Draft Rules - With Edits Highlighted

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DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 45

REGULATIONS PERTAINING TO NPDES AND WPCF PERMITS

340-045-0005

Purpose

The purpose of these rules is to prescribe limitations on discharge of wastes and the requirements and procedures for obtaining NPDES and WPCF permits from the Oregon Department of Environmental Quality.

Stat. Auth.: ORS 468 & ORS 468B
Stats. Implemented: ORS 468.065, ORS 468B.015 & ORS 468B.030
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76

340-045-0010

Definitions

(1) As used in this division unless otherwise required by context:

(2) "Commission" means the Environmental Quality Commission or the Commission's authorized designee.

(3) "~~Department~~DEQ" means the Oregon Department of Environmental Quality.

(4) "Director" means the Director of the Oregon Department of Environmental Quality or the Director's authorized designee.

(5) "Discharge or Disposal" means ~~the~~ placingement ~~of~~ wastes into public waters, on land, or otherwise into the environment in a manner that affects or may tend to affect the quality of public waters.

(6) "Disposal System" means a system for disposing of wastes by surface or underground methods and includes sewerage systems, treatment works, disposal wells, and other systems but excludes onsite sewage disposal systems regulated under OAR 340-071-0160, 340-071-0162, or ORS 454.655 and systems that recirculate without discharge.

(7) "Environmental Management Plan" means a document specified within the conditions of a permit that identifies environmental impacts, establishes environmental goals and periodic review for effectiveness in meeting environmental goals, best management practices, monitoring, corrective actions and other enforceable requirements of the permit.

(8~~7~~) "Federal Act" means Public Law 92-500, known as the Federal Water Pollution Control Act Amendments of 1972, and amendments.

(9~~8~~) "General Permit" means a permit issued to a category of qualifying sources underpursuant to OAR 340-045-0033 in lieu of individual permits for every source.

(10~~9~~) "Industrial Waste" means any liquid, gaseous, radioactive, or solid waste substance, or a combination of themthereof, resulting from any process of industry, manufacturing, trade, or business or from ~~the~~ developingment or recovering~~y of~~ any natural resources.

(11~~10~~) "Municipal Separate Storm Sewer" means a conveyance or system of conveyances including: roads with drainage systems, municipal streets, catch basins, curbs, gutter, ditches, manmade channels, or storm drains, that is:

(a) ~~o~~Owned or operated by a state, city, county, district, association, or other public body;

(b) ~~is d~~Designed or used for collecting or conveying ~~storm water~~stormwater; and,

(c) ~~i~~Is not a combined sewer or part of a Publicly Owned Treatment Works as defined in 40 ~~CFR~~C.F.R. §122.2.

(~~11~~12) "Municipal Separate Storm Sewer System" ~~or MS4"~~ means all municipal separate storm sewers that are defined as "large," "medium," or "small" municipal separate storm sewer systems in 40 ~~CFR~~C.F.R.C.F.R. §122.26(b).

(13~~12~~) "NPDES Permit" means a waste discharge permit issued under~~in accordance with~~ the National Pollutant Discharge Elimination System authorized by the Federal Act and OAR chapter 340, division 045.

(14~~13~~) "Navigable Waters" means all navigable waters of the United States and their tributaries; interstate waters; and intrastate lakes, rivers, and streams that are used by interstate travelers for recreation or other purposes or from which fish or shellfish are taken and sold in interstate commerce or that are used for industrial purposes by industries in interstate commerce.

(1514) "Permit Action" means DEQ's the issuingance, modifyingication, renewingal, or revokingcation by the Department of a permit.

(1615) "Person" means the United States and its agencies thereof, state, individual, public or private corporation, political subdivision, governmental agency, municipality, co-partnership, association, firm, trust, estate, or any other legal entity.

(1716) "Point Source" means any discernible, confined, discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged.

(1817) "Pollutant" means dredged spoil,; solid waste,; incinerator residue,; sewage,; garbage,; sewerage sludge,; munitions,; chemical wastes,; biological materials,; radioactive materials,; heat,; wrecked or discarded equipment,; rock,; sand,; cellar dirt,; and industrial, municipal, and agricultural waste discharged into water.

(1918) "Pretreatment" means the waste treatment that might take placeplace before prior to discharging to a sewerage system including but not limited to pH adjustment, oil and grease removal, screening, and detoxification.

(2019) "Process Wastewater" means wastewater contaminated by industrial processes but not including non-contact cooling water or storm runoff.

(2120) "Public Waters" or "Waters of the State" means lakes, bays, ponds, impounding reservoirs, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private, (except those private waters that do not combine or effect a junction with natural surface or underground waters,) that are wholly or partially within or bordering the state or within its jurisdiction.

(2221) "Regional Administrator" means the Regional Administrator of Region X of the U.S. Environmental Protection Agency.

(2322) "Septage" means the liquid and solid material pumped from a septic tank, holding tank, cesspool, or similar domestic sewage treatment system.

(2423) "Septage Alkaline Stabilization Facility" means a facility that actively mixes alkaline material with raw septage to increase and maintain pH at 12 in the resultant mixture for sufficient time to achieve chemical stabilization.

(2524) "Sewage" means water-carried human or animal waste from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration and surface water as may be present. The mixture of sewage with wastes or industrial wastes is also considered sewage.

(2625) "Sewerage System" means pipelines or conduits, pumping stations, force mains, and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

(2726) "State" means the State of Oregon.

(2827) "~~Storm water~~Stormwater" means ~~storm water~~stormwater runoff, snow melt runoff, and surface runoff and drainage.

(2928) "Toxic Waste" means any waste that will cause or can reasonably be expected to cause a hazard to fish or other aquatic life or to human or animal life in the environment.

(3029) "Treatment" or "Waste Treatment" means ~~the~~ alter~~at~~ing~~ion of~~ the quality of wastewater by physical, chemical, or biological means, or a combination of them~~thereof~~, that reduces the tendency of the wastes to degrade water quality or other environmental conditions.

(3130) "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances, that will or may cause or tend to cause pollution of any waters of the state.

(3231) "WPCF Permit" means a Water Pollution Control Facilities permit to construct and operate a disposal system with no discharge to navigable waters. A WPCF permit is issued by the Director under~~in accordance with~~ the procedures of this division or OAR 340-071-0162.

Stat. Auth.: ORS 454.625, 454.745, 468.020, 468B.020 & 468B.035
Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 22-1981, f. & ef. 9-2-81; DEQ 30-1992, f. & cert. ef. 12-18-92; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 7-2004, f. & cert. ef. 8-3-04

340-045-0015

Permit Required

(1) Without first obtaining a permit from the Director, a person may not:

(a) Discharge any wastes into the waters of the state from any industrial or commercial establishment or activity or any disposal system;

(b) Construct, install, modify, or operate any disposal system or part thereof or any extension or addition thereto;

(c) Increase in volume or strength any wastes in excess of the discharges authorized under an existing permit;

(d) Construct, install, operate, or conduct any industrial, commercial, or other establishment or activity, or any extension or modification of ~~thereof~~ or addition ~~there~~to them~~if~~, if the operation or conduct would cause an increase in the discharge of wastes into the waters of the state or would otherwise unlawfully alter the physical, chemical, or biological properties of any waters of the state;

(e) Construct or use any new outlet for ~~the~~ discharging~~e of~~ any wastes into the waters of the state.

(2) A person must obtain a valid NPDES permit before that person discharge pollutants into navigable waters from a point source. ~~Without first obtaining an NPDES permit, a person may not discharge into navigable waters pollutants from a~~

~~point source~~. A person must also obtain a valid NPDES permit before that person discharges ~~or~~ ~~storm water~~stormwater subject to permit requirements in 40 ~~CFR~~~~C.F.R.~~C.F.R. §122.26 or §122.33, including ~~storm water~~stormwater from large, medium, and regulated small municipal separate storm sewer systems and ~~storm water~~stormwater associated with industrial or construction activity.

(3) A valid NPDES permit satisfies the requirements of section (1) of this rule.

(4) A person discharging wastes into a sewerage system is not required to obtain a WPCF or NPDES permit if the owner of such sewerage system has a valid WPCF or NPDES permit. The person discharging must comply with all other applicable laws, rules, and regulations regarding water pollution.

(a) The owner of a sewerage system is responsible for controlling and treating the wastes the owner allows to be discharged into the system.

(b) Each user of the sewerage system must comply with applicable toxic and pretreatment standards and the recording, reporting, monitoring, entry, inspection, and sampling requirements of the Commission and the Federal Act and regulations and guidelines issued pursuant thereto.

(5) Each person required by sections (1) and (2) of this rule to obtain a permit must:

(a) Promptly apply to ~~the Department~~DEQ for the permit;

(b) Fulfill all terms and conditions of the permit issued;

(c) Comply with applicable federal and state requirements, effluent standards, and limitations including but not limited to those contained in or established under~~promulgated pursuant to~~ s~~S~~ections 204, 301, 302, 304, 306, 307, 402, and 403 of the Federal Act and applicable federal and state water quality standards; and

(d) Comply with ~~the Department's~~DEQ's requirements for recording, reporting, monitoring, entry, inspection, and sampling, and make no false statements, representations, or certifications in any form, notice, report, or document required.

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035
Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 12-2003, f. & cert. ef. 9-2-03; DEQ 7-2004, f. & cert. ef. 8-3-04

340-045-0020

Non-Permitted Discharges

No person may ~~D~~discharge ~~of~~ the following wastes into any navigable or public waters ~~shall not be permitted~~:

(1) Radioactive, chemical, or biological warfare agent or high-level radioactive waste.

(2) Any point source discharge that~~which~~ the Secretary of the Army acting through the Chief of Engineers finds would substantially impair anchorage and navigation.

(3) Any point source discharge to navigable waters that~~which~~ the Regional Administrator has objected to in writing.

(4) Any point source discharge that~~which~~ is in conflict with an area-wide waste treatment and management plan, or amendment to one~~thereto~~, that~~which~~ has been adopted under~~in accordance with~~ section 208 of the Federal Act.

Stat. Auth.: ORS 468 & ORS 468B
Stats. Implemented: ORS 468B.025
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76

340-045-0027

Public Notice and Participation Requirements For Permitting Actions

(1) ~~The Department~~DEQ categorized permitting actions according to environmental and public health significance. Category I represents permit actions with low environmental and public health significance and no public notice and opportunity for public participation. Category IV represents permit actions with potentially high environmental and public health significance, and the greatest level of public notice and opportunity for public participation. The following describes the public notice and participation requirements for each category:

(a) Category I -- No public notice or opportunity for public participation.

(b) Category II -- ~~The Department~~DEQ will provide public notice of the proposed action and a minimum of 30 days to submit written comments.

(c) Category III -- ~~The Department~~ DEQ will provide public notice of the proposed action and a minimum of 35 days to submit written comments. ~~The Department~~DEQ will provide a minimum of 30 days' notice for a hearing if one is scheduled. ~~The Department~~DEQ will schedule a public hearing to allow interested parties to submit oral or written comments if:

(A) For NPDES permits, ~~the Department~~DEQ receives written requests for public hearing during the public comment period from at least ten persons or from an organization or organizations representing at least ten persons.

(B) For WPCF permits, ~~the Department~~DEQ receives written requests for public hearing within 14 days of mailing the public notice from at least ten persons or from an organization or organizations representing at least ten persons; or

(C) ~~The Department~~DEQ determines that a hearing is necessary.

(d) Category IV: DEQ will:

(A) Once an application is considered complete, ~~the Department will~~ provide public notice of receiving~~of the receipt of~~ a completed application and requested permitting action; and

(B) Schedule an informational meeting in the community where the facility will be or is located and provide public notice of the meeting. ~~The Department~~DEQ will consider any information gathered in this process in its drafting of the proposed permit.

(C) Once a draft permit is complete, provide public notice of the proposed permit and a minimum of 40 days to submit written comments; and

(D) Schedule a public hearing to allow interested parties to submit oral or written comments. A minimum notice of 30 days shall be provided for the hearing.

(2) The following actions are classified as follows:

(a) Category I:

(A) Minor modification of an NPDES or a WPCF permit;

(B) Issuing~~ance of~~ a special, short-term WPCF permit;

(C) Issuing~~ance of~~ a new or renewing~~al~~ a WPCF permit for an on-site sewage system with a design flow less than 20,000 gallons per day, regulated by OAR 340-071.

(D) NPDES or WPCF permit administrative actions that include but are not limited to: transferring ~~of~~ a permit to a new owner or operator, terminating~~on~~ or revoking~~cation of~~ a permit, denying~~ial of~~ a permit, and withdrawing~~al of~~ an application.

(E) Mutual agreement and order in lieu of a WPCF permit.

(b) Category II:

(A) Mutual agreement and order in lieu of an NPDES permit unless delay in issuing the order may magnify the problem (see OAR 340-045-0062(4));

(B) Issuing~~ance of~~ a renewal WPCF individual permit regulated by OAR 340-045, including ~~a~~ renewing~~al of~~ a WPCF permit for an on-site sewage system with a design flow of 20,000 gallons per day or greater, regulated by OAR 340-071.

(c) Category III:

(A) Issuing~~ance of~~ a new or renewing~~al~~ an NPDES individual permit unless otherwise specified in this rule;

(B) Major modification of an NPDES permit unless otherwise specified in this rule;

(C) Issuing~~ance of~~ a new or renewing~~al~~ a WPCF or NPDES general permit;

(D) Issuing~~ance of~~ a biosolids land application site authorization letter for any proposed site that meets the sensitive site criteria in OAR 340-050-0030(2);

(E) Issuing~~ance of~~ a new WPCF individual permit regulated by OAR 340-045, including a new WPCF permit for an on-site sewage system with a design flow of 20,000 gallons per day or greater, regulated by OAR 340-071.

(F) Approving~~al of~~ a new pretreatment program or a substantial modification to an existing approved pretreatment program;

(G) All other actions not elsewhere classified.

(d) Category IV:

(A) Issuing~~ance of~~ a new NPDES individual permit for a major facility, as classified by ~~the Department~~DEQ.

(B) Issuing~~ance of~~ a renewal NPDES individual permit for a major facility, as classified by ~~the Department~~DEQ, when there is a new or increased discharged load.

(C) Major modification of an NPDES individual permit for a major facility, as classified by ~~the Department~~DEQ, when there is a new or increased discharged load.

(3) ~~The Department~~DEQ may move a permit action to a higher category based on, but not limited to, the following factors:

(a) Anticipated public interest in the facility;

(b) Compliance and enforcement history of the facility or owner;

(c) Potential for significant environmental or public harm due to location or type of facility, or

(d) Federal requirements.

(4) The public notice required under section (1~~)~~((b), (c) and (d~~)~~((C) of this rule, will contain at least the following information:

(a) Name and address of the permittee and permit applicant and, if different, facility location;

(b) Type of facility including a description of the facility's process subject to the permit;

(c) Description of the proposed permitting action (i.e., new permit, renewal permit, or permit modification);

(d) Description of the permitted substances stored, disposed of, discharged, or emitted, including whether there has been an increase or decrease in the substance since the last permit action for the facility;

(e) Location and description of documents relied ~~up~~on in preparing the draft permit action;

(f) Other permits DEQ requires~~d by the Department~~;

(g) Date of the previous permit action if a renewal or modification;

(h) Opportunity for public comment whether in writing or in person if required;

(i) Compliance, enforcement and complaint history, along with their respective resolutions; and

(j) A summary of ~~what~~ discretionary decisions ~~where~~ DEQ made ~~by the Department in drafting develop~~while developing the permit.

(5) ~~The Department~~DEQ will provide public notice as this rule require~~sd by this rule~~ to the applicant, those requesting notice of the permitting action, local news media, and other interested parties as DEQ identifie~~sd by the Department~~.

(6) As best as is practicable, DEQ will process under this rule, using the appropriate public involvement category process under ORS 340-045-0027(1), all permit applications DEQ receives before this rule's effective date.~~All permit applications which have been received by the Department prior to the effective date of this rule, will be processed under this rule (under the category process) as best as is practicable~~.

Stat. Auth.: ORS 459.045, ORS 459.785, ORS 468.020, ORS 468A.040 & ORS 468B.048
Stat. Impl.: ORS 459.245, ORS 459.735, ORS 459.740, ORS 468.065, ORS 468A.040 & ORS 468B.048
Hist.: DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0030

Application for NPDES or WPCF Permit

(1) Any person wishing to obtain a new or renewal NPDES or WPCF permit from ~~the Department~~DEQ must submit a written application at least 180 days before an NPDES permit is needed or at least 60 days before a WPCF permit is needed on a form DEQ provide~~sd by the Department~~. The Director may grant permission in writing for a later date to submit a new or renewal application. The Director will not grant permission for a renewal application to be submitted later than the existing permit's expiration date ~~of the existing permit~~.

(2) Any person wishing to modify their NPDES or WPCF permit must submit a written application on a form DEQ provide~~sd by the Department~~. Applications must be submitted well in advance of the needed modification in order to process the request as OAR 340-045-0055 require~~sd by OAR 340-045-0055~~.

(3) All application forms must be completed in full and signed by the applicant or the applicant's legally authorized representative. The name of the applicant must be the legal name of the owner of the facility or the owner's agent or the lessee responsible for ~~the~~ operati~~on~~ng and maint~~enance of~~aining the facility. DEQ will consider ~~A~~applications that are correctly signed and appear administratively complete ~~will be considered~~ timely upon receipt. A request for further information under section (5) of this rule will not a~~e~~ffect an application's ~~the~~ timeliness ~~of an application~~.

(4) DEQ will not accept for filing ~~A~~applications that are obviously incomplete, unsigned, improperly signed, or that do not contain the required exhibits clearly identified. ~~will not be accepted by the Department for filing and~~ . DEQ will ~~be~~ return~~ed~~ these applications to the applicant for completion.

(5) Within 45 days after receiving~~of receipt of~~ an application, ~~the Department~~DEQ will preliminarily review an application to determine the adequacy of the information submitted. Failure to complete this review within 45 days does not preclude ~~the Department~~DEQ from later requesting further information from the applicant as provided in this section.

(a) If ~~the Department~~DEQ determines that additional information is needed, it will promptly request in writing the needed information from the applicant. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request or such other time as ~~the Department~~DEQ establishes in writing.

(b) If ~~the Department~~DEQ determines that additional measures are necessary to gather facts regarding the application, it will~~shall~~ notify the applicant in writing that such measures will be instituted and provide the timetable and procedures to be followed. The application will be considered withdrawn if the applicant fails to comply with the additional measures.

(6) If upon review of an application, ~~the Department~~DEQ determines that a permit is not required, ~~the Department~~DEQ will~~shall~~ notify the applicant in writing of this determination. Such notification ~~shall~~ constitutes final action by ~~the Department~~DEQ on the application.

(7) DEQ will accept as an application filed under this section ~~A~~an application that has been filed with the U.S. Army Corps of Engineers in accordance with Section 13 of the Federal Refuse Act, or an NPDES application that has been filed with the U.S. Environmental Protection Agency ~~will be accepted as an application filed under this section~~ provided the application is complete and the information on the application is still current.

Stat. Auth.: ORS 468.020, ORS 468B.020 & ORS 468B.035
Stats. Implemented: ORS 468.065, ORS 468B.015, ORS 468B.035 & ORS 468B.050
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 22-1981, f. & ef. 9-2-81; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 13-2001, f. & cert. ef. 10-16-01

340-045-0033

General Permits

(1) General permits may be adopted by a rule of the Environmental Quality Commission or by order the Director issue~~d by the Director~~. A permit adopted by rule may be terminated by a later permit issued by order if the later permit covers the same activity and specifically provides for terminating~~on of~~ the earlier permit.

(2) General permits may be developed for certain categories of minor discharge sources or minor activities where individual NPDES or WPCF permits are not necessary to adequately protect the environment. Before the Director can issue a general permit, the following conditions must be met:

(a) There must be several minor sources or activities that involve the same or substantially similar types of operations.

(b) The sources or activities must have the potential to discharge or dispose of the same or similar types of wastes.

(c) The general permit must require the same or similar monitoring requirements, effluent limitations and operating conditions for the categories.

(d) The category of sources or activities would be more appropriately controlled under a general permit than an individual permit.

(3) General permits issued after this rule's ~~the~~ effective date ~~of this rule~~ will specify the following:

(a) The requirements to obtain coverage under a general permit, including application requirements and application submittal deadlines. ~~The Department~~DEQ may determine that submitting~~al of~~ an application is not necessary after evaluating the type of discharge, potential for toxic and conventional pollutants in the discharge, expected discharge volume, availability of other means to identify dischargers, and estimated number of dischargers to be covered by the permit. ~~The Department~~DEQ~~'s~~ must provide its evaluation ~~must be provided~~ in the public notice for the general permit.

(b) The process DEQ used ~~by the Department~~ to notify a person that coverage under a general permit has been obtained and the discharge or activity is authorized.

(4) Although general permits may include activities throughout the state, they may also be restricted to more limited geographical areas.

(5) Before~~Prior to~~ issuing a general permit, ~~the Department~~DEQ will follow the public notice and participation procedures outlined in OAR 340-045-0027 and 340-045-0035(3). If the general permit is to be adopted into rule, ~~the Department~~DEQ will also follow ORS 183.325 to 183.410. In addition ~~the Department~~DEQ will make reasonable efforts to notify potentially interested persons.

(6) Any person operating a discharge source or conducting an activity described in a general permit must apply for coverage under the general permit, unless the general permit does not require submitting~~ssion of~~ an application under~~pursuant to~~ subsection (3)(a) of this rule or the source or activity is specifically covered by an individual NPDES or WPCF permit, or a person makes an application for an individual permit under~~pursuant to~~ subsection (9) of this rule.

(a) Any person seeking coverage under a general permit must submit an application as required under the terms of the applicable NPDES or WPCF general permit. If application requirements are not specified in the general permit, procedures in OAR 340-045-0030 or 340-071-0162, whichever is applicable, must be followed.

(b) A person who fails to submit an application under~~in accordance with~~ the terms of the general permit, OAR 340-045-0030 or 340-071-0162, whichever is applicable, is not authorized to conduct the activity described in the permit.

(7) Any person required to have coverage under a general permit must pay permit fees as required in OAR 340-045-0070 to 340-045-0075 or 340-071-0140 to obtain and maintain coverage under that permit.

(8) Any permittee covered by an individual NPDES or WPCF permit may request that the individual permit be canceled or allowed to expire, and that it be covered by a general permit if its discharge or activity may be covered by an existing general permit. As long as the permittee is covered by an individual NPDES or WPCF permit, the conditions and limitations of the individual permit govern until such time as it is canceled or expires.

(9) Any person not wishing to be covered by a general permit may ~~make~~ apply~~ication~~ for an individual permit under~~in accordance with~~ OAR 340-045-0030 or 340-071-0162, whichever is applicable.

(10) The Director may refuse to authorize or renew coverage, or may revoke existing coverage under a general permit, as it applies to any person and require such person to apply for and obtain an individual NPDES or WPCF permit.

(a) The procedures for denying~~ial of~~ a permit in OAR 340-045-0050 and for permit revocation in OAR 340-045-0060 apply.

(b) Any interested person may petition the Director to take action under this section.

(c) The grounds for requiring an individual permit include the following:

(A) The discharge or activity is a significant contributor of pollution or creates other environmental problems;

(B) The permittee failed to comply with, or is not currently in compliance with, the terms and conditions of the general permit, submitted false information, or the permittee is in violation of any applicable law;

(C) A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants being discharged;

(D) For NPDES general permits, effluent limitation guidelines are promulgated for point sources covered by a general permit and the guidelines are not already in the general permit;

(E) Circumstances have changed so that the discharge or activity is no longer appropriately controlled under a general permit, or either ~~a~~ temporarily~~y~~ or permanently reducing~~tion~~ or eliminating~~on of~~ the authorized discharge is necessary; or

(F) Any other relevant factors.

(11) The following general permits are adopted by reference in this rule and are available for review at ~~the Department~~DEQ:

(a) NPDES 200-J, Filter backwash (issued August 29, 1997);

(b) NPDES 500-J, Boiler blowdown (issued August 29, 1997);

(c) NPDES 700-PM, Suction dredges (issued July 5, 2005);

~~(d) NPDES 1200-A, Storm water runoff that may discharge to surface waters or conveyance systems leading to surface waters from sand, gravel & non-metallic quarrying and mining in Standard Industrial Classification (SIC) 14, asphalt mix batch plants and concrete batch plants. Facilities may qualify for a conditional exclusion from the requirement to obtain a permit if there is no exposure of industrial activities and materials to storm water pursuant to 40 CFR C.F.R. ?122.26(g); see permit for details. (issued July 26, 2002);~~

~~(e) NPDES 1200-A, Storm water runoff that may discharge to surface waters or conveyance systems leading to surface waters from sand, gravel & non-metallic quarrying and mining in SIC 14, asphalt mix batch plants and concrete batch plants. Facilities may qualify for a conditional exclusion from the requirement to obtain a permit if there is no exposure of~~

~~industrial activities and materials to storm water pursuant to 40 CFRC.F.R. ?122.26(g); see permit for details. (issued July 1, 2007);~~

~~(f) NPDES 1200-C, Storm water runoff from construction activities, including clearing, grading, and excavation, and stockpiling that disturbs one or more acres, and may discharge to surface waters or conveyance systems leading to surface waters. Also included are activities that will disturb less than one acre if such activities are part of a larger common plan of development that will disturb one or more acres over time (issued December 28, 2005)~~

~~(g) NPDES 1200-CA, Government agencies responsible for storm water runoff from construction activities that disturbs five or more acres; effective December 1, 2002, construction activities that disturb one or more acres are covered (issued February 20, 2001);~~

~~(h) NPDES 1200-COLS, Storm water runoff that may discharge to surface waters in the Columbia Slough watershed or conveyance systems leading to surface waters in the Columbia Slough watershed from industrial activities; see Sources Covered section of the permit for list of specific activities. Facilities may qualify for a conditional exclusion from the requirement to obtain a permit if there is no exposure of industrial activities and materials to storm water pursuant to 40 CFRC.F.R. ?122.26(g); see permit for details. (issued September,1, 2006);~~

~~(i) NPDES 1200-Z, Storm water runoff that may discharge to surface waters or conveyance systems leading to surface waters from industrial activities; see Sources Covered section of permit for a specific list of activities. Facilities may qualify for a conditional exclusion from the requirement to obtain a permit if there is no exposure of industrial activities and materials to storm water pursuant to 40 CFRC.F.R. ?122.26(g); see permit for details. (issued July 26, 2002);~~

~~(j) NPDES 1200-Z, Storm water runoff that may discharge to surface waters or conveyance systems leading to surface waters from industrial activities; see Sources Covered section of permit for a specific list of activities covered. Facilities may qualify for a conditional exclusion from the requirement to obtain a permit if there is no exposure of industrial activities and materials to storm water pursuant to 40 CFRC.F.R. ?122.26(g); see permit for details. (issued July 1, 2007);~~

(d~~k~~) NPDES 1500-A, Petroleum hydrocarbon cleanups discharged to surface waters (issued August 22, 2000);

(e~~l~~) NPDES 1700-A, Vehicle and equipment wash water discharged to surface waters (issued March 5, 1998);

(f~~m~~) NPDES 1900-J, Non-contact geothermal heat exchange (issued September 11, 1997);

~~(n) NPDES 01, Confined animal feeding operations (issued October 1, 2003).~~

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035
Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050
Hist.: DEQ 28-1980, f. & ef. 10-27-80; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 13-2001, f. & cert. ef. 10-16-01; DEQ 8-2002, f. & cert. ef. 8-9-02; DEQ 14-2002, f. & cert. ef. 10-16-02; DEQ 12-2003, f. & cert. ef. 9-2-03; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2005, f. & cert. ef. 12-28-05; DEQ 10-2006, f. 8-15-06, cert. ef. 9-1-06; DEQ 1-2010, f. & cert. ef. 1-22-10

340-045-0035

Issuance of NPDES Permits

(1) DEQ will review each application on its own merits after ~~Following determina~~determining the application ~~tion that it~~ is complete for processing~~, each application will be reviewed on its own merits~~. DEQ will develop ~~R~~recommendations ~~will be developed in accordance with~~under provisions of all applicable statutes, rules, regulations, and effluent guidelines of the State of Oregon and the U.S. Environmental Protection Agency.

(2) ~~The Department~~DEQ will formulate and prepare a tentative determination to issue or deny an NPDES permit for the discharge described in the application. If the tentative determination is to issue an NPDES permit, then DEQ will draft a proposed NPDES permit ~~will be drafted which~~that includes at least the following:

(a) Proposed effluent limitations;

(b) Proposed biosolids limitations;

(c) Appropriate monitoring requirements;

(d) A Proposed schedule of compliance, if necessary~~, ;~~ established under~~in conformance with~~ the Federal Act and regulations issued under it~~pursuant thereto~~; and

(e) Other special conditions.

(3) In order to inform potentially interested persons of the proposed discharge and of the tentative determination to issue an NPDES permit, DEQ will provide public notice ~~will be provided~~ as directed in sections (6) and (7) of this rule. In addition to the information required under OAR 340-045-0027(4) the public notice will contain:

(a) When available, ~~A~~a description ~~(when available)~~ of the water quality of the receiving water body both upstream and downstream;

(b) If the waterbody is water quality limited under Section 303(d)(1) of the Clean Water Act, a description of whether the permit relates to the parameter(s) that is water quality limited and if so, how the permit will fit within the existing Total Maximum Daily Load (TMDL) or if no TMDL exists, how it is acceptable; and

(c) A description of any load increase proposed and action required for its approval.

(4) DEQ will prepare ~~A~~a fact sheet ~~will be prepared~~ for each draft NPDES permit for a major facility and for each NPDES general permit. In addition, DEQ will prepare a fact sheet ~~will be prepared~~ for every industrial NPDES permit that incorporates a variance and for every draft permit that the Director finds is the subject of widespread public interest or raises major issues. The fact sheet will briefly describe the principle facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. Fact sheets will contain the following, where applicable:

(a) A brief description of the type of facility or activity;

(b) The type and quantity of wastes to be discharged;

(c) Applicable standards and guidelines used as a basis for effluent and biosolids limits;

(d) An explanation of any proposed variances;

(e) A sketch, map, or detailed location of the discharge, where appropriate;

(f) Information spelling out procedures for finalizing the permit and providing additional public input, including opportunity for public hearing; and

(g) Where appropriate, an assessment of future control needs based on the adequacy of present controls, records of compliance, applicable rules and regulations;

(h) A statement of the inclusion of a biosolids management and land application plan, if appropriate; and

(i) Name and telephone number of a person to contact for additional information.

(5) After DEQ has drafted the public notice ~~has been drafted~~ and prepared the proposed NPDES permit provisions ~~have been prepared by the Department,~~ DEQ will forward them ~~they will be forwarded~~ to the applicant for review and comment. These comments must be submitted in writing within 14 days after mailing of the proposed materials if the comments are to receive consideration prior to final action on the application, unless the applicant requests additional time. The applicant may also waive his right for the 14-day review time in the interest of accelerating the issuance procedures.

(6) Issuing~~ance of~~ an NPDES permit, except a new NPDES permit for a major facility or a renewal NPDES permit for a major facility when there is a new or increased discharge load, is a Category III permitting action as described in OAR 340-045-0027. DEQ will provide ~~P~~public notice ~~will be provided~~ after the 14-day applicant review period has elapsed and will include the fact sheet when one is required, ~~pursuant to~~under section (4) of this rule.

(7) Issuing~~ance of~~ a new NPDES permit for a major facility or a renewal NPDES permit for a major facility when there is a new or increased discharge load, is a Category IV permitting action as described in OAR 340-045-0027.

(8) At the conclusion of the public involvement period, the Director will make a final determination on the application as soon as practicable and promptly notify the applicant in writing of the final determination. For all permits that receive comments on the proposed permit requirements during the public comment period, DEQ will issue a response to comments ~~will be issued~~ that specifies any changed provisions in the permit, and the reasons for the changes, and that describes and responds to all significant comments. DEQ will make ~~T~~this response to comments ~~will be made~~ available to the public on request. Any NPDES permit issued under these rules~~hereunder~~ will contain such pertinent and particular conditions as may be required to comply with the Federal Act or regulations issued under it~~pursuant thereto~~. ~~Pursuant to~~Under federal regulations, an NPDES permit will be effective for a fixed term not to exceed five years.

(a) Denial of the permit: If the Director determines that the NPDES permit should be denied, ~~the Department~~DEQ will include in the notification the reasons for the denial ~~in accordance with~~under OAR 340-045-0050.

(b) Issuance of the permit: If conditions of the NPDES permit issued are different from the proposed provisions forwarded to the applicant for review, the notification shall include the reasons for the changes made. DEQ will attach ~~A~~a copy of

the NPDES permit issued ~~shall be attached~~ to the notification. In any case, before the Director will issue an NPDES permit that applies effluent limitations ~~in accordance with~~under effluent guidelines rather than water quality standards, the Director will make a determination that the permitted discharge will not violate applicable water quality standards and will provide some justification for that determination. Such justification will include, but not necessarily be limited to:

(A~~a~~) A description of the anticipated effect on water quality at the mixing zone boundary of the chemical and/or physical parameter(s) upon which the size and shape of the mixing zone are based; and

(B~~b~~) A statement of anticipated effect of the discharge on aquatic life.

(9) ~~The Department~~DEQ's decision is effective 20 days from the date of service of the notification or on the date specified in writing by DEQ provided this date occurs after the date of service of the notification.~~unless within that time the Department receives a request for a hearing from the applicant. The~~ A request for hearing on DEQ's decision must be made by the applicant in writing within 20 days of the effective date of the permit and state the grounds for the request. The hearing will be conducted as a contested case hearing ~~in accordance with~~under ORS 183.413 through 183.470 and OAR chapter 340, division 011.

(a) If a request for hearing is filed on a permit for a new facility, the entire permit is stayed and will not go into effect until the hearing process is complete.

(b) If the request for hearing is for an existing facility or activity, or a new activity within an existing facility, only the contested permit condition and the conditions that cannot be implemented separately from the contested conditions are stayed until the hearing process is complete.

Stat. Auth.: ORS 183 & ORS 468
Stats. Implemented: ORS 468.065 & ORS 468B.050
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 71, f. 6-4-74, ef. 6-25-74; DEQ 126(Temp), f. & ef. 12-30-76 thru 4-28-77; DEQ 133, f. & ef. 5-2-77; DEQ 22-1981, f. & ef. 9-2-81; DEQ 13-1988, f. & cert. ef. 6-11-88; DEQ 34-1990, f. 8-20-90, cert. ef. 9-1-90; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0037

Issuance of WPCF Permits

(1) DEQ will review each application on its own merits after ~~Following~~ determining the application ~~ation that it~~ is complete for processing~~, each application will be reviewed on its own merits~~. DEQ will develop ~~R~~recommendations ~~will be developed in accordance with~~under the provisions of all applicable statutes, rules and regulations of the State of Oregon and the U.S. Environmental Protection Agency.

(2) After DEQ drafts the public notice ~~has been drafted~~ and prepares the proposed WPCF permit provisions ~~have been prepared by the Department~~, DEQ will ~~they will be~~ forward~~ed~~ them to the applicant for review and comment. Unless the applicant requests extra time, DEQ will only consider comments before taking its final action on the application if the applicant submits ~~T~~these comments ~~must be submitted~~ in writing within 14 days after mailing ~~if the comments are to receive consideration prior to final action on the application, unless the applicant requests additional time~~. The applicant may also waive the~~his~~ right for the 14-day review time in the interest of accelerating the issuance procedures.

(3) If ~~the Department~~DEQ proposes to issue a permit, DEQ will provide public notice and participation ~~shall be provided~~ as OAR 340-045-0027 directs~~ed~~ by ~~OAR 340-045-0027~~.

(4) ~~The Department~~DEQ must take final action on the permit application within 45 days of the close of the public comment period if a comment period is required. ~~The Department~~DEQ shall consider all timely comments and any other information obtained that may be pertinent to the permit action in the formulation of a final determination.

(5) ~~The Department~~DEQ shall promptly notify the applicant in writing of the final action as provided in OAR 340-011-0097 and will include a copy of the permit.

(7) The duration of a WPCF permit may~~shall~~ not exceed 10 years.

(8) DEQ's decision is effective from the date of service of the notification or on the date DEQ specifies in writing, provided this date occurs after the date DEQ serves notice. DEQ will only act on a request for hearing if the applicant submits the request in writing within 20 days of the permit's effective date and states the grounds for the request. DEQ will conduct the hearing as a contested case hearing under ORS 183.413 through 183.470 and OAR Chapter 340, Division 011.

(a) If a request for hearing is filed on a permit for a new facility, the entire permit is stayed and will not go into effect until the hearing process is complete.

(b) If the request for hearing is for an existing facility or activity, or a new activity within an existing facility, only the contested permit condition and the conditions that cannot be implemented separately from the contested conditions are stayed until the hearing process is complete.

~~The Department's decision is effective 20 days from the date of service of the notice unless within that time the Department receives a request for a hearing from the applicant. The request for hearing must be made in writing~~ issuance~~and state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR chapter 340, division 011.~~

Stat. Auth.: ORS 183 & ORS 468
Stats. Implemented: ORS 468.065 & ORS 468B.050
Hist.: DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0040

Renewal of NPDES or WPCF Permits

(1) The procedures for issuing~~ance of~~ NPDES and WPCF permits apply to renewing~~al of~~ these permits.

(2) If a completed application for renewal of a permit is filed with ~~the Department~~DEQ ~~pursuant to~~under OAR 340-045-0030, the permit will not expire until final action has been taken on the renewal application.

Stat. Auth.: ORS 468.020, ORS 468B.020 & ORS 468B.035
Stats. Implemented: ORS 468.065, 468B.015, ORS 468B.035 & ORS 468B.050

Hist.: DEQ 53(Temp), f. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 21-1990, f. & cert. ef. 7-6-90; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 13-2001, f. & cert. ef. 10-16-01

340-045-0045

Transfer of an NPDES or WPCF Permit

(1) A person may not transfer anNo NPDES or WPCF permit will be transferred to a third party without DEQ's prior written approval from the Department. DEQ may grant approval Such approval may be granted where the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the NPDES or WPCF permit and the rules of the Commission.

(2) An applicant requesting to transfer a permit must submit an application on a form DEQ provides An application, on a form provided by the Department, should be submitted to the Department for authorizingation of a permit transfer of permit at least 30 days prior to the proposed action.

(3) The transfer of a permit is considered a Category I permitting action as described in OAR 340-045-0027.

Stat. Auth.: ORS 468
Stats. Implemented: ORS 468.065 & ORS 468B.050
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0050

Denial of an NPDES or WPCF Permit

The DepartmentDEQ will promptly notify the applicant in writing of the denial of a permit application in accordance withunder OAR 340-011-0097. The notification will include the reasons for denial. The denial will become effective 20 days from the date of service of the notice unless within that time the DepartmentDEQ receives a request for a hearing. The applicant must make Tthe request for a hearing must be made in writing and state the grounds for the request. DEQ will conduct Tthe hearing shall be conducted as a contested case hearing in accordance withunder ORS 183.413 through 183.470 and OAR chapter 340, division 011.

Stat. Auth.: ORS 468
Stats. Implemented: ORS 468.065 & ORS 468.070
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0055

Modification of an NPDES or WPCF Permit

(1) If the DepartmentDEQ determines it is appropriate to initiate modification of an NPDES or WPCF permit, the DepartmentDEQ will notify the permittee by registered or certified mail of the modification and the reasons for the

modification. DEQ ~~Department~~ initiated modifications for NPDES permits shall be ~~in accordance with~~under section (2) of this rule, and for WPCF permits shall be ~~in accordance with~~under section (3) of this rule.

(2) The procedures for applying~~ication~~ for and issuing~~ance of~~ NPDES permits apply to any modification the permittee request~~ed by the permittee~~ or DEQ initiate~~d by the Department~~, excluding modifications that are considered minor.

