



Onsite Wastewater Management Program 2025 Rulemaking (Informational)

July 11, 2025, Oregon Environmental Quality Commission Meeting

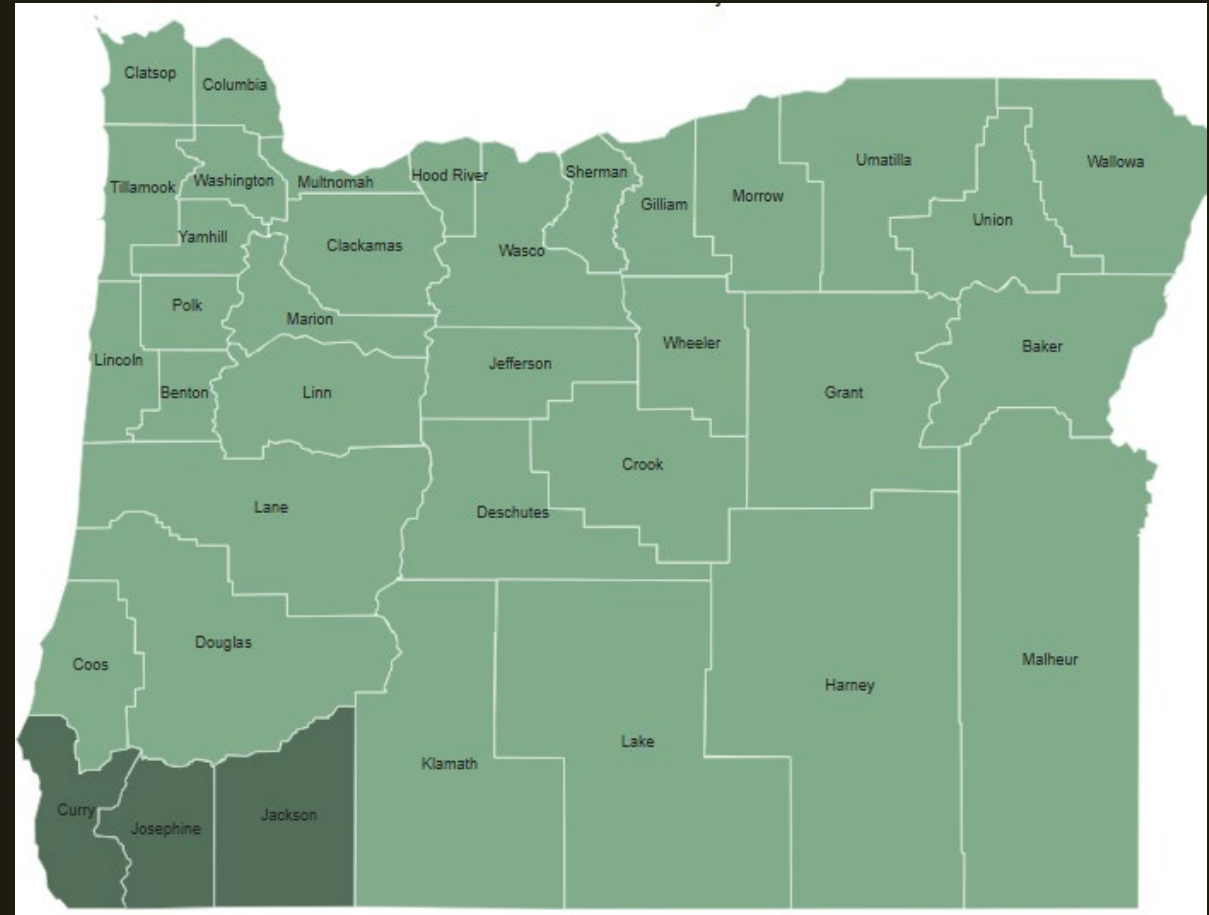
Sara Slater, Deputy Water Quality Administrator (She/Her/Hers)

Sean Rochette, Onsite Program Manager (He/Him/His)

Kiley Clamons, Onsite Program Training and Natural Disaster Specialist (She/Her/Hers)

Onsite Program Overview

- ~30% of Oregonians use onsite wastewater (septic) systems
- 1974 – DEQ begins to oversee the Onsite Program
- DEQ provides direct service to 3 counties and contracts with the remaining 33 counties



