

ODEQ ENFORCEABLE POLICIES	Statute Edition 2013 approved in Program	Generally Implemented by:
<p>ORS Chapter 454 (Sewage and Disposal Systems) Link to ORS Chapter 454</p>	<p>.605 Definitions for ORS 454.605 to 454.755 .607 Policy .610 Regulation of gray water discharge; permit; rules .655 Permit required for construction; application; time limit; special application procedure for septic tank installation on parcel of 10 acres or more .657 Variance from subsurface sewage disposal system rules or standards; conditions; hearing</p>	<p>-Onsite Wastewater Treatment System Permit</p>
<p>ORS Chapter 468A&468B (Air and Water Quality) Link to ORS Chapter 468A Link to ORS Chapter 468B</p>	<p>Entire Chapters A&B</p>	<p>-Air Contaminant Discharge Permit -Title V Operating Permit -Section 401 Water Quality Certification (Dredge and Fill, and Hydroelectric) -National Pollutant Discharge Elimination System (NPDES) Permits (General, Individual, and Stormwater) -Water Pollution Control Facilities (WPCF) Permits (General and Individual)</p>

Note: Chapters 465,466, and parts of 468 have not been updated for years in the OCMP. An RFP is currently posted to update them with the 2017 version of these statutes. If any of these Chapters are applicable to JCEP project, the version used for Federal Consistency will be the version approved for the program at that time and not current statute language. Please contact DLCD for details.

REGULATION OF SUBSURFACE SEWAGE DISPOSAL

454.605 Definitions for ORS 454.605 to 454.755. 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) "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) "Construction" includes installation, alteration or repair.
- (4) "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) "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) "Governmental unit" means the state or any county, municipality or other political subdivision, or any agency thereof.
- (7)(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) "Local unit of government" means any county or municipality.
- (9) "Nonwater-carried sewage disposal facility" includes, but is not limited to, pit privies, vault privies and chemical toilets.
- (10) "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) "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) "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) "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) "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) “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. [1973 c.835 §208; 1975 c.167 §1; 1977 c.828 §1; 1991 c.598 §3; 1999 c.551 §3; 2009 c.248 §3]

454.607 Policy. It is the public policy of the State of Oregon to encourage:

- (1) Improvements to, maintenance of and innovative technology for subsurface and alternative sewage disposal systems and nonwater-carried sewage disposal facilities consistent with the protection of the public health and safety and the quality of the waters of this state; and
- (2) The appropriate reuse of gray water for beneficial uses. [1999 c.551 §2; 2009 c.248 §2]

454.610 Regulation of gray water discharge; permit; rules. (1) A person may not construct, install or operate a gray water reuse and disposal system without first obtaining a permit from the Department of Environmental Quality. A gray water reuse and disposal system for which a permit has been issued under this section is exempt from the requirements of ORS 454.655. The Environmental Quality Commission shall adopt rules for permits issued under this section. In adopting the rules, the commission shall:

- (a) Consider the recommendations of an advisory committee appointed by the department pursuant to ORS 183.333;
 - (b) Minimize the burden of permit requirements on property owners; and
 - (c) Prescribe requirements that allow for separate systems for the treatment, disposal or reuse of gray water. These requirements must ensure the protection of:
 - (A) Public health, safety and welfare;
 - (B) Public water supplies; and
 - (C) Waters of the state, as that term is defined in ORS 468B.005.
- (2) Subject to ORS 454.645, the rules adopted by the commission under this section may not prohibit the discharge of gray water if:
- (a) Soil and site conditions for such gray water conform to the rules of the department regarding standard subsurface sewage disposal systems or alternative sewage disposal systems, except that such systems may use two-thirds the normal size surface area for a drainfield and shall be preceded by a treatment facility such as, but not limited to, a septic tank; or
 - (b) Such gray water is discharged into an existing subsurface sewage disposal system or alternative sewage disposal system that is functioning satisfactorily, or a public sewage system that serves the dwelling from which such gray water is derived. [1977 c.523 §6; 1999 c.551 §4; 2001 c.104 §194; 2009 c.248 §4]

454.655 Permit required for construction; application; time limit; special application procedure for septic tank installation on parcel of 10 acres or more. (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) 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.

(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. [1973 c.835 §213; 1974 c.30 §2; 1975 c.167 §5; 1975 c.794 §1; 1999 c.551 §6; 2001 c.557 §6]

454.657 Variance from subsurface sewage disposal system rules or standards; conditions; hearing. (1) After hearing the Environmental Quality Commission may grant to applicants for permits required under ORS 454.655 specific variances from the particular requirements of any rule or standard pertaining to subsurface sewage disposal systems for such period of time and upon such conditions as it may consider necessary to protect the public health and welfare and to protect the waters of the state, as defined in ORS 468B.005. The commission shall grant such specific variance only where after hearing it finds that strict compliance with the rule or standard is inappropriate for cause or because special physical conditions render strict compliance unreasonable, burdensome or impractical.

(2) The commission shall adopt rules for granting variances from rules or standards pertaining to subsurface sewage disposal systems in cases of extreme and unusual hardship. The rules shall provide for consideration of the following factors in reviewing applications for variances due to hardship:

(a) Advanced age or bad health of applicants;

(b) Relative insignificance of the environmental impact of granting a variance; and

(c) The need of applicants to care for relatives who are aged or incapacitated or have disabilities.

(3) The department shall strive to aid and accommodate the needs of applicants for variances due to hardship.

(4) Variances granted due to hardship may contain conditions such as permits for the life of the applicant, limiting the number of permanent residents using a subsurface sewage disposal system and use of experimental systems for specified periods of time. [1975 c.309 §2; 1979 c.591 §4; 2007 c.70 §256]