(a) If the modification is minor, it is considered a Category I permitting action as described in OAR 340-045-0027. ~~Pursuant to~~Under federal regulations, types of minor modifications include the following:

(A) Corrections of typographical errors;

(B) Requirements for more frequent monitoring, or reporting, or both ~~and/or reporting~~;

(C) Changes in an interim compliance date provided the new date is not more than 120 days after the date in the existing permit and does not interfere with the final compliance date requirement;

(D) Changes to the construction schedule for a new discharger provided pollution control equipment is installed and operational prior to discharge;

(E) Deleting~~on of~~ a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except ~~in accordance with~~under the existing permit limits;

(F) Incorporating~~on of~~ conditions from a publicly owned treatment works' pretreatment program that has been approved ~~in accordance with~~under OAR 340-045-0063(1).

(b) If the modification is not minor, it is considered a Category III or Category IV permitting action as described in OAR 340-045-0027. Only the conditions subject to modification are reopened during this process. The existing NPDES permit will remain in effect until the modification is final.

(3) The procedures for applying for ~~ication~~ and issuing~~ance of~~ WPCF permits apply to any modification the permittee request~~ed by the permittee~~ or DEQ initiate~~d by the Department~~, excluding modifications that are considered minor.

(a) If modification to a WPCF permit is minor, as defined in section (2) of this rule for NPDES permits, it is considered a Category I permitting action as described in OAR 340-045-0027.

(c) Any other modification to a WPCF permit is considered a Category II permitting action as described in OAR 340-045-0027.

(4) The modification will become effective upon mailing unless the permittee requests a hearing within 20 days. A permittee must ~~A~~ request ~~for~~ a hearing ~~must be made~~ in writing and state the grounds for the request. DEQ will conduct ~~A~~any hearing ~~shall be conducted~~ as a contested case hearing ~~in accordance with~~under ORS 183.413 through 183.470 and OAR chapter 340, division 011. If a hearing is requested, the existing permit continues in effect until ~~the~~ DEQ issues a final order ~~is issued~~.

Stat. Auth.: ORS 468
Stats. Implemented: ORS 468.065, ORS 468.070 & ORS 468B.050
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 13-1988, f. & cert. ef. 6-11-88; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0060

Termination or Revocation of an NPDES or WPCF Permit

(1) Automatic Termination. A permit is automatically terminated when:

(a) ~~The Department~~DEQ issues a new permit for the same activity or operation;

(b) The permittee requests in writing that the permit terminate, if ~~the Department~~DEQ determines that a permit is no longer needed; or

(c) The permittee fails to submit application for permit renewal as required in OAR 340-45-0030. Termination is effective on the permit expiration date.

(2) Revocation with prior notice.

(a) If ~~the Department~~DEQ determines that a permittee is in non-compliance with the terms of its permit, submitted false information in the application or other required documentation, or is in violation of any applicable law, the Director may revoke the permit.

(b) ~~The Department~~DEQ will provide notice of the intent to revoke the permit ~~in accordance with~~under OAR 340-011-0097. The notice will include the reasons why the permit will be revoked. ~~The Department~~DEQ will only act on a request for hearing if it ~~must~~ receives a written request for a hearing stating the grounds for the request within 60 days from the date of service of the notice. DEQ will conduct ~~T~~the hearing ~~will be conducted~~ as a contested case hearing ~~in accordance with~~under ORS 183.413 through 183.470 and OAR chapter 340, division 011. The permit will continue in effect until the 60 days expires or a final order is issued.

(3) Revocation without prior notice.

(a) If ~~the Department~~DEQ finds that the permittee's activities cause a serious danger to the public health, safety or the environment, ~~the Department~~DEQ may immediately revoke or refuse to renew a permit without prior notice or opportunity for a hearing.

(b) If DEQ does not provide ~~no~~ advance notice of the revocation ~~is provided~~, ~~the Department~~DEQ will notify the permittee as soon as possible as provided in OAR 340-011-0097. The notification will state the reasons for the revocation or refusal to renew.

(c) ~~The Department~~DEQ will only act on a request for hearing if it ~~must~~ receives a written request for a hearing stating the grounds for the request within 90 days of the service of the notice. DEQ will conduct ~~T~~the hearing ~~will be conducted~~ as a contested case hearing ~~in accordance with~~under ORS 183.413 through 183.470 and OAR chapter 340, division 011. If ~~the~~

~~Department~~DEQ does not receive a request for a hearing within 90 days, the revocation or refusal to renew becomes final without further action by ~~the Department~~DEQ.

Stat. Auth.: ORS 468
Stats. Implemented: ORS 468.065 & ORS 468.070
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 22-1981, f. & ef. 9-2-81; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0061

Special WPCF Permit (Short-Term)

The Director may waive the procedures required in OAR 340-045 and issue a special, short-term WPCF permit for unexpected or emergency activities, operations, emissions or discharges. Such a permit ~~will~~ is valid for not more than ~~not exceed~~ 60 days ~~in duration~~ from date of issuance. DEQ will develop such a permit ~~and will be developed~~ to ensure it adequately protect~~sion or~~ property and preserve~~sation of~~ public health, welfare and resources. Application for a special WPCF permit must be in writing and may be in the form of a letter that fully describes the emergency and the proposed activities, operations, emissions, or discharges.

Stat. Auth.: ORS 468
Stats. Implemented: ORS 468.065 & ORS 468.070
Hist.: DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0062

Mutual Agreement and Order

(1) The Director may issue a mutual agreement and order (MAO) in lieu of or in addition to an NPDES permit or WPCF permit where the MAO is part of an enforcement action, for disposal of wastewater associated with the cleanup of a spill, or for an activity that does not lend itself to the normal permitting process or permit term.

(2) An MAO may include, but not necessarily be limited to, compliance schedules, effluent limitations, monitoring and reporting requirements, or ~~and/or~~ stipulated penalties, or any of these.

(3) The term of an MAO, when used in lieu of a permit, may~~will~~ not be longer than the term of the type of permit it is replacing.

(4) The permitting procedures in OAR 340-045 are not required for MAOs, except for the following: An MAO issued in lieu of an NPDES permit is considered a Category II permitting action as described in OAR 340-045-0027. An exception to this requirement is allowed for environmental cleanups or other instances where a delay in issuing an MAO may magnify the problem. In these situations, DEQ may issue public notice ~~may be issued~~ at the same time it issues the MAO ~~is issued~~.

(5) When an MAO is used in lieu of a permit, the fee schedule for permits found in OAR 340-045-0075 applies~~will apply~~.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468.065 & ORS 468B.050
Hist.: DEQ 21-1990, f. & cert. ef. 7-6-90; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0063

Industrial Waste Pretreatment

(1) All owners of sewerage systems that~~which~~ receive industrial waste subject to federal or state pretreatment standards will develop and implement a pretreatment program for controlling those industrial contributors. The system owner must submit ~~T~~the program ~~will be submitted~~ to the Director for approval. Department approval is considered a Category III action as described in OAR 340-045-0027.

(2) The Director will review requests for revisions of categorical pretreatment standards to reflect removals the sewerage system achieves~~ed by the sewerage system~~. Removal credits are only allowed if the Director approves them.~~No removal credit is allowed unless approved by the Director.~~

(3) Both the owners of sewerage systems receiving industrial wastes and the industrial contributors must~~will~~ comply with applicable pretreatment provisions of the federal Clean Water Act and ~~the~~ DEQ's rules ~~of the Department~~.

(4) Where a question exists as to whether or not an industrial contributor falls within a particular industrial subcategory, the Director will make a written finding and ~~shall~~ submit it to the EPA Regional Enforcement Division Director for a final determination, unless the Enforcement Division Director waives ~~the rece~~receiving~~ipt of~~ the Director's determination as provided in the federal regulations. In that case the Director's determination is~~shall be~~ final.

(5) The owner of a sewerage system receiving industrial waste is responsible for assuring that the industrial contributor meets the prohibited discharge or categorical pretreatment standards established by the United State Environmental Protection Agency or ~~the Department~~DEQ, whichever is most limiting. The owner of the sewerage system may impose more stringent pretreatment standards if the owner deems~~ed~~ it necessary ~~by the owner~~ for ~~the~~ properly operating~~on~~ and maintaining~~enance of~~ the sewerage system or disposability of the sewage sludge.

(6) The Director will review requests for Fundamentally Different Factors variances and will either deny them or concur with them and submit the concurrence to the United States Environmental Protection Agency for approval, as provided in federal regulations.

Stat. Auth.: ORS 468 & ORS 468B
Stats. Implemented: ORS 454.020 & ORS 468B.035
Hist.: DEQ 16-1980, f. & ef. 5-27-80; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0065

Other Requirements

(1) Before beginning~~Prior to commencing~~ construction on any waste collection, treatment, disposal, or discharge facilities for which a permit is required by OAR 340-045-0015, the facility owner or operator must submit detailed plans and

specifications ~~must be submitted~~ to, and receive written approval from, ~~approved in writing by the Department~~DEQ, as ~~required by~~ ORS 468B.-055 and O~~regon~~ A~~dministrative~~ R~~ules~~, Division 52, Review of Plans and Specifications require~~-~~.

(2) Monitoring, recording, and reporting procedures used to meet the requirements of a NPDES permit must~~shall~~ conform with the Federal Act and regulations issued under it~~thereto~~.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 454.020 & ORS 468B.035
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 126(Temp), f. & ef. 12-30-76 thru 4-28-77; DEQ 133, f. & ef. 5-2-77; DEQ 3-1999, f. & cert. ef. 2-5-99

340-045-0070

Permit Fees

(1) Except for a person assigned to the 700-PM general permit, a person required to have a WPCF or NPDES permit is subject to a two-part fee consisting of the applicable new-permit application fee and the annual fee in OAR 340-045-0075.

(a) A person submitting an application for a new NPDES or WPCF permit must submit the amount equal to the new-permit application fee and the first year's annual fee.

(b) A person is not required to submit a fee with an application for renewal of a NPDES or WPCF permit, unless the permit is to be modified as described in OAR 340-045-0075(5). A person requesting a permit modification must submit the appropriate modification fee in OAR 340-045-0075 with the application.

(c) A person is not required to pay a fee for modification of an existing, unexpired permit if ~~the department~~DEQ initiates the modification and determines the modification does not require re-filing or department review of an application, plans, or specifications.

(d) When a governmental entity has an agreement with ~~the department~~DEQ to assist with implementing~~ation of~~ a general permit, ~~the department~~DEQ may in that agreement lower the general permit fees established in OAR 340-045-0075 and allow the governmental entity to collect the fee for ~~the department~~DEQ and retain a portion of the fee for its services.

(2) A person must pay the applicable annual fee in OAR 340-045-0075 for as long as the permit is active.

(a) The annual fee must be paid by the date DEQ specifies~~d by the department~~.

(b) ~~The department~~DEQ will apply the annual fee submitted as part of an application for a new NPDES or WPCF permit to the first 12 months the permitted facility is put into operation.

(c) The director may alter the due date for the annual fee ~~upon receipt of~~ a permittee's justifiable request ~~from a permittee~~. The ~~c~~Commission may reduce or suspend the annual fee if a hardship is demonstrated.

(3) ~~The department~~DEQ may refund a new-permit application fee submitted in whole or in part if ~~the department~~DEQ determines that:

(a) A permit is not required; or

(b) The wrong application was filed.

(4) All fees must be made payable to the Oregon Department of Environmental Quality or ~~the department~~DEQ's agent.

(5) A person assigned to the 700-PM general permit must pay either an annual fee or an optional 5-year permit registration fee according to the schedule provided in OAR 340-045-0075. The permittee must submit the applicable fee ~~must be submitted~~ with the permit application. The fee ~~and~~ is non-refundable unless ~~the department~~DEQ or ~~the department~~DEQ's agent determines that the permittee cannot be assigned to the general permit. Fees must be made payable to the Oregon Department of Environmental Quality. An annual fee must be paid at the time of application, and for each following year that the permit is valid on a date specified by ~~the department~~DEQ.

Stat. Auth.: ORS 454.625, 454.745, 468.020, 468B.020 & 468B.035
Stats. Implemented: ORS 454.745, 468.065, 468B.015, 468B.035 & 468B.050
Hist.: DEQ 113, f. & ef. 5-10-76; DEQ 129, f. & ef. 3-16-77; DEQ 31-1979, f. & ef. 10-1-79; DEQ 18-1981, f. & ef. 7-13-81; DEQ 12-1983, f. & ef. 6-2-83; DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 7-2004, f. & cert. ef. 8-3-04; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2006, f. & cert. ef. 8-15-06; DEQ 15-2011, f. & cert. ef. 9-12-11

340-045-0075

Permit Fee Schedule

(1) OAR chapter 340, division 71 contains the fee schedule for onsite sewage disposal system permits, including WPCF permits, and graywater reuse and disposal system WPCF individual permits.

(2) ~~The department~~DEQ establishes fees for various industrial, domestic and general water quality permits: ~~categories. Tables 70B and 70C list the industrial and domestic permit categories and fees. OAR 340-045-033 defines the general permit categories and Table 70G lists the general permit fees.~~

(a) Table 70A lists the application and modification fees that apply to industrial NPDES and WPCF individual permits.

(b) Table 70B lists the annual fees that apply to industrial NPDES and WPCF individual permits.

(c) Table 70C lists application, modification and annual fees for domestic NPDES and WPCF individual permits.

(d) Table 70D lists annual population fees.

(e) Table 70E lists annual pretreatment fees applicable to domestic wastewater systems.

(f) Table 70I lists application, annual and surcharge fees for Underground Injection Control rule authorizations and general permits.

(3) ~~The department~~DEQ must consider the following criteria when classifying a facility for determining applicable fees. For industrial sources that discharge to surface waters, discharge flowrate refers to the system design capacity. For industrial sources that do not discharge to surface waters, discharge flow refers to the total annual flow divided by 365:

(a) Tier 1 industry. A facility is classified as a Tier 1 industry if the facility:

(A) Discharges at a flowrate that is greater than or equal to 1 mgd; or

(B) Discharges large biochemical oxygen demand loads; or

(C) Is a large metals facility; or

(D) Has significant toxic discharges; or

(E) Has a treatment system that will have a significant adverse impact on the receiving stream if not operated properly; or

(F) Needs special regulatory control, as DEQ determine~~d by the department~~.

(b) Tier 1 domestic facility. A facility is classified as a Tier 1 domestic facility if the facility:

(A) Has a dry weather design flow of 1 mgd or greater; or

(B) Serves an industry that can have a significant impact on the treatment system.

(c) Tier 2 industry or domestic facility: A facility is classified as Tier 2 if it does not meet Tier 1 qualifying factors.

(4) New-permit application fee. Unless waived by this rule, the applicant must submit the applicable new-permit application fee listed in Table 70A, 70C, ~~or~~ 70G, or 70J ~~must be submitted~~ with each application. The facility category and type of permit (e.g., individual vs. general) determines the amount of the fee.

(5) Permit modification fee. Tables 70A and 70C list the permit modification fees. Permit modification fees vary with the type of permit, the type of modification and the timing of modification as follows:

(a) Modification at time of permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by ~~the department~~DEQ;

(B) Minor modification — does not involve significant analysis by ~~the department~~DEQ.

(b) Modification prior to permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by ~~the department~~DEQ. DEQ may require ~~A~~a permittee requesting a significant modification to their permit ~~may be required by the department~~ to enter into an agreement to pay for these services according to ORS 468.073. ORS

468.073 allows ~~the department~~DEQ "to expedite or enhance a regulatory process by contracting for services, hiring additional staff or covering costs of activities not otherwise provided during the ordinary course of department business;"

(B) Minor modification — does not involve significant analysis by ~~the department~~DEQ.

(6) Annual fees. Tables 70B and~~,~~ 70G ~~and 70I~~ list applicable annual fees for g~~G~~eneral and i~~I~~ndustrial permit holders. Table 70H lists applicable annual fees for Municipal Separate Storm Sewer general permits. Annual fees for domestic sources may also be found in Table 70C and include the following:

(a) ~~Base a~~Annual fee. This is based on the type of treatment system, ~~and~~ the dry weather design flow and the duration assigned to the permit before a renewal application is required;~~;~~

(b) Population-based fee. A permit holder with treatment systems other than Type F (septage alkaline stabilization facilities) must pay an annual population-based fee. Tables 70D lists the applicable fee;

(c) Pretreatment fee. A source DEQ require~~d by the department~~ to administer a pretreatment program ~~pursuant to~~under federal pretreatment program regulations (40~~CFR~~C.F.R.C.F.R~~,~~., Part 403; January 29, 1981 and its amendments ~~thereto~~) must pay an additional annual fee plus a fee for each significant industrial user specified in their annual report for the previous year. Table 70E lists the applicable fee.

(7) Technical activities fee. Tables 70F ~~and 70H~~ list the technical activity, plan review and administrative ~~-~~ fees. They are categorized as follows:

(a) All permits. A permittee must pay a fee for NPDES and WPCF individual and general permit-related technical activities and DEQ review of environmental management plans. DEQ will charge~~A~~ fee ~~will be charged~~ for initial submittal of engineering plans and specifications. DEQ will not charge ~~F~~fees ~~will not be charged~~ for revisions and re-submittals of engineering plans and specifications or for facilities plans, design studies, reports, change orders, or inspections;

(b) General permits. A permittee must pay the technical activity fee shown in Table 70F~~H~~ when the following activities are required for application review:

(A) Disposal system and environmental management plan review;

(B) Site inspection and evaluation.

(8) For permits the Oregon Department of Agriculture administers~~ed by the Oregon Department of Agriculture~~, the permit applicant or permit holder must pay the permit fees following the fee schedule the Oregon Department of Agriculture establishes~~d by the Oregon Department of Agriculture~~.

(9) Administrative activity fees are listed in Table 70F:

(a) The electronic reporting requirement waiver fee applies to permit holders who qualify for a temporary waiver exempting them from submitting data and reports electronically.

b) A permittee must pay a fee for a transfer of ownership and requests for a change to the legal or common name on the permit issued to the facility. Permittees must notify DEQ and submit a request for permit transfer under OAR 340-045-0045 not later than 30 days after the transfer.

[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of table(s).]

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035
Stats. Implemented: ORS 468B.195, ORS 468.065, 468B.015, 468B.035 & 468B.050
Hist.: DEQ 113, f. & ef. 5-10-76; DEQ 129, f. & ef. 3-16-77; DEQ 31-1979, f. & ef. 10-1-79; DEQ 18-1981, f. & ef. 7-13-81; DEQ 12-1983, f. & ef. 6-2-83; DEQ 9-1987, f. & ef. 6-3-87; DEQ 18-1990, f. & cert. ef. 6-7-90; DEQ 10-1991, f. & cert. ef. 7-1-91; DEQ 9-1992, f. & cert. ef. 6-5-92; DEQ 10-1992, f. & cert. ef. 6-9-92; DEQ 30-1992, f. & cert. ef. 12-18-92; DEQ 20-1994, f. & cert. ef. 10-7-94; DEQ 4-1998, f. & cert. ef. 3-30-98; Administrative correction 10-22-98; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 7-2004, f. & cert. ef. 8-3-04; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2006, f. & cert. ef. 8-15-06; DEQ 5-2007, f. & cert. ef. 7-3-07; DEQ 8-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & cert. ef. 6-30-11; DEQ 15-2011, f. & cert. ef. 9-12-11; DEQ 6-2012, f. 10-31-12, cert. ef. 11-1-12; DEQ 8-2013, f. 10-23-13, cert. ef. 11-1-13; DEQ 13-2014, f. 11-14-14, cert. ef. 12-1-14; DEQ 16-2015, f. 12-10-15, cert. ef. 1-1-16

Permit Fee Schedule

~~Table 70A~~

~~OAR 340-045-0075~~

~~Industrial NPDES and WPCF Individual Permit Application and Modification Fees~~

~~DEQ Class~~	~~New Permit Application Fee[1]~~	~~Major Modification at Permit Renewal~~	~~Major Modification Prior to Permit Expiration~~	~~Minor Modification~~	~~Permit Transfer~~
~~Tier 1~~	~~$60,057~~	~~$15,088~~	~~$29,981~~	~~$1,051~~	~~$94~~
~~Tier 2~~	~~$12,086~~	~~$3,836~~	~~$5,992~~	~~$1,051~~	~~$94~~

~~Special WPCF permits issued pursuant to OAR 340-045-0061~~	~~$572~~	~~N/A~~	~~N/A~~	~~N/A~~	~~$94~~
~~1. New permit applications must include the annual fee specified in Table 70B in addition to the new permit application fee.~~					

Table 70A

Industrial NPDES and WPCF Individual Permits:

Application and Modification Fees

Application fees for new industrial permits	
Tier 1 Industrial Facilities	$61,859
Tier 2 Industrial Facilities	$12,449
Special WPCF Permits (OAR 340-045-0061)	$589
Note: New permit applications must include the annual fee specified in Table 70B in addition to the new permit application fee listed above. The application fee is not required for renewal unless a modification is needed or requested.	

Modification Fees	Major		Minor
	At Permit Renewal	Prior to Expiration	
Tier 1 Industrial Facilities	$15,541	$30,880	$1,083
Tier 2 Industrial Facilities	$3,951	$6,172	$1,083
Note: A new application, application fee and modification fee must accompany all requests for permit modification.			

OAR 340-045-0075

Table 70B

Industrial NPDES and WPCF Individual Permit Annual Fees

Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2
B01	Pulp, paper, or other fiber pulping industry	$21,630 ~~$21,000~~	N~~/A~~	$20,075 ~~$19,490~~	N~~/A~~
Food or beverage processing - includes produce, meat, poultry, seafood or dairy for human, pet, or livestock consumption:					
B02	Washing or packing only	N~~/A~~	$3,007 ~~$2,919~~	N~~/A~~	$2,767 ~~$2,686~~
B03	Processing – small. Flow ≤ 0.1 mgd, or 0.1 < flow < 1 mgd for less than 180 days per year	N~~/A~~	$4,496 ~~$4,365~~	N~~/A~~	~~$~~4,253 ~~$4,129~~
B04	Processing – medium. 0.1 mgd < Flow < 1 mgd for 180 or more days per year, or flow ≥ 1 mgd for less than 180 days per year	N~~/A~~	$6,344 ~~$6,159~~	N~~/A~~	$6,102 ~~$5,924~~
B05	Processing – large. Flow ≥ 1 mgd for 180 or more days per year	$21,630 ~~$21,000~~	$19,006 ~~$18,452~~	$20,075 ~~$19,490~~	$18,761 ~~$18,215~~
Primary Smelting or Refining:					
B06	Aluminum	$21,630 ~~$21,000~~	$19,006 ~~$18,452~~	$20,075 ~~$19,490~~	$18,761 ~~$18,215~~
B07	Non-ferrous metals utilizing sand chlorination separation facilities	$21,630 ~~$21,000~~	$19,006 ~~$18,452~~	$20,075 ~~$19,490~~	$18,761 ~~$18,215~~
B08	Ferrous and non-ferrous metals not elsewhere classified	$12,370 ~~$12,010~~	$9,744 ~~$9,460~~	$10,815 ~~$10,500~~	$9,504 ~~$9,227~~
B09	Chemical manufacturing with discharge of process wastewater	$21,630 ~~$21,000~~	$19,006 ~~$18,452~~	$20,075 ~~$19,490~~	$18,761 ~~$18,215~~
B10	Cooling water discharges in excess of 20,000 BTU per second	$12,370 ~~$12,010~~	$9,744 ~~$9,460~~	$10,815 ~~$10,500~~	$9,504 ~~$9,227~~
Mining Operations – includes aggregate or ore processing:					

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Table 70B

Industrial NPDES and WPCF Individual Permit Annual Fees

Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2
B11	Large (over 500,000 cubic yards per year or involving chemical leaching)	$21,630 ~~$21,000~~	$19,006 ~~$18,452~~	$20,075 ~~$19,490~~	$18,761 ~~$18,215~~
B12	Medium (100,000 to 500,000 cubic yards per year)	N~~/A~~	$6,654 ~~$6,460~~	N~~/A~~	$6,412 ~~$6,225~~
B13	Small (less than 100,000 cubic yards per year)	N~~/A~~	$2,025 ~~$1,966~~	N~~/A~~	$1,784 ~~$1,732~~
All facilities not elsewhere classified which dispose of process wastewater (includes remediated groundwater):					
B14	Tier 1 sources	$21,630 ~~$21,000~~	N~~/A~~	$20,075 ~~$19,490~~	N~~/A~~
B15	Tier 2 sources	N~~/A~~	$4,185 ~~$4,063~~	N~~/A~~	$3,947 ~~$3,832~~
B16	All facilities not elsewhere classified which dispose of non-process wastewaters (for example: small cooling water discharges, boiler blowdown, filter backwash)	N~~/A~~	$2,802 ~~$2,720~~	N~~/A~~	$2,561 ~~$2,486~~
B17	Dairies, fish hatcheries and other confined feeding operations on individual permits	N~~/A~~	$2,452 ~~$2,381~~	N~~/A~~	$2,212 ~~$2,148~~
B18	All facilities which dispose of wastewater only by evaporation from watertight ponds or basins	N~~/A~~	N~~/A~~	N~~/A~~	$1,626 ~~$1,579~~
Timber and Wood Products					
B19	Sawmills, log storage, instream log storage	$6,067 ~~$5,890~~	$3,442 ~~$3,342~~	$4,512 ~~$4,381~~	$3,199 ~~$3,106~~
B20	Hardboard, veneer, plywood, particle board, pressboard manufacturing, wood products	$6,415 ~~$6,228~~	$3,791 ~~$3,681~~	$4,863 ~~$4,721~~	$3,550 ~~$3,447~~
B21	Wood preserving	$5,429 ~~$5,271~~	$2,802 ~~$2,720~~	$3,874 ~~$3,761~~	$2,561 ~~$2,486~~

~~Table 70C~~

~~OAR 340-045-0075~~

~~Domestic NPDES and WPCF Individual Permits~~

~~Description~~	~~Type~~	~~Classification Criteria[1]~~	~~Class~~	~~New Permit App. Fee[2]~~	~~Base Annual Fee, 5yr permits~~	~~Base Annual Fee, 10yr permits~~	~~Additional Annual Fees~~	~~Major Modification~~	~~Minor Modification~~
~~Nondischarging lagoons~~	~~E~~	~~N/A~~	~~Tier 2~~	~~$3,917~~	~~N/A~~	~~$1,250~~	~~Additional fees include population and pretreatment fees. See tables 70D and 70E for determination of these fees.~~	~~$2,005~~	~~$1,051~~
~~Lagoons that discharge to surface waters~~	~~Db~~	~~Flow < 1 mgd~~	~~Tier 2~~	~~$7,734~~	~~$1,500~~	~~N/A~~		~~$3,917~~	~~$1,051~~
	~~C2b~~	~~1 mgd ≤ Flow < 2 mgd~~	~~Tier 1~~	~~$38,286~~	~~$3,951~~	~~N/A~~		~~$19,190~~	~~$1,051~~
	~~C1b~~	~~2 mgd ≤ Flow < 5 mgd~~	~~Tier 1~~	~~$38,286~~	~~$5,414~~	~~N/A~~		~~$19,190~~	~~$1,051~~
	~~Bb~~	~~5 mgd ≤ Flow < 10 mgd~~	~~Tier 1~~	~~$38,286~~	~~$7,785~~	~~N/A~~		~~$19,190~~	~~$1,051~~
~~Treatment systems other than lagoons~~	~~Da~~	~~Flow < 1 mgd~~	~~Tier 2~~	~~$7,734~~	~~$2,128~~	~~$1,975~~		~~$3,917~~	~~$1,051~~
	~~C2a~~	~~1 mgd ≤ Flow < 2 mgd~~	~~Tier 1~~	~~$38,286~~	~~$6,719~~	~~$5,756~~		~~$19,190~~	~~$1,051~~
	~~C1a~~	~~2 mgd ≤ Flow < 5 mgd~~	~~Tier 1~~	~~$38,286~~	~~$9,900~~	~~$8,938~~		~~$19,190~~	~~$1,051~~

	Ba	5 mgd ≤ Flow < 10 mgd	Tier 1	$38,286	$14,722	$13,759		$19,190	$1,051
	A3	10 mgd ≤ Flow < 25 mgd	Tier 1	$38,286	$22,967	N/A		$19,190	$1,051
	A2	25 mgd ≤ Flow < 50 mgd	Tier 1	$38,286	$48,729	N/A		$19,190	$1,051
	A1	≥ 50 mgd	Tier 1	$38,286	$82,912	N/A		$19,190	$1,051
Septage alkaline stabilization facilities	F	N/A	Tier 2	$$1,051	N/A	$431	N/A	N/A	$477
Municipal Separate Storm Sewer System	MS4	See 40 CFRC.F.R. §122.26	N/A	$21,262	$4,786	N/A	N/A	$1,847	$1,051
Underground Injection Control	Various	As defined in 40 CFRC.F.R. parts 9, 144, 145 and 146	N/A	$12,086	N/A	$2,558	N/A	N/A	$1,051
1. Based on Average Dry Weather Design Flow, or as defined in 40CFRC.F.R.. 2. New permit applications must include the annual fee in addition to the new permit application fee.									

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Table 70C

Domestic NPDES and WPCF Individual Permits:

Application, Annual and Modification Fees

Description	Type	Criteria[1]	New Permit App. Fee[2]	Annual Fee (5yr)	Annual Fee (10yr)	Modifications	
						Major	Minor
Nondischarging Lagoons	E	No discharge flow	$4,035		$1,288	$2,065	$1,083

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Table 70C

Domestic NPDES and WPCF Individual Permits:

Application, Annual and Modification Fees

Description	Type	Criteria[1]	New Permit App. Fee[2]	Annual Fee (5yr)	Annual Fee (10yr)	Modifications	
						Major	Minor
Lagoons Discharging to Surface Waters	Db	Flow < 1 mgd	$7,966	$1,545		$4,035	$1,083
	C2b	1 mgd ≤ Flow < 2 mgd	$39,435	$4,070		$19,766	$1,083
	C1b	2 mgd ≤ Flow < 5 mgd	$39,435	$5,576		$19,766	$1,083
	Bb	5 mgd ≤ Flow < 10 mgd	$39,435	$8,019		$19,766	$1,083
Non-Lagoon Treatment Systems	Da	Flow < 1 mgd	$7,966	$2,192	$2,034	$4,035	$1,083
	C2a	1 mgd ≤ Flow < 2 mgd	$39,435	$6,921	$5,929	$19,766	$1,083
	C1a	2 mgd ≤ Flow < 5 mgd	$39,435	$10,197	$9,206	$19,766	$1,083
	Ba	5 mgd ≤ Flow < 10 mgd	$39,435	$15,164	$14,172	$19,766	$1,083
	A3	10 mgd ≤ Flow < 25 mgd	$39,435	$23,656		$19,766	$1,083
	A2	25 mgd ≤ Flow < 50 mgd	$39,435	$50,191		$19,766	$1,083
	A1	≥ 50 mgd	$39,435	$85,399		$19,766	$1,083
Please see Table 70E and 70F for applicable population and pretreatment fees for the permits listed above.							
Municipal Separate Storm Sewer System	MS4	See 40 ~~CFR~~C.F.R.C.F.R. § 122.26	$21,900	$4,930		$1,902	$1,083

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Table 70C

Domestic NPDES and WPCF Individual Permits:

Application, Annual and Modification Fees

Description	Type	Criteria[1]	New Permit App. Fee[2]	Annual Fee (5yr)	Annual Fee (10yr)	Modifications	
						Major	Minor
Underground Injection Control	UIC	As defined in 40 ~~CFR~~C.F.R.C.F.R. parts 9, 144-146	$12,449		$2,635	$2,065	$1,083

1. Based on Average Dry Weather Design Flow, or as defined in 40~~CFR~~C.F.R.C.F.R~~.~~. . .

2. New permit applications must include the annual fee in addition to the new permit application fee.

OAR 340-045-0075

Table 70D

Domestic NPDES and WPCF Annual Population Fee

Population range	Annual fee
500,000+	$114,734 ~~$111,392~~
400,000 to 499,999	$87,771 ~~$85,215~~
300,000 to 399,999	$60,810 ~~$59,039~~
200,000 to 299,999	$33,846 ~~$32,860~~
150,000 to 199,999	$27,373 ~~$26,576~~
100,000 to 149,999	$18,028 ~~$17,503~~

50,000 to 99,999	$11,307 ~~$10,978~~
25,000 to 49,999	$5,082 ~~$4,934~~
15,000 to 24,999	$2,893 ~~$2,809~~
10,000 to 14,999	$1,885 ~~$1,830~~
5,000 to 9,999	$1,146 ~~$1,113~~
1,000 to 4,999	$343 ~~$333~~
100 to 999	$65 ~~$63~~
0 to 99	$0

Oar 340-045-0075 **Table 70E** **Annual Pretreatment Fees**	
Description	Fee
Pretreatment Fee	$1,967 ~~$1,910~~
Significant Industrial User	$656 per industry ~~$637 per industry~~

~~Table 70F~~

~~OAR 340-045-0075~~

~~Technical Activity and Other Fees~~	
~~Activity~~	~~Fee~~
~~New or substantially modified sewage treatment facility~~	~~$8,785~~
~~Minor sewage treatment facility modifications and pump stations~~	~~$954~~
~~Pressure sewer system or major sewer collection system expansion~~	~~$670~~
~~Minor sewer collection system expansion or modification~~	~~$190~~
~~New or substantially modified water pollution control facilities using alkaline agents to stabilize septage~~	~~$954~~
~~Permit transfer~~	~~$94~~

OAR 340-045-0075 Table 70F All NPDES and WPCF[1] Permits: Technical Activity, Plan Review and Other Fees	
Activity	Fee
New or substantially modified facility	$9,049
Minor facility or pump station modifications	$983
Major system or pressure system expansion	$690
Minor system expansion or modification	$196
New or substantially modified septage alkaline stabilization facility	$983
Disposal system and environmental management plan review[2]	$616
Site inspection and evaluation[2]	$1,541
Other Fees	

OAR 340-045-0075 Table 70F All NPDES and WPCF[1] Permits: Technical Activity, Plan Review and Other Fees	
Activity	Fee
Temporary electronic reporting requirement waiver	$750
Permit transfer, legal name change.	$97
1. Does not include Onsite septic systems. Please see Tables 9A-9F in OAR 340-071 for appropriate technical activity fees. 2. This fee is not charged to new applicants for individual NPDES and WPCF permits. Plans updated after the permit is issued are subject to plan review as specified in the permit.	

~~Table 70G~~

~~OAR 340-045-0075~~

~~General NPDES and WPCF Permits~~

~~Number~~	~~Type~~	~~Description~~	~~New Permit Application Fee[1]~~	~~Annual Fee~~
~~100-J~~	~~NPDES~~	~~Cooling water/heat pumps~~	~~$245~~	~~$557~~
~~200-J~~	~~NPDES~~	~~Filter backwash~~	~~$245~~	~~$557~~
~~300-J~~	~~NPDES~~	~~Fish hatcheries~~	~~$390~~	~~$557~~

Table 70G

OAR 340-045-0075

General NPDES and WPCF Permits

Number	Type	Description	New Permit Application Fee[1]	Annual Fee
400-J	NPDES	Log ponds	$245	$557
500-J	NPDES	Boiler blowdown	$245	$557
600	WPCF	Offstream small scale mining – processing less than five cubic yards of material per day, or less than 1,500 cubic yards per year	$0	$0
		Offstream small scale mining – processing 1,500 to10,000 cubic yards of material per year	$245	$0
700-PM	NPDES	Suction dredges	$0	$25
900-J	NPDES	Seafood processing	$245	$557
1000	WPCF	Gravel mining	$245	$557
1200-A[2]	NPDES	Stormwater: Sand, gravel, and other non-metallic mining	$952	$980
1200-C[2]	NPDES	Stormwater: Construction activities – one acre or more	$952	$980
1200-C[2]	NPDES	Stormwater: Construction activities – less than one acre and part of a common plan of development disturbing one or more acres	$280	$0

Table 70G

OAR 340-045-0075

General NPDES and WPCF Permits

Number	Type	Description	New Permit Application Fee[1]	Annual Fee
1200-CA	NPDES	Stormwater: Construction activities performed by public agencies – one acre or more	$952	$980
1200-COLS[2]	NPDES	Stormwater: Industrial stormwater discharge to Columbia Slough	$952	$980
1200-Z[2,3]	NPDES	Stormwater: Industrial	$952	$980
1200-U[4]	WPCF	Underground injection control general permit for applicants that do not qualify for individual permits or rule authorization.	$543	$557
1400-A	WPCF	Wineries and seasonal fresh pack operations whose wastewater flow does not exceed 25,000 gallons per day and is only disposed of by land irrigation.	$245	$326
1400-B	WPCF	Wineries and small food processors not otherwise eligible for a 1400A general permit.	$390	$557
1500-A	NPDES	Petroleum hydrocarbon clean-up	$390	$557
1500-B	WPCF	Petroleum hydrocarbon clean-up	$390	$557
1700-A	NPDES	Vehicle and equipment wash water	$543	$557
1700-B	WPCF	Vehicle and equipment wash water	$543	$557

Table 70G

OAR 340-045-0075

General NPDES and WPCF Permits

Number	Type	Description	New Permit Application Fee[1]	Annual Fee
1900-J	NPDES	Non-contact geothermal heat exchange	$543	$557
2401	WPCF	Tier 1 graywater reuse and disposal system for residential systems not exceeding 300 gallons per day, or equivalent specific geographic area graywater reuse and disposal area permit	$50	$40
2402	WPCF	Tier 2 graywater reuse and disposal system for systems not exceeding 1,200 gallons per day, or equivalent specific geographic area graywater reuse and disposal area permit	$534	$50
2501	WPCF	Industrial reuse water free of human and animal waste suitable for reuse without secondary or advanced treatment and not exceeding 25,000 gallons per day.	$543	$557
4000-MS4	NPDES	Municipal Separate Storm Sewer System (MS4): Conveyance system owned or operated by municipality, special district, hospital, port, school district, etc.	$952	Please see Table 70I
Other			$543	$557

1. New permit applications must include both the new permit application fee and the first year's annual fee.
2. Some of these permits are administered by public agencies under contract with DEQ.
3. This permit incorporates the 1300-J permit.
4. In addition to the new permit application fee and annual permit fees, first year ($300) and annual fees ($100) for subsurface injection of fluids also apply in accordance with ORS 468B.196(1)(d).