Onsite Wastewater Rulemaking 2025

ADU and
Sewer
Availability
Legislation
2023

Rulemaking
Process
Begins
August 2024

RAC Meeting
#2
January 2025

Public
Comment
Period
May 2025

Rulemaking
Prep
April 2024

Rulemaking
Advisory
Committee
(RAC)
Meeting #1
December
2024

RAC Meeting
#3 and #4
February
2025

Engagement

Onsite Wastewater Management Program 2025 Advisory Committee	
Name	Representing
Brian Rabe	Elkhorn Consulting
Todd Cleveland	Deschutes County
Kevin Riddle	Sweet Water Sanitation/Oregon Onsite Wastewater Association
Sheryl Ervin	Infiltrator Water Technologies
Peggy Lynch	League of Women Voters of Oregon
Lucas Marshall	Clatsop County
Nicholas Peasley	Oregon Association of Realtors
Michelle Miranda	City of Eugene representing League of Oregon Cities
Amy Pepper	City of Wilsonville/Oregon Association of Clean Water Agencies (ACWA)
Lisa Rogers	Casa of Oregon
Engaged Alternates	
Brock Nation	Oregon Association of Realtors
Jerry Linder	Clean Water Services/Oregon Association of Clean Water Agencies (ACWA)

- Oregon Onsite Wastewater Association Annual Conference (O2WA)
- O&M Task Force Maintenance Provider Advisory Committee
- Digging Onsite – Regulator Community
- Public Comment Period and Hearing

Rulemaking Topics

Sewer
Availability

Accessory
Dwelling Units
(ADUs)

Nutrient
Loading and
Treatment

Operation and
Maintenance

Variances

Housekeeping/
Misc. Changes

Sewer Availability – Background

AUTHORITY	CAPACITY	PHYSICAL AVAILABILITY	LEGAL AVAILABILITY
MUNICIPALITY	✓ Typically determines, unless DEQ Connection Moratorium (rare)	✓ Identifies topographical or man-made restraints	✓ Determines willingness and obligation
DEQ	✓ Typically defers, unless Connection Moratorium (rare)	✓ Identifies distance to nearest sewer connection (300 feet)	

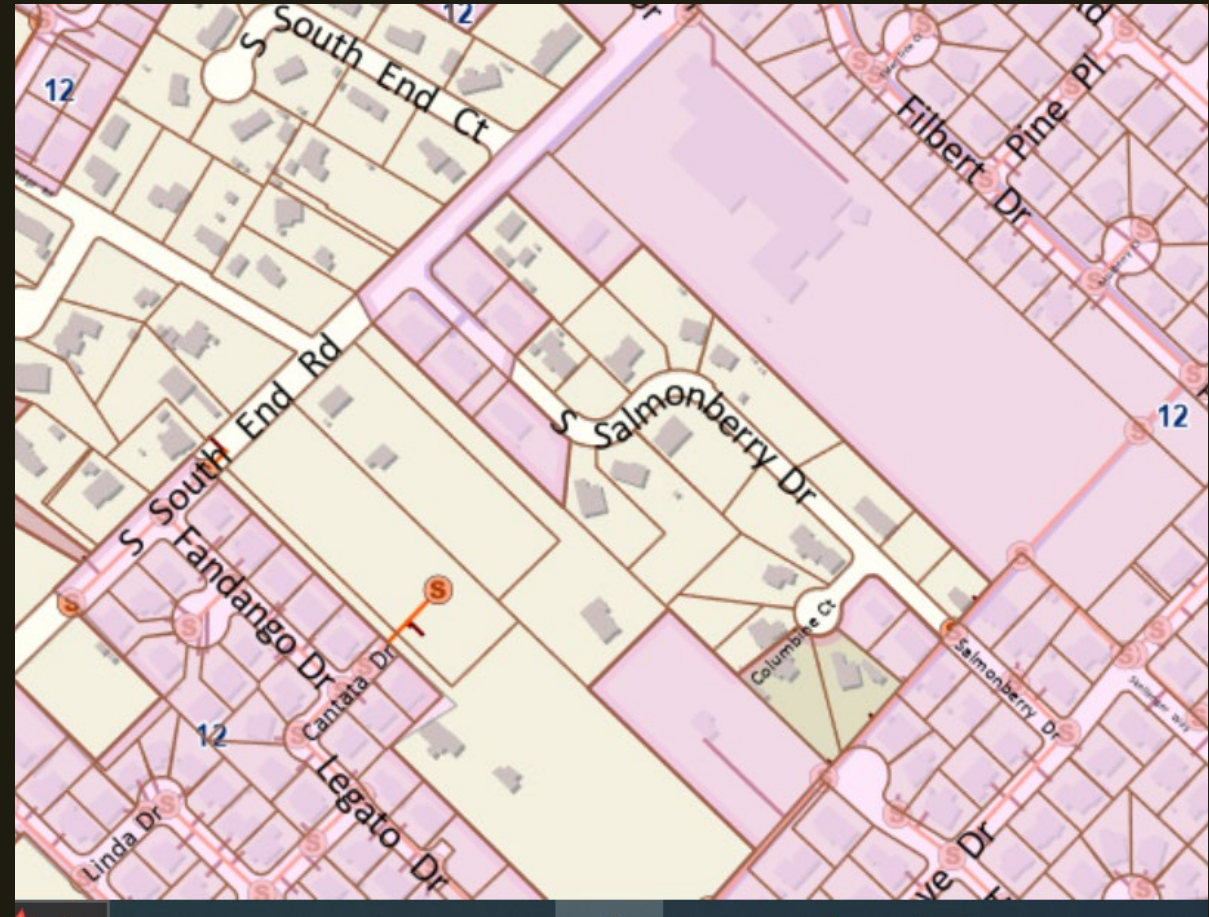
Sewer Availability – Senate Bill 931

The commission and may consider:

- Legal and physical availability;
- Cost of repairs to a septic system versus the cost of connecting to a sewer system;
- Scope and magnitude of repairs to a septic system;
- Statewide planning goals; and
- Environmental and public health concerns.

