



# Onsite Wastewater Management Program 2025 Rulemaking

Agenda Item C, Action Item  
Sept. 11, 2025

Sara Slater, Deputy Water Quality Administrator, She/Her/Hers  
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# Prior EQC Informational Item



Background Information about Septic Systems



Overview of the Onsite Program



Rulemaking Process and Engagement



Primary Rulemaking Topics

- Sewer Availability
- Accessory Dwelling Units (ADUs)
- Nutrient Loading and Treatment
- Variances
- Operation and Maintenance
- Housekeeping/Misc. Changes

# Today's Road Map

- Summary of Rule Changes
- Involvement of Interested Parties
- Public Comment Period
- Proposed Implementation Strategy
- Recommend Motion to Adopt





# Summary of Rule Changes - Sewer Availability

- Background and Events Leading to SB 931
  - Concerns with cost of sewer connection vs. septic repair
- DEQ vs. Municipality Authority
  - DEQ must deny a septic permit if sewer is available
  - Municipality determines physical and legal availability



# Summary of Rule Changes - Sewer Availability

SB 931 Considerations	Proposed Rule Changes
Legal and physical availability	Keep existing legal and physical availability framework; add clarity

# Summary of Rule Changes - Sewer Availability

SB 931 Considerations	Proposed Rule Changes
Cost of repairs to a septic system vs. cost of connecting to a sewer system	Reduce distance to sewer to 200 feet from 300 feet for dwellings needing repairs or alterations; provide considerations to municipalities

# Summary of Rule Changes - Sewer Availability

SB 931 Considerations	Proposed Rule Changes
Scope and magnitude of repairs to a septic system	Provide considerations to municipalities

# Summary of Rule Changes - Sewer Availability

SB 931 Considerations	Proposed Rule Changes
Statewide planning goals	Limit sewer availability to areas zoned for urbanization



# Summary of Rule Changes - Sewer Availability

SB 931 Considerations	Proposed Rule Changes
Environmental and public health concerns	<ul style="list-style-type: none"><li>• No change to DEQ authority</li><li>• Encourage municipalities to consider these concerns when drafting ordinances</li></ul>

# Summary of Changes - ADUs

- 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

# Summary of Rule Changes - Nutrient Loading and Treatment



Allow additional geographic considerations when conducting 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

# Summary of Rule Changes - Variances



Clarify that a variance proposal demonstrates that the system design is equally or more protective to public health and the environment as the rules, and explicitly allows ongoing conditions like sampling and reporting



Shifts appeal process for variance denials to a contested case hearing

# Summary of Rule Changes - Operation and Maintenance

Moving all O&M rules into one section - 0132

Clarifying maintenance provider and owner responsibilities

Adding minimum maintenance requirements

Expanding definition of Compliance Recovery Fee

Introducing Ongoing contracts

Adding Start-up inspections before CSC



# Summary of Rule Changes - Housekeeping/Misc.



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



Adding 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

# Involvement of Interested Parties

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)

- Rulemaking Advisory Committee Meetings: Dec. 3, Jan. 14, Feb. 13, Feb. 28
- Oregon Onsite Wastewater Association Annual Conference (O2WA)
- O&M Task Force Maintenance Provider Advisory Committee
- Digging Onsite – Regulator Community
- Public Comment Period and Hearing

# Public Comment - Overview

May 1<sup>st</sup> to  
May 23<sup>rd</sup>

One public  
hearing held  
on May 19<sup>th</sup>

Four  
comments  
received

# Public Comment - Key Concerns Raised

Topic	Comment Summary	Response Summary
Misc.	Suggested clearer “time dosing” definition and stricter container standards to prevent unapproved septic components	DEQ added language to clarify all containers must be <i>approved</i>

# Public Comment - Key Concerns Raised

Topic	Comment Summary	Response Summary
Misc.	Suggested aligning Divisions 071 and 073 to require 30-inch risers over each septic access	Does not fit into scope of this rulemaking – comment was added to our rulemaking tracking list for consideration at a future rulemaking
ADUs	Suggested adding Accessory Dwelling Structures provisions to rules to ensure proper septic sizing and prevent misuse	Does not fit into scope of this rulemaking – comment was added to our rulemaking tracking list for consideration at a future rulemaking



# Public Comment - Key Concerns Raised

Topic	Comment Summary	Response Summary
Sewer Availability	Stated proposed rules ignore SB 931's intent by omitting required sewer-vs-septic cost comparisons	DEQ affirms proposed rules align with SB 931, balancing cost concerns with statewide planning goals, environmental and public health protections, and ease of implementation, all within DEQ's regulatory authority

# Implementation Plan and Timeline



# Proposed Motion Language

*“I move that the Environmental Quality Commission adopt the proposed rule amendments in Attachment A as part of chapter 340 of the Oregon Administrative Rules.”*

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