OAR 340-045-0075 Table 70G General NPDES and WPCF Permits: Application and Annual Fees				
Number	Type	Description	New Permit App. Fee[1]	Annual Fee
100-J	NPDES	Cooling water/heat pumps	$252	$574
200-J	NPDES	Filter backwash	$252	$574
300-J	NPDES	Fish hatcheries	$402	$574
400-J	NPDES	Log ponds	$252	$574
500-J	NPDES	Boiler blowdown	$252	$574
900-J	NPDES	Seafood processing	$252	$574
1400-A	WPCF	Wineries and seasonal fresh pack operations whose wastewater flow is ≤ 25,000 gallons/day and is only disposed of by land irrigation.	$252	$336
1400-B	WPCF	Wineries and small food processors not otherwise eligible for a 1400A general permit.	$402	$574
1500-A	NPDES	Petroleum hydrocarbon clean-up	$402	$574
1500-B	WPCF	Petroleum hydrocarbon clean-up	$402	$574
1700-A	NPDES	Vehicle and equipment wash water	$559	$574
1700-B	WPCF	Vehicle and equipment wash water	$559	$574
1900-J	NPDES	Non-contact geothermal heat exchange	$559	$574
Residential and Commercial Graywater and Industrial Reuse Water				
2401	WPCF	Tier 1 graywater reuse and disposal system for residential systems: ≤ 300 gallons/day, or equivalent specific geographic area graywater reuse and disposal area permit	$52	$41
2402	WPCF	Tier 2 graywater reuse and disposal system for systems: ≤ 1,200 gallons/day, or equivalent specific	$550	$52

OAR 340-045-0075 Table 70G General NPDES and WPCF Permits: Application and Annual Fees				
Number	Type	Description	New Permit App. Fee[1]	Annual Fee
		geographic area graywater reuse and disposal area permit		
2501	WPCF	Industrial reuse water free of human and animal waste suitable for reuse without secondary or advanced treatment and ≤ 25,000 gallons/day	$559	$574
Stormwater General Permits[3]				
1200-A	NPDES	Stormwater: Sand, gravel, and other non-metallic mining	$981	$1,009
1200-C	NPDES	Stormwater: Construction activities – one acre or more	$981	$1,009
1200-C	NPDES	Stormwater: Construction activities – less than one acre and part of a common plan of development disturbing one or more acres	$288	$0
1200-CA	NPDES	Stormwater: Construction activities performed by public agencies – one acre or more	$981	$1,009
1200-Z	NPDES	Stormwater: Industrial	$981	$1,009
4000-MS4	NPDES	Municipal Separate Storm Sewer System (MS4): Conveyance system owned or operated by municipality, special district, hospital, port, school district, etc.	$981	Please see Table 70H
Mining General Permits				
600	WPCF	Offstream small scale mining – Processing < 5 cubic yds/day, or < 1,500 cubic yds/year	$0	$0
		Offstream small scale mining – Processing 1,500 - 10,000 cubic yds/year	$252	$0
700	NPDES	Suction dredges	$0	$25
1000	WPCF	Gravel mining	$252	$574

OAR 340-045-0075

Table 70G

General NPDES and WPCF Permits:

Application and Annual Fees

Number	Type	Description	New Permit App. Fee[1]	Annual Fee
Other General Permits				
DOM-F	WPCF	Septage alkaline stabilization facilities	$1,083	$444
All other permits not elsewhere classified.			$559	$574

1. New permit applications must include both the new permit application fee and the first year's annual fee.

2. Stormwater construction and industrial permits are also administered by public agencies and local districts under contract with DEQ.

~~Table 70H~~

~~OAR 340-045-0075~~

~~General Permit Activity and Other Fees~~

~~Activity~~	~~Fee~~
~~Disposal system plan review[1]~~	~~$598~~
~~Site inspection and evaluation[1]~~	~~$1,496~~
~~Permit transfer~~	~~$94~~

~~1. These fees apply when these activities are required for DEQ's review of the application.~~

OAR 340-045-0075 Table 70H Municipal Separate Storm Sewer System General Permits: Annual Fees Based on Population	
Population Range	Fee
50,000+	$1,133
25,000 to 49,999	$927
15,000 to 24,999	$876
10,000 to 14,999	$773
5,000 to 9,999	$670
1,000 to 4,999	$567
100 to 999	$67
0 to 99	$0

~~Table 70I~~ ~~OAR 340-045-0075~~ ~~Municipal Separate Storm Sewer System (MS4) Annual Fees[1]~~	
~~Population range~~	~~Annual fee~~
~~50,000 to 99,999~~	~~$1100~~
~~25,000 to 49,999~~	~~$900~~
~~15,000 to 24,999~~	~~$850~~
~~10,000 to 14,999~~	~~$750~~
~~5,000 to 9,999~~	~~$650~~

~~Table 70I~~ ~~OAR 340-045-0075~~ ~~Municipal Separate Storm Sewer System (MS4) Annual Fees[1]~~	
~~1,000 to 4,999~~	~~$550~~
~~100 to 999~~	~~$65~~
~~0 to 99~~	~~$0~~

~~1. Annual fees for the MS4 General permit are scaled based on population of the permit holder.~~

OAR 340-045-0075

Table 70I

Underground Injection Control: Rule Authorized and General Permits

Application Fees, Annual Fees and Surcharges

Type	Category	Application Fee	Annual Fee	Class of Injection	Surcharge	
					Application	Annual
Authorized By Rule[1]	Low Risk Injection of Stormwater Only	None	None	Low Risk	$100	None
	Non-Stormwater Injection[2]	None	None	Medium Risk	$125	None
	All Other UIC's Draining Stormwater from Any Surface	None	None	Low Risk	$100	None
				Medium Risk	$125	None
				High Risk	$300	$100

OAR 340-045-0075

Table 70I

Underground Injection Control: Rule Authorized and General Permits

Application Fees, Annual Fees and Surcharges

Type	Category	Application Fee	Annual Fee	Class of Injection	Surcharge	
					Application	Annual
1200-U General Permit[3]	Stormwater Injection	$559	$574	Low Risk	$100	None
				Medium Risk	$125	None
				High Risk	$300	$100
1900-B General Permit	Injection During Geothermal Exploration	$559	$574	-	-	-

1. Includes facilities with less than 50 injection systems. All systems must be located over 500 feet from a water well and outside a 2 -year time of travel from a water source.

2. Includes aquifer storage and recovery, low temperature geothermal injection, remediation and other underground injection control systems that do not drain stormwater.

3. Includes facilities with less than 50 injection systems and for systems within 500 ft from a water well and within a 2-year time of travel from a water source.

Effect of a Permit

340-045-0080

Purpose

(1) A permittee in compliance with a National Pollutant Discharge Elimination System (NPDES) permit during its term is considered to be in compliance for purposes of enforcement, with Sections 301, 302, 306, 307, 318, 403, and 405(a)-(b) of the federal Clean Water Act (CWA) and ORS 468B.030, 468B.035, and 468B.048, and implementing rules, applicable to effluent limitations, including effluent limitations based ~~up~~on water quality basin standards, and treatment systems operation requirements. This section does not apply to:

(a) Toxic effluent standards and prohibitions imposed under Section 307 of the CWA, and OAR Chapter 340, Division 41;

(b) Standards for sewage sludge use or disposal under Section 405(d) of the CWA; or

(c) Groundwater quality protection requirements as specified in OAR Chapter 340, Division 40.

(2) Section (1) of this rule doesshall not prevent the DepartmentDEQ from instituting any proceeding for any modifications, revocation, or suspension of a permit during its term. This includes -- Including any modification of a permit necessary to implement and enforce Oregon statutes or rules enacted or adopted after DEQ issued the permitsubsequent to issuance of the permit.

(3) Compliance with permit conditions thatwhich implement a particular standard for sewage sludge use or disposal isshall be an affirmative defense in any enforcement action brought for a violation of that standard for sewage sludge use or disposal underpursuant to Sections 405(e) and 309 of the CWA.

(4) Nothing in this rule shall preventss the DepartmentDEQ from instituting any proceeding against a permittee for violatingon of ambient water quality standards, outside of any applicable mixing zone, in effect at the time the permit issuedof permit issuance, that are not implemented through an effluent limitation.

(5) The Commission may adopt rules which are applthat applyicable to existing permits when either the Commission or the Governor declares an emergency is declared by either the Commission or the Governor.

Stat. Auth.: ORS 468.020 & ORS 468B.035
Stats. Implemented: ORS 468.020 & ORS 468B.035
Hist.: DEQ 18-1992, f. & cert. ef. 8-7-92 (and corrected 8-12-92); DEQ 10-1993, f. & cert. ef. 6-17-93

340-045-0100

Initiation Level Rule

(1) Definitions. The definitions in ORS 468B.138 are adopted by reference. In addition, for purposes of this rule, the following definitions apply:

(a) “Persistent Pollutants” are substances that are toxic and that either persist in the environment or accumulate in the tissues of humans, fish, wildlife or plants, and are listed in Column 2 of Table A.

(b) “Permittee” means a municipality in possession of a National Pollutant Discharge Elimination System or water pollution control facility permit issued by the DEQ pursuant to ORS 468B.050 for a sewage treatment facility that has a dry weather design flow capacity of one million gallons per day or more.

(c) “Initiation level” is the concentration of a persistent pollutant in a permittee’s effluent that, if exceeded, necessitates the preparrequires preparingation of a persistent pollutant reduction plan under ORS 468B.140.

(2) Initiation levels.

(a) Initiation levels for persistent pollutants are those values contained in Table A, or the analytical quantitation limit (concentration at which quantitative results can be reported with a high degree of confidence), whichever is higher.

(b) Initiation levels are not standards of quality and purity for the waters of this state for the purposes of ORS 468B.048 or the federal Clean Water Act.

(c) Except as specified in subsection (f), each permittee must measure the concentration of the persistent pollutants listed in Table A in its effluent, compare the results of these measurements to the initiation levels, determine whether any persistent pollutant exceeds its initiation level, and document this proposed determination in a report to DEQ. ~~For e~~Existing permittees must file~~,~~ the report ~~must be filed~~ no later than 60 calendar days after receiving~~receipt of~~ laboratory results. ~~For p~~Permittees that first become subject to this rule after its effective date must file~~,~~ the report ~~must be filed~~ within 18 months after the permittee becomes subject to the rule, unless the permittee requests and is granted a longer period by DEQ.

(d) DEQ will review this report to verify that the proposed determination is based on reliable information. If DEQ finds that the proposed determination is not based on reliable information, DEQ will make an independent determination of whether an initiation level has been exceeded.

(e) Except as specified in subsection (g), each permittee must prepare and submit to DEQ a written persistent pollutant reduction plan ~~in accordance with~~under ORS 468B.140(1)(a) addressing persistent pollutants that exceed the initiation level. ~~For e~~Existing permittees~~,~~ must submit ~~the~~ the plan ~~must be submitted~~ no later than July 1, 2011. ~~For p~~Permittees that first become subject to this rule after the effective date of this rule~~,~~ must submit ~~the~~ the plan ~~must be submitted~~ to DEQ within six months after the determination report required by subsection (c) is submitted, or, if DEQ makes an independent determination, six months from the date of DEQ's independent determination, or within a timeframe established by DEQ.

(f) DEQ may suspend, by written order, the requirement to measure or develop a persistent pollutant reduction plan for a listed persistent pollutant under the following circumstances:

(A) If DEQ determines it is not technically practicable to measure the pollutant in effluent or if DEQ removes a pollutant from the Priority Persistent Pollutant List; or

(B) If, based on additional monitoring done under~~pursuant to~~ a persistent pollutant reduction plan, DEQ determines that it is unlikely that a pollutant exists in a permittee's effluent; or

(C) If sampling of a permittee's effluent demonstrates that the pollutant concentration is lower than the initiation level; or

(D) If DEQ determines that there are no available laboratories capable of performing the analysis for the pollutant; or

(E) If a permittee is subject to duplicative or more stringent requirements addressing the same pollutant; or

(F) For permittees that become subject to this rule after this effective date, if DEQ determines a pollutant is unlikely to be present in effluent based on a review of available effluent data at the facility or similar facilities in the state.

(g) Permittees are not required to develop a persistent pollutant reduction plan to address cholesterol or coprostanol.

[ED. NOTE: ~~Tables referenced are not included in rule text.~~ Click here for PDF copy of table(s).]

Stat. Auth.: ORS 468.020 & 468B.141
Stats. Implemented: ORS 468B.138 - 468B.144
Hist.: DEQ 6-2010, f. & cert. ef. 7-6-10; DEQ 3-2011(Temp), f. & cert. ef. 3-15-11 thru 9-11-11; Administrative correction 9-23-11; MHS 9-2011(Temp), f. & cert. ef. 11-22-11 thru 5-18-12; DEQ 17-2011, f. & cert. ef. 11-18-11

OAR 340-045-0100
TABLE A

For the pollutants listed in italics below, the initiation level is the 2009 National Primary Drinking Water Standards Maximum Contaminant Level (MCL).

CASRN	Chemical Name	Initiation Level
120-12-7	Anthracene	0.01
7440-38-2	*Arsenic Compounds*	10
56-55-3	Benz(a)anthracene	0.02
50-32-8	*Benzo(a)pyrene*	0.2
205-99-2	Benzo(b)fluoranthene	0.5
191-24-2	Benzo(g,h,i)perylene	2
207-08-9	Benzo(k)fluoranthene	0.002
98-07-7	Benzotrichloride	0.03
82657-04-	Bifenthrin	0.02
56-35-9	Bis (tributyltin) oxide [TBTO, hexabutyldistannoxane	0.008
7440-43-9	*Cadmium Compounds*	5
5103-71-9	*Chlordane, cis-*	2
5103-74-2	*Chlordane, trans-*	2
143-50-0	Chlordecone [Kepone]	0.5
2921-88-2	Chlorpyrifos	0.04
57-88-5	Cholesterol	0.06

OAR 340-045-0100
TABLE A

For the pollutants listed in italics below, the initiation level is the 2009 National Primary Drinking Water Standards Maximum Contaminant Level (MCL).

CASRN	Chemical Name	Initiation Level
218-01-9	Chrysene [benzo(a)phenanthrene]	2
360-68-9	Coprostanol	0.04
541-02-6	Cyclopentasiloxane, decamethyl- [D5]	16
556-67-2	Cyclotetrasiloxane, octamethyl- [D4]	7
72-54-8	DDD, 4,4'-	0.1
72-55-9	DDE, 4,4'-	0.1
50-29-3	DDT, 4,4'-	0.001
434-90-2	Decafluorobiphenyl	18
52918-63-	Deltamethrin [decamethrin]	0.0004
333-41-5	Diazinon	0.2
53-70-3	Dibenz(a,h)anthracene	0.04
115-32-2	Dicofol	6
60-57-1	Dieldrin	0.002
56-53-1	Diethylstilbestrol	87
88-85-7	*Dinoseb*	7
1746-01-6	*Dioxins/furans [as 2,3,7,8-TCDD TEQ]*	3×10^{-5}
1031-07-8	Endosulfan sulfate	0.1
72-20-8	*Endrin*	2
66230-04-	Esfenvalerate	0.02
13356-08-	Fenbutatin-oxide	0.5
120068-	Fipronil	15
206-44-0	Fluoranthene [benzo(j,k)fluorine]	0.04
1222-05-5	Galaxolide [HHCB]	29
76-44-8	*Heptachlor*	0.4
1024-57-3	*Heptachlor epoxide*	0.2
32241-08-	Heptachloronaphthalene	0.4

OAR 340-045-0100
TABLE A

For the pollutants listed in italics below, the initiation level is the 2009 National Primary Drinking Water Standards Maximum Contaminant Level (MCL).

CASRN	Chemical Name	Initiation Level
25637-99-	Hexabromocyclododecane [HBCD]	7
118-74-1	*Hexachlorobenzene [HCB]*	1
319-84-6	Hexachlorocyclohexane, alpha-	0.006
319-85-7	Hexachlorocyclohexane, beta-	0.04
58-89-9	*Hexachlorocyclohexane, gamma-*	0.2
1335-87-1	Hexachloronaphthalene	1.4
70-30-4	Hexachlorophene	2
193-39-5	Indeno(1,2,3-cd)pyrene	0.5
465-73-6	Isodrin	0.6
91465-08-	Lambda-cyhalothrin	0.01
7439-92-1	*Lead Compounds*	15
330-55-2	Linuron	0.09
22967-92-	Methylmercury	0.004
832-69-9	Methylphenanthrene, 1-	0.7
2381-21-7	Methylpyrene, 1-	20
2385-85-5	Mirex	0.001
15323-35-	Musk indane	10
81-14-1	Musk ketone	30
145-39-1	Musk tibetene	4
81-15-2	Musk xylene	100
88671-89-	Myclobutanil	200
5103-73-1	Nonachlor, cis-	2
39765-80-	Nonachlor, trans-	2
29082-74-	Octachlorostyrene	0.2
27304-13-	Oxychlordane, single isomer	0.4

OAR 340-045-0100

TABLE A

For the pollutants listed in italics below, the initiation level is the 2009 National Primary Drinking Water Standards Maximum Contaminant Level (MCL).

CASRN	Chemical Name	Initiation Level
42874-03-	Oxyfluorfen	1.3
5436-43-1	PBDE-047 [2,2',4,4'-Tetrabromodiphenyl	0.7
60348-60-	PBDE-099 [2,2',4,4',5-	0.7
189084-	PBDE-100 [2,2',4,4',6-	0.7
68631-49-	PBDE-153 [2,2',4,4',5,5'-	1
1163-19-5	PBDE-209 [decabromodiphenyl ether]	0.1
7012-37-5	*PCB-028 [2,4,4'-trichlorobiphenyl]*	0.5
35693-99-	*PCB-052 [2,2',5,5'-tetrachlorobiphenyl]*	0.5
32598-13-	*PCB-077 [3,3',4,4'-tetrachlorobiphenyl]*	0.5
70362-50-	*PCB-081 [3,4,4',5-tetrachlorobiphenyl]*	0.5
37680-73-	*PCB-101 [2,2',4,5,5'-*	0.5
32598-14-	*PCB-105 [2,3,3',4,4'-*	0.5
74472-37-	*PCB-114 [2,3,4,4',5-*	0.5
31508-00-	*PCB-118 [2,3',4,4',5-*	0.5
65510-44-	*PCB-123 [2',3,4,4',5-*	0.5
57465-28-	*PCB-126 [3,3',4,4',5-*	0.5
35065-28-	*PCB-138 [2,2',3,4,4',5'-*	0.5
35065-27-	*PCB-153 [2,2',4,4',5,5'-*	0.5
38380-08-	*PCB-156 [2,3,3',4,4',5-*	0.5
69782-90-	*PCB-157 [2,3,3',4,4',5'-*	0.5
52663-72-	*PCB-167 [2,3',4,4',5,5'-*	0.5
32774-16-	*PCB-169 [3,3',4,4',5,5'-*	0.5
35065-29-	*PCB-180 [2,2',3,4,4',5,5'-*	0.5
39635-31-	*PCB-189 [2,3,3',4,4',5,5'-*	0.5
40487-42-	Pendimethalin	6

OAR 340-045-0100
TABLE A

For the pollutants listed in italics below, the initiation level is the 2009 National Primary Drinking Water Standards Maximum Contaminant Level (MCL).

CASRN	Chemical Name	Initiation Level
1825-21-4	Pentachloroanisole [2,3,4,5,6-	35
608-93-5	Pentachlorobenzene	6
1321-64-8	Pentachloronaphthalene	4
82-68-8	Pentachloronitrobenzene	20
375-85-9	Perfluoroheptanoic acid [PFHpA]	300
375-95-1	Perfluorononanoic acid [PFNA]	1
754-91-6	Perfluorooctane sulfonamide [PFOSA]	0.2
1763-23-1	Perfluorooctane sulfonic acid [PFOS]	300
335-67-1	Perfluorooctanoic acid [PFOA]	24
85-01-8	Phenanthrene	0.4
2062-78-4	Pimozide	3
67747-09-	Prochloraz	2
129-00-0	Pyrene	0.03
80214-83-	Roxithromycin	710
7782-49-2	*Selenium Compounds]*	50
83-45-4	Sitostanol, beta- [stigmastanol]	75
83-46-5	Sitosterol, beta-	25
92-94-4	Terphenyl, p-	11
79-94-7	Tetrabromobisphenol A [TBBPA]	980
1335-88-2	Tetrachloronaphthalene	14
1321-65-9	Trichloronaphthalene	43
95-95-4	Trichlorophenol, 2,4,5-	18
88-06-2	Trichlorophenol, 2,4,6-	2
3380-34-5	Triclosan [2,4,4'-trichloro-2'-hydroxydiphenyl ether]	70

OAR 340-045-0100
TABLE A

For the pollutants listed in italics below, the initiation level is the 2009 National Primary Drinking Water Standards Maximum Contaminant Level (MCL).

CASRN	Chemical Name	Initiation Level
1582-09-8	Trifluralin	1.1
732-26-3	Tris-(1,1-dimethylethyl)phenol, 2,4,6-	6

340-045-0105

Intake Credits

(1) General Provisions. The following provisions apply to the consideration of intake pollutants in determining reasonable potential under section (2) of this rule and the consideration of intake pollutants in establishing water quality based effluent limits under section (3) of this rule.

These provisions do not alter the permitting authority's obligation under 40 ~~CFR~~C.F.R. §122.44(d)(vii)(B) to develop effluent limitations consistent with the assumptions and requirements of any available waste load allocations for the discharge, that is part of a TMDL prepared by ~~the department~~DEQ and approved by the U.S. EPA under~~pursuant to~~ 40 ~~CFR~~C.F.R. §130.7, or prepared ~~by~~ by the EPA under~~pursuant to~~ 40 ~~CFR~~C.F.R. §130.7(d).

(a) An “intake pollutant” is the amount of a pollutant that is present in public waters, ~~(~~including groundwater as provided in subsection (d), below, at the time it is withdrawn from such waters by the discharger or other facility supplying the discharger with intake water.

(b) An intake pollutant is considered to be from the “same body of water” as the discharge if ~~the department~~DEQ finds that the intake pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee. This finding may be deemed established if:

(A) The background concentration of the pollutant in the receiving water (excluding any amount of the pollutant in the facility's discharge) is similar to that in the intake water;

(B) There is a direct hydrological connection between the intake and discharge points; and

(C) Water quality characteristics (e.g., temperature, pH, hardness) are similar in the intake and receiving waters.

(c) ~~The department~~DEQ may also consider other site-specific factors relevant to the transport and fate of the pollutant to make the finding in a particular case that a pollutant would or would not have reached the vicinity of the outfall point in the receiving water within a reasonable period had the permittee not removed it ~~not been removed by the permittee~~.

(d) An intake pollutant from groundwater may be considered to be from the "same body of water" if ~~the department~~DEQ determines that the pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had the permittee not removed it~~it not been removed by the permittee~~, except that such a pollutant is not from the same body of water if the groundwater contains the pollutant partially or entirely due to human activity, such as industrial, commercial, or municipal operations, disposal actions, or treatment processes.

(e) The determinations made under Sections (2) and (3), below, will be made on a pollutant-by-pollutant and outfall-by-outfall basis.

(2) Consideration of Intake Pollutants in Determining Reasonable Potential:

(a) ~~The department~~DEQ may determine that there is "no reasonable potential" for the discharge of an identified intake pollutant to cause or contribute to an excursion above a narrative or numeric water quality criterion contained in Oregon's water quality standards where a discharger demonstrates to DEQ's~~the~~ satisfaction, ~~of the department (~~based ~~up~~on information provided in the permit application or other information,~~)~~ that:

(A) The facility withdraws 100 percent of the intake water containing the pollutant from the same body of water into which the discharge is made;

(B) The facility does not contribute any additional mass of the identified intake pollutant to its wastewater;

(C) The facility does not alter the identified intake pollutant chemically or physically in a manner that would cause adverse water quality impacts to occur that would not occur if the pollutants were left in-stream;

(D) The facility does not increase the identified intake pollutant concentration at the edge of the mixing zone, or at the point of discharge if a mixing zone is not allowed, as compared to the pollutant concentration in the intake water, unless the increased concentration does not cause or contribute to an excursion above an applicable water quality standard; and

(E) The timing and location of the discharge would not cause adverse water quality impacts to occur that would not occur if the identified intake pollutant were left in-stream.

(b) Upon a finding under subsection (a) of this section that an intake pollutant in the discharge does not cause, have the reasonable potential to cause, or contribute to an excursion above an applicable water quality standard, ~~the department~~DEQ is not required to include a water quality-based effluent limit for the identified intake pollutant in the facility's permit, provided:

(A) The NPDES permit evaluation report includes a determination that there is no reasonable potential for the discharge of an identified intake pollutant to cause or contribute to an excursion above an applicable numeric water quality criterion and references appropriate supporting documentation included in the administrative record;

(B) The permit requires all influent, effluent, and ambient monitoring necessary to demonstrate that the conditions above in subsection (a) of this section are maintained during the permit term; and

(C) The permit contains a re-opener clause authorizing modifying~~ication~~ or revoking~~cation~~ and re-issuing~~ance of~~ the permit if new information shows the discharger no longer meets the conditions in subsection (a)(A) through (E) of this section.

(3) Consideration of Intake Pollutants in Establishing Water Quality Based Effluent Limits (WQBELs):

(a) ~~The department~~DEQ may consider pollutants in intake water as provided in section (3) when establishing water quality-based effluent limitations based on narrative or numeric criteria, provided that the discharger has demonstrated that the following conditions are met:

(A) The facility withdraws 100 percent of the intake water containing the pollutant from the same body of water into which the discharge is made;

(B) The observed maximum ambient background concentration and the intake water concentration of the pollutant exceed~~s~~ the most stringent applicable water quality criterion for that pollutant;

(C) The facility does not alter the identified intake pollutant chemically or physically in a manner that would cause adverse water quality impacts to occur that would not occur if the pollutants were left in-stream;

(D) The facility does not increase the identified intake pollutant concentration, as defined by ~~the department~~DEQ, at the point of discharge as compared to the pollutant concentration in the intake water; and

(E) The timing and location of the discharge would not cause adverse water quality impacts to occur that would not occur if the identified intake pollutant were left in-stream.

(b) Where the conditions in subsection (a) of this section are met, ~~the department~~DEQ may establish a water quality-based effluent limitation allowing the facility to discharge a mass and concentration of the intake pollutant that are no greater than the mass and concentration found in the facility's intake water. A discharger may add mass of the pollutant to its waste stream if an equal or greater mass is removed prior to discharge, so there is no net addition of the pollutant in the discharge compared to the intake water.

(c) Where proper operation and maintenance of a facility's treatment system results in the removal of an intake water pollutant, ~~the department~~DEQ may establish limitations that reflect the lower mass and concentration of the pollutant achieved by such treatment.

(d) Where a municipal water supply system provides intake water for a facility ~~is provided by a municipal water supply system~~ and the supplier provides treatment of the raw water that removes an intake water pollutant, the concentration of the intake water pollutant will be determined at the point where the water enters the water supplier's distribution system.

(e) Where a facility discharges intake pollutants from multiple sources that originate from the receiving water body and from other water bodies, ~~the department~~DEQ may derive an effluent limitation reflecting the flow-weighted amount of each source of the pollutant provided that adequate monitoring to determine compliance can be established and is included in the permit.

(f) The permit will specify how compliance with mass and concentration-based limitations for the intake water pollutant will be assessed. This may be done by basing the effluent limitation on background concentration data. Alternatively, ~~the department~~DEQ may determine compliance by monitoring the pollutant concentrations in the intake water and in the effluent. This monitoring may be supplemented by monitoring internal waste streams or by a department evaluation of the use of best management practices.

(g) In addition to the above, DEQ must establish effluent limitations ~~must be established~~ to comply with all other applicable State and Federal laws and regulations including technology-based requirements and anti-degradation policies.

(h) When determining whether WQBELs are necessary, information from chemical-specific, DEQ will consider whole effluent toxicity and biological assessments ~~will be considered~~ independently.

(i) Permits limits must be consistent with the assumptions and requirements of waste load allocations or other provisions in a TMDL that has been approved by the EPA.

Stat. Auth.: ORS 468.020, 468B.010, 468B.020, 468B.035, 468B.110
Stats. Implemented: ORS 468B.048
Hist.: DEQ 10-2011, f. & cert. ef. 7-13-11

DIVISION 71

ONSITE WASTEWATER TREATMENT SYSTEMS

340-071-0100

Definitions

As used in OAR 340, divisions 71 and 73, unless otherwise specified:

(1) "Absorption Area" means the entire area used for underground dispersion of the liquid portion of sewage including the area designated for a future replacement system. It may consist of a seepage pit, absorption field, or combination of the two. It may also consist of a cesspool, seepage bed, bottomless sand filter, or evapotranspiration-absorption system.

(2) "Absorption Facility" means a system of open-jointed or perforated piping, alternative distribution units, or other seepage systems for receiving the flow from septic tanks or other treatment facilities that are designed to distribute effluent for oxidation and absorption by the soil within the zone of aeration.

(3) "Absorption Field" means a system of absorption trenches, a seepage trench, or a system of seepage trenches.

(4) "Absorption Trench" means a ditch or a trench installed into soil, permeable saprolite, or diggable bedrock, with vertical sides and a substantially flat bottom.

(5) "Active Sand Dune" means wind-drifted ridges and intervening valleys, pockets, and swales of sand adjacent to the beach. The sand is grayish-brown with little or no horizon, color, or textural difference. Active dunes are either bare of vegetation or lack sufficient vegetation to prevent blowing of sand.

(6) "Aerobic Sewage Treatment Facility" means a sewage treatment plant that incorporates a means of introducing air and oxygen into the sewage to provide aerobic biochemical stabilization during a detention period. Aerobic sewage treatment facilities may include anaerobic processes as part of the treatment system.

(7) "Aerobic System" means an alternative system that incorporates a septic tank or other treatment facility, an aerobic sewage treatment facility, and an absorption facility to provide treatment before dispersal.

(8) "Agent" means the director or person authorized to act on the director's behalf ~~of the director~~, frequently referring to DEQ or contract county staff performing onsite permitting activities.

(9) "Alteration" means expansion or change in location of an existing system or any part of it~~thereof~~. Major alteration is the expansion or change in location of the soil absorption facility, treatment unit, or any part of it~~thereof~~. Minor alteration is the replacement or relocation of a septic tank or other components of the system other than the soil absorption facility, or a change in distribution technique or method.

(10) "Alternative System" means any onsite wastewater treatment system DEQ or the commission approves~~d by the commission or DEQ~~ for use in lieu of the standard subsurface system.

(11) "Alternative Treatment Technologies" means an alternative system that incorporates aerobic and other treatment technologies or units not specifically described elsewhere in this division.

(12) "Approved Material" means construction items that DEQ approved ~~have been approved~~ for use ~~by DEQ~~.

(13) "Approved Criteria" means methods of design or construction that DEQ ~~have been~~ approved for use ~~by DEQ~~.

(14) "ASTM" means American Society of Testing Materials.

(15) "Authorization Notice" means a written document issued by an agent establishing that an existing onsite wastewater treatment system appears adequate for its intended use.

(16) "Authorized Representative" means a person with written authorization to act as another person's delegate.

(17) "Automatic Siphon" means a hydraulic device designed to rapidly discharge the contents of a dosing tank between predetermined liquid levels.

(18) "Bedroom" means any room within a dwelling accepted as a bedroom by state or local building departments.

(19) "Biochemical Oxygen Demand" (BOD5) means the quantity of oxygen used in the biochemical oxidation of organic matter in five days at 20 degrees centigrade under specified conditions and reported as milligrams per liter (mg/L).

(20) "Black Waste" means human body wastes including feces, urine, other substances of body origin, and toilet paper.

(21) "Capping Fill System" means an alternative system that incorporates an absorption trench with an effective sidewall installed a minimum of 12 inches into the natural soil below a soil cap of specified depth and texture.

(22) "Carbonaceous Biochemical Oxygen Demand" (CBOD5) means BOD minus the nitrogenous oxygen demand, typically measured in mg/L.

(23) "Cesspool" means a lined pit that receives raw sewage, allows separation of solids and liquids, retains the solids, and allows liquids to seep into the surrounding soil through perforations in the lining.

(24) "Chemical Recirculating Toilet Facility" means a toilet facility in which ~~wherein~~ black wastes are deposited and carried from a bowl by a combination of chemically treated and filtered liquid waste and water ~~that has been chemically treated and filtered~~.

(25) "Chemical Toilet Facility" means a nonflushing, nonrecirculating toilet facility in which~~wherein~~ black wastes are deposited directly into a chamber containing a solution of water and chemical.

(26) "Clayey Soil" means mineral soil with over 40 percent clay that shrinks and develops wide cracks when dry and swells and shears when wet, forming slickensides and wedge-shaped structure. Clayey soil is very hard or extremely hard when dry, very firm when moist, and very sticky and very plastic when wet.

(27) "Claypan" means a dense, compact clay layer in the subsoil. It has a much lower permeability than the overlying soil horizon from which it is separated by an abrupt boundary. Claypans are hard when dry and very sticky and very plastic when wet and impede movement of water, air, and growth of plant roots.

(28) "Combustion Toilet Facility" means a toilet facility wherein black wastes are deposited directly into a combination chamber for incineration.

(29) "Commercial Facility" means any structure or building or portion of one~~thereof~~ other than a single-family dwelling.

(30) "Commission" means the Environmental Quality Commission.

(31) "Community System" means an onsite system that serves more than one lot or parcel, more than one condominium unit, or more than one unit of a planned unit development.

(32) "Completed Application" means an application form that is completed in full,~~;~~ is signed by the owner or owner's authorized representative or, for WPCF permits, by the applicant or applicant's authorized representative,~~;~~ and is accompanied by all required exhibits and fees.

(33) "Conditions Associated with Saturation" means soil morphological properties that may indicate the presence of a water table that persists long enough to impair system function and create a potential health hazard. These conditions include depleted matrix chromas caused by saturation and not a relict or parent material feature, and the following:

(a) High chroma matrix with iron depletions. Soil horizons whose matrix chroma is 3 or more in which there are some visible iron depletions having a value 4 or more and a chroma of 2 or less. Iron-manganese concentrations as soft masses or pore linings may be present but are not diagnostic of conditions associated with saturation.

(b) Depleted matrix with iron concentrations. Soil horizons whose matrix color has a value of 4 or more and a chroma of 2 or less as a result of removal of iron and manganese oxides. Some visible zones of iron concentration are present as soft masses or pore linings.

(c) Depleted matrix without iron concentrations. Soil horizons whose color is more or less uniform with a value of 4 or more and a chroma of 2 or less as a result of removing~~al of~~ iron and manganese oxides. These horizons lack visible iron concentrations as soft masses or pore linings.

(d) Reduced matrix. Soil horizons whose color has a value of 4 or more and a chroma of 2 or less with hues that are often, but not exclusively, on the gley pages of the Munsell Color Book. ~~Upo~~On exposure to air, yellow colors form within 24 hours as some of the ferrous iron oxidizes.

(e) Dark colored soils with organic matter accumulation. Mineral soils with a high amount of decomposed organic matter in the saturated zone, a value of 3 or less, and a chroma of 1 or less. Included in this category are organic soils with a minor amount of mineral matter.

(f) Soils with a dark surface. The upper surface layer has a dark color with a value of 3 or less and a chroma of 1 or less immediately underlain by a layer with a chroma of 2 or less.

(g) Iron stripping and staining in sandy soils. Soil horizons in which iron/manganese oxides or organic matter or both have been stripped from the matrix, exposing the primary base color of soil materials. The stripped areas and trans-located oxides or organic matter form a diffuse splotchy pattern of two or more colors.

(h) Salt-affected soils. Soils in arid and semi-arid areas that have visible accumulations of soluble salts at or near the ground surface.

(i) Dark colored shrink-swell soils. Vertisols whose colors have values of 3 or less and chromas of 1 or less. Iron concentrations may be present but are not diagnostic of conditions associated with saturation.

(j) Other soils that lack the diagnostic value and chroma as described in this section but remain saturated long enough to impair system function and have a high water table ~~in accordance with~~under OAR 340-071-0130(23).

(34) "Confining Layer" means a layer associated with an aquifer that, because of low permeability, does not allow water to move through it perceptibly under head differences occurring in the groundwater system.

(35) "Construction" includes ~~the installa~~installing~~tion of~~ a new system, or a part of one~~thereof~~, or ~~the~~ altering~~ation~~, repairing, or extending~~sion of~~ an existing system. The grading, excavating, and earth-moving work connected with installing~~ation~~, altering~~ation~~, or repairing ~~of~~ a system or ~~part~~a part of one ~~thereof~~ is considered system construction.

(36) "Contract County" means a local unit of government that has entered into an agreement with DEQ under OAR 340-071-0120 to perform duties of DEQ under this division.

(37) "Conventional Sand Filter" means a filter with 2 feet or more of sand filter media designed to chemically and biologically process septic tank or other treatment unit effluent from a pressure distribution system operated on an intermittent basis.

(38) "Curtain Drain" means a groundwater interceptor that is designed to divert groundwater from an absorption facility. The drain creates a "curtain" to block water from reaching the absorption facility.

(39) "Cut-manmade" means a land surface resulting from mechanical land shaping operations where the modified slope is greater than 50 percent and the depth of cut exceeds 30 inches.

(40) "DEQ" means the Department of Environmental Quality.

(41) "Design Capacity" means the maximum daily flow a system is designed to treat and disperse.

(42) "Design Criteria" means the criteria used in designing onsite wastewater treatment systems including but not limited to dimensions, geometry, type of materials, size of drain media or filter media, absorption field sizing, depth, grade or slope, hydraulic loading rate, or any other factor relevant to the successful operation of the system. It does not include absorption area siting criteria.

(43) "Designer" means a person who plans onsite wastewater treatment and dispersal technology for an onsite system.

(44) "Director" means the Director of the Department of Environmental Quality.

(45) "Disposal Trench" means "absorption trench."

(46) "Distribution Box" means a watertight structure that receives septic tank or other treatment facility effluent and distributes it concurrently into 2 or more header pipes leading to the absorption area.

(47) "Distribution Pipe" means an open-jointed or perforated pipe used in the dispersion of septic tank or other treatment facility effluent into absorption trenches, seepage trenches, or seepage beds.

(48) "Distribution Unit" means a distribution box, dosing tank, diversion valve or box, header pipe, or other means of transmitting septic tank or other treatment unit effluent from the effluent sewer to the distribution pipes.

(49) "Diversion Valve" means a watertight structure that receives septic tank or other treatment facility effluent through one inlet and distributes it to 2 outlets, only one of which is used at a time.

(50) "Dosing Tank" means a watertight receptacle placed after a septic tank or other treatment facility equipped with an automatic siphon or pump.

(51) "Dosing Septic Tank" means a unitized device performing functions of both a septic tank and a dosing tank.

(52) "Drainfield" means an "absorption field."

(53) "Drain Media" means clean washed gravel or clean, crushed rock with a minimum size of 3/4 inch and a maximum size of 2-1/2 inches used in the distribution of effluent. The material must be durable and inert so that it will maintain its integrity, will not collapse or disintegrate with time, and will not be detrimental to the performance of the system. Drain media also includes any product or material approved by DEQ for distribution of effluent in an absorption field.

(54) "Dwelling" means any structure or building or portion thereof that is used, intended, or designed to be occupied for human living purposes including but not limited to houses, houseboats, boathouses, mobile homes, recreational cabins, travel trailers, hotels, motels, and apartments.

(55) "Effective Seepage Area" means the sidewall area within an absorption trench or a seepage trench from the bottom of the trench to a level 2 inches above the distribution pipes,~~;~~ the sidewall area of any cesspool, seepage pit, unsealed earth pit privy, graywater waste absorption sump seepage chamber, or trench with drain media substitute,~~;~~ or the bottom area of a pressurized soil absorption facility installed in soil.

(56) "Effective Soil Depth" means the depth of soil material above a layer that impedes movement of water and air and growth of plant roots. Layers that differ from overlying soil material enough to limit effective soil depth are hardpans, claypans, fragipans, compacted soil, bedrock, saprolite, and clayey soil.

(57) "Effluent Filter" means an effluent treatment device installed on the outlet of a septic tank or outside the septic tank in a separate enclosure and designed to prevent the passage of suspended matter larger than 1/8 inch in size.

(58) "Effluent Lift Pump" means a pump used to lift septic tank or other treatment facility effluent to a higher elevation.

(59) "Effluent Sewer" means that part of the system of drainage piping that conveys partially treated sewage from a septic tank or other treatment facility into a distribution unit or an absorption facility.

(60) "Emergency Repair" means immediate action to repair a failing system when sewage is backing up into a dwelling or building or to repair a broken pressure sewer pipe. It does not include the construction of new or additional absorption facilities but does include usinge ~~of~~ the septic tank as a temporary holding tank until new or additional absorption facilities can be permitted and constructed.

(61) "Equal Distribution" means the distribution of effluent to a set of absorption trenches in which each trench receives effluent in equivalent or proportional volumes.

(62) "Escarpment" means any naturally occurring slope greater than 50 percent that extends vertically 6 feet or more from toe to top, is characterized by a long cliff or steep slope that separates two or more comparatively level or gently sloping surfaces, and may intercept one or more layers that limit effective soil depth.