Sewer Availability – Changes

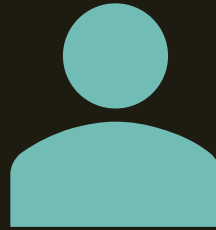
- Limit to cities, UGBs, and sanitary districts
- Reducing physical availability definition to 200' for repairs and alterations (existing development)
- Add sewer availability permit application requirement for properties within cities, UGBs, and sanitary districts
- Better define legal availability and provide broad guidance



Sewer Availability – Impacts



Encourage local ordinances to support balanced development



Clearer agency roles = streamlined applications



Short-term savings for some homeowners (repairs vs. connection)

ADUs – Background

- 2021 – SB 391 authorizes counties to allow ADUs in rural residential zones with conditions
- 2023 – SB 835 directs the EQC to approve rules for connecting ADUs to septic systems



Photo Credit: Strategic Realty, Deschutes County Rural Accessory Dwelling Unit Update

ADUs – Changes

- Define ADUs
- Provide sizing criteria = 300 gpd for 1-2 bedroom ADU
- Clarify pathways for shared or standalone septic systems



Photo Credit: City of Medford ADU Photo Gallery

ADUs – Impacts



Minimal fiscal impacts



Adds transparency to existing practices



Saves applicants money (reuse of denied application fees)

Nutrient Loading and Treatment – Background



- Nutrient pollution concerns in specific areas such as coastal lakes, southern Deschutes/ northern Klamath counties, areas of groundwater concerns
- Treatment Standard 3 is not currently feasible

Image Credit: Google Earth Pro, (6/17/2024). Devils Lake, Oregon

Nutrient Loading and Treatment – Changes and Impacts



Allow geographic conditions to influence site evaluations



Explicitly permit agents to require ATT systems with higher nitrogen removal



Empowers agents to require more than minimum standards in places where current rules are not protective enough



May increase costs to property owners in sensitive areas; will better protect environmental and community health, particularly in underserved areas that often experience greater environmental risks

Operation and Maintenance – Background

- Complex septic systems require ongoing maintenance and oversight to ensure proper function
- Alternative systems are often sited in sensitive environments
- Current rules require annual operation and maintenance (O&M) reporting
- Demand for alternative systems continues to grow
- 2023 – O&M Task Force formed to identify and address O&M Program issues
- Rulemaking supports overall initiative to improve program



Operation and Maintenance – Changes

Moving all O&M
rules into one
section - 0132

Clarifying
maintenance
provider and owner
responsibilities

Add minimum
maintenance
requirements

Expand definition of
Compliance
Recovery Fee

Introducing
Ongoing contracts

Add Start-up
inspections before
CSC

Operation and Maintenance – Impacts



Increased compliance rates



Prevent premature failures and reduce risk to public and environmental health



Fines for noncompliance: up to \$636 (owners), up to \$60 (providers)



Administrative improvements for efficiency

Variances – Background

Most often applied for after denied site evaluation because lot cannot meet standards

Anyone that is adversely impacted by a variance decision can appeal

Currently appealable only in circuit court

Variances – Changes and Impacts

Improve transparency: Clarify that the proposal demonstrates that the system design is equally or more protective to public health and the environment as the rules and explicitly allow ongoing conditions like sampling and reporting

Reduce costs: Shifts appeal process for variances to a contested case hearing

Housekeeping/Misc. – Background

- ✓ Clarify
- ✓ Update verbiage to incorporate plain language
- ✓ Remove outdated terms and rules
- ✓ Modernize
- ✓ Align with industry standards, public and environmental health protection

Housekeeping/Misc. – Changes and Impacts



Expanding major maintenance to include replacing distribution and drop boxes



Adding a SDS license requirement to people doing Existing System Evaluation Reports (ESERs) with only a NAWT certification



Adds that an agent can require a new site evaluation if the existing record doesn't have sufficient information to identify the approval area



Removing standing technical review committee and geographic rule for River Road, Santa Clara Area, Lane County

Next Steps

- DEQ staff to respond to public comments and make final edits to draft rules
- September EQC meeting – action item to adopt 2025 rulemaking changes

Questions?



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