group as of February 12, 2015
2013 - 2015 Biennium



■ Environmental Health - Female

■ Environmental Health - Male

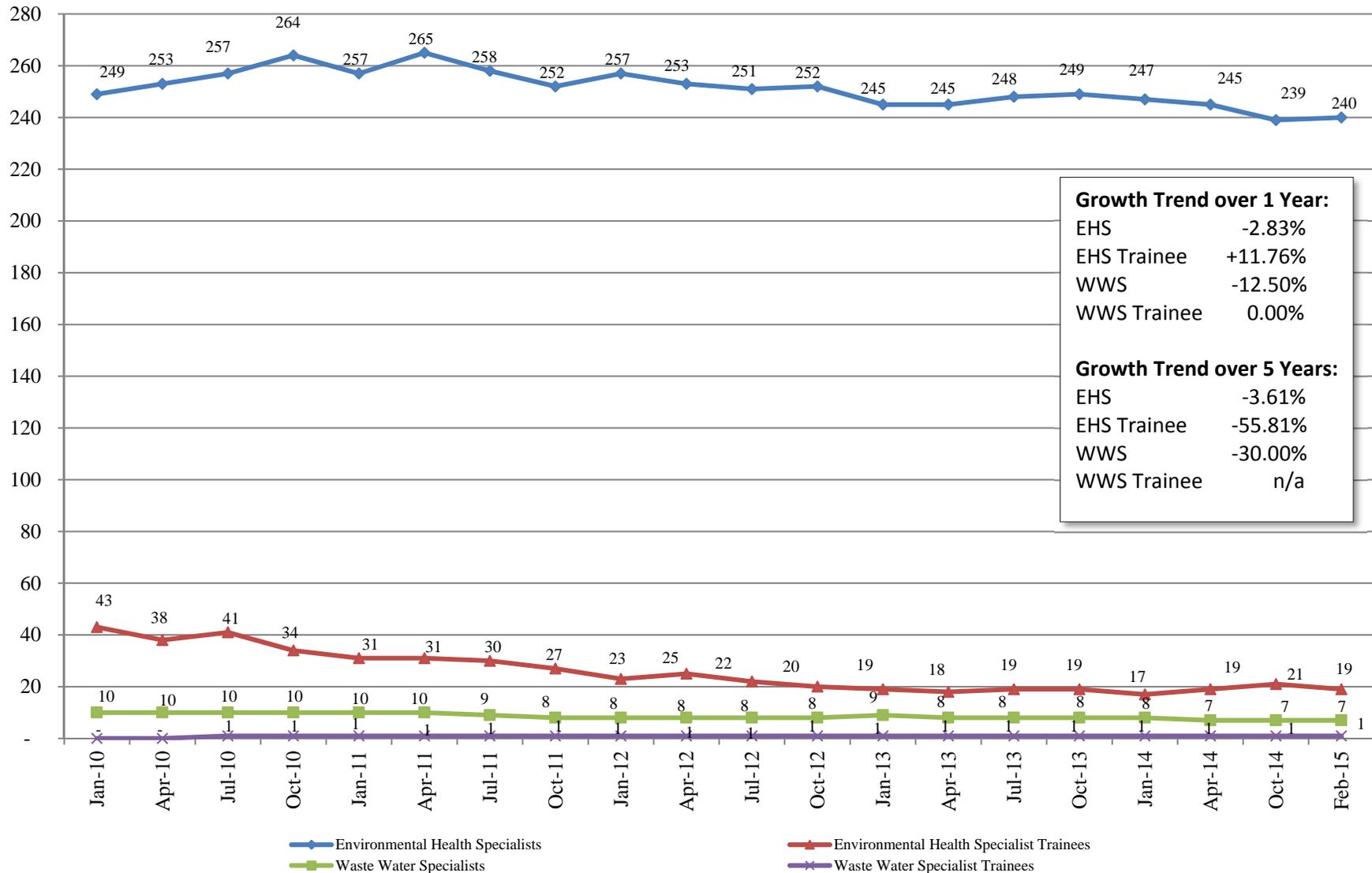
■ Waste Water - Female

■ Waste Water - Male

Total: 247

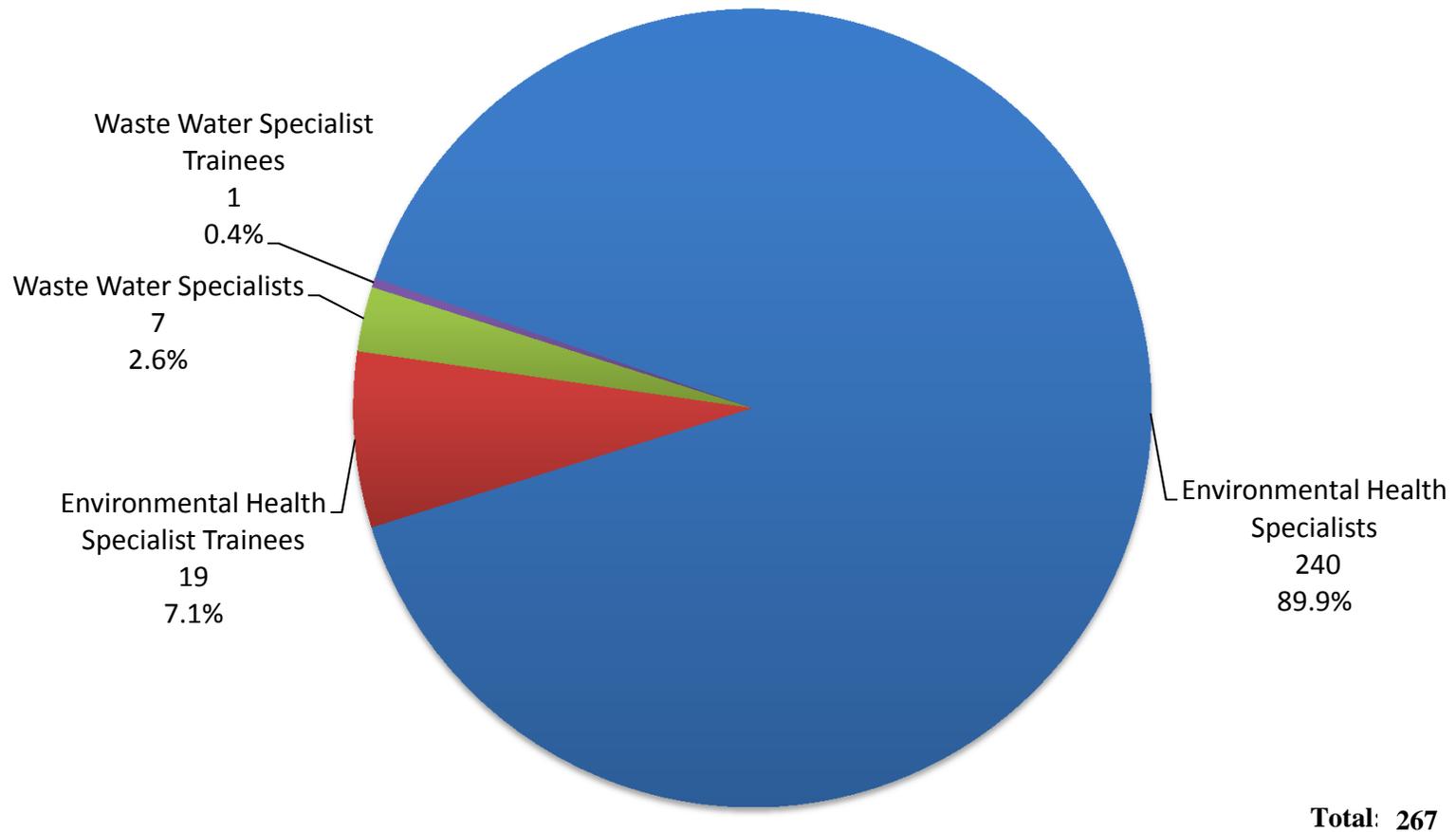
Environmental Health Registration Board

Active Registration Trend January 2010 - February 2015

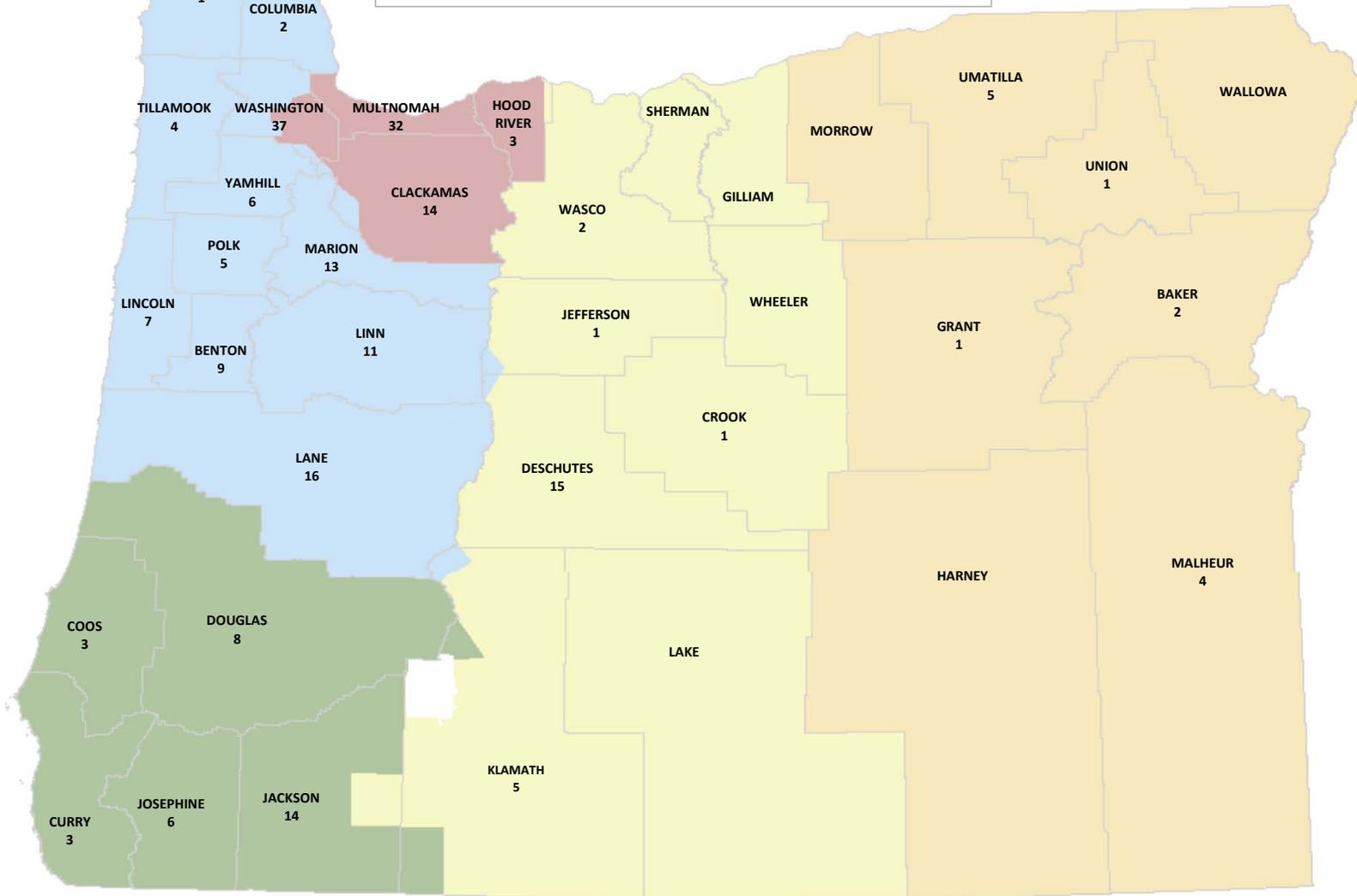


Environmental Health Registration Board

Registration Volume as of February 12, 2015
2013 - 2015 Biennium



**Environmental Health Specialists by County
As of February 12, 2015**



HEALTH LICENSING OFFICE Fund 7550 - ENVIRONMENTAL HEALTH STATEMENT OF CASH FLOW FOR THE PERIOD 07/01/13 - 02/12/15	
CURRENT	
13-15' Beginning Cash Balance	\$ (12,983.20)
Revenues	\$ 75,625.86
Expenditures	\$ 35,897.36
Less: Accrued Expenditures	