(63) "Existing Onsite Wastewater Treatment System" means any installed onsite wastewater treatment system constructed in conformance with the rules, laws, and local ordinances in effect at the time of construction.

(64) "Existing System" means "existing onsite wastewater treatment system."

(65) "Failing System" means any system that discharges untreated or incompletely treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters or that creates a public health hazard.

(66) "Family Member" means any one of two or more persons related by blood or by law.

(67) "Fecal Coliform" means bacteria common to the digestive systems of warm-blooded animals and cultured in standard tests. The term is typically used to indicate fecal pollution and the possible presence of enteric pathogens and is measured as colonies/100ml.

(68) "Filter Fabric" means a woven or spun-bonded sheet material used to impede or prevent the movement of sand, silt, and clay into drain media.

(69) "Fragipan" means a loamy subsurface horizon with high bulk density relative to the horizon above, seemingly cemented when dry, and weakly to moderately brittle when moist. Fragipans are mottled and low in organic matter, and they impede movement of water and air and growth of plant roots.

(70) "Governmental Unit" means the state or any county, municipality, or political subdivision or any agency thereof.

(71) "Grade" means the rate of fall or drop in inches per foot or the percentage of fall of a pipe.

(72) "Graywater" means household sewage other than "black wastes," such as bath water, kitchen waste water, and laundry wastes.

(73) "Graywater Waste Sump" means a receptacle or series of receptacles designed to receive hand-carried graywater for dispersal into the soil.

(74) "Grease and Oils" means a component of sewage typically originating from food stuffs, consisting of compounds of alcohol or glycerol with fatty acids.

(75) "Groundwater Interceptor" means any natural or artificial groundwater or surface water drainage system, including drain tile, curtain drain, foundation drain, cut banks, and ditches, that intercept and divert groundwater or surface water from the area of the absorption facility.

(76) "Hardpan" means a hardened layer in soil caused by cementation of soil particles with silica, calcium carbonate, magnesium carbonate, iron, or organic matter. The hardness does not change appreciably with changes in moisture content. Hardpans impede movement of water and air and growth of plant roots.

(77) "Header Pipe" means a tight-jointed part of the sewage drainage conduit that receives septic tank effluent from the distribution box, drop box, or effluent sewer and conveys it to the absorption area.

(78) "Headwall" means a steep slope at the head or upper end of a land slump block or unstable landform.

(79) "Holding Tank" means a watertight receptacle designed to receive and store sewage to facilitate treatment at another location.

(80) "Holding Tank System" means an alternative system consisting of the combination of a holding tank, service riser, and level indicator (alarm), designed to receive and store sewage for intermittent removal for treatment at another location.

(81) "Hydrosplitter" or "hydrasplitter" means a hydraulic device to proportion flow under pressure by the use of one or more orifices.

(82) "Incinerator Toilet Facility" means "combustion toilet facility."

(83) "Individual System" means a system that is not a community system.

(84) "Individual Water Supply" means a source of water and a distribution system that provides water for drinking, culinary, or household uses and is not a public water supply system.

(85) "Industrial Waste" means any liquid, gaseous, radioactive, or solid waste or a combination thereof resulting from any process of industry, manufacturing, trade, or business or from ~~the~~ developing~~ment~~ or recovering~~y of~~ any natural resources.

(86) "Intermittent Sand Filter" means a conventional sand filter.

(87) "Intermittent Stream" means any public surface water or groundwater interceptor that continuously flows water for a period greater than two months in any one year but not continuously for that year.

(88) "Invert" is the lowest portion of the internal cross section of a pipe or fitting.

(89) "Large System" means any onsite system with a projected daily sewage flow greater than 2,500 gallons.

(90) "Lateral Pipe" means "distribution pipe."

(91) "Maintenance" means taking the actions necessary to keep onsite system components properly functioning as designed. Maintenance is further defined as:

(a) Major Maintenance is cleaning, repairing or replacing a broken or plugged effluent sewer pipe where~~that~~:

(A) The pipe ~~I~~is the same make and model; or

(B) The pipe ~~M~~meets the requirements in this division; and

(C) ~~Is performed by a~~A certified maintenance provider or certified licensed installer performs the work.

(b) Minor Maintenance includes, but is not limited to, repairing or replacing of a tank riser or lid, or pump, screen, filter, or other component internal to the tank that:

(A) Is the same make and model; or

(B) Meets the requirements in this division.

(92) "Maintenance provider" means a person who performs maintenance of onsite systems and:

(a) Possesses adequate skills and knowledge regarding onsite wastewater treatment, absorption facilities, and system functions to competently inspect and maintain onsite systems, and

(b) Is certified under~~in compliance with~~ OAR 340-071-0650.

(93) "Mechanical Sewage Treatment Facility" or "Mechanical Oxidation Sewage Treatment Facility" means an aerobic sewage treatment facility.

(94) "Nonwater-Carried Waste Facility" means any toilet facility that has no direct water connection, including but not limited to pit privies, vault privies, and portable toilets.

(95) "Occupant" means any person living or sleeping in a dwelling.

(96) "Onsite Sewage Disposal System" means "onsite wastewater treatment system."

(97) "Onsite Wastewater Treatment System" means any existing or proposed subsurface onsite wastewater treatment and dispersal system including but not limited to a standard subsurface, alternative, experimental, or nonwater-carried sewage system. It does not include systems that are designed to treat and dispose of industrial waste as defined in OAR chapter 340, division 045.

(98) "Operating Permit" means a WPCF permit issued under~~pursuant to~~ these rules.

(99) "Owner" means any person who alone, jointly, or severally:

(a) Has legal title to any single lot, dwelling, dwelling unit, or commercial facility;

(b) Has care, charge, or control of any real property as agent, executor, administrator, trustee, commercial lessee, or guardian of the estate of the holder of legal title; or

(c) Is the contract purchaser of real property.

(100) "Peer Review" means a review by at least three members of a scientific community recognized as experts in the field of study and well-rehearsed with scientific principles and experimentation.

(101) "Permanent Groundwater Table" means the upper surface of a saturated zone that exists year-round. The thickness of the saturated zone and resulting elevation of the permanent groundwater table may fluctuate as much as 20 feet or more

annually, but the saturated zone and associated permanent groundwater table is present at some depth beneath land surface throughout the year.

(102) "Permit" means the written document, issued and signed by an agent, that authorizes a permittee to install a system or any part of onethereof and, in some cases, to operate and maintain the system in accordance withunder the permit.

(103) "Permit Action" means an agent's the issuingance, modifyingication, renewingal, reinstatingement, or revokingcation of a permit by an agent a permit.

(104) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any of its agencies thereof, and the federal government and any of its agencies thereof.

(105) "Pollution" or "Water Pollution" means any alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt, or odor of the waters, or any discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state that, alone, or in connection with any other substance, threatens to create a public nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or welfare or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish, or other aquatic life or their habitat thereof.

(106) "Portable Toilet" means any self-contained chemical toilet facility that is housed within a portable toilet shelter and includes but is not limited to construction-type chemical toilets.

(107) "Portable Toilet Shelter" means any readily relocatable structure built to house a toilet facility.

(108) "Pressure Distribution Lateral" means piping and fittings in pressure distribution systems that distribute septic tank or other treatment unit effluent to drain media through small diameter orifices.

(109) "Pressure Distribution Manifold" means piping and fittings in a pressure distribution system that supply effluent from pressure transport piping to pressure distribution laterals.

(110) "Pressure Distribution System" means any system designed to uniformly distribute septic tank or other treatment unit effluent under pressure in an absorption facility or treatment unit.

(111) "Pressure Transport Piping" means piping that conveys sewage effluent from a septic tank or other treatment or distribution unit typically by means of a pump or siphon.

(112) "Pretreatment" means the wastewater treatment that takes place prior to discharging to any component of an onsite wastewater treatment system, including but not limited to pH adjustment, oil and grease removal, BOD5 and TSS reduction, screening, and detoxification.

(113) "Prior Approval" means a written approval for an onsite wastewater treatment system for a specific lot issued before January 1, 1974.

(114) "Prior Construction Permit" means a subsurface wastewater treatment system construction-installation permit issued before January 1, 1974, by a county that had an ordinance requiring construction-installation permits for subsurface wastewater treatment systems.

(115) "Privy" means a structure used for disposal of human waste without the aid of water. It consists of a shelter built above a pit or vault in the ground into which human waste falls.

(116) "Projected Daily Sewage Flow" or "design flow" means the peak daily quantity of sewage production from a facility for which a system is sized and designed. The projected daily sewage flow allows for a safety margin and reserve capacity for the system during periods of heavy use.

(117) "Public Health Hazard" means the presence of sufficient types or amounts of biological, chemical, physical, or radiological agents relating to water or sewage that cause, or threaten to cause, human illness, disorders, or disability. These include but are not limited to pathogenic viruses, bacteria, parasites, toxic chemicals, and radioactive isotopes.

(118) "Public Waters" means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private, (except private waters that do not combine or effect a junction with natural surface or underground waters), that are wholly or partially within or bordering the state or within its jurisdiction.

(119) "Recirculating Gravel Filter (RGF)" means a gravel filter wastewater treatment system in which a portion of the filtered effluent is mixed with septic tank effluent in a recirculation/dilution tank and redistributed to the filter.

(120) "Recirculating Gravel Filter System" means a recirculating gravel filter and an absorption facility used to treat wastewater.

(121) "Redundant Absorption Field System" means a system in which two complete absorption fields are installed, the absorption trenches of each system alternate with each other, and only one system operates at a given time.

(122) "Repair" means installingation of all portions of a system necessary to eliminate a public health hazard or pollution of public waters a failing system createsd by a failing system.

(a) Major repair is the replacereplacingment of the soil absorption facility, treatment unit, or any part of itthereof.

(b) Minor repair is the replacingement of a septic tank, broken pipe, distribution unit, or any part of the onsite system external to the septic tank or treatment facility except the soil absorption system. Unless classified as a major repair or major maintenance, any replacement of a part of a system with a part that does not meet the original design specifications is a minor repair.

(123) "Residential Strength Wastewater" means septic tank effluent that does not typically exceed five-day biochemical oxygen demand (BOD5) of 300 mg/L; total suspended solids (TSS) of 150 mg/L; total Kjeldahl nitrogen (TKN) of 150 mg/L; oil & grease of 25 mg/L; or concentrations or quantities of other contaminants normally found in residential sewage.

(124) "Sand Filter Media" means a medium sand or other approved material used in a conventional sand filter. The media must be durable and inert so that it will maintain its integrity, will not collapse or disintegrate with time, and will not be detrimental to the system's performance ~~of the system~~. The particle size distribution of the media must be determined through a sieve analysis conducted ~~in accordance with~~under ASTM C-117 and ASTM C-136. The media must comply with the following particle size distribution: 100 percent passing the 3/8 inch sieve, 95 percent to 100 percent passing the No. 4 sieve, 80 percent to 100 percent passing the No. 8 sieve, 45 percent to 85 percent passing the No. 16 sieve, 15 percent to 60 percent passing the No. 30 sieve, 3 percent to 15 percent passing the No. 50 sieve, and 4 percent or less passing the No. 100 sieve.

(125) "Sand Filter Surface Area" means the area of the level plane section in the medium sand horizon of a conventional sand filter located 2 feet below the bottom of the drain media containing the pressurized distribution piping.

(126) "Sand Filter System" means an alternative system that combines a septic tank or other treatment unit; a dosing system with effluent pump and controls or dosing siphon, piping and fittings; a sand filter; and an absorption facility to treat wastewater.

(127) "Sanitary Drainage System" means that part of a system's drainage piping that conveys untreated sewage from a building or structure to a septic tank or other treatment facility, to a service lateral at a curb or in a street or alley, or to another disposal terminal holding human or domestic sewage. The sanitary drainage system consists of a building drain or building drain and building sewer.

(128) "Saprolite" means weathered material underlying the soil that grades from soft thoroughly decomposed rock to rock that has been weathered sufficiently so that it can be broken in the hands or cut with a knife. It has rock structure instead of soil structure and does not include hard bedrock or hard fractured bedrock.

(129) "Saturated Zone" means a three-dimensional layer, lens, or other section of the subsurface in which all open spaces including joints, fractures, interstitial voids, and pores are filled with groundwater. The thickness and extent of a saturated zone may vary seasonally or periodically in response to changes in the rate or amount of groundwater recharge or discharge.

(130) "Scum" means a mass of sewage solids floating at the surface of sewage that is buoyed up by entrained gas, grease, or other substances.

(131) "Seepage Area" means "effective seepage area."

(132) "Seepage Bed" means an absorption system having absorption trenches wider than 3 feet.

(133) "Seepage Pit" means a cesspool that has a treatment facility such as a septic tank ahead of it.

(134) "Seepage Trench System" means a system with absorption trenches with more than 6 inches of drain media below the distribution pipe.

(135) "Self-Contained Nonwater-Carried Waste Containment Facility" means a system in which all waste is contained in a watertight receptacle, including but not limited to vault privies, chemical toilets, combustion toilets, recirculating toilets, and portable toilets.

(136) "Septage" means the domestic liquid and solid sewage pumped from septic tanks, cesspools, holding tanks, vault toilets, chemical toilets or other similar domestic sewage treatment components or systems and other sewage sludge not derived at sewage treatment plants.

(137) "Septic Tank" means a watertight receptacle that receives sewage from a sanitary drainage system and is designed to separate solids from liquids, digest organic matter during a period of detention, and allow the liquids to discharge to a second treatment unit or to a soil absorption facility.

(138) "Septic Tank Effluent" means partially treated sewage that is discharged from a septic tank.

(139) "Serial Distribution" means the distribution of effluent to a set of absorption trenches constructed at different elevations in which one trench at a time receives effluent in consecutive order beginning with the uppermost trench by means of a drop box, a serial overflow, or another approved distribution unit. The effluent in an individual trench must reach a level of 2 inches above the distribution pipe before effluent is distributed to the next lower trench.

(140) "Sewage" means water-carried human and animal wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with any groundwater infiltration, surface waters, or industrial waste that may be present.

(141) "Sewage Disposal Service" means:

(a) ~~The c~~Constructing~~on of~~ onsite wastewater treatment systems. ~~(~~including ~~the~~ placing~~ement of~~ portable toilets.~~)~~ or any part of one~~thereof~~;

(b) ~~The p~~Pumping out or cleaning ~~of~~ onsite wastewater treatment systems. ~~(~~including portable toilets.~~)~~ or any part of one~~thereof~~;

(c) ~~The d~~Disposing~~al~~ of material derived from ~~the~~ pumping out or cleaning ~~of~~ onsite wastewater treatment systems. ~~(~~including portable toilets~~)~~; or

(d) Grading, excavating, and earth-moving work connected with the operations described in subsection (a) of this section.

(142) "Sewage Stabilization Pond" means a pond designed to receive the raw sewage flow from a dwelling or other building and retain that flow for treatment without discharge.

(143) "Site Evaluation Report" means a report on the evaluation of a site to determine its suitability for an onsite system prepared ~~in accordance with~~under OAR 340-071-0150.

(144) "Slope" means the rate of fall or drop in feet per 100 feet of the ground surface. It is expressed as percent of grade.

(145) "Soil Permeability" refers to the ability of a soil to transmit water or air.

(146) "Soil Separate" means the size of soil particles described in Table 7.

(147) "Soil Texture" means the amount of each soil separate in a soil mixture. Field methods for judging the texture of a soil consist of forming a cast of soil, both dry and moist, in the hand and pressing a ball of moist soil between thumb and finger.

(a) The major textural classifications are defined as follows and shown in Table 6:

(A) Sand: Individual grains can be seen and felt readily. Squeezed in the hand when dry, this soil will fall apart when the pressure is released. Squeezed when moist, it will form a cast that will hold its shape when the pressure is released but will crumble when touched.

(B) Loamy Sand: Consists primarily of sand, but has enough silt and clay to make it somewhat cohesive. The individual sand grains can readily be seen and felt. Squeezed when dry, the soil will form a cast that will readily fall apart, but if squeezed when moist, a cast can be formed that will withstand careful handling without breaking.

(C) Sandy Loam: Consists largely of sand, but has enough silt and clay present to give it a small amount of stability. Individual sand grains can be readily seen and felt. Squeezed in the hand when dry, this soil will readily fall apart when the pressure is released. Squeezed when moist, it forms a cast that will not only hold its shape when the pressure is released but will withstand careful handling without breaking. The stability of the moist cast differentiates this soil from sand.

(D) Loam: Consists of an even mixture of the different sizes of sand and of silt and clay. It is easily crumbled when dry and has a slightly gritty, yet fairly smooth feel. It is slightly plastic. Squeezed in the hand when dry, it will form a cast that will withstand careful handling. The cast formed of moist soil can be handled freely without breaking.

(E) Silt Loam: Consists of a moderate amount of fine grades of sand, a small amount of clay, and a large quantity of silt particles. Lumps in a dry, undisturbed state appear quite cloddy, but they can be pulverized readily; the soil then feels soft and floury. When wet, silt loam runs together in puddles. Either dry or moist, casts can be handled freely without breaking. When a ball of moist soil is passing between thumb and finger, it will not press out into a smooth, unbroken ribbon but will have a broken appearance.

(F) Clay Loam: Consists of an even mixture of sand, silt, and clay that breaks into clods or lumps when dry. When a ball of moist soil is pressed between the thumb and finger, it will form a thin ribbon that will readily break, barely sustaining its own weight. The moist soil is plastic and will form a cast that will withstand considerable handling.

(G) Silty Clay Loam: Consists of a moderate amount of clay, a large amount of silt, and a small amount of sand. It breaks into moderately hard clods or lumps when dry. When moist, a thin ribbon or 1/8-inch wire can be formed between thumb and finger that will sustain its weight and will withstand gentle movement.

(H) Silty Clay: Consists of even amounts of silt and clay and very small amounts of sand. It breaks into hard clods or lumps when dry. When moist, a thin ribbon or 1/8 inch or smaller wire formed between thumb and finger will withstand considerable movement and deformation.

(I) Clay: Consists of large amounts of clay and moderate to small amounts of sand and silt. It breaks into very hard clods or lumps when dry. When moist, a thin, long ribbon or 1/16-inch wire can be molded with ease. Fingerprints will show on the soil, and a dull to bright polish is made on the soil by a shovel.

(b) Soil textural characteristics described in the United States Department of Agriculture Textural Classification Chart are incorporated here~~in~~ by reference. This textural classification chart is based on the Standard Pipette Analysis as defined in the United States Department of Agriculture, Soil Conservation Service Soil Survey Investigations Report No. 1 (See Table 6). [Table not included. See ED. NOTE.]

(148) "Soil with Rapid or Very Rapid Permeability" means:

(a) Soil that contains 35 percent or more of coarse fragments 2 millimeters in diameter or larger by volume with interstitial soil of sandy loam texture or coarser;

(b) Coarse textured soil defined as loamy sand or sand in this rule; or

(c) Stones, cobbles, gravel, and rock fragments with too little soil material to fill interstices larger than 1 millimeter in diameter.

(149) "Split Waste Method" means a process where black waste sewage and graywater from the same dwelling or building are managed by separate systems.

(150) "Stabilized Dune" means a sand dune that is similar to an active dune except that vegetative growth is dense enough to prevent blowing of sand. The surface horizon is either covered by a mat of decomposed and partially decomposed leaves, needles, roots, twigs, moss, or other vegetative material or contains roots to a depth of at least 6 inches and has a color value of 3 or less.

(151) "Standard Subsurface System" means an onsite wastewater treatment system consisting of a septic tank, distribution unit, and absorption facility constructed ~~in accordance with~~under OAR 340-071-0220.

(152) "Steep Slope System" means a seepage trench system installed on slopes greater than 30 percent and less than or equal to 45 percent.

(153) "Subsurface Absorption System" means the combination of a septic tank or other treatment unit and an effluent sewer and absorption facility.

(154) "Subsurface Sewage Disposal" means "subsurface wastewater treatment."

(155) "Subsurface Disposal System" means "subsurface absorption system."

(156) "Subsurface Wastewater Treatment" means ~~the~~ dispersing~~al of~~ wastewater from a septic tank or other treatment unit into the zone of aeration to be further treated through physical, chemical, or biological processes.

(157) "System" or "onsite system" means "onsite wastewater treatment system."

(158) "Temporary Groundwater Table" means the upper surface of a saturated zone that exists only on a seasonal or periodic basis. Like a permanent groundwater table, the elevation of a temporary groundwater table may fluctuate, but a temporary groundwater table and associated saturated zone will dry up for a period of time each year.

(159) "Test Pit" means an open pit dug to sufficient size and depth to permit thoroughly examiningation of the soil to evaluate its suitability for subsurface wastewater treatment.

(160) "Third-Party" means a consulting firm, research institute, academic institute, or other similar entity with no vested interest in the outcome of test results of a material, design, or technology under evaluation.

(161) "Tile Dewatering System" means an alternative system in which the absorption facility is encompassed with field collection drainage tile to reduce and control a groundwater table and create a zone of aeration below the bottom of the absorption facility.

(162) "Toilet Facility" means a fixture housed within a toilet room or shelter to receive black waste.

(163) "Total Kjeldahl Nitrogen" (TKN) means the combination of ammonia and organic nitrogen, excluding nitrate and nitrite nitrogen.

(164) "Total Nitrogen" (TN) means the sum of all nitrogen forms.

(165) "Total Suspended Solids" (TSS) means solids in wastewater that can be removed readily by standard filtering procedures in a laboratory and reported as milligrams per liter (mg/L).

(166) "Treatment" means the alteration of the quality of wastewaters by physical, chemical, or biological means or combination thereof to reduce potential degradation of water quality or the environment and risk to public health.

(167) "Treatment Standard 1" means a 30-day average of less than 20 mg/L of BOD5 and 20 mg/L of TSS. A 30-day average of less than 17 mg/L of CBOD5 is acceptable in lieu of the BOD5 value.

(168) "Treatment Standard 2" means a 30-day average of less than 20 mg/L of BOD5 and 20 mg/L of 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. A 30-day average of less than 17 mg/L of CBOD5 is acceptable in lieu of the BOD5 value.

(169) "Turbidity" means the optical condition of waters caused by suspended or dissolved particles or colloids that scatter and absorb light rays instead of transmitting light in straight lines through the water column. Turbidity may be expressed as nephelometric turbidity units (NTU) measured with a calibrated turbidimeter.

(170) "Underdrain Media" means the material placed under the sand filter media in a sand filter and consists of clean, washed pea gravel with 100 percent passing the 1/2 inch sieve, 18 to 100 percent passing the 1/4 inch sieve, 5 to 75 percent passing the No. 4 sieve, 24 percent or less passing the No. 10 sieve, 2 percent or less passing the No. 16 sieve, and 1 percent or less passing the No. 100 sieve.

(171) "Unstable Landforms" means areas showing evidence of mass downslope movement such as debris flow, landslides, rockfall, and hummock hill slopes with undrained depressions upslope. Examples are landforms exhibiting slip surfaces roughly parallel to the hillside; landslide scars and curving debris ridges; fences, trees, and telephone poles that appear tilted; and tree trunks that bend uniformly as they enter the ground. Active sand dunes are unstable landforms.

(172) "Vertisols" means a mineral soil characterized by a high content of swelling-type clays that in dry seasons cause the soils to develop deep, wide cracks.

(173) "WPCF Permit" means a Water Pollution Control Facilities permit that has been issued under OAR chapter 340, divisions 045 or 071.

(174) "Wastewater" means "sewage."

(175) "Zone of Aeration" means the unsaturated zone that occurs below the ground surface and above the point at which the upper limit of the water table exists.

[ED. NOTE: Tables referenced are not included in rule text. All tables are found in OAR 340-071-0800.~~Click here for PDF copy of table(s).~~]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.605 & 454.615
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 15-1986, f. & ef. 8-6-86; DEQ 6-1988, f. & cert. ef. 3-17-88; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14; DEQ 11-2014, f. & cert. ef. 10-15-14

340-071-0110

Purpose

These rules establish requirements for ~~the~~ constructing~~on~~, altering~~ation~~, repairing, operating~~on~~, and maintaining~~enance of~~ onsite wastewater treatment systems. Their purpose is to restore and maintain the quality of public waters and to protect the public health and general welfare of the people of the State of Oregon.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.605 - 454.780
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0115

Technical Review Committee

(1) The Director may form a Technical Review Committee (TRC) to advise and assist DEQ in:

(a) Implementing the onsite wastewater management program, including developing~~ment of~~ program improvements and rules; and

(b) Evaluating the use of new or innovative technologies, materials, or designs that maintain or advance protection of the quality of public waters and public health and general welfare in Oregon. The TRC may use performance standards and criteria as appropriate to evaluate the efficiency and safety of new technologies, materials, or designs.

(2) Committee composition and term. The TRC may consist of up to 9 persons appointed for 3-year, staggered terms by, and serving at, the director's pleasure ~~of the Director~~. The TRC may include onsite wastewater treatment experts from local government, DEQ, equipment manufacturers, consultants, installers and pumpers and other persons with technical or scientific knowledge applicable to the onsite program.

(3) Chair. The d~~D~~irector will approve the chair of the TRC for a term the director determines~~d by the Director~~.

(4) Meeting frequency. DEQ may convene the TRC as necessary and reimburse members for reasonable expenses ~~in accordance with~~under DEQ policy.

(5) Staffing. DEQ will provide the necessary technical, engineering, and clerical staff and services for the TRC to fulfill its responsibilities in a timely, professional, informed, and responsible manner.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.775
Hist.: DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0120

Jurisdiction and Policy

(1) DEQ may enter agreements with local governmental units authorizing those units to become DEQ's agents for permitting onsite systems, including receiving and processing applications, issuing permits, enforcing, and performing required inspections for onsite systems that do not require WPCF permits. DEQ retains those responsibilities for systems in nonagreement counties and for all systems that require WPCF permits.

(2) Each owner of real property is jointly and severally responsible for:

(a) Treating wastewater generated on that property under~~in conformance with~~ the rules the commission adopts~~ed by the commission~~;

(b) Connecting all plumbing fixtures from which wastewater is or may be discharged to a sewerage facility or onsite system approved by DEQ or an agent;

(c) Maintaining, repairing, and replacing the onsite system on that property as necessary to ensure proper operation of the system; and

(d) Complying with all requirements for constructing~~on~~, installing~~ation~~, maintaining~~enance~~, ~~replace~~replacing~~ment~~, and repairing ~~of~~ onsite systems required in this division and OAR chapter 340, division 073.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.655, 454.665, 454.725 & 454.755
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0130

General Standards, Prohibitions and Requirements

(1) Protection of public waters from public health hazards. An agent may not authorize installing~~ation~~ or using~~e of~~ a system that is likely to pollute public waters or create a public health hazard. If, in the judgment of the agent, the minimum standards in this division will not adequately protect public waters or public health on a particular site, the agent must require a system to meet requirements that are protective. This may include but is not limited to increasing setbacks, increasing drainfield sizing, or using an alternative system. The agent must provide the applicant with a written statement of the specific reasons why more stringent requirements are necessary.

(2) Approved treatment and dispersal required. All wastewater must be treated and dispersed in a manner approved ~~in accordance with~~under these rules.

(3) Prohibited discharges of wastewater. A person may not discharge untreated or partially treated wastewater or septic tank effluent directly or indirectly onto the ground surface or into public waters. Such discharge constitutes a public health hazard and is prohibited.

(4) Prohibited discharges to systems. A person may not discharge into any system cooling water, air conditioning water, water softener brine, groundwater, oil, hazardous materials, roof drainage, or other aqueous or nonaqueous substances that are detrimental to the ~~performance of the~~ system's performance or to groundwater.

(5) Increased flows prohibited. Except where specifically allowed by this division, a person may not connect a dwelling or commercial facility to a system if the total projected sewage flow would be greater than that allowed under the original system construction-installation permit.

(6) System capacity. Each system must have adequate capacity to properly treat and disperse the maximum projected daily sewage flow. The projected quantity of sewage flow must be determined from OAR 340-071-0220 Table 2 or other information the agent determines to be valid.

(7) Material standards. All materials used in onsite systems must comply with standards in this division and OAR chapter 340, division 073.

(8) Encumbrances. Before a permit to install a new system may be issued, the site for the new system must be approved under~~pursuant to~~ OAR 340-071-0150 and be free of encumbrances, ~~(~~such as easements or deed restrictions,~~)~~ that could prevent the installation or operation of the system from conforming with the rules of this division.

(9) Plumbing fixtures connected. All plumbing fixtures in dwellings, commercial facilities, and other structures from which sewage is or may be discharged must be connected to and discharge into an approved area-wide sewerage system or an approved onsite system that is not failing.

(10) Future connection to sewerage system. DEQ encourages ~~P~~placing~~ement of~~ plumbing in buildings to facilitate connection to a sewerage system ~~is encouraged~~ in areas where a district has been formed to provide sewerage facilities.

(11) Property lines crossed: All or part of an onsite system, including areas for future repair or replacement, may be located on one or more lots or parcels different from the lot or parcel on which the facility the system serves is located. The lots and parcels may be under the same or different ownership:

(a) For each lot or parcel different from and under different ownership than the lot or parcel served, the owner of the lot or parcel served must ensure that a utility easement and covenant against conflicting uses is executed and recorded in such owner's favor, on a form the agent approves~~d by~~ the agent, in the county land title records. The easements and covenants must accommodate the parts of the system, including a 10-foot setback surrounding the areas for future repair or replacement, that lie beyond the property line of the facility served and must allow entry by the grantee, successor, or assigns to install, maintain, and repair the system;

(b) For each lot or parcel different from, but under the same ownership as, the lot or parcel served, the owner of the property must execute and record in the county land title records, on a DEQ-approved form ~~approved by DEQ~~, an easement and a covenant in favor of the State of Oregon:

(A) Allowing the state's officers, agents, employees, and representatives to enter and inspect, including by excavation, that portion of the system, including setbacks, on the servient lot or parcel;

(B) Agreeing not to put that portion of the servient lot or parcel to a conflicting use; and

(C) Agreeing, upon severance of the lots or parcels, to grant or reserve and record a utility easement and covenant against conflicting uses, in a form DEQ approves~~d by DEQ~~, in favor of the owner of the lot or parcel served by the system ~~in accordance with~~under subsection (a) of this section.

(12) Initial and replacement absorption area. Except as provided in specific rules, the absorption area, including installed system and replacement area, must not be subject to activity that is likely, in the opinion of the agent, to adversely affect the soil or the functioning of the system. This may include but is not limited to vehicular traffic, covering the area with asphalt or concrete, filling, cutting, or other soil modification.

(13) Operation and maintenance. Owners of onsite systems must operate and maintain their systems in compliance with all permit conditions and applicable requirements in this division and must not create a public health hazard or pollute public waters. Operation and maintenance requirements for systems under WPCF permits are established by the WPCF permits required in this division.

(14) Construction. An agent may limit the time period during which a system can be constructed to ensure that soil conditions, weather, groundwater, or other conditions do not adversely affect the reliability of the system.

(15) Permit requirements:

(a) A person may not cause or allow constructing~~on~~, altering~~ation~~, or repairing ~~of~~ a system or any part of one~~thereof~~ without a WPCF permit issued under OAR 340-071-0162 or a construction-installation, alteration, or repair permit under

OAR 340-071-0160, 340-071-0210, and 340-071-0215 except for emergency repairs authorized under OAR 340-071-0215(1) and (2);

(b) The following systems must be constructed and operated under a renewable WPCF permit issued pursuant to OAR 340-071-0162:

(A) Any system or combination of systems located on the same property or serving the same facility and having a total sewage flow design capacity greater than 2,500 gpd. Flows from single family residences or equivalent flows on separate systems incidental to the purpose of the large system or combination of systems (e.g., caretaker residence for a mobile home park) need not be included;

(B) A system of any size, if the septic tank effluent produced is greater than residential strength wastewater as defined in OAR 340-071-0100 or systems using pretreatment methods other than grease traps and grease interceptor tanks to achieve residential strength wastewater;

(C) Except as provided for in section (16)(d) of this rule, other systems that are not described in this division and do not discharge to surface public waters or the ground surface.

(16) WPCF permits for existing facilities:

(a) The owner of an existing system required to have a WPCF permit under subsection (15)(b) of this rule is not required to obtain a WPCF permit until a system major repair or major alteration of a system, or facility expansion, is necessary;

(b) The permittee of an existing aerobic treatment unit, recirculating gravel filter, commercial sand filter, or alternative treatment technology system constructed or operating under a WPCF permit that is no longer required under section (15) of this rule may request DEQ to terminate the permit:

(A) The permittee must submit, on a DEQ-approved form ~~approved by DEQ~~:

(i) A copy of the service contract required in OAR 340-071-0290, 340-071-0302, or 340-071-0345; and

(ii) A written statement from a maintenance provider certifying that the system is not failing.

(B) DEQ will send a letter to the permittee to terminate a WPCF permit. The letter will be deemed a Certificate of Satisfactory Completion for the permitted system.

(c) DEQ may terminate WPCF permits for existing holding tanks for which permits are no longer required under section (15) of this rule. DEQ will send a letter to the permittee to terminate the permit. The letter will be deemed a Certificate of Satisfactory Completion for the permitted system;

(d) Permittees of other existing systems or combination of systems constructed or operating under a WPCF permit may request DEQ terminate the permit if all of the following conditions are met:

(A) The system or combination of systems located on the same property or serving the same facility must have a total sewage flow design capacity of 2,500 gpd or less; and

(B) The system or combination of systems must not produce septic tank effluent greater than residential strength wastewater as defined in OAR 340-071-100; and

(C) The system or combination of systems must have been operating under a WPCF permit beforeprior to July 1, 2007; and

(D) The absorption facility is described in this division and does not discharge to surface public waters or the ground surface; and

(E) DEQ determines that the system or combination of systems is in compliance with the waste disposal limitations specified in the WPCF permit; and

(F) The permittee submits a copy of a service contract that meets the requirements of OAR 340-071-0302(6); and

(G) The permittee submits a written statement from a maintenance provider certifying that the system is not failing;

(H) Owners of and maintenance providers for these systems must operate and maintain the system in accordance withunder the requirements described for recirculating gravel filter systems in OAR 340-071-0302(4), (5), and (6). DEQ will send a letter to the permittee to terminate the WPCF permit. The letter will be deemed a Certificate of Satisfactory Completion for the permitted system. Conditions specified in the Certificate of Satisfactory Completion continue in force as long as the system is in use.

(17) Annual permit fees and reports:

(a) Owners of pressurized distribution, sand filter, recirculating gravel filter, and alternative treatment technology systems and those systems described in section (16)(d) of this rule not under WPCF permits must submit annual fees and reports as follows:

(A) Owners must pay the annual report evaluation fee in OAR 340-071-0140(3) by the date DEQ specifiesd by DEQ for each year the system is in operation. A system is placed in operation when it first receives wastewater and remains in operation until DEQ receives notice the system has been decommissioned;

(B) Owners must submit written certification prepared by a maintenance provider on a DEQ-approved form that:

(i) The system has been maintained in accordance withunder the requirements of the rules in this division during the reporting year and is operating in accordance withunder the agent-approved design specifications; or

(ii) The owner has applied for a repair permit under OAR 340-071-0215.

(C) Owners are not required to submit fees or reports under this subsection that a maintenance provider has submitted on behalf of the owner in accordance withunder this section.

(b) Owners of holding tanks not under WPCF permits. Owners of holding tanks not under WPCF permits must pay annual fees and reports as follows:

(A) Owners must pay the annual report evaluation fee in 340-071-0140(3) by the date specified by DEQ for each calendar year the tank is in operation;

(B) Owners must submit written certification on a DEQ-approved form that the holding tank has been regularly inspected and pumped during the reporting year and that the year's service log for the holding tank is available for inspection by the agent.

(c) Fees for systems under WPCF permits. Permittees of onsite systems under WPCF permits must pay the annual compliance determination fee in OAR 340-071-0140(4) by the date DEQ specifies~~d by DEQ~~ for each year the system is in operation.

(18) Engineering plan review. Unless specifically exempted in this division, all plans and specifications for ~~the~~ constructing~~on~~, installing~~ation~~, or modifying~~ication of~~ onsite systems must be submitted to the agent for approval or denial. The design criteria and rules governing the plan review are as follows:

(a) The agent must review all plans and specifications for WPCF permits ~~in accordance with~~under OAR chapter 340, division 052;

(b) Plans and specifications for construction-installation permits for commercial sand filter, recirculating gravel filter, and advanced treatment technology systems with design capacities greater than 600 gpd must be signed by a person registered ~~in accordance with~~under ORS 672 or 700.

(19) Criteria and standards for design and construction. The criteria and standards for design and construction in this division and OAR chapter 340, division 073 apply to all onsite systems:

(a) For onsite systems subject to WPCF onsite permits, DEQ may allow variations of the criteria, standards, and technologies in this division and OAR chapter 340, division 073 based on adequate documentation of successful operation of the proposed technology or design. The system designer must demonstrate the performance of new processes, treatment systems, and technologies ~~in accordance with~~under OAR chapter 340, division 052;

(b) For systems not requiring WPCF permits, DEQ may authorize variances from the criteria, standards, and technologies in this division through the variance processes in OAR 340-071-0415 through 340-071-0445.

(20) Manufacturer's specifications. All materials and equipment, including but not limited to tanks, pipe, fittings, solvents, pumps, controls, and valves, must be installed, constructed, operated, and maintained ~~in accordance with~~under manufacturer's specifications.

(21) Sewer and water lines. Effluent sewer and water line piping constructed of materials that are approved for use within a building, as defined by the 2000 Edition of the Oregon State Plumbing Specialty Code, may be run in the same trench. Effluent sewer pipe of material not approved for use in a building must not be run or laid in the same trench as water pipe unless both of the following conditions are met:

(a) The bottom of the water pipe at all points is at least 12 inches above the top of the sewer pipe;

(b) The water pipe is placed on a solid shelf excavated at one side of the common trench with a minimum clear horizontal distance of at least 12 inches from the sewer pipe.

(22) Septage management. A person may not dispose of wastewater, septage, or sewage-contaminated materials in any location or manner not authorized by DEQ.

(23) Service Contracts. Service contracts for servicing and maintaining onsite systems must include:

(a) A schedule for the first two years of operation that directs the maintenance provider to inspect, adjust and service the system a minimum of once every six months,

(b) A schedule for subsequent years of operation that directs the maintenance provider to inspect, adjust and service the system:

(A) According to the manufacturer’s specifications in the approved owner’s manual; and

(B) At least once every 12 months.

(c) A clause stating that the maintenance provider must provide an effluent quality inspection that includes but is not limited to:

(A) A visual assessment for color, turbidity, and scum overflow,

(B) An olfactory assessment for odor, and

(C) Any other performance assessment or operational diagnosis, which may include sampling of treated effluent (post-disinfection if disinfection is used) necessary to determine or ensure proper operation of the facility.

(d) A clause stating that the maintenance provider must notify the system owner in writing about any improper system function that cannot be remedied during the time of inspection and include an estimated date of correction.

(e) Other information and conditions of the agreement such as:

(A) Owner's name and address;

(B) Property address and legal description;

(C) Permit requirements;

(D) Contact information for the owner, maintenance provider, and agent;

(E) Details of service to be provided, including the service required in this section;

(F) Schedule of maintenance provider duties;

(G) Cost and length of service contract and time period covered;

(H) Details of any warranty; and

(I) Owner's responsibilities under the contract for routine operation of the onsite system.

(24) A maintenance provider under a contract required in OAR 340-071-0275, 0290, 0302 & 0345 must:

(a) Observe and record conditions in the drainfield during all operation and maintenance activities for the system and report those observations to the system owner;

(b) Make repairs or alteration to comply with OAR 340-071-0215, 340-071-0210 and other applicable requirements in this division.

