



Oregon Department of Environmental Quality

Written Comments

Onsite Wastewater Management Program 2025

Advisory Committee Meeting 3

This document is a compilation of written comments received in response to the Onsite Program 2025 Rulemaking Advisory Committee meeting held Feb. 13, 2025

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Translations or other formats

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From: [Sheryl Ervin](#)
To: [NELSON Kyle * DEQ](#)
Subject: RE: Fiscal impact statement
Date: Tuesday, February 25, 2025 9:13:33 AM
Attachments: [image001.png](#)

Good Morning Kyle,

Thanks for your help yesterday and I'm happy summarize our conversation. The concern under the *Environment Justice Considerations* section is based on the treatment standards defined in OAR 340- 071-0100. Treatment Standard 2 requires a 30-day average of less than 20 mg/L BOD₅ and TSS, a 30- day geometric mean of less than 400 fecal coliform per 100 milliliters, and a 30-day average of 30 mg/L of TN. There are instances where fecal reduction is needed, others where total nitrogen needs to be reduced and others where both are needed. The most common situation is that only nitrogen reduction is needed although the homeowner also is required to incur the cost of the equipment, installation and ongoing maintenance of the disinfection system. This is a concern from an environmental justice perspective because a financial burden may be placed on members of low-income communities that is not necessary and could potentially prevent people in these communities from utilizing the onsite wastewater system needed for their situation. I understand that this rule revision is focused on sewer availability and ADU issues, although the current rule requirement for TS-1 and TS-2 have implications associated with sewer availability and ADUs and the fiscal impact associated with environmental justice considerations.

Please let me know if I need to clarify this language. Sheryl

From: [Amy Pepper](#)
To: [NELSON Kyle * DEQ](#)
Cc: [Onsite 2025 * DEQ](#); [Jerry Linder](#)
Subject: RE: Onsite Redline Draft Rules
Date: Tuesday, February 18, 2025 3:40:06 PM
Attachments: [image001.png](#)
[Draft Sewer Availability Rules AP Comments.pdf](#)

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Kyle ~

Please see the attached redlines. I have made them simplified. It's my recommendation to leave the 300 feet distance alone. For the 200 feet clarification related to the repairs, remove the distance as measured from the structure.

The list of items that a municipality could consider is not super helpful to me as a practitioner of code, but may provide other municipalities some flexibility in items to consider in drafting their own code language.

Please let me know if you have any questions or need any

clarification. Amy

340-071-0100

(X) “Municipality” means a city, county, county service district, sanitary authority or sanitary district.

340-071-0160

Permit Application Procedures – Construction, Installation, Alteration, and Repair Permits

(1) Permittees. A permit to construct a system may be issued under this rule only to the owner of the real property that the system will serve.

(2) Application. A completed application for a construction, installation, alteration, or repair permit must be submitted to the appropriate agent on approved forms with all required exhibits and the applicable permit application fee in OAR 340-071-0140(3). Applications that do not comply with this section will not be accepted for filing. Except as otherwise allowed in this division, the exhibits must include:

(a) A site evaluation report approving the site for the type and quantity of waste to be disposed. Agents may waive the requirement for the report and fee for applications for repair or alteration permits.

(b) A land use compatibility statement from the appropriate land use authority as required in OAR chapter 340, division 018.

(c) Plans and specifications for the onsite system proposed for installation within the area the agent identified and approved in a site evaluation report. The agent must determine and request the minimum level of detail necessary to insure proper system construction.

(d) A written statement from the sewer authority confirming a community or area-wide sewerage is not available if the property is located within a city limit, urban growth boundary, or sanitary district or equivalent.

(e) Any other information the agent determines is necessary to complete the permit application.

...

(4) Permit denial. The agent must deny a permit if any of the following occurs:

(a) The application contains false information.

(b) The agent wrongfully received the application.

(c) The proposed system would not comply with applicable requirements in this division or in OAR chapter 340, division 073.

(d) The proposed system, if constructed, would violate a commission moratorium under OAR 340-071-0460.

(e) The proposed system location is encumbered as described in OAR 340-071-0130(8).

(f) A **community or area-wide** sewerage system **is available** that can **satisfactorily accommodate** ~~serve~~ the proposed sewage discharge ~~flow~~. A sewerage system is considered available if the property to be served is located within a city, urban growth boundary, or sanitary district or equivalent, and the system is both **physically** ~~legally~~ and **legally** ~~physically~~ available, as described in paragraphs (A) and (B) of this subsection.

(A) Physical availability. A sewerage system is considered **physically** available if topographic or man-made features do not make connection physically impractical, **as determined by the municipality**, and one of the following applies:

(i) **For a construction-installation permit** a single family dwelling or other establishment with a maximum projected daily sewage flow not exceeding 899 gallons, the nearest sewerage connection point from the property to be served is within 300 feet, ~~measured from the property boundary that abuts the sewer utility easement.~~

(ii) **For a repair or alteration permit to serve a single family dwelling or other establishment with a maximum projected daily sewage flow not exceeding 899 gallons**, the nearest sewerage connection point from the property to be served is within 200 feet, ~~measured from the closest structure to be served.~~

(iii) For any permit, a proposed subdivision or group of two to five or more single family dwellings or other establishment with the equivalent projected daily sewage flow, the nearest sewerage connection point from the property to be served is not further than 200 feet multiplied by the number of dwellings or dwelling equivalents.

(B) Legal availability. A sewerage system is **deemed** legally available if the system is not under a DEQ connection permit moratorium and the **sewerage system owner is willing or obligated to provide sewer service** the governing municipality determines if a community or area-wide sewerage system is available by local ordinance. Legal availability may include but is not limited to the following considerations:

- (i) Distance to a sewerage connection point as a proxy of cost to extend sewer;
- (ii) Residential compared to non-residential or commercial uses;
- (iii) Single family dwellings and duplexes compared to multi-family dwellings;
- (iv) Partitioned and vacant lots compared to existing development;
- (v) Statewide planning goals;
- (vi) Social and Environmental Justice goals;
- (vii) Scope of septic system repairs;
- (viii) Age of existing septic systems and evidence of failing septic systems;
- (ix) Other environmental and public health concerns;
- (x) Extenuating circumstances that require a waiver.

340-071-0215

Repair of Existing Systems

(1) The system owner must ensure a failing system is immediately repaired unless, in the opinion of the agent, adverse soil conditions resulting from climatic conditions would likely preclude a successful repair. In that circumstance, the agent may allow a delay in commencing or completing repairs until the soil conditions improve. If the agent authorizes a delay, the agent must issue a notice of noncompliance to the system owner specifying a compliance date and any interim provisions required to prevent a public health hazard and protect public waters.

(2) Except for emergency repairs, a person may not repair a failing system without first obtaining a repair permit under this rule. A person may make emergency repairs without

first obtaining a permit if a repair permit application is submitted to the agent within three working days after the emergency repairs are begun. The permit application procedure is described in OAR 340-071-0160.

(3) Repairs for properties located within a city limit, urban growth boundary, or sanitary district or equivalent, including emergency repairs, must obtain a written statement from the sewer authority confirming a community or area-wide sewerage is not available prior to repairing a failing system.

(4) Certificate of Satisfactory Completion.

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