Less: Total Expenditures	\$ (35,897.36)
Subtotal: Resources Available	\$ 26,745.30
Change in (Current Assets)/Liabilities	\$ -
Ending Cash Balance (Actual)	\$ 26,745.30
Indirect Charges are calculated using the following rates:	
*Based on Licensee Volume as of May 20, 2013	
Shared Assessment %	0.40%
Examination %	0.40%
Small Board Qualification %	4.56%
Inspection %	0.00%

HEALTH LICENSING OFFICE Fund 7550 - ENVIRONMENTAL HEALTH STATEMENT OF CASH FLOW FOR THE PERIOD 07/01/13- 06/30/15	
PROJECTED	
13-15' Beginning Cash Balance	\$ (12,983.20)
Revenues	\$ 94,071.01
Expenditures	\$ 44,297.91
Less: Accrued Expenditures	\$ -
Less: Total Expenditures	\$ (44,297.91)
Subtotal: Resources Available	\$ 36,789.90
Change in (Current Assets)/Liabilities	\$ -
Ending Cash Balance (Projection)	\$ 36,789.90
Indirect Charges are calculated using the following rates:	
*Based on Licensee Volume as of May 20, 2013	
Shared Assessment %	0.40%
Examination %	0.40%
Small Board Qualification %	4.56%
Inspection %	0.00%

Regulatory Report

Health Licensing Office



700 Summer St. NE, Suite 320
Salem, OR 97301-1287
Phone: (503) 378-8667
Fax: (503) 370-9004
Web: www.oregon.gov/oha/hlo
E-mail: hlo.info@state.or.us

Environmental Health Registration Board

February 27, 2015

2011 - 2013 Biennium

Between July 1, 2011 and June 30, 2013, 1 complaint was received by the Office. Total closed 1.

ANONYMOUS	CLIENTS	OTHER
0	0	1

2013 - 2015 Biennium

Between July 1, 2013 and January 31, 2015, 6 complaints were received by the Office. Total open 4. Total closed 2.

ANONYMOUS	CLIENTS	OTHER
1	0	5

Other: Internal
General Public

Public/Interested Parties' Feedback

Other Board Business