(c) Maintain accurate records of their service contracts, customers, performance data, and time lines for renewing the contracts. These records must be available for inspection upon the agent's request ~~by the agent~~;

(d) Notify the agent of service contracts that are terminated or not renewed within 30 days of their termination or expiration,

(e) Make emergency service available within 48 hours of a service request,

(f) Submit the annual report required in section (17) and the annual evaluation fee in OAR 340-071-0140(3) for each system under contract to be serviced by the maintenance provider.

(g) System owners must report evidence of any system failures to the agent and take appropriate action the agent approves~~d by the agent~~ to correct the problem.

(25) Groundwater levels. All groundwater levels must be predicted using conditions associated with saturation. In areas where conditions associated with saturation do not occur or are inconclusive, such as in soil with rapid or very rapid permeability, predictions of the high level of the water table must be based on an agent's past recorded observations ~~of an agent~~. If such observations have not been made or are inconclusive, the application must be denied until observations can be made. Groundwater level observations must be made during the period of the year in which high groundwater normally occurs in an area. A properly installed nest of piezometers or other methods DEQ accepts~~able to DEQ~~ must be used for making water table observations.

(26) A person may not submit information required by statute, rule, permit, or order that is false, inaccurate, or incomplete.

[ED. NOTE: ~~Tables referenced are available from the agency.] [Publications:~~ All tables are found in OAR 340-071-0800. Publications referenced are available from the agency.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.655, 454.695, 468B.050, 468B.055, 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef.

5-29-84; DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 8-1998, f. & cert. ef. 6-5-98; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 5-2000(Temp), f. 2-24-00, cert. ef. 3-1-00 thru 8-27-00; DEQ 14-2000, f. & cert. ef. 8-24-00; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 5-2007, f. & cert. ef. 7-3-07; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0135

Approval of New or Innovative Technologies, Materials, or Designs for Onsite Systems

(1) DEQ approval.

(a) Coordination with listing of alternative treatment technologies, OAR 340-071-0345. Under OAR 340-071-0345, DEQ maintains a list of alternative treatment technologies (ATTs) that have been tested by an NSF/ANSI organization that meets the requirements of ISO/IEC 17025 – 2005. The ATT must meet the performance standards and other requirements in OAR 340-071-0345. ATTs are usually separate treatment units that are installed in onsite systems. Only listed ATTs may be installed under the siting criteria in OAR 340-071-0345. This rule provides a process for approving new or innovative technologies, materials, or designs for various components of onsite systems, such as drainfield products or appurtenances. Add-on treatment units, such as units to remove nitrogen following an ATT or sand filter, may also be approved under this rule. However, DEQ does not intend to approve alternatives to standard systems under this rule. Alternative systems will need to be listed as ATTs under OAR 340-071-0345 or approved under new rules in this division.

(b) DEQ may approve new or innovative technologies, materials, or designs for onsite systems pursuant to this rule if it determines they will protect public health, safety, and waters of the state as effectively as systems authorized in this division. DEQ must base approval on one or more of the following.

(A) A performance evaluation conducted ~~in accordance with~~under section (3) of this rule that demonstrates the technology, material, or design will achieve applicable performance standards in OAR chapter 340, divisions 071 and 073 and any additional standards DEQ determines are necessary to satisfy the requirements of subsection (1)(b) of this rule.

(B) Documentation that the alternative drainfield products are functionally equivalent to drainfield products DEQ approve~~d by DEQ~~s.

(C) Documentation that the material used as a substitute for drain media in absorption trenches will achieve the performance standards and design criteria in section (5) of this rule.

(D) Certification of the new material, technology, or design for proposed uses by NSF/ANSI, or another program providing equivalent performance demonstration required by this rule and approved by DEQ.

(c) DEQ may approve or deny a request for approval of a new or innovative technology, material, or design or may limit approval to those locations or conditions for which achievement of standards has been demonstrated.

(d) DEQ may amend or revoke approval of a new or innovative material, technology, or design if it determines:

(A) Approval was based on false or misleading information;

(B) The material, technology, or design no longer achieves performance standards for which it was approved; or

(C) The manufacturer is not meeting the requirements in this rule or conditions of the approval.

(2) Requests for approval.

(a) Any person may submit a completed application for approval of a new or innovative technology, material, or design for onsite systems to DEQ.

(b) The application must include the following:

(A) For approval based on a performance evaluation under paragraph (1)(b)(A) of this rule:

(i) A proposed evaluation protocol ~~in accordance with~~under section (3) of this rule and a proposed schedule for completing the proposed evaluation; and

(ii) At the conclusion of the performance evaluation, documentation demonstrating the technology, material, or design achieves applicable standards.

(B) For approval under paragraph (1)(b)(B) of this rule, documentation supporting a determination of functional equivalency.

(C) For approval under paragraph (1)(b)(C) of this rule, documentation supporting a determination that the applicable standards will be achieved.

(D) For approval under paragraph (1)(b)(D) of this rule, documentation of certification by an approved program.

(E) The Innovative or Alternative Technology, Material, or Design Review fee established in OAR 340-071-0140(5).

(3) Requirements for studies. Field or other studies used to demonstrate performance of technologies, materials, or designs under paragraph (1)(b)(A) of this rule must satisfy the following requirements.

(a) Be based on theory or applied research that supports the intended use of the technology, material, or design.

(b) Follow an evaluation protocol that has been peer reviewed and approved by DEQ and that clearly defines the number of systems for installation reasonably necessary for the study and performance objectives, including standards to be achieved; performance measurements to validate attainment of the objectives; and the variables to be considered, including climate, soil, waste characteristics such as flow and strength, and topography.

(c) Include controls that represent the standards to be achieved.

(d) Include sufficient monitoring and reporting of performance data on both the test product and control product to support direct comparisons to the standards to be achieved.

(e) Address system operations at maturity and relevant temporal variations to support comparison to the standards to be achieved.

(f) Be designed and conducted by a qualified third party DEQ approves~~d by DEQ~~ who certifies whether the installation, monitoring, and evaluation of the systems studied and reports submitted to DEQ satisfy this~~e~~ rule's requirements ~~of this rule~~.

(g) At the conclusion of the study, provide sufficient performance data to demonstrate standards are met. Data must be peer-reviewed, be scientifically defensible, and have sufficient replication to be representative and to address variations in climate, soil, topography, waste loading, and strength relevant to the proposed use.

(4) Installation of onsite systems for study. The following requirements must be met for each system incorporating unapproved new or innovative technologies, materials, or designs installed for study under this rule or OAR 340-071-0130, or former OAR 340-071-0116 or 340-071-0117 (replaced by this rule).

(a) Prior to installation, the system owner must obtain a WPCF permit under OAR 340-071-0162 or, for a system incorporating only unapproved drainfield materials and not otherwise requiring a WPCF permit, or a construction-installation permit under OAR 340-071-0160.

(b) Before installation, the system owner must provide legal and physical access for construction inspections and monitoring.

(c) The system owner must acknowledge that the system being installed is an unapproved technology and must agree in writing to hold the State of Oregon and its officers, employees, and agents harmless of any and all loss or damage caused by system failure or defective installation or operation of the proposed systems.

(d) Before transferring ownership of a system using an unapproved technology, the system owner must notify all transferees that the technology has not been approved, and the transferee must agree in writing to hold the state of Oregon and its officers, employees, and agents harmless of any and all loss or damage caused by system failure or defective installation or operation of the proposed systems.

(e) A site evaluation must be conducted ~~in accordance with~~under this division. Suitable area must be available for installation of both an initial onsite system and a full replacement system.

(5) Standards and design criteria for drain media substitutes. To be approved under (1)(b)(C) of this rule, substitutes for drain media used in absorption trenches, including seepage trenches, seepage beds, or other similar absorption facilities, must meet the following performance standards and design criteria.

(a) Performance standards. New or innovative materials to be used as a substitute for drain media must be structurally sound, durable, and inert in the environment they are placed. The substitute material must be capable of passing wastewater toward the infiltrative surfaces at a rate equal to or greater than gravel drain media.

(b) Design criteria for absorption trenches.

(A) The trench must be excavated under~~in conformance with~~ the trench standards described in this division. If warranted by the design configuration of the substitute material, the trench width may be less than 24 inches, provided the trench length is increased to compensate for the loss of the bottom surface area using the following formula: Adjusted Trench Length = (24 inches ÷ W) x L, where W = the reduced trench width in inches, and L = the original trench length as specified in paragraph (5)(b)(F) of this rule.

(B) The substitute material for the drain media must be placed in the trench and be in uniform contact with the trench bottom and both sidewalls. If voids larger than typically found with the use of drain media are present along the trench bottom after placement of the substitute material, steps must be taken to prevent the entry of burrowing rodents. If the substitute material for drain media is not in uniform contact with both sidewalls, drain media must be placed in the trench to provide that contact.

(C) The substitute material for drain media must be placed to provide a uniform sidewall infiltrative surface depth as measured along the trench sidewall from the bottom to the top of the drain media substitute in contact with the sidewall. In seepage trenches, the depth of the substitute material must be greater than 12 inches. If the substitute material provides less than 12 inches of sidewall contact depth, either drain media must be placed to accomplish the minimum sidewall contact depth, or the length of the absorption trench must be increased to compensate for the reduced sidewall seepage area depth using the following formula: Adjusted Trench Length = (12 inches ÷ D) x L, where D = the reduced sidewall seepage area depth in inches, and L = the original trench length as specified in paragraph (5)(b)(F) of this rule.

(D) If a substitute material is used in a trench that is both narrower than 24 inches and has a sidewall contact depth that is less than 12 inches, the adjusted trench length must be the longer of the adjusted trench lengths calculated using the formulae in paragraphs (A) and (C) of this section.

(E) The top surface of the substitute material for the drain media must be level across the trench and in contact with each side of the trench. The substitute material for drain media must have porosity at the top surface that is not appreciably different from the porosity of drain media. Drain media may be placed across the top of the substitute material to provide the level surface extending from sidewall to sidewall.

(F) The sizing for standard absorption trenches using a substitute material for drain media must conform to applicable criteria in OAR 340-071-0220(2), 340-071-0290(3), or 340-071-0360(2)(a). Seepage trenches using a substitute material for drain media must conform with applicable size criteria ~~be sized in conformance with applicable criteria~~ in OAR 340-071-0280(2), 340-071-0290(3), 340-071-0310(2), or 340-071-0360(2)(b).

(c) Design criteria for seepage beds.

(A) Bed excavation ~~s~~ must conform~~be excavated in conformance~~ with the standards described in OAR 340-071-0275(4)(d).

(B) The substitute material for drain media must be placed in the excavation and in contact with the bottom and sidewalls of the bed. If voids larger than typically found with the use of drain media are present along the bottom or sidewalls after placement of the substitute material, steps must be taken to prevent entry of burrowing rodents.

(C) The substitute material for drain media must be placed to provide a substitute material depth of at least 12 inches, as measured from the bottom of the excavation to the top of the drain media substitute. If the depth of the media substitute is less than 12 inches, drain media must be placed within the excavation to provide this depth.

(D) The upper surface of the substitute material for drain media must be level from sidewall to sidewall. The porosity of the top surface of the substitute material must not appreciably differ from the porosity of drain media. Drain media may be placed across the top of the substitute material to provide the level surface extending from sidewall to sidewall.

(E) Seepage beds using a substitute material for drain media must conform with ~~be~~ size~~d~~ requirements in ~~conformance to~~ OAR 340-071-0275(4)(d)(B).

(d) Distribution piping in absorption facilities using a substitute material for drain media must comply with the appropriate pipe standards in this division and OAR chapter 340, division 073.

(6) Study protocols for substitutes for drain media — example. This section provides an example study protocol to demonstrate substitute drain media under paragraph (1)(b)(C) of this rule. Proposed protocols must be approved for study under section (3) of this rule.

(a) A standard onsite system must be installed and sized for a given soil group according to Tables 4 and 5 of this division. The system must be designed to allow a side-by-side performance comparison of the substitute material with a standard absorption trench (the control). For this purpose, the drainfield must contain four small test cells, two of them containing the substitute material and two the standard drain media, which receive septic tank effluent before the remaining portion of the drainfield. The test cells must represent approximately one-third of the total drainfield. The cells containing the substitute material must be sized according to the manufacturer's claim for equivalence to the standard trench length.

(b) A drop box or similar monitoring box containing a sump must be placed at the end of each test cell. All drop boxes must be connected to the remaining portion of the drainfield.

(c) The test cells must be fed by a pump and a hydrosplitter to distribute the effluent equally to each test cell. Installation of a water meter or pump cycle-counter may be required.

(d) Observation ports must be installed in each test cell to allow measuring~~ement~~ and recording ~~of~~ the effluent ponding depth.

(e) Domestic wastewater coming directly from a septic tank connected to a residence or facility must be used in the field study.

(f) The performance standard to be achieved is the acceptance rate of the effluent by the substitute material, measured by observing the time required for each test cell to overflow to the drop box.

(g) The test must conclude at the end of three years or when overflow is observed in one of each paired test cells, whichever occurs first. Observation of overflow or no overflow and of ponding must be recorded at least monthly.

(h) For approval for statewide use, the testing described in this section must be duplicated at sites within the two major climatic regimes of Oregon, ~~(~~west of the Cascade Mountain Range and east of the Cascade Mountain Range~~,)~~ and in each of the soil groups described in Tables 4 and 5 of this division. At least 18 duplicate sites are required, with 3 sites in each of 3 soil groups in the 2 major climatic regimes of Oregon. Studies may include additional sites.

[ED. NOTE: All tables are found in OAR 340-071-0800.~~Tables referenced are available from the agency.~~]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.607, 454.615, 454.784, 468.035, 468.045, 468.065 & 468B.050
Hist.: DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 14-2000, f. & cert. ef. 8-24-00; Renumbered from 340-071-0116 & 340-071-0117, DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0140

Onsite System Fees

(1) This rule establishes the fees for site evaluations, permits, reports, variances, licenses, and other services DEQ provides under this division.

(2) Table 9A lists the site evaluation and existing system evaluation fees. [Table not included. See ED. NOTE.]

(3) Tables 9B and 9C list the permitting fees for systems not subject to WPCF permits. Online submittals for annual report evaluation fees may apply when~~upon~~ DEQ implement~~sation of~~ online reporting. [Table not included. See ED. NOTE.]

(4) WPCF permit fees. Fees in this section apply to WPCF permits issued under~~pursuant to~~ OAR 340-071-0162. Table 9D lists the WPCF permit fees. [Table not included. See ED. NOTE.]

(5) Table 9F lists the innovative, Alternative Technology and Material Plan Review fees. [Table not included. See ED. NOTE.]

(6) Table 9E lists the Sewage Disposal Service License and Truck Inspection fees. [Table not included. See ED. NOTE.]

(7) Compliance Recovery Fee. When a violation results in an application in order to comply with the requirements in this division, the agent may require the applicant to pay a compliance recovery fee in addition to the application fee. The amount of the compliance recovery fee shall not exceed the application fee. Such violations include but are not limited to installing a system without a permit, performing sewage disposal services without a license, or failure to obtain an authorization notice when it is required.

(8) Land Use Review Fee. Land use review fees are listed in Table 9C and are assessed when an agent review is required in association with a land use action or building permit application and no approval is otherwise required in the division.

(9) Contract county fee schedules.

(a) Each county having an agreement with DEQ under ORS 454.725 must adopt a fee schedule for services rendered and permits issued. The county fee schedule may not include DEQ's surcharge established in section (10) of this rule unless identified as a DEQ surcharge.

(b) The county must submit ~~A~~a copy of the fee schedule and any subsequent amendments to the schedule ~~must be submitted~~ to DEQ.

(c) Fees may not exceed actual costs for efficiently conducted services.

(10) DEQ surcharge.

(a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, DEQ and contract counties must levy a surcharge for each site evaluation, report permit, and other activity for which an application is required in this division. The surcharge fee is listed in Table 9F. This surcharge does not apply to pumper truck inspections, annual report evaluation fees, or certification of installers or maintenance providers. [Table not included. See ED. NOTE.]

(b) Proceeds from surcharges DEQ ~~collectsed by DEQ~~ and contract counties collect must be accounted for separately. Each contract county must forward the proceeds to DEQ ~~in accordance with~~under its agreement with the DEQ.

(11) Refunds. DEQ may refund all or a portion of a fee accompanying an application if the applicant withdraws the application before any field work or other substantial review of the application has been done.

[ED. NOTE: All tables are found in OAR 340-071-0800.~~Tables referenced are not included in rule text. Click here for PDF copy of table(s).~~]

Stat. Auth.: ORS 454.625, 468.020 & 468.065(2)
Stats. Implemented: ORS 454.745, 468.065 & 468B.050
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 13-1986, f. & ef. 6-18-86; DEQ 15-1986, f. & ef. 8-6-86; DEQ 6-1988, f. & cert. ef. 3-17-88; DEQ 11-1991, f. & cert. ef. 7-3-91; DEQ 18-1994, f. 7-28-94, cert. ef. 8-1-94; DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 12-1997, f. & cert. ef. 6-19-97; Administrative correction 1-28-98; DEQ 8-1998, f. & cert. ef. 6-5-98; DEQ 16-1999, f. & cert. ef. 12-29-99; Administrative correction 2-16-00; DEQ 9-2001(Temp), f. & cert. ef. 7-16-01 thru 12-28-01; DEQ 14-2001, f. & cert. ef. 12-26-01; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 7-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 10-2009, f. 12-28-09, cert. ef. 1-4-10; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & cert. ef. 6-30-11; DEQ 6-2012, f. 10-31-12, cert. ef. 11-1-12; DEQ 8-2013, f. 10-23-13, cert. ef. 11-1-13; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14; DEQ 11-2014, f. & cert. ef. 10-15-14; DEQ 13-2014, f. 11-14-14, cert. ef. 12-1-14; DEQ 4-2015, f. & cert. ef. 2-3-15; DEQ 16-2015, f. 12-10-15, cert. ef. 1-1-16; DEQ 1-2016, f. & cert. ef. 1-27-16

340-071-0150

Site Evaluation Procedures

(1) A site evaluation is the first step in the process of obtaining a construction-installation permit for an onsite system. Except as otherwise provided in these rules, before obtaining a permit to construct an onsite system, a person must obtain a site evaluation report finding the site suitable for an onsite system ~~in accordance with~~under this division.

(2) Completed applications for site evaluations must be submitted to the agent with all required exhibits and the applicable site evaluation fee in OAR 340-071-0140(2).

(a) Unless DEQ approves other procedures ~~are approved by DEQ~~ for a contract county, applicants must provide at least two test pits, with dimensions and configuration as the agent directs~~ed by the agent~~, located approximately 75 feet apart and within the area of the proposed system, including the repair/replacement area.

(b) The fee paid for a site evaluation report covers as many site inspections within ninety days of the initial inspection as necessary to determine the suitability of a single lot or parcel for a single system. A site is considered to be suitable as soon as it is found to meet the criteria for any type of onsite system.

(3) Site evaluation report.

(a) The agent or, for WPCF permits, an agent or a qualified private contractor, must evaluate the site of the proposed system, consider all system options, and provide a report of such evaluation.

(b) The site evaluation report must be on a DEQ-approved form ~~approved by DEQ~~.

(c) The report must contain, at a minimum, a site diagram and observations of the following site characteristics.

(A) Parcel size;

(B) Slope in absorption field and replacement areas (percent and direction);

(C) Surface streams, springs, other bodies of water;

(D) Existing and proposed wells;

(E) Escarpments;

(F) Cuts and fills;

(G) Unstable landforms;

(H) Soil profiles determined from test pits provided by applicant;

(I) Water table levels ~~(~~as indicated by conditions associated with saturation or water table observations~~)~~;

(J) Useable area for initial and replacement absorption areas;

(K) Encumbrances observed or listed on the application;

(L) Sewerage availability;

(M) Other observations including off-site features as appropriate.

(d) Site evaluation reports for subdivisions or other land divisions must be based on an evaluation of each lot.

(e) Specific conditions or limitations imposed on an approved site must be listed on the evaluation report.

(f) A site evaluation report approving a site for a system qualifies the property owner for a permit to construct a system on that property if other requirements for a permit are met.

(4) Approval or denial:

(a) A site must be approved for a system if the site evaluation report documents the following:

(A) The site evaluation report identifies the types of the initial and replacement systems for which the site is approved.

(B) All criteria for approving~~al of~~ a specific type or types of systems, as described in this division are satisfied.

(C) Each lot or parcel has sufficient usable area available to accommodate an initial and replacement system. The usable area may be located within the lot or parcel or within the bounds of another lot or parcel that is secured ~~in accordance with~~under OAR 340-071-0130(11). The initial and replacement systems may be of different types, e.g., a standard subsurface system as the initial system and an alternative system as the replacement system. The site evaluation report must indicate the types of the initial and replacement systems for which the site is approved.

(D) A replacement area is not required in areas under control of a legal entity such as a city, county, or sanitary district if the legal entity gives a written commitment that sewerage service will be provided within five years.

(b) A site must be denied if the conditions identified in section (4)(a) of this rule are not met.

(c) Changes in technical requirements in this division may not invalidate a site approval but may require design changes or use of a different type of system.

(5) Site evaluation report review. An applicant may request DEQ to review an agent's site evaluation report ~~issued by an agent~~. The application for review must be submitted to DEQ in writing within 60 days after the site evaluation report issue date and must include the site evaluation review fee in OAR 340-071-0140(2). DEQ will review and approve or disapprove the site evaluation report.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.655 & 454.755
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0155

Existing System Evaluation Report

(1) An evaluation of an existing onsite wastewater treatment system must meet the following requirements:

(a) An evaluation must be performed by a person with one or more of the qualifications listed below:

(A) Professional Engineer ~~in accordance with~~under ORS chapter 672 with knowledge and experience inspecting onsite systems;

(B) Registered Environmental Health Specialist or Wastewater Specialist ~~in accordance with~~under ORS chapter 700 with knowledge and experience inspecting onsite systems;

(C) A certified installer with knowledge and experience inspecting onsite systems;

(D) A certified maintenance provider with knowledge and experience inspecting onsite systems;

(E) A current NAWT inspector training and certification accreditation;

(F) Other similar license or certification DEQ approves~~d in writing by DEQ~~.

(b) An evaluation must include the following:

(A) An examination of the records available on the existing system, including all permit records and pumping and other maintenance records.

(B) For existing systems without a permit record, the inspector must create a record to document system materials, components, and location. Methods used to create the record may include the use of soil probes, metal detectors, electronic pipe tracers, radio and video technology, and uncovering system components.

(C) A field inspection of the existing system.

(D) A report of findings on a DEQ-approved form ~~approved by DEQ~~ including the information obtained relevant to system performance, such as age; usage; records of installation, maintenance, and repairs; type, size, capacity, and condition of components; evidence of any failures; other relevant information, such as ~~(e.g.,~~ condition of repair area if known~~)~~; and a complete sketch of the system showing location and distances of major components.

(E) The evaluation must include all portions of the system that serve the facility, including any portion located on a lot or parcel different from the lot or parcel on which the facility the system serves is located.

(2) A person may not conduct an existing system evaluation required by this rule unless the person~~he or she~~ meets the qualifications in subsection (1)(a) of this rule prior to conducting the evaluation.

(3) Any person may request an agent to provide an evaluation report on an existing onsite wastewater treatment system.

(4) A completed application form must be submitted to the agent with all necessary exhibits and the existing system evaluation fee in OAR 340-071-0140(2).

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.755, 468B.015 & 468B.080
Hist.: DEQ 8-1983, f. & ef. 5-25-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0160

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

(1) Permittees. A permit to~~for~~ construct~~ion of~~ 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 ~~are not completed in accordance~~ 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 ~~by the agent~~ in a site evaluation report. The agent must determine and request the minimum level of detail necessary to insure proper system construction.

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

(3) Deadlines for action. The agent must either issue or deny the permit within 20 days after receiving~~pt of~~ the completed application unless weather conditions or distance and unavailability of transportation prevent the agent from timely action. The agent must notify the applicant in writing of any delay and the reason for delay and must either issue or deny the permit within 60 days after the mailing date of notification.

(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 ~~was wrongfully received by the agent~~.

(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 sewerage system that can serve the proposed sewage flow is both legally and physically available, as described in paragraphs (A) and (B) of this subsection.

(A) Physical availability.

~~(i)~~ A sewerage system is considered available if topographic or man-made features do not make connection physically impractical and one of the following applies:~~.~~

(i~~I~~) For 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.

(ii~~II~~) For a proposed subdivision or group of two to five 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.

(iii~~III~~) For proposed subdivisions or other developments with more than five single family dwellings or equivalent flows, the agent will determine sewerage availability.

(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.

(5) Permit effective dates. A permit issued for construction of a system under~~pursuant to~~ this rule is effective for one year from the date of issuance. After a system has been installed under~~pursuant to~~ the permit and a Certificate of Satisfactory Completion has been issued for the installation, conditions specified in the Certificate of Satisfactory Completion continue in force as long as the system is in use.

(6) Permit renewal, reinstatement, or transfer. An agent may renew, reinstate, or transfer a permit if the following conditions are met:~~.~~

(a) The applicant submits a completed application for permit renewal before the permit expiration date or for reinstatement within one year after the permit expiration date.

(b) Applications for transfer of a permit from a permittee to another person must be filed before the permit expiration date. Only the permittee's name ~~of the permittee~~ may be changed in a transfer.

(c) Applications for permit renewal, reinstatement, or transfer must conform to the requirements of this rule and the permit will be issued or denied ~~in accordance with~~under this rule.

(7) Temporary holding tank. If a permit has been issued under~~pursuant to~~ these rules but existing soil moisture conditions preclude the construction of the soil absorption system, an agent may approve installing~~ation of~~ a septic tank for use as a temporary holding tank for up to 12 months. Before approval, the permittee must demonstrate that the outlet of the tank

has been sealed with a water tight seal and that the permittee has entered into a pumping contract for the tank. Unless otherwise authorized by the agent, the septic tank must be designed and constructed ~~in accordance with~~under OAR 340-071-0340.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.655
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 8-1983, f. & ef. 5-25-83; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0162

Permit Application Procedures — WPCF Permits

(1) Procedures in this rule are for applications for WPCF permits for onsite systems.

(2) Any person may request a new, modified, or renewal WPCF permit by submitting an application on forms DEQ provides~~d by DEQ~~ with the specified number of copies of all required exhibits. The name of the applicant and permittee must be the legal name of the owner of the facilities the system serves~~d by the system~~ or the lessee responsible for the operation and maintenance. Applications must be submitted at least 60 days before a permit is needed. Required exhibits include but are not limited to the following:

(a) A land use compatibility statement from the local land use planning agency indicating that the site is approved for the activity for which the applicant is applying. If the activity is approved only upon conditions in a conditional use permit, a copy of the conditional use permit must be provided;

(b) A copy of a site evaluation report approving the site for the type and quantity of wastes to be disposed;

(c) Evidence that the permit processing fees and the first year's annual compliance determination fee in OAR 340-071-0140(4) have been paid to DEQ or agent, as directed; and

(d) A site diagram meeting the requirements of OAR 340-071-0160(2)(c).

(3) DEQ will not accept applications for filing ~~Applications~~ that are obviously incomplete, improperly signed, or lacking required exhibits clearly identified~~will not be accepted by DEQ for filing~~. DEQ will return these applications ~~and will be returned~~ for completion. DEQ will consider ~~A~~applications that are correctly signed and appear administratively complete ~~will be considered~~ timely upon receipt. A request for further information under section (4) of this rule will not affect the timeliness of an application.

(4) Within 45 days after receiving~~pt of~~ an application, DEQ will preliminarily review the application to determine the adequacy of the information submitted. Failure to complete this review within 45 days does not preclude DEQ from later requesting additional information from the applicant as provided in this section.

(a) DEQ will request in writing from the applicant any additional information needed to review the application. DEQ will consider ~~T~~the application ~~will be considered~~ withdrawn if the applicant fails to submit the requested information within 90 days of the request.

(b) If DEQ determines that additional measures are necessary to gather facts regarding the application, DEQ will notify the applicant of measures to be instituted and the timetable and procedures to be followed. DEQ will consider ~~T~~the application ~~will be considered~~ withdrawn if the applicant fails to comply with the additional measures.

(5) Draft permit review. Before issuing a permit, DEQ will send a draft permit to the applicant for review. The applicant will have up to 14 calendar days to comment on the draft permit.

(6) Public participation. DEQ will provide for public participation ~~in accordance with~~under the requirements for WPCF permits in OAR chapter 340, division 045.

(7) Final DEQ action. DEQ must take final action on the permit application within 45 days of the close of the public comment period if a comment period is required. DEQ will consider all timely comments and other information obtained pertinent to the permit action. DEQ will notify the applicant of the action taken.

(8) Applicant's appeal rights. DEQ's final action is effective 20 days from the date DEQ serves ~~of service of the~~ notice to the applicant of DEQ's final action unless the applicant requests a hearing before the effective date. The request for a hearing must be in writing and state the grounds for the request. DEQ will conduct ~~A~~any hearing ~~will be conducted~~ as a contested case hearing ~~in accordance with~~under ORS 183.413 through 183.470 and OAR chapter 340, division 011.

(9) Permit term. The term of a permit issued under~~pursuant to~~ this rule may not exceed ten years. The expiration date will be recorded on each permit issued.

(10) For systems that are proposed to be or are operating under a WPCF permit, a person may not construct, alter, or repair the system, or any part thereof, unless that person is licensed under ORS 454.695 or is the permittee.

(11) A person may not connect to or use any system authorized by a WPCF permit unless the system has been inspected and certified ~~in accordance with~~under OAR chapter 340, division 052 and DEQ has accepted that certification.

(12) Renewal of a permit. The procedures for issuing~~ance of~~ a new WPCF permit apply to renewing~~al of~~ a permit. A permit may be renewed if the applicant files a completed permit renewal application, on forms DEQ provides~~d by DEQ~~, ~~is filed~~ with DEQ at least sixty days before the permit expires. The permit will not expire until DEQ takes final action ~~has been taken~~ on a timely renewal application.

(13) DEQ may terminate, revoke, modify, or transfer a permit ~~in accordance with~~under the rules in OAR chapter 340, division 045 applicable to WPCF permits.

(14) Rules that~~which~~ do not apply to WPCF applicants or permittees:~~.~~

(a) Because the permit review, issuance, and appeal procedures for WPCF permits are different from those of other onsite permits in these rules, the following rules do not apply to WPCF applicants or permittees: OAR 340-071-0135; 340-071-0155; 340-071-0160(1), (2)(a), (b), and (d), (3), (5) and (6); 340-071-0165(1); 340-071-0170; 340-071-0175; 340-071-

0185; 340-071-0200; 340-071-0205; 340-071-0210; 340-071-0215(1), (2), (3), and (5); 340-071-0275(4)(c)(A); 340-071-0290(7); 340-071-0295(1); 340-071-0302(6); 340-071-0330; 340-071-0345(1)-(7) and (9)-(14); 340-071-0360(2)(b)(B); 340-071-0410; 340-071-0415; 340-071-0420; 340-071-0425; 340-071-0430; 340-071- 0435; 340-071-0440; 340-071-0445; and 340-071-0500.

(b) WPCF permit applicants and permittees are not subject to any WPCF permit-related fees other than those specified in OAR 340-071-0140.

(c) The following rules in OAR chapter 340, division 073 do not apply to WPCF applicants or permittees: OAR 340-073-0030(1); 340-073-0065; 340-073-0070; and 340-073-0075.

Stat. Auth.: ORS 454.625, 468.020 & 468.065(2)
Stats. Implemented: ORS 468.065, 468.070, 468B.050 & 468B.055
Hist.: DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0165

Permit Denial Review — Construction-Installation, Repair, Alteration Permits

(1) ~~Upon request of the applicant,~~ DEQ must review a permit denied by an agent if the applicant requests review. The applicant must submit an application for review ~~must be submitted~~ to DEQ in writing within 60 days of the date the agent issues the permit denial notice and must include the permit denial review fee in OAR 340-071-0140(3).

(2) Permit denials for systems proposed to serve commercial facilities intended for use in a commercial activity, trade, occupation, or profession may be appealed through the contested case hearing procedure set forth in ORS Chapter 183 and OAR chapter 340, division 011.

(3) If the agent intends to deny a permit for a parcel of ten acres or larger, the agent must:

(a) Provide the applicant with a Notice of Intent to Deny;

(b) Specify reasons for the intended denial; and

(c) Offer a contested case hearing ~~in accordance with~~under ORS chapter 183 and OAR chapter 340, division 011.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.655
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0170

Pre-Cover Inspections

(1) System installers must request a pre-cover inspection when system construction, alteration, or repair ~~of a system~~ is complete except for backfill (cover) and as a permit otherwise requires~~d by a permit~~. The agent must inspect the installation to determine whether it complies with this division, unless the agent waives the inspection ~~in accordance with~~under section (2) of this rule or OAR 340-071-0400(6).

(2) The agent may waive inspections for a system proposed to serve a single family dwelling or for a system of similar flow and waste strength if:

(a) The system was installed by a sewage disposal service business licensed under ORS 454.695;

(b) The installer complies with all requirements of this rule; and

(c) Upon the agent's request ~~by the agent~~, the installer submits to the agent photographs of those portions of the construction for which the inspection is waived.

(3) To request a pre-cover inspection, the installer must submit the following information to the agent at the time system construction ~~of the system~~ is complete.

(a) A detailed and accurate as-built plan of the constructed system.

(b) A list of all materials used in the construction of the system.

(c) Certification on a~~n~~ DEQ-~~-~~approved form signed by the permittee who installed the system or an installer certified ~~in accordance with~~under OAR 340-071-0650 on a DEQ-approved form that the system was constructed as~~in accordance with~~ the permit, this division, and OAR chapter 340, division 073 require.

(4) An agent may require an owner to pay the inspection fee in OAR 340-071-0140(3) when a pre-cover inspection correction notice requires correction of improper construction and, at a subsequent inspection, the agent finds system construction deficiencies have not been corrected.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.665
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0175

Certificate of Satisfactory Completion

(1) The agent may issue a Certificate of Satisfactory Completion for a system installation if, the agent inspects and system and ~~upon inspection, the agent~~ determines the system complies with applicable requirements in this division and OAR chapter 340, division 073 and the permit's conditions ~~of the permit~~.

(2) If an agent determines an installation does not comply with the requirements in section (1) of this rule, the agent must notify the permittee in writing or post a Correction Notice on the site. The notice must explain the system deficiencies and corrective action required.

(3) If an agent does not inspect a system within 7 days after notification of completion or waives the inspection ~~in accordance with~~under OAR 340-071-0170(2) or 340-071-0400(6)(d), a Certificate of Satisfactory Completion will be deemed to have been issued by operation of law. In such cases, a modified Certificate will be issued to the owner.

(4) A system may be backfilled (covered) after installation only after:

(a) The agent has notified the permittee that the inspection will not be conducted;

(b) The agent has inspected the system and issued a Certificate of Satisfactory Completion; or

(c) A Certificate of Satisfactory Completion has been issued by operation of law ~~in accordance with~~under section (3) of this rule.

(5) The permittee must ensure satisfactory completion of a system installation within 30 days after written notification or posting of a Correction Notice ~~in accordance with~~under section (2) of this rule unless the agent agrees to a later time.

(6) A person may not connect to or use any system completed after January 1, 1974, unless a Certificate of Satisfactory Completion has been issued for the installation or deemed issued by operation of law ~~in accordance with~~under this rule.

(7) Unless the agent requires otherwise ~~required by the agent~~, the system installer must backfill (cover) a system within 10 days after issuance of a Certificate of Satisfactory Completion for that system.

(8) A Certificate of Satisfactory Completion is valid for a period of five years for connection of the system to the facility for which it was constructed. After the five-year period, an Authorization Notice, alteration permit, or construction-installation permit may be required under OAR 340-071-0160, 340-071-0205, or 340-071-0210.

(9) A permittee may appeal the denial or revocation of a Certificate of Satisfactory Completion ~~in accordance with~~under ORS 183.310 through 183.550 and OAR chapter 340, division 11.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.655
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0205

Authorization to Use Existing Systems

(1) Authorization Notice required. Except as this rule specifically allows~~ed in this rule~~, a person may not place into service, reconnect to, change the use of, or increase the projected daily sewage flow into, an existing onsite system without first obtaining an Authorization Notice, construction-installation permit, or alteration permit as appropriate.

(2) Exceptions.

(a) An Authorization Notice is not required to replace a mobile home with a similar mobile home in a mobile home park or a recreation vehicle with another recreation vehicle in a lawful recreation vehicle park if the onsite wastewater system has adequate capacity for safely treating~~ment of~~ wastewater generated within the park.

(b) An Authorization Notice is not required to place into service a previously unused system for which a Certificate of Satisfactory Completion has been issued within five years of the date such system is placed into service if the projected daily sewage flow does not exceed the design flow and the system is in compliance with the requirements of the Certificate of Satisfactory Completion and applicable requirements in this division.

(3) A completed application for the Authorization Notice must be submitted to an agent with all required exhibits and the authorization notice fee in OAR 340-071-0140(3). The exhibits must include:

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

(b) An accurate property development plan;

(c) An onsite system description;

(d) A lot map or equivalent plat map for the property;

(e) Documentation of any hardship claimed;

(f) All other information the agent finds necessary to complete the application.

(4) An agent may issue an Authorization Notice valid for up to one year to place into service or change the use of an existing onsite system when no increase in sewage flow is projected and the design flow is not exceeded, if:

(a) The existing system is not failing;

(b) All set-backs between the existing system and the structure can be maintained; and

(c) In the agent's opinion ~~of the agent~~, the proposed use would not create a public health hazard on the ground surface or in public surface waters.

(5) An agent may issue an Authorization Notice valid for up to one year to place into service or change the use of an existing system when projected daily sewage flow would increase by not more than 300 gallons above the design capacity and not more than 50 percent of the design capacity for the system if:

(a) The existing system is not failing;

(b) All set-backs between the existing system and the structure can be maintained;

(c) A full system replacement area is available and meets all siting requirements in this division except those relating to soil conditions and groundwater; and

(d) In the agent's opinion~~of the agent~~, the proposed increase in sewage flow would not create a public health hazard or pollute water.

(6) A construction-installation permit is required to place into service or change the use of a system when projected daily sewage flows would increase by more than 300 gallons above the design capacity or by more than 50 percent of the design capacity of the system.

(7) Personal hardship.

(a) The agent may issue an Authorization Notice allowing a temporary dwelling to use an existing system serving another single family dwelling to provide housing for a person suffering hardship or for an individual providing care for such a person if:

(A) The agent receives a hardship approval issued under local planning ordinances;

(B) The system is not failing; and

(C) The agent receives evidence that local zoning and land use planning regulations allow placing~~ement of~~ a hardship temporary dwelling on the subject property.

(b) The Authorization Notice remains in effect for a specified period not to exceed 5 years, but may not exceed cessation of the hardship. The Authorization Notice may be extended for additional periods upon application ~~in accordance with~~under the requirements in section (3) of this rule.

(c) The agent must impose conditions in the Authorization Notice that are necessary to protect public health.

(8) Temporary placement.

(a) The agent may issue an Authorization Notice allowing a temporary dwelling to use an existing system serving another single family dwelling to provide temporary housing for a family member in need if:

(A) The agent receives evidence that the family member is in need of temporary housing;

(B) The system is not failing;

(C) A full system replacement area is available; and

(D) The agent receives evidence that local zoning and land use planning regulations allow placement of a temporary dwelling on the subject property.

(b) The Authorization Notice may authorize use for no more than 2 years and is not renewable. The agent must impose conditions in the Authorization Notice necessary to protect public health. If the system fails during the temporary

placement and additional replacement area is no longer available, the owner must disconnect the temporary dwelling from the system.

(9) If the conditions of sections (4), (5), (6), (7), and (8) of this rule are not satisfied, the agent must either deny the Authorization Notice or withhold issuance until necessary alterations or repairs are made to the system ~~are made~~.

(a) Alteration or repair requires a permit ~~in accordance with~~under OAR 340-071-0160, 340-071-0210, or 340-071-0215. The agent must credit the Authorization Notice fee submitted with the Authorization Notice application toward the permit fee.

(b) The agent may require submitting~~al of~~ the exhibits described in OAR 340-071-0160(2) to complete the permit application and must issue or deny the permit ~~in accordance with~~under OAR 340-071-0160.

(10) Upon the applicant's request~~of the applicant~~, DEQ will review an Authorization Notice an agent denied ~~by an agent~~. The application for review must be submitted to DEQ in writing within 45 days of the Authorization Notice denial along with the denial review fee in OAR 340-071-0140(3) and other information DEQ finds necessary to complete the review. DEQ will prepare a report of the review.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 11-1991, f. & cert. ef. 7-3-91; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0210

Alteration of Existing Onsite Wastewater Treatment Systems

(1) Permit required. A person may not alter or increase the design capacity of an existing onsite wastewater treatment system not under a WPCF permit without first obtaining an alteration permit ~~in accordance with~~under this rule or a construction-installation permit ~~in accordance with~~under OAR 340-071-0160, as applicable. The permit application procedure is described in OAR 340-071-0160.

(2) An agent may issue an alteration permit if the requirements of either subsections (a) or (b) of this section are met.

(a) Alterations do not increase the system's design capacity above the original design flow and:

(A) The existing system is not failing;

(B) The site setbacks in Table 1 can be met except that if the setbacks in Table 1 for septic tanks, treatment units, effluent sewers, and distribution units cannot be met, the agent may allow a reasonable installation; and

(C) In the agent's opinion~~of the agent~~, use of the onsite system would not create a public health hazard or result in water pollution.

(b) Alterations do not exceed the existing system design capacity by more than 300 gpd or 50 percent, and:

(A) The existing system is not failing;

(B) The setbacks in Table 1 can be met; and

(C) In the agent's opinion~~of the agent~~, using~~e of~~ the onsite system would not create a public health hazard or result in water pollution.

(3) An application for a construction-installation permit ~~in accordance with~~under OAR 340-071-0160 is required when the existing system design capacity is proposed to be exceeded by more than 300 gpd or more than 50 percent.

(4) Certificate of Satisfactory Completion required. Upon completing~~on of~~ installation of that part of a system for which a permit was~~has been~~ issued, the system installer must comply with the requirements for pre-cover inspections in OAR 340-071-0170. The agent must issue or deny the Certificate of Satisfactory Completion for the completed construction ~~in accordance with~~under OAR 340-071-0175. ~~An increase in t~~The projected daily sewage flow into the system may not be increased ~~is prohibited~~ until the Certificate is issued.

[ED. NOTE: All tables are found in OAR 340-071-0800.~~Tables referenced are available from the agency.~~]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.655, 454.665 & 454.675
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 8-1983, f. & ef. 5-25-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0215

Repair of Existing Systems

(1) The system owner must ensure a~~A~~ failing system ~~must be~~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 ~~is authorized~~, 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 ~~in accordance with~~under this rule. A person may make ~~E~~emergency repairs ~~may be made~~ 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) Certificate of Satisfactory Completion. Upon completion of installation of that part of a system for which a repair permit was~~has been~~ issued, the system installer must comply with the requirements for pre-cover inspections in OAR 340-071-0170. The agent must issue or deny the Certificate of Satisfactory Completion ~~in accordance with~~under OAR 340-071-0175.

(4) Criteria for permit issuance.

(a) If the site characteristics and standards in OAR 340-071-0220 can be met, the repair installation must conform to the requirements.

(b) If the site characteristics or standards in OAR 340-071-0220 cannot be met, the agent may allow a reasonable repair installation to eliminate a public health hazard, including ~~the~~ installing~~ation of~~ an alternative system as necessary.

(5) Notwithstanding the permit duration specified in OAR 340-071-0160(5), a permit issued under~~pursuant to~~ this rule may be effective for a period of less than one year from the date of issue if specified by the agent.

(6) System owners must decommission failing systems ~~in accordance with~~under OAR 340-071-0185 if the systems cannot be repaired.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.655, 454.665, 454.675 & 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0220

Standard Subsurface Systems

(1) Criteria For standard subsurface systems. Each site must meet all of the conditions in this section to be approved for a standard subsurface system.

(a) Effective soil depth must extend 30 inches or more below the ground surface as shown in Table 3. A minimum 6-inch separation must be maintained between the layer that limits effective soil depth and the bottom of the absorption facility.

(b) Water table levels must be predicted using standards in OAR 340-071-0130(23).

(A) The permanent water table must be at least 4 feet below the bottom of the absorption facility, except in defined geographic areas where DEQ has determined through a groundwater study that less separation will not degrade groundwater or threaten public health. In these exception areas, the permanent water table must be at least 24 inches below the ground surface.

(B) A temporary water table must be 24 inches or more below the ground surface. An absorption facility may not be installed deeper than the top of the temporary water table.

(C) A groundwater interceptor may be used to intercept or drain water from an absorption area on sites with adequate slope to permit proper drainage. An agent may require a demonstration that the site can be de-watered before issuing a site evaluation report approving the site. Where required, groundwater interceptors are an integral part of the system but do not need to meet setback requirements to property lines, wells, streams, lakes, ponds, or other surface water bodies that are required for the wastewater absorption area.

(c) Except as ~~provided in~~ subsection (d) of this section provides, soil with rapid or very rapid permeability must be 36 inches or more below the ground surface. A minimum 18-inch separation must be maintained between soil with rapid or very rapid permeability and the bottom of absorption trenches.

(d) Sites may be approved with no separation between the bottom of absorption trenches and soil with rapid or very rapid permeability as defined in OAR 340-071-0100(148)(a) and (b) and absorption trenches may be placed into such soil if any of the following conditions occur.

(A) A confining layer occurs between the bottom of absorption trenches and the groundwater table and a minimum 6-inch separation is maintained between the bottom of absorption trenches and the top of the confining layer.

(B) A layer of nongravelly (less than 15 percent gravel) soil with sandy loam or finer texture at least 18 inches thick occurs between the bottom of the absorption trenches and the groundwater table.

(C) The projected daily sewage flow does not exceed a loading rate of 450 gallons per acre per day.

(e) Slopes do not exceed 30 percent or the slope/effective soil depth relationship described~~set forth~~ in Table 3.

(f) The site has not been filled or the soil has not been modified in a way that would, in the agent's opinion ~~of the agent~~, adversely affect the system's functioning ~~of the system~~.

(g) The site is not on an unstable land form that might adversely affect operation of the system.

(h) The site of the initial and replacement absorption facility is not covered by asphalt or concrete or subject to vehicular traffic, livestock, or other activity that would adversely affect the soil.

(i) The site of the initial and replacement absorption facility will not be subjected to excessive saturation from artificial drainage of ground surfaces, driveways, roads, roof drains, or other circumstances.

(j) Setbacks in Table 1 except as modified by this subsection can be met.

(A) Surface waters setbacks. Setback from streams or other surface waters must be measured from bank drop-off or mean yearly high water mark, whichever provides the greatest separation distance.

(B) Lots created before May 1, 1973. For lots or parcels legally created before May 1, 1973, the agent may approve installing~~ation of~~ a standard or alternative system with a setback from surface waters of less than 100 feet but not less than 50 feet if all other applicable provisions of this rule can be met.

(C) Water lines and sewer lines. Effluent sewer and water line piping constructed of materials that are approved for use within a building in the 2000 Edition of the Oregon State Plumbing Specialty Code may be run in the same trench or may cross. Where the effluent sewer pipe material is not approved for use in a building, it may not be run or laid in the same trench as water pipe unless:

(i) The bottom of the water pipe at all points is set at least 12 inches above the top of the sewer pipe; and

(ii) The water pipe is placed on a solid shelf excavated at one side of the common trench with a minimum, clear, horizontal distance of at least 12 inches from the sewer pipe.

(D) Septic tank setbacks. The agent must encourage ~~the~~ placingement ~~of~~ septic tanks and other treatment units as close as feasible to the minimum separation from the building foundation to minimize clogging ~~of~~ the building sewer.

(E) Pressure transport pipe setback to well. Notwithstanding the setback distance in Table 1, the agent may allow the separation distance between a pressure transport pipe and a well to be less than 50 feet but no less than 25 feet when: [Table not included. See ED. NOTE.]

(i) The pressure transport pipe is PVC Sch. 40 or heavier pressure-rated piping meeting ASTM Specification D-2241;

(ii) The pressure transport pipe is placed within a larger diameter PVC or ABS Sch. 40 or heavier encasement pipe, with the pipe ends located at least 50 feet away from the well; and

(iii) All pipe joints in the pressure transport pipe and encasement pipe are solvent-welded.

(2) Criteria for sizing absorption fields. Absorption fields must be designed and sized based on the criteria in this section.

(a) Table 2, specifying quantities of sewage flows, or other information the agent determines is reliable with the following exception. [Table not included. See ED. NOTE.] A system must be sized on the basis of 300 gallons sewage flow per day plus 75 gallons per day for the third bedroom when the system:

(A) Is proposed to serve a single family dwelling on a lot of record created before March 1, 1978, that is too small to accommodate a system sized for a daily sewage flow of 450 gallons; or

(B) Serves specifically planned developments with living units of three or fewer bedrooms and deed restrictions prohibit an increase in the number of bedrooms.

(b) Table 4, specifying the minimum length of absorption trenches based on soil texture and effective soil depth. [Table not included. See ED. NOTE.]

(c) Table 5, specifying the minimum length of absorption trenches based on soil texture and depth to temporary water. [Table not included. See ED. NOTE.]

(d) Strength of the wastewater. If the strength of the wastewater exceeds the maximum limits for residential strength wastewater or the contents of the wastewater are atypical of residential strength wastewater or pose a threat to groundwater, public health, or the environment, the wastewater must be pretreated to acceptable levels before being discharged into a standard or alternative system.

(3) Septic tank.

(a) Liquid capacity.

(A) The quantity of daily sewage flow projected for a facility must be estimated from Table 2. The agent must determine the projected daily sewage flow for establishments not listed in Table 2. [Table not included. See ED. NOTE.]

(B) A septic tank that serves a commercial facility must have a liquid capacity of at least two times the projected daily sewage flow unless the agent authorizes otherwise ~~authorized by the agent~~. In all cases the capacity must be at least 1,000 gallons.

(C) The capacity of a septic tank that serves a single family dwelling must be based on the number of bedrooms in the dwelling. For a dwelling with 4 or fewer bedrooms, the tank capacity must be at least 1,000 gallons. Septic tank capacity must be at least 1,500 gallons for dwellings with more than 4 bedrooms.

(D) The agent may require a larger capacity than this subsection specifies~~d in this subsection~~ as needed for special or unique waste characteristics, such as flow patterns, volumes, waste strength, or facility operation.

(b) Installation requirements.

(A) Septic tanks must be installed on a level, stable base that will not settle.

(B) Septic tanks located in high groundwater area must be weighted or provided with an antibuoyancy device to prevent flotation ~~in accordance with~~under the manufacturer's instructions.

(C) Tanks must be installed with at least one watertight riser extending to the ground surface or above. The riser must have a minimum diameter of 20 inches when the soil cover above the tank does not exceed 36 inches. The riser must have a minimum diameter of 30 inches when the soil cover above the tank exceeds 36 inches or when the tank capacity exceeds 3,000 gallons. A gasketed cover must be provided and securely fastened or weighted to prevent unauthorized access.

(D) Tanks must be installed in a location that provides access for maintenance.

(E) Where practicable, the sewage flow from an establishment must be consolidated into one septic tank.

(F) The agent may allow a removable plug to be placed in the top of a septic tank inlet sanitary tee if the septic tank discharges directly into a gravity-fed absorption facility.

(G) After installation all tanks must prove~~A demonstration of~~ watertightness ~~is required for all tanks after installation in accordance with~~under OAR 340-073-0025.

(H) Unless the agent allows otherwise ~~allowed by the agent~~, an effluent filter meeting the requirements of OAR 340-073-0056 must be installed at the septic tank outlet if a tank serves a commercial facility. A service access riser and cover meeting the requirements of 340-071-0220(3)(b)(C) must be placed above the effluent filter.

(c) Construction. Tank construction must comply with minimum standards in OAR chapter 340, division 073, unless otherwise DEQ authorizes otherwise~~d~~ in writing ~~by DEQ~~.

(d) Multi-compartment tank requirement.

(A) With the exception in paragraph (B) of this subsection, if a sewage ejector pump precedes a septic tank ~~is preceded by a sewage ejector pump~~, the tank must have been~~be~~ manufactured as a multi-compartment tank ~~in accordance with~~under requirements in this division and OAR chapter 340, division 073. An effluent filter must be installed unless the agent allows other methods with equal or better performance in preventing suspended solids from passing ~~the passage of suspended solids~~ to the drainfield.

(B) If the sewage ejector pump preceding the septic tank at a single family residence receives wastewater from only a clothes washing machine and a sink, a single-compartment septic tank may be used in lieu of a multi-compartment septic tank. The tank must meet the minimum capacity requirement in subsection (a) of this section, and an effluent filter must be installed in the tank's outlet tee fitting. Alternatively, the agent may allow the filter to be placed in a separate vault and riser located just outside the septic tank or may authorize other alternatives as appropriate.

(4) Distribution techniques. Absorption trenches must be constructed according to one of the methods in this section.

(a) Gravity-fed equal distribution (including loop).

(A) Equal distribution must be used on generally level ground. All trenches and piping must be level within a tolerance of plus or minus 1 inch. All lateral piping must be at the same elevation.

(B) A pressure-operated hydrosplitter may be used to achieve equal distribution.

(C) To determine the total useable area of a looped soil absorption facility, the agent must add the sum of the lengths of the parallel absorption trenches and the lengths of up to two absorption trenches intersecting the parallel trenches.

(b) Serial distribution. Serial distribution is generally used on sloping ground. Each trench must be level within a tolerance of plus or minus 1 inch. Serial distribution may be a combination of equal distribution and serial distribution.

(c) Pressurized distribution systems. Pressurized distribution must satisfy the requirements in OAR 340-071-0275.

(5) Distribution boxes and drop boxes.

(a) Construction. ~~Construction of d~~Distribution box~~es~~ and drop box~~es~~ construction must comply with standards in OAR 340-073-0035 and 340-073-0040.

(b) Foundation. All distribution boxes and drop boxes must be bedded on a stable, level base.

(c) In all gravity distribution techniques, the connection of the effluent piping to the distribution piping must include at least one distribution or drop box or other device acceptable to the agent as a means for locating and monitoring the absorption field.

(6) Dosing tanks and dosing septic tanks.

(a) Tank construction must comply with the standards in OAR chapter 340, division 73 unless ~~otherwise~~ DEQ authorize~~s~~ otherwise~~d~~ in writing ~~by DEQ~~.

(b) The tank must be installed on a stable, level base at a location that provides access for maintenance.

(c) The tank must be provided with at least one watertight service access riser extending to the ground surface or above. The riser must have a minimum diameter of 20 inches when the soil cover above the tank does not exceed 36 inches. The riser must have a minimum diameter of 30 inches when the soil cover above the tank exceeds 36 inches. A gasketed cover must be securely fastened or weighted to prevent unauthorized access.

(d) A tank located in a high groundwater area must be weighted or provided with an antibuoyancy device to prevent flotation ~~in accordance with~~under the tank manufacturer's instructions.

(7) Absorption trenches.

(a) Absorption trenches must be constructed ~~in accordance with~~under the standards in this section unless otherwise authorized in this division.

(A) Minimum bottom width of trench — 24 inches.

(B) Minimum depth of trench:

(i) Equal or looped distribution —18 inches.

(ii) Serial distribution — 24 inches.

(iii) Pressure distribution — 18 inches.

(C) Maximum depth of trench — 36 inches.

(D) Maximum length of an individual trench — 150 linear feet, unless the agent authorizes otherwise ~~authorized~~ in writing~~ by the agent~~.

(E) Minimum distance of undisturbed earth between trenches — 8 feet.

(b) The bottom of the trench must be level within a tolerance of plus or minus 1 inch end to end and level from side to side.

(c) When the sidewall within a trench has been smeared or compacted, sidewalls must be raked to ensure permeability.

(d) Trenches must be constructed to prevent septic tank effluent from flowing backwards from the distribution pipe to undermine the distribution box, the septic tank, or any portion of the distribution unit.

(e) Drain media must extend the full width and length of the trench to a depth of at least 12 inches with at least 6 inches of drain media under the distribution pipe and at least 2 inches over the distribution pipe.

(f) Before backfilling the trench, the drain media must be covered with filter fabric, untreated building paper, or other material the agent approves~~d by the agent~~.

(g) If trenches are installed in sandy loam or coarser soils, filter fabric or other nondegradable material the agent approves~~d by the agent~~ must be used to cover the drain media.

(8) Trench backfill.

(a) The installer must backfill the system. Backfill must be carefully placed to prevent damage to the system.

(b) A minimum of 6 inches of backfill is required.~~;~~ 12 inches is required in serial systems ~~12 inches is required~~.

(c) Backfill must be free of large stones, frozen clumps of earth, masonry, stumps, waste construction materials, or other materials that could damage the system.

(9) Header pipe. Header pipe must be watertight, have a minimum diameter of 3 inches, and be bedded on undisturbed earth. Where distribution boxes or drop boxes are used, the header pipe between the box and the distribution pipe must be at least 4 feet in length and be installed level.

(10) Distribution pipe.

(a) Distribution pipes must have a minimum diameter of 3 inches.

(b) Each disposal trench must have distribution piping that is centered in the trench and laid level within a tolerance of plus or minus 1 inch.

(c) Distribution pipe must comply with standards in OAR 340-073-0060(4).

(d) All perforated pipe must be installed with centerline markings up.

(11) Effluent sewer. The effluent sewer must extend at least 5 feet beyond the septic tank before connecting to the distribution unit. It must be installed with a minimum fall of 4 inches per 100 feet and at least 2 inches of fall from one end of the pipe to the other. In addition, there must be a minimum difference of 8 inches between the invert of the septic tank outlet and either the invert of the header to the distribution pipe of the highest lateral in a serial distribution field or the invert of the header pipe to the distribution pipes of an equal distribution absorption field. A minimum 18-gauge, green-jacketed tracer wire or green color-coded metallic tape must be placed above the effluent sewer pipe.

(12) Curtain drain construction. Unless the agent authorizes otherwise ~~authorized by the agent~~, curtain drains must comply with the following requirements.

(a) Ground slope must be at least 3 percent, or other landform features such as an escarpment must allow for effective drainage.

(b) The curtain drain must extend at least 6 inches into the layer that limits effective soil depth or to a depth adequate to effectively dewater the site.

(c) Trench width must be a minimum of 12 inches.

(d) Perforated pipe must have a minimum diameter of 4 inches and must meet the requirements in OAR 340-073-0060(4).

(e) Perforated pipe must be installed at least 2 inches above the bottom and along the full length of the trench and must be covered by a minimum of 10 inches of drain media.

(f) The curtain drain must be filled with drain media to within 12 inches of the ground surface.

(g) Outlet pipe must be rigid, smooth-wall, solid PVC pipe meeting or exceeding ASTM Standard D-3034 with a minimum diameter of 4 inches. A flap gate or rodent guard must be installed.

(h) Filter fabric must be placed over the drain media.

[ED. NOTE: All tables are found in OAR 340-071-0800.~~Tables referenced are not included in rule te~~

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 7-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14; DEQ 11-2014, f. & cert. ef. 10-15-14

340-071-0260

Alternative Systems, General

~~(1) Application requirements. The requirements in this division and OAR chapter 340, division 073 for siting, construction, and maintenance of standard subsurface~~

(1) Application requirements. The requirements in this division and OAR chapter 340, division 073 for siting, constructing~~on~~, and maintaining~~enance of~~ standard subsurface systems apply to alternative systems unless the standards for alternative systems in this division provide otherwise.

(2) Periodic inspections.

(a) Agents may perform periodic inspections of installed alternative systems. System owners must pay the inspection fee in OAR 340-071-0140(3) for the inspection upon billing by the agent.

(b) The agent must prepare a report of each inspection listing system deficiencies, corrections required, and timetables for correction, and will provide a copy to the system owner. The agent may follow up as necessary to ensure proper corrections.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775

Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 9-1984, f. & ef. 5-29-84; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0265

Capping Fills

(1) Criteria for approval. Each site approved for a capping fill system must meet all the following conditions: ~~.~~

(a) Slope does not exceed 12 percent.

(b) Temporary water table is not closer than 18 inches to the ground surface at any time during the year. A 6-inch minimum separation must be maintained between the bottom of the absorption trench and the temporary water table.

(c) Where a permanent water table is present, a minimum 4-foot separation must be maintained between the bottom of the absorption trench and the water table.

(d) Except as provided in subsection (e) of this section, where material with rapid or very rapid permeability is present, a minimum 18-inch separation must be maintained between the bottom of the absorption trench and soil with rapid or very rapid permeability.

(e) Sites may be approved with no separation between the bottom of the absorption trenches and soil with rapid or very rapid permeability (as defined in OAR 340-071-0100(148)(a) or (b)), and absorption trenches may be placed into such soil if any of the following conditions occur.

(A) A confining layer occurs between the bottom of absorption trenches and the temporary groundwater table and a minimum 6-inch separation is main~~-~~tained between the bottom of absorption trenches and the top of the confining layer.

(B) A layer of non-gravelly (less than 15 percent gravel) soil with sandy loam or finer texture at least 18 inches thick occurs between the bottom of the absorption trenches and the groundwater table.

(C) The projected daily sewage flow does not exceed a loading rate of 450 gallons per acre per day.

(f) Effective soil depth is 18 inches or more below the natural soil surface.

(g) Soil texture from the ground surface to the layer that limits effective soil depth is no finer than silty clay loam.

(h) A minimum 6-inch separation is maintained between the bottom of the absorption trench and the layer that limits effective soil depth.

(i) The system can be sized according to effective soil depth in Table 4.

(2) Installation requirements. The cap must be constructed ~~in accordance with~~as the permit requires. Unless the agent requires ~~otherwise~~ otherwise~~required by the agent~~, construction must follow this sequence: ~~.~~

(a) The agent must examine and approve ~~T~~the soil ~~must be examined and approved by the agent~~ before ~~place~~placing~~ment of~~ the cap. The texture of the soil used for the cap must be the same textural class as or one textural class finer than the natural topsoil unless otherwise allowed in this division.

(b) ~~Construction of c~~Capping fills must be constructed~~occur~~ between June 1 and October 1 unless the agent allows otherwise ~~allowed by the agent~~. The upper 18 inches of natural soil must not be saturated or have a moisture content that causes loss of soil structure and porosity when worked.

(c) The absorption area and the borrow site must be scarified to destroy the vegetative mat.

(d) The system must be installed as specified in the construction-installation permit with a minimum 10-foot separation between the edge of the fill and the absorption facility.

(e) Filter fabric must be used between the drain media and the soil cap, unless the agent authorizes ~~otherwise~~ otherwise~~authorized by the agent~~.

(f) Fill must be applied to the fill site and worked in so that the two contact layers, native soil and fill, are mixed. Fill material must be evenly graded to a final depth of 10 inches over the drain media for an equal system or 16 inches over the drain media for a serial system to allow for appropriate settled depths. Both initial cap and repair cap may be constructed at the same time.

(g) The site must be landscaped according to permit conditions and be protected from livestock, automotive traffic, and other activity that could damage the system.

(3) Required inspections. Unless the agent waives~~d~~ ~~-~~it~~by the agent~~, the following inspections must be performed for each capping fill installed.

(a) Inspecting~~on of~~ both the absorption area and borrow material before cap construction for scarification, soil texture, and moisture content.

(b) Inspecting the installed absorption facility ~~P~~~~pre-cover~~ before covering~~inspection of the installed absorption facility~~.

(c) Inspection after the cap is placed to determine adequate contact between fill material and native soil (no obvious contact zone visible), adequate depth of material, and uniform distribution of fill material.

(d) Final inspection after landscaping or other erosion control measures are established.

[ED. NOTE: All table s are found in OAR 340-071-0800.~~Tables referenced are available from the agency.~~]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 8-1983, f. & ef. 5-25-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0275

Pressurized Distribution Systems

(1) Pressurized distribution systems receiving residential strength wastewater may be permitted on any site meeting the requirements for installation of a standard onsite system and on other sites where this method of effluent distribution is preferable and the site conditions in this rule can be met.

(2) Except as allowed in OAR 340-071-0220(1)(d), pressurized distribution systems must be used where depth to soil with rapid or very rapid permeability as defined in OAR 340-071-0100(148)(a) and (b) is less than 36 inches and the minimum separation distance between the bottom of the absorption trench and such soil is less than 18 inches.

(3) Pressurized distribution systems installed in soil with rapid or very rapid permeability as defined in OAR 340-071-0100(148)(a) and (b) in areas with permanent water tables may not discharge more than 450 gallons of effluent per 1/2 acre per day except where:

(a) Groundwater is degraded and designated as a non-developable resource by the Oregon Water Resources Department; or

(b) A detailed hydrogeological study discloses loading rates exceeding 450 gallons per 1/2 acre per day would not increase the nitrate-nitrogen concentration in the groundwater beneath the site or at any down gradient location to above 5 mg/L.

(4) Materials and construction.

(a) General.

(A) All materials used in pressurized systems must be structurally sound, durable, and capable of withstanding normal stresses incidental to installation and operation.

(B) Pump wiring must comply with applicable building, electrical, or other codes. An electrical permit and inspection from the Department of Consumer and Business Services, Building Codes Division, or the municipality with jurisdiction, is required for pump wiring installation.

(C) A single compartment dosing septic tank may not be used in a system with pressurized distribution laterals unless the tank is partitioned with a flow-through below the tank's lowest liquid level. The flow through port must be at 65 to 75 percent of the minimum liquid level and be at least 4" in diameter.

(b) Pressurized distribution piping. Piping, valves, and fittings for pressurized systems must meet the following minimum requirements.

(A) All pressure transport, manifold, lateral piping, and fittings must meet the requirements in OAR 340-073-0060(3).

(B) Pressure transport piping must be uniformly supported along the trench bottom. The agent may require the piping to be bedded in sand or other material approved by the agent. A minimum 18 gauge, green-jacketed tracer wire or green color-coded metallic locate tape must be placed above piping.

(C) Orifices must be located on top of the pipe, except as noted in paragraph 4(b)(I) of this section.

(D) The ends of lateral piping must be constructed with long sweep elbows or an equivalent method to bring the end of the pipe to finished grade. The ends of the pipe must be provided with threaded plugs, caps, or other devices acceptable to the agent to allow for access to and flushing ~~of~~ the lateral.

(E) All joints in the manifold, lateral piping, and fittings must be solvent-welded using the appropriate joint compound for the pipe material. Pressure transport piping may be solvent-welded or rubber-ring jointed.

(F) A shut off valve must be placed on the pressure transport pipe in or near the dosing tank when appropriate.

(G) A check valve must be placed between the pump and the shut off valve when appropriate.

(H) All orifices must be covered by a protective, durable, noncorrosive orifice shield designed to keep orifices from being blocked by drain media or other system components. The shields or piping must be removable for access to the orifices.

(I) The agent may specify alternate orifice orientation and valve arrangements for conditions such as extended freezing temperatures, temporary or seasonal use, or effluent characteristics.

(J) Where ~~the~~ operating~~on of~~ a pump could result in siphonage of effluent to below the normal off level of the pump, an anti-siphon measure in the form of a non-discharging valve designed for the specific purpose must be used. The anti-siphon valve must be installed and operated ~~in accordance with~~under manufacturer's specifications.

(c) Absorption trench sizing and construction.

(A) A system using absorption trenches must be designed and sized ~~in accordance with the~~as ~~requirements of~~ OAR 340-071-0220(2) requires.

(B) Absorption trenches must be constructed using the specifications for the standard disposal trench unless otherwise authorized by the agent.

(C) The trench must contain drain media at least 12 inches deep, with at least 6 inches of media under the pressure distribution laterals and sufficient media above the laterals to meet or cover the orifice shields to provide a smooth, even cover.

(D) The top of the drain media must be covered with filter fabric or other nondegradable material permeable to fluids that will not allow passage of soil particles coarser than very fine sand. In unstable soils, sidewall lining may be required.

(d) Seepage bed construction.

(A) Seepage beds may be used instead of absorption trenches in soil as defined in OAR 340-071-0100(148)(b) if flows do not exceed 600 gpd.

(B) The effective seepage area must be based on the bottom area of the seepage bed. The area must be at least 200 square feet per 150 gallons per day waste flow.

(C) Beds must be installed at least 18 inches deep (12 inches with a capping fill) but not deeper than 36 inches into the natural soil. The seepage bed bottom must be level.

(D) The top of the drain media must be covered with filter fabric or other nondegradable material that is permeable to fluids but will not allow passage of soil particles coarser than very fine sand.

(E) The bed must contain drain media at least 12 inches deep with at least 6 inches of media under the pressure distribution laterals and sufficient media above the laterals to meet or cover the orifice shields to provide a smooth, even cover.

(F) Pressurized distribution piping must be horizontally spaced not more than 4 feet apart and not more than 2 feet away from the seepage bed sidewall. At least 2 parallel pressurized distribution pipes must be placed in the seepage bed.

(G) A minimum of 10 feet of undisturbed earth must be maintained between seepage beds.

(5) Hydraulic design criteria. Pressurized distribution systems must be designed for appropriate head and capacity.

(a) Head calculations must include maximum static lift, pipe friction, and orifice head requirements.

(A) Static lift where pumps are used must be measured from the minimum dosing tank level to the level of the perforated distribution piping.

(B) Pipe friction must be based upon a Hazen Williams coefficient of smoothness of 150. All pressure piping and fittings on laterals must have a minimum diameter of 2 inches unless submitted plans and specifications show a smaller diameter pipe is adequate.

(C) A minimum head of 5 feet at the remotest orifice and no more than a 10 percent flow variation between the nearest and remotest orifice in an individual unit are required.

(b) The capacity of a pressurized distribution system refers to the rate of flow given in gallons per minute (gpm).

(A) Lateral piping must have discharge orifices drilled a minimum diameter of 1/8 inch and evenly spaced no more than 24 inches apart in coarse textured soils or no more than 4 feet apart in finer textured soils.

(B) The system must be dosed at a rate not to exceed 20 percent of the projected daily sewage flow.

(C) The effect of back drainage of the total volume of effluent within the pressure distribution system must be evaluated for its impact ~~up~~on the dosing tank and system operation.

(6) Service contracts. The owner of a pressurized distribution system must maintain a contract, ~~in accordance with~~under OAR 340-071-0130(23), with a maintenance provider to serve, maintain and adjust the onsite system. A service contract must be entered before the system is installed and must be maintained until the system is decommissioned.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.775 & 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0290

Conventional Sand Filter Systems

(1) Criteria for approval. Construction of conventional sand filter systems may be approved for single family dwellings or commercial facilities.

(2) Sites approved for sand filter systems. Sand filters may be permitted on any site meeting requirements for standard onsite systems in OAR 340-071-0220 or for pressurized distribution systems in OAR 340-071-0275 if site conditions in this section can be met.

(a) Separation from the temporary groundwater table must satisfy the requirements in this subsection.

(A) The high level attained by a temporary groundwater table is:

(i) Twelve inches or more below ground surface where:

(I) The ground slope does not exceed 12 percent;

(II) Equal distribution methods are achieved by gravity or ~~the~~ using~~e of~~ either a hydrosplitter or pressurized distribution method; and

(III) A capping fill is placed ~~in accordance with~~under OAR 340-071-0265(2) and 340-071-0265(3)(a) through (c).

(ii) Eighteen inches or more below ground surface where equal distribution methods are achieved by gravity or through the use of a hydrosplitter or pressurized distribution.

(iii) Twenty-four inches or more below ground surface where serial distribution methods are used.

(B) Methods used in OAR 340-071-0315 for tile dewatering systems may be used to achieve separation distances from temporary groundwater.

(C) Absorption trenches may not be installed deeper than the highest level of the temporary water table. The minimum backfill depth within the absorption trenches is 6 inches for trenches using equal distribution methods and 12 inches for trenches using serial distribution.

(b) Separation from the permanent groundwater table must satisfy the requirements in this subsection.

(A) The highest level attained by a permanent water table does not exceed the minimum separation distance from the bottom of the absorption area as follows:

(i) For gravel and Soil Group A: sand, loamy sand, sandy loam — 24 inches;

(ii) For Soil Group B: loam, silt loam, sandy clay loam, clay loam — 18 inches;

(iii) For Soil Group C: silty clay loam, silty clay, clay, sandy clay — 12 inches.

(B) Shallow absorption trenches placed not less than 12 inches into the original soil profile may be used with a capping fill to achieve separation distances from permanent groundwater. The fill must be placed ~~in accordance with~~under OAR 340-071-0265(2) and 340-071-0265(3)(a) through (c).

(C) Methods used in OAR 340-071-0315 for tile dewatering systems may be used to achieve separation distances from permanent groundwater.

(c) Sand filter systems installed in soils with rapid or very rapid permeability as defined in OAR 340-071-0100(148)(a) and (b) in areas with permanent water tables may not discharge more than 450 gallons of effluent per 1/2 acre per day except where:

(A) Groundwater is degraded and designated as a nondevelopable resource by the Oregon Water Resources Department; or

(B) A detailed hydrogeological study determines loading rates exceeding 450 gallons per 1/2 acre per day would not increase nitrate-nitrogen concentration in the groundwater beneath the site or any downgradient location to above 5 mg/L.

(d) Sand filter systems may be installed in soils, fractured bedrock, or saprolite diggable with a backhoe if, in the judgment of the agent, the soils, fractured bedrock, or saprolite is permeable to the extent that effluent will absorb adequately and not hinder the performance of the filter or absorption field. The agent may require that an absorption test be conducted to determine the permeability of the bedrock or saprolite. Test methods must be acceptable to DEQ.

(A) Where ground slope does not exceed 12 percent, a capping fill, 12-inch deep trench may be installed ~~in accordance with~~under OAR 340-071-0265, except that when installed in fractured bedrock or saprolite, the cap material must be Soil Group B.

(B) Where ground slope exceeds 12 percent but is not greater than 30 percent, a standard 24-inch deep trench may be installed.

(e) A sand filter absorption facility may be installed on slopes of 30 percent or less if other conditions in this section are satisfied.

(f) An absorption facility following a sand filter may be installed on slopes above 30 percent and up to 45 percent where:

(A) Projected daily flow does not exceed 450 gallons and the installation is sized ~~in accordance with~~under sand filter absorption area criteria;

(B) The soil is diggable with a backhoe to a depth of at least 36 inches and 12 inches below the bottom of the trench; and

(C) The temporary water table is at least 30 inches below the ground surface and 6 inches below the bottom of the trench.

(g) Setbacks in Table 1 can be met, except the minimum separation distance between the sewage absorption area and surface waters must be at least 50 feet.

(3) Absorption trenches. Absorption trenches for sand filter absorption facilities must satisfy the requirements in this section.

(a) The minimum length of a standard absorption trench per 150 gallons of projected daily sewage flow is:

(A) For gravel and Soil Group A: sand, loamy sand, sandy loam -- 35 linear feet;

(B) For Soil Group B: loam, silt loam, sandy clay loam, clay loam -- 45 linear feet;

(C) For Soil Group C: silty clay loam, silty clay, sandy clay, clay -- 50 linear feet;

(D) For permeable saprolite or fractured bedrock -- 50 linear feet;

(E) For high shrink-swell clays (Vertisols) -- 75 linear feet.

(b) On lots created before January 1, 1974, which do not have sufficient, suitable area for an absorption facility sized ~~in accordance with~~under this section, the agent may allow seepage trenches if:

(A) The design criteria and limitations in OAR 340-071-0280(2) are met;

(B) The soil is not a high shrink-swell clay;

(C) The temporary water table is at least 30 inches below the ground surface; and

(D) All other requirements of this rule are met.

(c) Trench designs in Vertisols.

(A) Absorption trenches in Vertisols must contain 24 inches of drain media and 24 inches of soil backfill in areas with an annual rainfall of 25 inches or less, minimum slopes of 5 percent, and a temporary water table at least 48 inches below the ground surface.

(B) Seepage trenches in Vertisols containing less than 24 inches of drain media may be used if designed ~~in accordance with~~under the criteria and limitations in OAR 340-071-0280 in areas with an annual rainfall of 25 inches or less, minimum slopes of 5 percent, and a temporary water table at least 48 inches below the ground surface.

(4) Bottomless sand filter. Sites may use a bottomless sand filter if the site meets the criteria in this section and section (3) of this rule.

(a) Saprolite; fractured bedrock; gravel; or soil textures of sand, loamy sand, or sandy loam occur in a continuous section at least 2 feet thick in contact with and below the bottom of the sand filter.

(b) The agent determines the saprolite, fractured bedrock, gravel, or soil is permeable over the basal area to the extent that effluent will absorb adequately and not hinder the performance of the filter. The agent may require that an absorption test be conducted to determine the permeability of the basal area. Test methods must be acceptable to DEQ.

(c) The application rate is based on the design sewage flow in OAR 340-071-0220(2)(a) and the basal area of the sand.

(d) The water table is at least 24 inches below the ground surface throughout the year, and a minimum 24-inch separation is maintained between a water table and the bottom of the sand filter.

(5) Materials and construction.

(a) All materials used in sand filter system construction must be structurally sound, durable, and capable of withstanding normal installation and operation stresses. Component parts subject to malfunction or excessive wear must be readily accessible for repair and replacement.

(b) All filter containers must be placed over a stable, level base.

(c) In a gravity-operated distribution system, the invert elevation of the outlet end of the underdrain pipe must be at or above the final settled ground elevation of the highest absorption trench.

(d) Piping and fittings for the sand filter distribution system must comply with the requirements for pressure distribution systems in OAR 340-071-0275.

(e) Septic tanks, dosing tanks, and other components must comply with the requirements in OAR 340-071-0220 unless this rule specifies different requirements.

(f) The design and construction requirements in OAR 340-071-0295 must be met. A bottomless sand filter unit does not require a watertight floor, but does require watertight walls unless otherwise authorized by the agent.

(g) A bottomless sand filter unit does not require a minimum 10-foot separation between the original and replacement unit.

(6) Gravelless absorption method.

(a) Absorption trenches following a sand filter may be constructed without ~~the~~ using~~e of~~ drain media if they meet the criteria in this section.

(A) Absorption trenches must be 12 inches wide by 10 inches deep and incorporate pressurized distribution and a chamber constructed of half sections of 12-inch diameter plastic irrigation pipes (PIP). DEQ may consider deviations to the depth requirement in this rule for alternative drainfield products.

(B) Trenches must be level end to end and across their width.

(C) The agent may allow trenches on minimum 3-foot centers maintaining at least 2 feet of undisturbed earth between parallel trench sidewalls.

(D) Pressurized distribution piping must meet the requirements of OAR 340-071-0275(4)(b), except that orifice shields are not required.

(E) Distribution piping must be perforated with 1/8 inch diameter orifices on maximum 2-foot centers at the 12 o'clock position. The hydraulic design must provide at least a 2-foot residual head at the distal orifice.

(F) The chambers must have an adequate footing to support the soil cover and all normal activity and at a minimum must be constructed of 12-inch PIP rated at 43 pounds per square inch and meeting the appendix standards of ASTM D-2241. Each line must be equipped with a minimum 6-inch diameter inspection port.

(b) Except as noted in subsection (a) of this section, all construction and siting criteria for conventional sand filter systems in this division must be met. This includes but is not limited to the absorption field sizing for sand filter systems in OAR 340-071-0290(3) and area sizing for an initial and replacement absorption facility meeting standard trench separations in OAR 340-071-0220(7)(a)(E). Plans must verify that a system can be installed on the parcel that will meet the requirements in OAR 340-071-0290(3) and 340-071-0220(7)(a)(E) and all other applicable rules before a gravelless absorption method is approved.

(c) A gravelless absorption method may be used wherever this division allows a standard or alternative-type absorption trench for sand filter systems, except in Vertisols.

(d) A method to prevent burrowing animals from entering the chamber must be provided in areas where this is likely to occur.

(7) Operation and maintenance. Owners of conventional and other sand filter systems must ensure the sand filter and all other components of the system are continuously operated and timely maintained ~~in accordance with~~as the ~~requirements on the~~ Certificate of Satisfactory Completion and this rule require.

(a) Owners of conventional and other sand filter systems must comply with the operation and maintenance requirements in this section. The owner of a sand filter system must inspect the septic tank and other components of the system at least annually for sludge accumulation, pump calibration, and cleaning ~~of~~ the laterals. Tanks must be pumped when there is an accumulation of floating scum less than 3 inches above the bottom of the outlet tee fitting, holes or ports, or an accumulation of sludge less than 6 inches below the bottom of the outlet tee fitting, holes or ports. Pump calibration, cleaning of the laterals, and other maintenance must be completed as necessary.

(b) Service Contracts. The owner of a residential sand filter system and all sand filter systems serving commercial facilities must maintain a contract, ~~in accordance with~~under OAR 340-071-0130(23), with a maintenance provider to serve and maintain the onsite system. A service contract must be entered before the system is installed and must be maintained until the system is decommissioned.

[ED. NOTE: All tables are found in OAR 340-071-0800~~Tables referenced are available from the agency~~.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.775 & 454.780
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; Administrative correction 2-16-00; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05, Renumbered from 340-071-0305; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0295

Conventional Sand Filter Design and Construction

(1) Criteria for sizing. Systems must be sized based on quantities of sewage flow ~~in accordance with~~under OAR 340-071-0220(2)(a).

(2) Minimum filter area:

(a) A sand filter proposed to serve a single family dwelling must have an effective medium sand surface area of at least 360 square feet. If the design sewage flow exceeds 450 gallons per day, the medium sand surface area must be determined with the following equation: Area = projected daily sewage flow divided by 1.25 gallons per square foot.

(b) A bottomless sand filter following an ATT system must have an effective medium sand surface area of at least 250 square feet. If the design sewage flow exceeds 450 gallons per day, the medium sand surface area must be determined with the following equation: Area = projected daily sewage flow divided by 1.80 gallons per square foot.

(c) Sand filter influent may not exceed concentrations of 300 mg/L BOD5, 150 mg/L TSS, or 25 mg/L oil and grease.

(3) Design criteria.

(a) The interior base of the filter container must be level or constructed at a grade of 1 percent or less to the underdrain piping elevation.

(b) Except for sand filters without a bottom, underdrain piping must meet the requirements in OAR 340-073-0060(2) and must be installed in the interior of the filter container at the lowest elevation. The piping must be level or on a grade of 1 percent or less to the point of passage through the filter container. The pipe perforations or slots must be oriented in the upright or sideways position.

(c) The base of the filter container with the underdrain piping in place must be covered with a minimum of 6 inches of drain media or underdrain media. Unless the agent waives it~~d by the agent~~, the underdrain media proposed for a sand filter must be sieved to determine conformance with the criteria in OAR 340-071-0100(170) and a report of the analysis must be provided to the agent. Where underdrain media is used, the underdrain piping must be enveloped in an amount and depth of drain media to prevent migration of the underdrain media to the pipe perforations.

(d) Where drain media is used at the base of the filter, it must be covered by a layer of filter fabric meeting the specifications in OAR 340-073-0041. Where underdrain media is used, filter fabric is not required.

(e) A minimum of 24 inches of approved sand filter media must be installed over the filter fabric or underdrain media. The sand filter media must be damp at the time of installation. The top surface of the media must be level. Unless waived by the agent, the sand filter media proposed for each sand filter must be sieve-tested to determine conformance with the criteria in OAR 340-071-0100(124), and a report of the analysis must be provided to the agent.

(f) A minimum of 3 inches of clean drain or underdrain media is required below the distribution laterals, and sufficient media is required above the laterals to meet or cover the orifice shields to provide a smooth, even cover.

(g) A pressurized distribution system meeting the requirements of OAR 340-071-0275(4) and (5) must be constructed as described in subsection (f) of this section.

(A) Distribution laterals must be spaced a maximum of 30 inches center to center. Orifices must be spaced no more than 30 inches apart.

(B) The ends of the distribution laterals must be designed and constructed to allow flushing of the piping, collectively or individually, using a corrosion-resistant and accessible valve or threaded endcap. The flushed effluent may be discharged to the septic tank or into the sand filter.

(C) The diameters of the distribution manifold and laterals must be at least 1/2 inch in diameter.

(D) A sand filter must be dosed at a rate not to exceed 10 percent of the projected daily sewage flow.

(h) The top of the media in which the pressure distribution system is installed must be covered with filter fabric meeting the specifications in OAR 340-073-0041.

(i) The top of the sand filter area must be backfilled with a soil cover free of rock, vegetation, wood waste, and other materials that may harm the filter. The soil cover must have a textural class no finer than loam unless otherwise authorized by the agent. The soil cover must be at least 6 inches and no more than 12 inches deep.

(j) All piping passing through the sand filter container must be watertight.

(4) Container design and construction.

(a) A reinforced concrete container with watertight walls and floors must be used where watertightness is necessary to prevent groundwater from infiltrating into the filter or to prevent the effluent from exfiltrating from the filter except as otherwise allowed in this division or OAR chapter 340, division 073. The container structure may require a building permit for construction.

(b) The container may be constructed of materials other than concrete where equivalent function, workmanship, watertightness, and at least a 20-year service life can be documented.

(A) Flexible membrane liner (FML) materials must have properties at least equivalent to 30 mil unreinforced polyvinyl chloride (PVC) described in OAR 340-073-0085. For FML materials to be approved for installation:

(i) Field repair instructions and materials must be provided to the purchaser with the liner; and

(ii) The final materials must have factory-fabricated boots suitable for field bonding onto the liner to facilitate the passage of piping through the liner in a waterproof manner.

(B) Where accepted for use, flexible sheet membrane liners must be installed ~~in accordance with~~as OAR 340-073-0085 requires.

(C) The backfill around the container must be no steeper than a 3:1 slope (3 feet for every vertical foot) unless otherwise authorized by the agent.

(5) Internal pump option. Where a pump is used to discharge effluent from a sand filter to another treatment unit, a distribution unit, or an absorption facility, the design and construction of the filter may include an internal pump station if the following conditions are met.

(a) The location, design, and construction of the pump station must not conflict with design, construction, and operation of the sand filter system.

(b) The design and construction of the pump, discharge plumbing, controls, and alarm must meet the requirements in OAR 340-073-0055 except subsections (4)(d) and (4)(h).

(c) The pump and related apparatus must be housed in a corrosion-resistant vault designed to withstand stresses and prevent the migration of drain media, sand, or underdrain media to its interior. The vault must have a durable, affixed floor. The vault must provide watertight access to finished grade with a diameter equal to that of the vault and designed to receive treated effluent from the bottom of the sand filter.

(d) The depth of underdrain media and the operating level of the pump cycle and alarm may not allow effluent to come within 2 inches of the bottom of the sand filter media. The pump off-level may be no lower than the invert of the perforations of the underdrain piping.

(e) The internal sand filter pump must be electrically linked to the sand filter dosing apparatus to prevent effluent from entering the sand filter if the internal sand filter pump fails.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.775 & 454.780
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0302

Recirculating Gravel Filter (RGF)

(1) Siting and absorption area construction criteria.

(a) RGFs approved for treatment standard 1 may be sited and sized as follows.

(A) In areas with a temporary water table, ~~in accordance with~~as specifications for sand filters in areas with temporary groundwater in OAR 340-071-0290 require.

(B) In areas with permanent groundwater, where 4 feet of separation can be maintained between the bottom of the trench and groundwater and the other criteria in OAR 340-071-0290 can be met.

(C) On sites meeting criteria for standard onsite systems in OAR 340-071-0220 or for pressurized systems in OAR 340-071-0275.

(b) RGFs used in conjunction with approved disinfection and approved nitrogen reduction processes and expected to meet treatment standard 2 may be sited and sized as follows.

(A) On sites meeting the criteria for treatment standard 1 in subsection (a) of this section.

(B) In areas with a permanent water table, ~~in accordance with~~as specifications for sand filters in areas with a permanent water table in OAR 340-071-0290 require.

(c) Any type of absorption area permitted for a sand filter system, including the gravel-less absorption method, may be permitted for an RGF system.

(2) Design criteria.

(a) Filter design and dosing.

(A) The filter's basal or bottom area ~~of the filter~~ must be sized based on a maximum organic load. For residential strength wastewater that has been pretreated through a septic tank, the maximum hydraulic load allowable is 5 gal/ft2/day.

(B) For BOD5 waste strengths stronger than residential strength wastewater but not exceeding 400 mg/L, the filter size must be increased proportionately.

(C) Higher strength wastewaters must be pretreated or will require special consideration. In no case may the concentration of greases and oil applied exceed 30 mg/L.

(b) Filter media.

(A) Where CBOD5 removal must be at least 85 percent based upon the raw sewage concentration applied to the septic tank and nitrification of wastewater is necessary, a filter media must consist of 3 feet of very fine washed gravel, 100 percent passing a 3/8-inch sieve with an effective size between 3 and 5 millimeters and a uniformity coefficient of 2 or less. Washed means that negligible fines (less than 1.0 percent) pass a No. 10 sieve.

(B) Where additional removal of BOD5 and denitrification is intended or required, a treatment media may consist of 2 feet of very coarse washed sand, 100 percent passing a 3/8-inch sieve with an effective size between 1.5 and 2.5 millimeters and a uniformity coefficient of 2 or less. Washed means that negligible fines (less than 4.0 percent) pass the No. 100 sieve.

(C) Sieves of 3/8 inch, 1/4 inch, and Nos. 4, 6, 8, 10, 50, and 100 must be used in gradation analysis.

(D) The permittee must provide fresh samples of the intended media for each project before shipment to the project site. A laboratory gradation analysis must be performed and the gradation data plotted on semi-log paper as a gradation curve. The permittee must submit ~~L~~lab data, gradation curve, and a 5-pound sample of the media ~~must be submitted~~ to the agent for approval. Only approved media may be used.

(c) Filter media must be overlain by a 3-inch bed of 1/2-inch to 3/4-inch washed gravel. The media and gravel may only lightly cover the distribution piping. Unless otherwise authorized, each orifice must be covered by an orifice shield to prevent aerial spray drift.

(d) Filter dosing must use a low pressure distribution piping system operating under adequate head to pressurize the system. The operating head must be a minimum of 5 feet at the remotest orifice and have no more than 10 percent flow variation between the nearest and remotest orifice in an individual unit. Each lateral pipe end must terminate with a screwed plug or cap accessible for removal and flushing. Wherever practical, a valved backflush system must be installed to flush groups of laterals back to a septic tank or elsewhere.

(e) Pressure-distribution piping must be spaced 2 feet center to center in a parallel grid. Orifice spacing must be every 2 feet on laterals. Piping grid edges should be within 1 foot of the filter basal edge.

(f) Filter media must be underlain by a 6-inch bed of a 1/2 to 3/4-inch washed gravel underdrain media. No filter fabric may cover the underdrain media.

(g) Perforated collection pipes must meet requirements in OAR 340-073-0060(2) and be bedded in the underdrain media. Pipes must be at least 4 inches in diameter with no filter fabric wrap. At least 15 lineal feet of collection pipe is required for each 225 square feet of filter basal area.

(h) The filter container must be watertight to suit the design conditions. Underflow must be contained. Groundwater must be excluded. A concrete container may be used. Other materials may be used if equivalent function, workmanship, watertightness, and at least a 20-year service life can be expected.

(3) Recirculation/dilution tank.

(a) A recirculation tank receives septic tank effluent and underflow from the filter. A pumping system at this tank delivers flow to the filter dose piping network according to a project design. The recirculation tank volume measured from tank floor to tank soffit must be at least equal to the projected daily sewage flow volume.

(b) The recirculation ratio at design flow must be at least 4. Recirculation ratio is the daily volume of recycle divided by design daily volume of the wastewater. A fabricated "T" or "Splitter T" float valve located in the recirculation tank must be used whenever possible. Minimum recirculation tank liquid volume must be at least 80 percent of the gross tank volume when a float valve is used. Alternatively, where required and reasonable, a splitter basin using orifice or weir control may be used to divide underflow 20 percent to the absorption field and 80 percent to recycle on a daily basis. This alternative must use orifice control wherever possible. Minimum recirculation tank liquid volume must be at least 50 percent of the required tank volume when a splitter basin is used.

(c) Evaluation of and design for overflow and surge control at the recirculation tank must be included in the design plans.

(d) An audible or visual high water alarm must be included in the recirculation tank immediately below the overflow level. A latching electrical relay must retain the audible or visual alarm until ~~acknowledged by~~ a site attendant acknowledges it.

(e) Parallel pump start/stop electric controls (usually floats) must be installed to correct any unforeseen high liquid level event and keep sewage contained. This pump start function precludes overflow and must operate in parallel with the start/stop function of a timer and must not interfere with or depend upon a timer position.

(f) All areas of the filter must be wetted 48 times a day or every 30 minutes to achieve the recirculation ratio of at least 4 unless the agent authorizes otherwise ~~authorized by the agent~~.

(g) Testing must demonstrate the recirculation tank is watertight. The designer must witness the ~~T~~testing ~~must be witnessed by the designer~~. Test protocol must be included in the design plans.

(h) ~~Access onto the filter must be restricted by a~~A fence or other effective means must restrict access onto the filter. Design and construction must prevent ~~S~~surface water entry onto the filter ~~must be prevented by design and construction~~.

(i) Access openings to the recirculation tank must be provided at each end. Larger tanks must have additional openings. The smallest dimension of any access must be 18 inches. Larger openings must be provided if partially obstructed with piping or other objects. Provisions must be made to remove dregs (settleable solids). Pumps must be readily removable and replaceable without demolition of piping or other components.

(4) Operation and Maintenance standards. The owner of an onsite system using an RGF must ensure the RGF and all other components of the onsite system are properly operated and timely maintained or decommissioned.

(5) Operation and maintenance manual. The designer of an RGF system must ensure that comprehensive and detailed operation and maintenance instructions are provided to the onsite system owner at the time of installation. The instructions must emphasize operating and maintaining the entire system within the parameter ranges for which it is designed. The information must be presented in a manner that can be easily under~~-~~stood by the owner and include at a minimum:

(a) As-built plans with the name and contact number of the installer;

(b) A description of how the process functions, including diagrams illustrating basic system design and flow path;

(c) A maintenance schedule for all critical components;

(d) Requirements and recommended procedures for periodic removal of residuals from the system;

(e) A detailed procedure for visually evaluating the function of system components;

(f) A description of olfactory and visual techniques for confirming correct process parameters and system performance;

(g) A recommended method for collecting and transporting effluent samples;

(h) Safety concerns that may need to be addressed; and

(i) Emergency contact numbers for maintenance providers and pumpers.

(6) Service contracts. The owner of an RGF system must maintain a contract, ~~in accordance with~~under OAR 340-071-0130(23), with a maintenance provider to serve and maintain the onsite system. A service contract must be entered before the system is installed and must be maintained until the system is decommissioned.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.780, 468B.050 & 468B.055
Hist.: DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0305 [Renumbered to **340-071-0290**]

340-071-0315

Tile Dewatering System

(1) General conditions for approval. Construction permits may be issued for tile dewatering systems if the following requirements can be met:~~.~~

(a) The site has a natural outlet that will allow a field tile installed on a proper grade around the proposed absorption facility to daylight above annual high water.

(b) Soils are silty clay loam or coarser textured and drainable.

(c) Soils must have a minimum effective soil depth of at least 30 inches in soils with temporary groundwater and at least 72 inches in soils with permanent groundwater unless otherwise authorized by the agent.

(d) Slope does not exceed 3 percent.

(e) All other requirements for the system, except depth to groundwater, can be met. After the field collection drainage tile is installed, the groundwater levels must conform to the requirements of OAR 340-071-0220(1), 340-071-0265(1), 340-071-0290(2), 340-071-0302(1), or 340-071-0345(8).

(2) Construction requirements.

(a) Field collection drainage tile must be installed on a uniform grade of 0.2 to 0.4 feet of fall per 100 feet. The tile drainage trench must be constructed to the minimum depth required in the approved site evaluation report.

(b) A field collection drainage tile trench must be constructed at least 12 inches wide.

(c) Maximum drainage tile spacing must be 70 feet center to center.

(d) The minimum horizontal separation distance between the drainage tile and absorption facility must be 20 feet.

(e) Field collection drainage tile must be rigid, smooth-wall, perforated pipe or other pipe material the agent approves~~d by the agent~~ with a minimum diameter of 4 inches.

(f) Field collection drainage tile must be enveloped in clean drain media or underdrain media to within 30 inches of the soil surface in soils with permanent groundwater or to within 12 inches of the soil surface in soils with temporary groundwater. Drain media must be covered with filter fabric, treated building paper, or other nondegradable material approved by the agent.

(g) Outlet tile must be rigid, smooth-wall, solid PVC pipe meeting or exceeding ASTM Standard D-3034 with a minimum diameter of 4 inches. The agent may require ~~A~~a flap gate or rodent guard~~ may be required by the agent~~.

(h) A silt trap with a 12-inch minimum diameter must be installed between the field collection drainage tile and the outlet pipe unless otherwise authorized by the agent. The bottom of the silt trap must be at least 12 inches below the invert of the drainage pipe outlet.

(i) The discharge pipe and tile drainage system are integral parts of the system but do not need to meet setback requirements to property lines, wells, streams, lakes, ponds, or other surface waterbodies.

(j) Before issuing a final site evaluation report approving the site, the agent may require demonstration that a proposed tile dewatering site can be effectively drained.

(k) The absorption facility must use equal or pressurized distribution.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 8-1983, f. & ef. 5-25-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-~~95 ;~~95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0320

Split Waste Method

Criteria for approval. In a split waste method, wastes may be disposed of as follows.

(1) Black wastes may be disposed of ~~by~~ using~~e of~~ nonwater-carried plumbing units such as recirculating oil flush toilets or compost toilets approved by the State Building Codes Division.

(2) Gray water may be disposed of by discharge to:

(a) An existing onsite system which is not failing;

(b) A new onsite system with a soil absorption facility 2/3rds normal size if a full-size initial absorption area and replacement absorption area of equal size are available; or

(c) A public sewerage system.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.610, 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 8-1983, f. & ef. 5-25-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0330

Nonwater-Carried Systems

(1) A person may not cause or allow the installation, placement, or use of a nonwater-carried waste disposal facility without a letter of authorization or permit from the agent, except ~~in accordance with~~ as this section specifies ~~this section~~.

(a) Temporary-use pit privies used on farms for farm labor do not require agent approval.

(b) A sewage disposal service business licensed under OAR 340-071-0600 may install portable toilets without the agent's written approval ~~of the agent~~ if all other requirements of this rule except Table 8 setbacks are met.

(2) Nonwater-carried waste disposal facilities may be approved for temporary or limited-use areas, including but not limited to recreation parks, camp sites, farm labor camps, or construction sites, if:

(a) All liquid wastes can be handled in a manner to prevent a public health hazard and to protect public waters; and

(b) The separation distances in Table 8 can be met.

(3) Construction. Nonwatercarried waste disposal facilities must be constructed ~~in accordance with~~under OAR 340-073-0065 through 340-073-0075.

(4) Maintenance. Nonwater-carried waste disposal facilities must be maintained to prevent health hazards and pollutingon ~~of~~ public waters.

(5) General. A person may not place water-carried sewage in nonwater-carried waste disposal facilities. The contents of nonwater-carried waste disposal facilities must be removed by a licensed sewage disposal service with a pumper license and taken to an authorized treatment site.

(6) Pit privy.

(a) Unsealed earth-pit type privies may be approved where the highest level attained by groundwater is not closer than 4 feet below the bottom of the privy pit.

(b) The privy must be constructed to prevent surface water from running into the pit.

(c) When the pit becomes filled to within 16 inches of the ground surface, a new pit must be excavated and the old pit backfilled with at least 2 feet of earth.

(7) A person may not cause or allow the installation or use of a portable toilet unless ~~the pumping or cleaning of the portable toilet is covered by~~ a valid and effective contract with a pumping service licensed under OAR 340-071-0600, covers pumping or cleaning the toilet. Each portable toilet must display the name of the pumping service responsible for servicing.

[ED. NOTE: All tables are found in OAR 340-071-0800.~~Tables referenced are available from the agency~~]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0335

Cesspools and Seepage Pits

(1) A person may not construct new cesspool sewage disposal systems in Oregon.

(2) Seepage pit sewage disposal systems may be used only to serve existing sewage loads and replace existing failing seepage pit and cesspool systems on lots that are too small to accommodate a standard system or other alternative onsite system.

(3) Construction requirements.

(a) Each seepage pit must be installed in a location to facilitate future connection to a sewerage system when such facilities become available.

(b) Maximum depth of seepage pits is 35 feet below ground surface.

(c) The seepage pit depth must terminate at least 4 feet above the water table.

(4) Notwithstanding the permit duration specified in OAR 340-071-0160(5), a permit issued underpursuant to this rule may be effective for a period of less than one year from the date of issue if specified by the agent.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 21-1981(Temp), f. & ef. 9-1-81; DEQ 6-1982(Temp), f. & ef. 3-19-82; DEQ 8-1982, f. & ef. 4-20-82; DEQ 1-1985(Temp), f. & ef. 1-2-85; DEQ 2-1985, f. & ef. 2-1-85; DEQ 8-1986(Temp), f. & ef. 4-29-86; DEQ 16-1986, f. & ef. 9-16-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0340

Holding Tanks

(1) Criteria for approval. Except as ~~provided in~~ section (5) of this rule provides, installing~~ation of~~ a holding tank system requires a construction-installation or WPCF permit. A construction-installation permit may be issued for sites that meet all the following conditions.

(a) Permanent use.

(A) The site cannot be approved for installation of a standard subsurface system.

(B) No community or ~~areawide~~area wide sewerage system is available or expected to be available within five years.

(C) The tank is intended to serve a small industrial or commercial building or an occasional use facility such as a county fair or a rodeo.

(D) Unless DEQ allows ~~otherwise~~ otherwise~~allowed by DEQ~~, the projected daily sewage flow is not more than 200 gallons.

(E) Setbacks required for septic tanks can be met.

(b) Temporary use: A holding tank may be installed in an area under the control of a city or other legal entity authorized to construct, operate, and maintain a community or area-wide sewerage system if:

(A) The application for permit includes a copy of a legal commitment from the legal entity to extend a community or area-wide sewerage system meeting the requirements of this division to the property covered by the application within five years from the date of the application; and

(B) The proposed holding tank complies with other applicable requirements in OAR chapter 340, divisions 071 and 073.

(2) Operations and maintenance. At all times the holding tank is being used, the tank's owner ~~of the tank~~ must maintain a service contract with a sewage disposal service licensed under OAR 340-071-0600 to provide for regularly inspecting~~on~~ and pumping ~~of~~ the holding tank.

(3) Design and construction requirements. Except as provided in section (5) of this rule, holding tanks must comply with the following requirements:~~.~~

(a) Plans and specifications for each holding tank proposed to be installed must be submitted to the agent for review and approval.

(b) Each tank must:

(A) Have a minimum liquid capacity of 1,500 gallons;

(B) Comply with tank standards in OAR 340-073-0025;

(C) Be located and designed to facilitate removal of contents by pumping

(D) Be equipped with both an audible and a visual alarm placed in locations acceptable to the agent to indicate when the tank is 75 percent full. Only the audible alarm may be user cancelable;

(E) Have no overflow vent at an elevation lower than the overflow level of the lowest fixture served; and

(F) Be designed for antibuoyancy if test hole examination or other observations indicate seasonally high groundwater may float the tank when empty.

(4) Special requirements. The application for a holding tank permit must include:

(a) A copy of a contract with a licensed sewage disposal service that requires the tank to be pumped periodically at regular intervals or as needed and the contents treated in a manner and at a facility the agent approves~~d by the agent~~; and

(b) Evidence that the owner or operator of the proposed treatment facility will accept the pumpings for treatment.

(5) Portable holding tanks may be temporarily placed at sites having limited duration events such as county fairs or construction projects or at temporary restaurants if the following requirements are met:~~.~~

(a) The tanks must be owned and serviced by a licensed sewage disposal service with sewage pumping equipment having a 550-gallon or larger tank and meeting all other requirements in OAR 340-071-0600(11).

(b) Tank placement and use must comply with all local planning, building, and health requirements.

(c) Only domestic sewage may be discharged into the tank.

(d) The tank must be maintained in a sanitary manner to prevent a health hazard or nuisance.

(e) The tank must not be buried.

(f) A person may not use the tank to serve a dwelling, recreation vehicle, or any other structure having sleeping accommodations, except that a portable holding tank may be used temporarily to serve a contractor's job shack or night watchman's trailer.

(g) The tank must meet the following standards:~~.~~

(A) The tank must be watertight with no overflow vent lower than the overflow level of the lowest fixture served.

(B) Tank capacity may not exceed 1,000 gallons unless otherwise authorized by the agent.

(C) The tank must be structurally sound and made of durable, noncorrosive materials.

(D) The tank must be designed and constructed to provide a secure, watertight connection of the building sewer pipe.

(E) The tank must be marked with the name and phone number of the licensed sewage disposal service responsible for maintaining the tank.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 13-1997(Temp), f. & cert. ef. 6-23-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0345

Alternative Treatment Technologies (ATTs)

(1) Criteria for approval. Construction-installation permits may be issued for onsite systems incorporating alternative treatment technologies (ATTs) for single family dwellings and commercial facilities if the following criteria are met:~~.~~

(a) DEQ has listed the ATT, including brand and model or type where applicable, for use in onsite systems pursuant to section (2) of this rule.

(b) The ATT meets the performance and model selection criteria specified for the proposed use in section (4) of this rule.

(c) The site meets the appropriate siting criteria in section (8) of this rule, and the agent has approved the site.

(d) The owner of the property served by the onsite system incorporating the ATT has a written service contract as required in section (14) of this rule.

(2) ATT listing and delisting.

(a) DEQ will maintain a list of ATTs that meet the performance requirements in section (3) of this rule.

(b) Any person may submit an application for listing an ATT. The application must include:

(A) Documentation that the ATT meets the performance requirements in section (3) of this rule;

(B) Documentation that the ATT has been tested to NSF/ANSI as a class 1 or equivalent residential wastewater treatment system;

(C) A guide for inspecting the ATT installation;

(D) A plan for training agents on inspecting~~on of~~ the ATT and training and certifying system installers on installing~~ation of~~ the ATT;

(E) A plan for training and certifying maintenance providers on system maintenance for the ATT;

(F) Documentation that the ATT complies with sections (5)-(7) and (9) of this rule; and

(G) The alternative technology review fee in OAR 340-071-0140(5).

(c) DEQ will approve applications to list ATTs that DEQ determines meet the performance requirements in section (3) of this rule under normal operating conditions. ATTs will be listed by brand and model or type for the treatment standards they achieve.

(d) DEQ may approve ATTs that vary from standards in OAR chapter 340, division 073.

(e) Beginning July 1, 2015, DEQ may remove ATTs from the list if it determines the requirements for approval in subsection (c) of this section are no longer satisfied or if:

(A) Ten percent or more of systems under 10 years of age fail;

(B) The manufacturer fails to submit the annual report in section (g) of this rule by the date specified by DEQ; or

(C) The manufacturer fails to submit the annual compliance determination fee in OAR 340-071-0140(5) by the date specified by DEQ; or

(D) The manufacturer goes out of business.

(f) All ATT listings will expire on June 30, 2016 and will be removed from the list. To renew the ATT listing and remain on the list, the manufacturer of the ATT must submit an application for each ATT model by July 1, 2015. The application must include, but is not limited to:

(A) A current list of each ATT sold in the State of Oregon including the model number, serial number, and the property address the ATT is located;

(B) A current list of all maintenance providers the manufacturer certifies~~that are certified by the manufacturer~~;

(C) The material plan review fee in OAR 340-071-0140(5).

(g) Annual manufacturer report. Unless DEQ authorizes otherwise ~~authorized~~ in ~~writing~~ writing~~by DEQ~~, the manufacturer must submit an annual report for each ATT model. The report must include, but is not limited to:

(A) A list of each ATT sold in Oregon for the reporting period including the model number, serial number, certified maintenance provider name, status of service contract, and the property address the ATT is located;

(B) A current list of all maintenance providers that are certified by the manufacturer;

(C) The annual compliance determination fee in OAR 340-071-0140(5).

(h) Any person adversely affected by DEQ's listing or delisting decision may appeal that decision through the contested case hearing procedures in ORS Chapter 183 and OAR chapter 340, division 011.

(3) Performance testing and standards for listing ATTs.

(a) Product testing.

(A) ATTs must be tested according to the product standards and testing protocols of NSF/ANSI Standard No. 40 for residential wastewater treatment systems – 2013, NSF/ANSI Standard No. 245 for nitrogen reduction — 2012, or another NSF/ANSI protocol DEQ approves~~d by DEQ~~.

(B) For purposes of demonstrating performance to the fecal coliform concentration in treatment standard 2, the ATT shall be followed by a nonchlorinating disinfection device that has been tested according to NSF/ANSI Standard No. 46 – 2012, or the ATT must be tested by collecting and analyzing influent and effluent grab samples at a minimum frequency of three days per week and the same duration (26 consecutive weeks) and hydraulic loadings (design and stress loadings) as the NSF/ANSI sample collection requirements for the BOD5, CBOD5, and TSS parameters. The testing must be performed by an ANSI accredited, third-party testing and certification organization whose accreditation is specific to onsite wastewater treatment products, or have been studied under the La Pine National Demonstration Project.

(b) Product performance. An ATT must produce effluent quality equal to or better than treatment standard 1 or 2 defined in section 0100.

(4) ATT model type and size selection. The model, type, and size of the ATT proposed for a system must be consistent with manufacturer recommendations and match the daily design wastewater flow anticipated from the dwelling or facility.

(5) Access ports.

(a) At a minimum, the ATT must have ground-level access ports sized and located to facilitate install~~at~~ing~~on~~, removing~~al~~, sampling, examining~~ation~~, maintaining~~enance~~, and servicing ~~of~~ components or compartments that require routine maintenance or inspection. Access ports must facilitate:

(A) Visually inspecting and removing mechanical or electrical components;

(B) Removing components that require periodic cleaning or replacement;

(C) Visually inspecting and collecting samples; and

(D) Removing (manual or pumping) accumulated residuals.

(b) Access ports must be protected against unauthorized intrusion. Acceptable protective measures include but are not limited to padlocks or covers that can be removed only with tools.

(6) Malfunction, failure sensing, and signaling equipment.

(a) The system must be designed to prevent ~~the passage of~~ untreated waste passing into the absorption field if the plant malfunctions.

(b) The ATT must possess a mechanism or process capable of detecting:

(A) Failure of electrical and mechanical components that are critical to the treatment process; and

(B) High liquid level conditions above the normal operating specifications.

(c) The ATT must possess a mechanism or process capable of notifying the system owner of failures. The mechanism must have circuits separate from pump circuits and deliver a visible and audible signal.

(A) The visual alarm signal must be conspicuous at a distance of 50 feet from the system and its appurtenances.

(B) The audible alarm signal strength must be between 70 and 90 dbA at 5 feet and discernible at a distance of 50 feet from the system and its appurtenances.

(C) The visual and auditory signals must continue to function in the event of electrical, mechanical equipment, or hydraulic malfunction of the system. The audible signal may be disabled for service as long as the visual signal remains active while cause for the alarm is identified and alleviated.

(d) A clearly visible label or plate with instructions for obtaining service must be permanently located near the failure signal.

(7) Data plate.

(a) The ATT must have permanent and legible data plates located on:

(A) The front of the electrical control box if the ATT has an electrical control box or panel; and

(B) The tank, aeration equipment assembly, or riser at a location accessed during maintenance cycles and inspections.

(b) Each data plate must include:

(A) Manufacturer's name and address;

(B) Model number;

(C) Serial number (required on one data plate only);

(D) Rated daily hydraulic capacity of the system; and

(E) The performance expectations as determined by performance testing and evaluation.

(8) Siting and absorption area construction criteria.

(a) ATTs approved for treatment standard 1 may be sited and sized as follows:~~.~~

(A) In areas with a temporary water table, ~~in accordance with~~as specifications for sand filters in areas with temporary groundwater in OAR 340-071-0290 require.

(B) In areas with permanent groundwater, where 4 feet of separation can be maintained between the bottom of the trench and groundwater and the other criteria in OAR 340-071-0290 can be met.

(C) On sites meeting criteria for standard onsite systems in OAR 340-071-0220 or for pressurized systems in OAR 340-071-0275.

(b) ATTs used in conjunction with approved disinfection and approved nitrogen reduction processes and approved for treatment standard 2 may be sited and sized as follows.

(A) On sites meeting the criteria for treatment standard 1 in subsection (a) of this section.

(B) In areas with a permanent water table, ~~in accordance with~~under as specifications for sand filters in areas with a permanent water table in OAR 340-071-0290 require.

(c) Any type of absorption area permitted for a sand filter system, including the gravel-less absorption method, may be permitted for an ATT system.

(9) Limited warranty. The ATT manufacturer must:

(a) Warrant all components of the ATT to be free from defects in material and workmanship for a minimum of two years from the date of installation; and

(b) Fulfill the terms of the warranty by repairing or exchanging any components that the manufacturer determines may be defective.

(10) Installation. ATTs must be installed ~~in accordance with~~under the manufacturer's instructions and this division. The installer must be certified by the ATT manufacturer to install the system and provide written certification to the agent that the ATT component was installed ~~in accordance with~~under the manufacturer's instructions and this rule.

(11) Sampling ports. A sampling port must be designed, constructed, and installed to provide easy access for collecting a free falling or undisturbed sample from the effluent stream. The sampling port may be located within the ATT or other system component (such as a pump chamber) if the wastewater stream being sampled is representative of the effluent stream from the ATT.

(12) Operation and maintenance standards. The owner of an ATT system must ensure the ATT and all components of the onsite system are properly operated and timely maintained or decommissioned and the effluent standards in section (3) of this rule are met.

(13) Owner's manual. The designer of each onsite system using an ATT must provide a comprehensive owner's manual prepared by the manufacturer or designer to the system owner, manufacturer's representative, installer, and if requested, the agent before or at the time of installation. The manual may be a collection of individual system component manuals and must include information on system specifications, system installation, operation and maintenance, and troubleshooting and repair. The information must be presented in a manner the owner ~~that~~ can ~~be~~ easily understand~~under-stood by the owner~~.

(14) Service contracts.

(a) The owner of an ATT system must maintain a contract, ~~in accordance with~~under OAR 340-071-0130(23), with a maintenance provider to serve and maintain the onsite system. A service contract must be entered before the system is installed and must be maintained until the system is decommissioned.

(b) A maintenance provider must be certified by the manufacturer to provide service on an ATT.

[ED. NOTE: ~~Tables referenced are available from the agency.]~~
[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0400

Geographic Area Special Considerations.

(1) River Road — Santa Clara Area, Lane County.

(a) Within the areas described in subsection (b) of this section, an agent may approve sites or issue construction-installation permits for new onsite wastewater treatment systems if both of the following conditions are met:~~.~~

(A) The lot and proposed system comply with all rules in effect at the time the site is approved or the permit is issued.

(B) The system alone or in combination with other new sources will not contribute more than 16.7 pounds of nitrate-nitrogen per acre per year to the local groundwater. To ensure compliance, the applicant must own or control adequate land through easements or equivalent.

(b) Subsection (a) of this section applies to all of the following area generally known as River Road — Santa Clara and defined by the boundary submitted by the Board of County Commissioners for Lane County. The area is bounded on the south by the City of Eugene, on the west by the Southern Pacific Railroad, on the north by Beacon Drive, and on the east by the Willamette River and includes all or portions of T16S, R4W, Sections 33, 34, 35, 36; T17S, R4W, Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25; and T17S, R1E, Sections 6, 7, 18, Willamette Meridian.

(c) Appropriate local agencies within this area may petition the commission to repeal or modify this rule. Such petition must provide reasonable evidence either that development using onsite wastewater treatment systems will not cause unacceptable degradation of groundwater quality or surface water quality or that degradation of groundwater or surface water quality will not occur as a result of the modification or repeal requested.

(d) This section does not apply to any construction-installation permit application based on a site approval issued by the agent pursuant to ORS 454.755(1~~)~~~~(~~) (b) before March 20, 1981.

(2) General North Florence Aquifer, North Florence Dunal Aquifer Area, Lane County.

(a) Within the area described in subsection (b) of this section, an agent may approve sites or issue construction-installation permits for new onsite systems under either of the following circumstances:

(A) The lot and proposed system comply with all rules in effect at the time the site is approved or the permit is issued.

(B) The lot and proposed system comply with paragraph (A) of this subsection except for the projected daily sewage loading rates, and the agent determines the system in combination with all other previously approved systems owned or legally controlled by the applicant will not contribute to the local groundwater more than 58 pounds of nitrate-nitrogen per year per acre owned or controlled by the applicant.

(b) Subsection (a) of this section applies to the following area designated the General North Florence Aquifer of the North Florence Dunal Area and defined by the hydrologic boundaries identified in the June 1982, 208 North Florence Dunal Aquifer Study. The area is bounded on the west by the Pacific Ocean; on the southwest and south by the Siuslaw River; on the east by the North Fork of the Siuslaw River and the ridge line at the approximate elevation of four hundred (400) feet above mean sea level directly east of Munsel Lake, Clear Lake, and Collard Lake; and on the north by Mercer Lake, Mercer Creek, Sutton Lake, and Sutton Creek and includes all or portions of T17S, R12W, Sections 27, 28, 33, 34, 35, 36, and T18S, T12W, sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27; W.M., Lane County, except that portion defined as the Clear Lake Watershed, which is the area beginning at a point known as Tank One, located in Section One, Township 18 South, Range 12 West, of the Willamette Meridian, Lane County, Oregon: run thence S. 67° 50' 51.5" E. 97.80 ft. to the True Point of Beginning; run thence S. 05° 40' 43.0" W. 1960.62 ft. to a point; run thence S. 04° 58' 45.4" E. 1301.91 ft. to a point; run thence S. 52° 44' 01.0" W. 231.21 ft. to a point; run thence S. 15° 20' 45.4" E. 774.62 ft. to a point; run thence S. 31°44' 14.0" W. 520.89.ft. to a point; run thence S. 00° 24' 43.9" W. 834.02 ft. to a point; run thence S. 07° 49' 01.8" W. 1191.07 ft. to a point; run thence S. 50° 26' 06.3" W. 731.61 ft. to a point; run thence S. 02° 51' 10.5" W. 301.37 ft. to a point; run thence 36° 37' 58.2" W. 918.41 ft. to a point; run thence S. 47° 12' 26.3" W. 1321.86 ft. to a point; run thence S. 72° 58' 54.2" W. 498.84 ft. to a point; run thence S. 85° 44' 21.3" W. 955.64 ft. to a point; Which is N. 11° 39' 16.9" W. 5434.90 ft. from a point known as Green Two (located in Section 13 in said Township and Range); run thence N. 58° 09' 44.1" W. 1630.28 ft. to a point; run thence N. 25° 23' 10.1" W. 1978.00 ft. to a point; run thence N. 16° 34' 21.0" W. 1731.95 ft. to a point; run thence N. 06° 13' 18.0" W. 747.40 ft. to a point; run thence N. 03° 50' 32.8" E. 671.51 ft. to a point; run thence N. 59° 33'18.9" E. 1117.02 ft. to a point; run thence N. 59° 50' 06.0" E. 1894.56 ft. to a point; run thence N. 48° 28' 40.0" E. 897.56 ft. to a point; run thence N. 31° 29' 50.7" E. 920.64 ft. to a point; run thence N. 19° 46' 39.6" E. 1524.95 to a point; run thence S. 76° 05' 37.1" E. 748.95 ft. to a point; run thence S. 57° 33' 30.2" E. 445.53 ft. to a point; run thence S. 78° 27' 44.9" E. 394.98 ft. to a point; run thence S. 61° 55' 39.0" E. 323.00 ft. to a point; run thence N. 89° 04' 46.8" E, 249.03 ft. to a point; run thence S. 67° 43' 17.4" E. 245.31 ft. to a point; run thence S. 79° 55' 09.8" E. 45.71 ft. to a point; run thence S. 83° 59' 27.6" E. 95.52 ft. to a point; run thence N. 42° 02' 57.2" E. 68.68 ft. to a point; run thence S. 80° 41' 24.2" E. 61.81 ft. to a point; run thence S. 10° 47' 03.5" E. 128.27 ft. to the True Point of Beginning; and containing all or portions of T17S, R12W, Sections 35 and 36; and T18S, R12W, Sections 1, 2, 11 and 12; W.M., Lane County.

(3) Lands overlaying the Alsea Dunal Aquifer.

(a) Within the area set forth in subsection (c) of this section, the agent may approve a site or issue a permit to construct a single onsite system on lots that were lots of record before January 1, 1981, or on lots in partitions or subdivisions that

have received preliminary planning, zoning, and onsite wastewater treatment system approval before January 1, 1981, if one of the following can be met:~~.~~

(A) At the time the site is approved or the permit is issued, the lot complies with OAR 340-071-0100 through 340-071-0360 and 340-071-0410 through 340-071-0520.

(B) The site meets all of the following conditions when a pressurized seepage bed is used:~~.~~

(i) Groundwater levels are not closer than 4 feet from the ground surface or closer than 3 feet from the bottom of the seepage bed.

(ii) The seepage bed is constructed ~~in accordance with~~under OAR 340-071-0275(4) and (5).

(iii) The seepage bed is sized on the basis of 200 square feet of bottom area per 150 gallons projected daily sewage flow.

(iv) Projected daily sewage flows are limited to 375 gallons per lot, except for lots approved in a site evaluation for a larger flow.

(v) All setbacks identified in Table 1 can be met, except that lots of record before May 1, 1973, must maintain a minimum 50-feet separation to public surface waters.

(vi) Sufficient area exists on the lot to install a seepage bed and a replacement seepage bed, or the area reserved for replacement is waived pursuant to the exception in OAR 340-071-0150(4)(a)(C).

(C) The site meets all of the following conditions when a bottomless sand filter is used.

(i) Groundwater levels are not closer than 1 foot from the ground surface and not closer than 1 foot from the bottom of the sand filter.

(ii) Sewage flows are limited to 375 gallons per day per lot, except for lots approved in a site evaluation for larger flows.

(iii) The sand filter is sized at 1 square foot of bottom area for each gallon of projected daily sewage flow.

(iv) The design and construction requirements in OAR 340-071-0295(3) and (4) must be met. A bottomless sand filter unit does not require a watertight floor, but does require watertight walls unless otherwise authorized by the agent.

(v) All setbacks identified in Table 1 can be met, except that lots of record before May 1, 1973, must maintain a minimum 50 feet separation to public surface waters.

(vi) Sufficient area exists on the lot to install an initial and replacement bottomless conventional sand filter, or the area for replacement is not required under OAR 340-071-0150(4)(a)(C).

(b) An agent may approve a site or issue a construction-installation permit for a new onsite system within the area set forth in subsection (c) of this section on lots created on or after January 1, 1981, if all rules in this division can be met.

(c) The Alsea Dunal Aquifer is defined as all the land bounded on the East by Highway 101, on the west by the Pacific Ocean, and from Driftwood Beach Wayside South to the southern tip of the Alsea Bay Spit.

(d) If groundwater monitoring in the Alsea Dunal Aquifer indicates unacceptable levels of degradation or if development of the aquifer as a source of drinking water is necessary or desirable, sewage collection and off-site treatment facilities must be installed unless further study demonstrates that such facilities are not necessary or effective to protect the beneficial use.

(4) Christmas Valley Townsite, Lake County.

(a) Within the area set forth in subsection (b) of this section, the agent may consider the shallow groundwater table, if present, in the same manner as a temporary water table when issuing site evaluation reports and construction-installation permits.

(b) The Christmas Valley Townsite is defined as all land within the Christmas Valley Townsite plat located within Sections 9, 10, 11, 14, 15 and 16 of Township 27 South, Range 17 East, Willamette Meridian, in Lake County.

(5) Clatsop Plains Aquifer, Clatsop County. The Clatsop Plains Groundwater Protection Plan, prepared by R.W. Beck and Associates and adopted by Clatsop County, provides a basis for continued use of onsite wastewater treatment systems while protecting the quality of groundwater for future water supplies. For the plan to be successful, the following components must be accomplished.

(a) By January 1, 1983, Clatsop County must identify and set aside aquifer reserve areas for future water supply development containing a minimum of 2-1/2 square miles. The reserve areas must be controlled so that the potential for groundwater contamination from nitrogen and other possible pollutants is kept to a minimum;

(b) The agent may approve sites and issue construction permits for new onsite systems within the area generally known as the Clatsop Plains as described in subsection (c) of this section if the conditions in paragraph (A) and paragraph (B), (C), or (D) of this subsection are met.

(A) The lot or parcel was created in compliance with the appropriate comprehensive plan for Gearhart (adopted by County Ordinance 80-3), Seaside (adopted by County Ordinance 80-10), Warrenton (adopted by County Ordinance 82-15), or Clatsop County (adopted through Ordinance No. 79-10).

(B) The lot or parcel does not violate any rule of this division.

(C) The ~~L~~lot or parcel does not violate DEQ's Water Quality Management Plan or any rule in this division, except that the projected maximum sewage loading rate may exceed the ratio of 450 gallons per 1/2 acre per day. In this case, the onsite system must be either a sand filter system or a pressurized distribution system with a design sewage flow not to exceed 450 gallons per day.

(D) Use of standard onsite systems to serve single family dwellings within planned developments or clustered-lot subdivisions complies with the following requirements:

(i) The planned development or clustered-lot subdivision is not located within Gearhart, Seaside, Warrenton, or their urban growth boundaries.

(ii) The lots do not violate any rule of this division, except the projected maximum sewage loading rate may exceed the ratio of 450 gallons per acre per day.

(iii) DEQ is provided satisfactory evidence through a detailed groundwater study that the use of standard systems will not constitute a greater threat to groundwater quality than would occur with the use of sand filter systems or pressurized distribution systems.

(c) The area generally known as Clatsop Plains is bounded by the Columbia River to the North; the Pacific Ocean to the west; the Necanicum River, Neawanna Creek, and County Road 157 on the south; and the Carnahan Ditch-Skipanon River and the foothills of the Coast Range to the east.

(6) Within areas east of the Cascade Range where the annual precipitation does not exceed 20 inches, the agent may issue a construction-installation permit authorizing installation of a standard system to serve a single family dwelling if the requirements in subsections (a) and (b) of this section are met.

(a) Minimum site criteria.

(A) The parcel or lot is 10 acres or larger.

(B) The slope gradient does not exceed 30 percent.

(C) The soils are diggable with a backhoe to a depth of at least 24 inches.

(D) The site complies with the provisions of OAR 340-071-0220(1)(b), (f), (g), (h), (i), and (j).

(b) Minimum construction requirements.

(A) The system must contain at least 225 linear feet of absorption trench for projected sewage flows not exceeding 450 gallons per day. Larger sewage flows must be sized on the basis of 75 linear feet per each 150 gallons of projected flow.

(B) The system must be constructed and backfilled as~~in compliance with~~ OAR 340-071-0220(3), (4), (5), (7), (8), (9), (10), (11), and (12) require.

(c) The owner or owner's authorized representative may submit a single application to the agent for both a site evaluation report and a construction-installation permit. Such application must be submitted ~~in accordance with~~under OAR 340-071-0160 or 340-071-0162 and include the applicable evaluation and permit fees in OAR 340-071-0140.

(d) The agent may waive the pre-cover inspection for a system installed pursuant to this section if the system installer submits the following information to the agent at the time construction of the system is complete:

(A) A detailed, accurate as-built plan of the constructed system;

(B) A list of all material used in the construction of the system; and

(C) A written certification on a DEQ-approved form ~~acceptable to DEQ~~ that the construction complies ~~was in accordance with~~ with the permit and rules in this division and OAR chapter 340, division 73.

(e) The Agent may waive the site evaluation for a single family dwelling if the requirements in this subsection are met. These conditions are set forth in an addendum to the memorandum of agreement (contract) between the County and DEQ.

(A) Minimum site criteria.

(i) The lot or parcel is 80 acres or larger.

(ii) The separation distance between the proposed onsite system and the nearest dwelling not served by the proposed system is at least 1/4 mile.

(iii) The nearest property line to the proposed system is at least 100 feet; the nearest domestic water source is at least 200 feet; and the nearest public surface water is at least 200 feet.

(iv) In the agent's ~~opinion~~ opinion~~of the agent~~, topographical and soils information submitted with the application, including but not limited to slope, terrain, landform, and rock outcrops, demonstrates that the property can be approved for an onsite system ~~in accordance with~~under this division.

(B) Minimum construction requirements.

(i) Sizing requirements of Tables 4 and 5 must be followed as closely as possible. In all cases the system must contain at least 225 linear feet of absorption trench for projected sewage flows not exceeding 450 gallons per day. Larger sewage flows must be sized on the basis of 75 linear feet per each 150 gallons of projected flow.

(ii) The system must be constructed and backfilled as closely as possible to the requirements in OAR 340-071-0220. The agent may waive watertight testing of tanks in the system.

[ED. NOTE: All tables are found in OAR 340-071-0800~~Tables referenced are available from the agency~~.]

Stat. Auth.: ORS 183.335, 454.625, 468.020, 468B.010 & 468B.020
Stats. Implemented: ORS 454.610 & 454.615
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 17-1981, f. & ef. 7-10-81; DEQ 2-1982, f. & ef. 1-28-82; DEQ 16-1982, f. & ef. 8-31-82; DEQ 20-1982, f. & ef. 10-19-82; DEQ 3-1983, f. & ef. 4-18-83; DEQ 8-1983, f. & ef. 5-25-83; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 20-1996(Temp), f. & cert. ef. 10-14-96; DEQ 4-1997, f. & cert. ef. 3-7-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0410

Rural Area Consideration

An agent may approve designing and constructingon of standard and alternative systems that depart from any standard in OAR 340-071-0220(1)() (a) through (i) in designated rural zones if the following requirements are met:.

(1) The county designates specific rural zoning classifications for this rule.

(2) The county designates a minimum parcel size of at least 10 acres.

(3) The parcel as proposed or existing is at least 10 acres and does not have an accessible area approvable for a standard onsite system.

(4) The permit is for an onsite system designed to serve a single family dwelling or a commercial facility allowed in the zone with a flow no greater than 600 gpd.

(5) The onsite system will not create a public health hazard or pollute public waters.

(6) Requiring strict compliance with standards in OAR 340-071-0220(1)(a) through (i) would in the agent's judgment of the agent be unreasonable, burdensome, or impractical.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0415

For Cause Variances

(1) An applicant may request variances from any rule or standard in this division.

(2) Variances. Variance officers the director appointsed by the director may, after a public hearing, grant variances from any rule in this division to permit applicants.

(3) To grant a variance, the variance officer must find that:

(a) Strict compliance with the rule or standard is inappropriate; or

(b) Special physical conditions render strict compliance unreasonable, burdensome, or impractical.

(4) Applications.

(a) A separate application for each site considered for a variance must be submitted to DEQ or the contract county as appropriate.

(b) Each application must be signed by the owner of the property served by the system and include:

(A) A site evaluation report, unless the variance officer waives~~d~~ it ~~by the variance officer~~;

(B) Plans and specifications for the proposed system;

(C) The variance from onsite system rule fee in OAR 340-071-0140; and

(D) Other information the variance officer determines is necessary for a decision.

(5) An applicant for a variance is not required to pay the application fee if at the time of filing the applicant:

(a) Is 65 years of age or older;

(b) Is a resident of Oregon;

(c) Has an annual household income, as defined in ORS 310.630, of $15,000 or less; and

(d) Has not previously applied for a variance under this section.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.657, 454.660 & 454.662
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 9-1984, f. & ef. 5-29-84; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0420

Hardship Variances

(1) In cases of extreme and unusual hardship, the commission may, after a public hearing, grant hardship variances from rules or standards in this division to applicants for onsite permits.

(2) Applications.

(a) Applicants must submit applications for hardship variances to DEQ.

(b) The application must document that:

(A) A for cause variance under 340-071-0415 has been denied; and

(B) An extreme or unusual hardship exists.

(3) The commission may consider the following factors in reviewing an application for a variance based on hardship:

(a) Applicant's advanced age or poor health;

(b) Applicant's need to care for aged, incapacitated, or disabled relatives; and

(c) Environmental impacts from the variance.

(4) Hardship variances the commission grants~~ed by the commission may~~ include conditions such as:

(a) Limiting permits to the life of the applicant;

(b) Limiting the number of permanent residents using the system; and

(c) Usinge ~~of~~ experimental systems for specified periods of time.

(5) DEQ will strive to aid and accommodate the needs of applicants for hardship variances.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.657
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0430

Variance Hearings and Decisions

(1) A variance officer must hold a public information hearing on each variance application for a for cause or hardship variance within 30 days after receivingpt ~~of~~ a completed application.

(2) The hearing must be held in the county where the property described in the application is located.

(3) The applicant must demonstrate the variance is warranted.

(4) The variance officer must visit the site of the proposed system before conducting the hearing.

(5) The variance officer or, for hardship variances, the commission, must~~;~~ grant or deny the variance within 45 days after the hearing is completed. A decision to grant a variance must include the specifications and conditions of the variance and the location of the onsite system.

(6) Except for hardship variances under OAR 340-071-0420, variances run with the land.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.660
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0440

Variance Appeals

(1) Any person adversely affected by a variance officer's approval of a variance under OAR 340-071-0415 or 340-071-0420 may appeal that decision to the commission ~~in accordance with~~under ORS 454.660(1).

(2) Any person adversely affected by the denial of a variance under OAR 340-071-0415 or 340-071-0420 or by the commission's approval of a hardship variance under OAR 340-071-0420 may appeal that decision to a circuit court ~~in accordance with~~under ORS 183.484.

Stat. Auth.: ORS 454.625
Stats. Implemented: ORS 454.660
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0460

Moratorium Areas

(1) ~~In accordance with~~Under ORS 454.685, whenever the commission finds that construction of subsurface, non-water-carried, or alternative onsite systems should be limited or prohibited in an area, it must issue an order limiting or prohibiting such construction.

(2) The order may be issued only after public hearing for which more than 30 ~~days notice~~days' notice is given to interested persons in the affected areas.

(3) In issuing the order, the commission must consider the factors for the proposed area in ORS 454.685.

(4) A permit or site evaluation report may not be issued for construction of a new or expanded system in violation of any order of the commission issued under~~pursuant to~~ this rule.

Stat. Auth.: ORS 183.335, 454.625, 468.020, 468B.010 & 468B.020
Stats. Implemented: ORS 454.685
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 16-1982, f. & ef. 8-31-82; DEQ 3-1983, f. & ef. 4-18-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 20-1996(Temp), f. & cert. ef. 10-14-96; DEQ 4-1997, f. & cert. ef. 3-7-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0500

Community Systems

(1) A person may not construct a community system without a permit.

(2) Plans for all community systems must describe the system and how it is to be operated, maintained, and financed.

(3) Community systems must satisfy the siting criteria in this division for standard or alternative systems.

(4) Operation responsibility. Municipalities, homeowner associations, or associations of unit owners must operate and maintain community systems including conducting inspections annually or as required by a permit, Certificate of Satisfactory Completion, or these rules.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 9-1984, f. & ef. 5-29-84~~;DEQ~~; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0520

Large Systems

Unless DEQ authorizes otherwise ~~authorized by DEQ~~, large systems must comply with the following requirements.

(1) Large system absorption facilities must be designed with distribution to the cells by means of pumps or siphons.

(2) The absorption area must be divided into relatively equal units. Each unit may receive no more than 1300 gallons of effluent per day.

(3) The replacement (repair) absorption area must be divided into relatively equal units, with a replacement absorption area unit located adjacent to an initial absorption area unit.

(4) Effluent distribution must alternate between the absorption area units.

(5) Each system must have at least two pumps or siphons.

(6) The applicant must provide a written assessment of the impact of the proposed system ~~up~~on the quality of public waters and public health, prepared by a registered geologist, a certified engineering geologist qualified as a hydrogeologist, or a subordinate under the direction of either, except as specifically exempted in ORS 672.535.

(7) The owners of all new and existing large systems must register those systems with DEQ as Underground Injection Control (UIC) systems ~~in accordance with~~under OAR chapter 340, division 044. Large systems receiving domestic waste are regulated under this division. Drainfields receiving nondomestic waste are also regulated under the UIC rules.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 8-1983, f. & ef. 5-25-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0600

Sewage Disposal Service Licenses

(1) License required. A person may not perform sewage disposal services or advertise or represent himself as being in the business of performing such services without a valid license issued by DEQ to perform those services. A separate license is required for each business, organization, or other person conducting sewage disposal services.

(2) Types of licenses. DEQ may issue three types of sewage disposal service licenses.

(a) Installer license. An installer license is required for any person to construct or install onsite systems or parts of onsite systems or to perform the grading, excavating, or earth-moving work associated with ~~the~~ constructing~~on~~ or installing~~ation of~~ onsite systems.

(b) Pumper license. A pumper license is required for any person to pump out or clean onsite systems, including portable toilets or any part of them~~thereof~~, and to dispose of the material derived from ~~the~~ pumping out or cleaning ~~of~~ onsite systems or portable toilets.

(c) Installer/pumper license. The combined installer/pumper license authorizes a person to perform the work authorized by the installer and the pumper licenses.

(3) Duration of license. The duration of a sewage disposal service license may not exceed three years following the issue date ~~of issuance~~. DEQ may issue licenses for periods of less than three years to stagger expiration dates. DEQ will provide licensees written notice of the expiration date assigned and date application for renewal is due.

(4) Certification requirement.

(a) Each business with an installer or installer/pumper license must identify at least one person certified under OAR 340-071-0650 who will supervise installation of onsite systems for the licensee.

(b)Applicants must submit evidence of the certification required by this section to DEQ with their application.

(5) New, renewal, and reinstatement licenses. Persons applying for new, renewal, or reinstatement of existing licenses must submit the following to DEQ for each license:~~.~~

(a) A complete license application form.

(b) Evidence of a surety bond or equivalent security DEQ approved ~~by DEQ~~ in the penal sum of $15,000 for each installer or installer/pumper license or $5000 for each pumper license and evidence that the security or bond will be continued through the license cycle and satisfies all other requirements of section (7) of this rule.

(c) The applicable license fee in OAR 340-071-0140(6).

(d) Evidence of certification as required in section (4) of this rule.

(e) For pumper licenses:

(A) A completed Sewage Pumping Equipment Description/Inspection form documenting inspection by an agent of all pumping equipment to be used for work under the license; and

(B) ~~Upo~~On DEQ's request ~~by DEQ~~, summary origin-destination pumping information for pumping services.

(6) Transfer or amendment of license. DEQ may amend or transfer a valid sewage disposal service license to reflect changes in business name, ownership, or entity (e.g., from individual to partnership or corporation). Persons applying for a license transfer or amendment must submit the following to DEQ:

(a) A complete application to transfer or amend the license with the applicable license fee in OAR 340-071-0140(6);

(b) A rider to an existing bond or a new form of security as required in subsection (5)(b) of this rule;

(c) The valid sewage disposal service license (not suspended, revoked, or expired) being transferred or amended;

(d) For business name changes, a new Sewage Pumping Equipment Description/Inspection form for each vehicle to be used for work under the license; and

(e) For installer licenses, evidence of certification as required in section (4) of this rule.

(7) Security requirements.

(a) Security this rule require~~s~~d ~~by this rule~~ may be any of the following.

(A) A surety bond executed in favor of the State of Oregon on a form the Attorney General approved ~~by the Attorney General~~ and DEQ provide~~s~~d ~~by DEQ~~. The bond must be issued by a surety company licensed by the Insurance Commissioner of Oregon. A surety bond must require at least 45 days' notice to DEQ before cancellation is effective and must otherwise remain in effect for at least two years after ~~following termination of~~ the sewage disposal service license terminates, except as provided in subsection (c) of this section.

(B) An insured savings account irrevocably assigned to DEQ with interest earned by such account made payable to the depositor.

(C) Negotiable securities of a character approved by the State Treasurer irrevocably assigned to DEQ with interest earned on deposited securities made payable to the depositor.

(b) Any deposit of cash or negotiable securities under ORS 454.705 must remain in effect for at least 2 years following termination of the sewage disposal service license except as provided in subsection (c) of this section. A claim against such security deposits must be submitted in writing to DEQ with an authenticated copy of:

(A) The court judgment or order requiring payment of the claim; or

(B) Written authority by the depositor for DEQ to pay the claim.

(c) When proceedings under ORS 454.705 have been commenced while the security required is in effect, such security must be held until final disposition of the proceedings is made. At that time claims will be referred for consideration of payment from the security so held.

(8) Licensee responsibilities. Each licensee:

(a) Is responsible for violations of any statute, rule, or order of the commission or DEQ pertaining to the licensed business.

(b) Is responsible for any act or omission of any servant, agent, employee, or representative of such licensee that violates~~in violation of~~ any statute, rule, or order concerning~~pertaining to~~ the license privileges.

(c) Must deliver written notice, before completing licensed services, to each person:

(A) The rights of the recipient included in ORS 454.705(2); and

(B) The name and address of the surety company that has executed the bond required by ORS 454.705(1); or

(C) A statement that the licensee has deposited cash or negotiable securities for the benefit of DEQ to compensate any person injured by the licensee's failure ~~of the licensee~~ to comply with ORS 454.605 to 454.745 and rules of this division.

(d) Inform DEQ of changes that affect the license, such as changes in the business, ownership, or entity (e.g., changes from individual to partnership or corporation).

(9) Misuse of license.

(a) A sewage disposal service licensee may not allow anyone to perform sewage disposal services under its license except the licensee's employees ~~of the licensee~~.

(b) A licensee may not:

(A) Display or cause or permit to be displayed any license that is fictitious, revoked, suspended, or fraudulently altered;

(B) Fail or refuse to surrender to DEQ any license that has been suspended or revoked.

(C) Give false or fictitious information or knowingly conceal a material fact or otherwise commit a fraud in any license application or any other activities associated with the license.

(10) Denial, suspension, or revocation of licenses.

(a) DEQ may refuse to grant, renew, or reinstate or may suspend or revoke any sewage disposal service license ~~in accordance with~~under procedures in ORS 183.310 to 183.540 if it finds:

(A) A material misrepresentation or false statement in connection with a license application;

(B) Failure to comply with any provisions of ORS 454.605 through 454.785, the rules of the commission, or an order of the commission or DEQ;

(C) Failure to maintain in effect at all times the required bond or other approved equivalent security in the full amount specified in these rules; or

(D) Nonpayment by drawee of any instrument the applicant tendered ~~by the applicant~~ as payment of a license fee.

(b) Whenever a license is suspended or revoked or expires, the licensee must remove the license from display and remove all DEQ-issued labels from equipment used for work under the license. Within 14 days after suspension or revocation, the licensee must surrender the suspended or revoked license and certify in writing to DEQ that all DEQ-issued labels have been removed from all equipment.

(c) A sewage disposal service business may not be considered for re-licensure for a period of at least 1 year after DEQ revokes ~~revocation of~~ its license.

(d) A suspended license may be reinstated if:

(A) The licensee submits to DEQ a complete application for reinstatement of license accompanied by the applicable license fee in OAR 340-071-0140(6);

(B) The grounds for suspension have been corrected; and

(C) The original license would not have otherwise expired.

(11) Requirements for pumping vehicles and equipment. A licensee who pumps onsite systems must ensure that all pumping vehicles and equipment comply with the following requirements.

(a) Tanks used for pumping or transporting septage must:

(A) Have a liquid capacity of at least 550 gallons, except that tanks for equipment used exclusively for pumping chemical toilets not exceeding 80 gallons capacity must have a liquid capacity of at least 150 gallons;

(B) Be of watertight metal construction;

(C) Be fully enclosed; and

(D) Have suitable covers to prevent spillage.

(b) Vehicles used for pumping or transporting septage must be equipped with either a vacuum or other type of pump that is self-priming and will not allow seepage from the diaphragm or other packing glands.

(c) The sewage hose on vehicles must be drained, capped, and stored in a manner that will not create a public health hazard or nuisance.

(d) The discharge nozzle must be:

(A) Provided with either a camlock quick coupling or threaded screw cap;

(B) Sealed by threaded cap or quick coupling when not in use;

(C) Located to minimize flow or drip onto any portion of the vehicle;

(D) Protected from accidental damage or breakage.

(e) Pumping equipment must not have spreader gates unless permitted to land apply alkaline-stabilized septage ~~in accordance with~~under chapter 340, division 050.

(f) Each vehicle must at all times be supplied with a pressurized wash-water tank, disinfectant, and implements for cleanup.

(g) Except as specified in subsection (h) of this section or otherwise authorized in writing by the agent, pumping equipment must be used exclusively for pumping sewage disposal facilities.

(h) The following may be pumped or serviced using pumping equipment without written authorization, whether or not they are connected to an onsite system or a centralized community sewer system: pump stations, lift stations, food grease tanks, vaults or tanks used for domestic sewage not contaminated with industrial or hazardous waste, and spills and backups of uncontaminated domestic sewage.

(i) Chemical toilet pumping equipment may not be used for any other purpose if the pump tank has a liquid capacity of less than 550 gallons.

(j) Equipment must be maintained in a reasonably clean condition at all times and must be operated in a manner that does not create a public health hazard or nuisance.

(12) Vehicle identification. The onsite sewage disposal services licensee must identify vehicles as follows.

(a) The licensee's name or assumed business name must be displayed on both sides of the vehicle or the attached tank and on both sides of a tank trailer.

(A) Letters and numbers must be at least 3 inches high unless DEQ authorizes otherwise ~~authorized by DEQ~~.

(B) Letters and numbers must be in a color contrasting with the background.

(b) Tank capacity must be printed on both sides of the tank.

(A) Letters and numbers must be at least 3 inches high unless DEQ authorizes otherwise ~~authorized by DEQ~~.

(B) Letters and numbers must be in a color contrasting with the background.

(c) DEQ-issued ~~L~~labels ~~issued by DEQ~~ for each current license period must be displayed at all times at the front and rear and on each side of the vehicle. Labels must be returned to DEQ when a vehicle is no longer being used in conjunction with pumping under a sewage disposal service license.

(13) Septage management requirements. The licensee and all persons managing septage:

(a) Must avoid spilling sewage or septage during pumping, cleaning, or transport and must immediately clean up any spill and disinfect the spill area.

(b) Must dispose of septage and sewage only in DEQ-approved disposal facilities ~~approved by DEQ~~.

(c) At all times during pumping, transport, or disposal of septage, must possess origin-destination records for sewage disposal services rendered.

(d) Must maintain on file for at least 3 years complete origin-destination records for sewage disposal services rendered. The records must be made available for review upon the request of DEQ. Origin-destination records must include the following information for each pumping, transport, and disposal occurrence:

(A) Source of septage, including name and address;

(B) Specific type of material pumped;

(C) Quantity of material pumped;

(D) Name and location of disposal site where septage was deposited;

(E) Quantity of material deposited; and

(F) The license numbers or vehicle numbers assigned by the licensee for all vehicles or trailers used for pumping, transport, and disposal.

(e) Must transport septage in a manner that will not create a public health hazard or nuisance.

(f) Must possess a current DEQ-approved septage management plan ~~approved by DEQ~~. The plan must be kept current, with any revisions approved by DEQ before implementation.

(g) Must comply with the approved septage management plan and the DEQ-issued septage management plan approval letter ~~issued by DEQ~~.

~~[Publications: Publications referenced are available from the agency.]~~

Stat. Auth.: ORS 454.615, 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.625 & 468.020
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 32-1981(Temp), f. & ef. 12-8-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 10-1996(Temp), f. & cert. ef. 7-16-96; DEQ 12-1997, f. & cert. ef. 6-19-97; Administrative correction 1-28-98; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0650

Training and Certification Requirements for System Installers and Maintenance Providers

(1) Certification required.

(a) A person who supervises or is responsible for constructing~~on~~ or installing~~ation of~~ onsite systems must be a certified installer unless the person is the permittee for constructing~~on~~ or installing~~ation of~~ the system or the permittee's regular employee.

(b) A maintenance provider who inspects, maintains, or certifies or supervises maintenance on onsite systems using alternative treatment technologies, recirculating gravel filters, sand filters, or pressurized distribution systems must be certified as a maintenance provider.

(2) Training and certification programs. DEQ may enter interagency agreements to provide a program to train and certify onsite system installers, maintenance providers, and other onsite maintenance providers as described in this rule.

(3) Initial training and certification.

(a) Each initial training course for certification must provide the minimum training described in this section. One day of training equals eight~~8~~ hours including a total of 30 minutes of break time and a one~~1~~-hour lunch.

(b) Course instructors must have academic credentials or field experience in the course discipline and experience as instructors.

(c) Installer training.

(A) The training course for installers must include at least eight~~8~~ hours of lectures, demonstrations, hands-on training, course review, and exam. DEQ encourages usinge~~ of~~ audiovisual materials to complement lectures where appropriate.

(B) Installer training must at a minimum adequately address the following topics:

(i) Working knowledge of onsite rules.

(ii) Working understanding of permits.

(iii) Basic math skills.

(iv) Technical drawing.

(v) Field layout of onsite system.

(vi) Installation requirements.

(vii) Job safety practices.

(d) Maintenance provider training.

(A) The training course for maintenance providers must include at least eight~~8~~ hours of lectures, demonstrations, hands-on training, course review, and exam. DEQ encourages using~~e of~~ audiovisual materials to complement lectures where appropriate.

(B) Maintenance provider training must adequately address the following topics:

(i) Working knowledge of onsite rules.

(ii) Working understanding of permits.

(iii) Basic math skills.

(iv) Technical drawing.

(v) Onsite system processes.

(vi) System operation and maintenance.

(vii) Job safety practices.

(4) Examinations and certification.

(a) The training provider must administer an open book examination to persons seeking certification. A person seeking initial certification in a discipline must complete the initial training and pass the examination for that discipline, except that installers DEQ certified ~~by DEQ~~ before December 31, 2003, are not required to take the examination.

(b) Each examination must be approved by DEQ and include questions that adequately cover the topics in the training course for that discipline. Applicants must answer 70 percent correctly to pass.

(c) The training provider must issue a certification to each person who completes the training course and passes the required examination.

(d) Each certification must include the following:

(A) A unique certificate number.

(B) Full name of the person certified.

(C) Dates of the training course.

(D) Date of the examination.

(E) An expiration date three years after the certification issuance date.

(F) The name, address, and telephone number of the training provider that issued the certificate.

(G) A statement that the person receiving the certification has completed the requisite training and examination for the discipline certified.

(f) Certified persons must have proof of certification at the location where they are conducting work requiring certification.

(5) Recertification.

(a) For each discipline, the training provider or DEQ must review and approve continuing education courses and other training for recertification. Training approved for each discipline must cover topics related to that discipline, including the topics addressed in section (1) of this rule.

(b) For each discipline, the training provider must extend recertification to each certified person who completes 18 hours of approved continuing education following his most recent certification and to each formerly certified person who completes these requirements within six months after his certification expires.

(6) Suspension or revocation of certification.

(a) DEQ may suspend or revoke the certification of any person for the following reasons:

(A) Performing work requiring certification at a job site without physically possessing a current certification.

(B) Permitting another person to ~~the~~ duplicat~~ion~~ or use ~~of~~ one's own certification ~~by another~~.

(C) Obtaining certification from a person not accredited to provide the certification.

(D) Violating~~on of~~ requirements in this division.

(E) Failing~~ure~~ to pay civil penalties assessed for violations of this division.

(b) DEQ must notify the person whose certification is being revoked or suspended of the reasons for the action and any conditions that must be met before DEQ will reinstate the certification ~~will be reinstated~~.

(c) A person may appeal a suspension or revocation by requesting a contested case hearing ~~in accordance with~~under OAR chapter 340, division 011.

(d) A person whose certification has been revoked may not be recertified and may not apply for a new certification for twelve months after the revocation date or under exceptional circumstances as approved by DEQ.

Stat. Auth.: ORS 454.615, 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.625 & 468.020
Hist.: DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0800

Tables

[Ed. Note: Click here for a PDF of tables.]

OAR 340-071-0800 TABLE 1 MINIMUM SEPARATION DISTANCES		
Items Requiring Setback	**From Subsurface Absorption Area Including Replacement Area**	**From Septic Tank and Other Treatment Units, Effluent Sewer and Distribution Units**
1. Groundwater Supplies and Wells.	*100'	50'
2. Springs: • Upgradient. • Downgradient.	 50' 100'	 50' 50'
**3. Surface Public Waters: • Year round. • Seasonal.	 100' 50'	 50' 50'
4. Intermittent Streams: • Piped (watertight not less than 20' from any part of the onsite system). • Unpiped.	 20' 50'	 20' 50'
5. Groundwater Interceptors: • On a slope of 3% or less. • On a slope greater than 3%: • Upgradient. • Downgradient.	 20' 10' 50'	 10' 5' 10'
6. Irrigation Canals: • Lined (watertight canal). • Unlined: • Upgradient. • Downgradient.	 25' 25' 50'	 25' 25' 50'
7. Manmade Cuts Down Gradient in Excess of 30 Inches (top of downslope cut): • Which Intersect Layers that Limit		

OAR 340-071-0800
TABLE 1
MINIMUM SEPARATION DISTANCES

Items Requiring Setback	From Subsurface Absorption Area Including Replacement Area	From Septic Tank and Other Treatment Units, Effluent Sewer and Distribution Units
Effective Soil Depth Within 48 Inches of Surface.	50'	25'
• Which Do Not Intersect Layers that Limit Effective Soil Depth.	25'	10'
8.Downgradient Escarpments:		
• Which Intersect Layers that Limit Effective Soil Depth.	50'	10'
• Which Do Not Intersect Layers that Limit Effective Soil Depth.	25'	10'
9. Property Lines.	10'	5'
10. Water Lines.	10'	10'
11. Foundation Lines of any Building, Including Garages and Out Buildings.	10'	5'
12. Underground Utilities.	10'	—

* 50-foot setback for wells constructed with special standards granted by WRD.
**This does not prevent stream crossings of pressure effluent sewers.

OAR 340-071-0800
TABLE 2
QUANTITIES OF SEWAGE FLOWS

Type of Establishment	Column 1	Column 2
	Gallons Per Day	Minimum Gallons Per Establishment Per Day
Airports	5 (per passenger)	150
Bathhouses and swimming pools	10 (per person)	300

OAR 340-071-0800
TABLE 2
QUANTITIES OF SEWAGE FLOWS

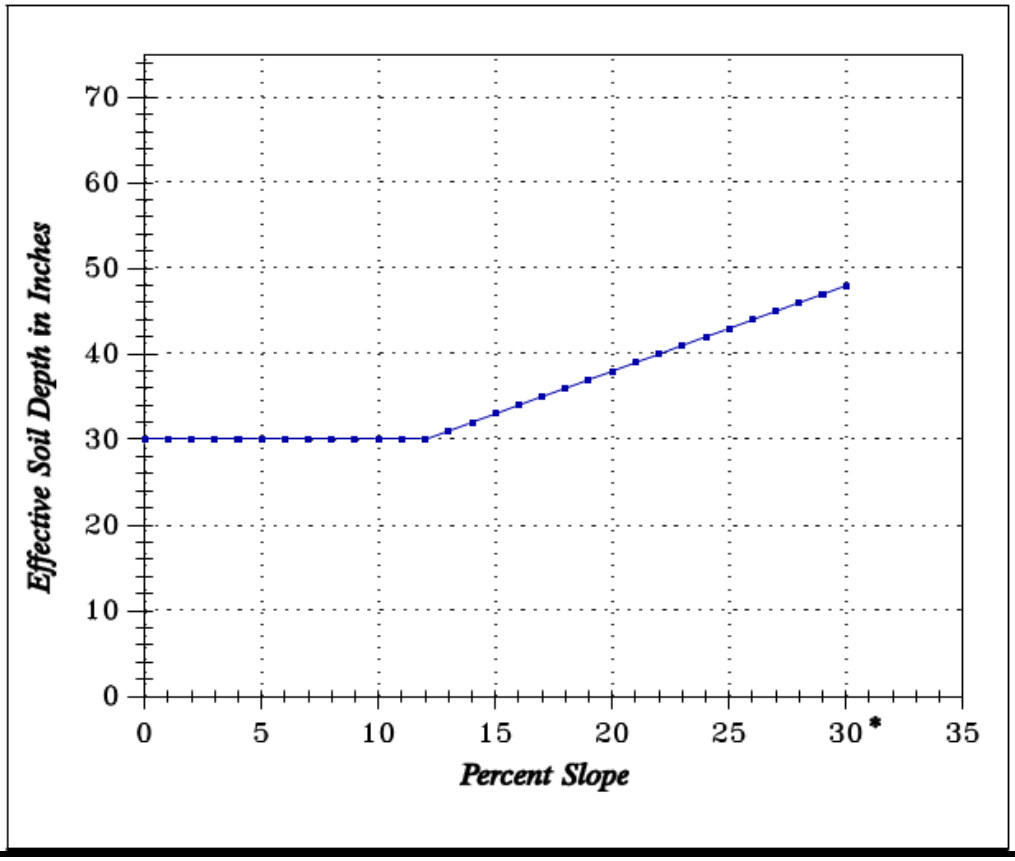
Type of Establishment		Column 1 Gallons Per Day	Column 2 Minimum Gallons Per Establishment Per Day
Camps: (4 Persons per Campsite, where Applicable)	Campground with central comfort stations	35 (per person)	700
	With flush toilets, no showers	25 (per person)	500
	Construction camps — semi-permanent	50 (per person)	1000
	Day camps — no meals served	15 (per person)	300
	Resort camps (night and day) with limited plumbing	50 (per person)	1000
	Luxury camps	100 (per person)	2000
Churches		5 (per seat)	150
Country clubs		100 (per resident member)	2000
Country clubs		25 (per non-resident member present)	—
Dwellings:	Boarding houses	150 (per bedroom)	600
	Boarding houses – additional for non-residential boarders	10 (per person)	—
	Rooming houses	80 (per person)	500
	Condominiums, Multiple family dwellings — including apartments	300 (per unit)	900
	Single family dwellings	300 (not exceeding 2 bedrooms)	450*
	Single family dwellings — with more than 2 bedrooms	75 (for third & each succeeding bedroom)	450
Factories (exclusive of industrial wastes — with shower facilities)		35 (per person per shift)	300
Factories (exclusive of industrial wastes — without shower facilities)		15 (per person per shift)	150
Hospitals		250 (per bed space)	2500
Hotels with private baths		120 (per room)	600
Hotels without private baths		100 (per room)	500
Institutions other than hospitals		125 (per bed space)	1250
Laundries — self-service		500 (per machine)	2500
Mobile home parks		250 (per space)	750
Motels — with bath, toilet, and kitchen wastes		100 (per bedroom)	500
Motels — without kitchens		80 (per bedroom)	400
Picnic Parks — toilet wastes only		5 (per picnicker)	150

OAR 340-071-0800
TABLE 2
QUANTITIES OF SEWAGE FLOWS

Type of Establishment		Column 1 Gallons Per Day	Column 2 Minimum Gallons Per Establishment Per Day
Picnic Parks — with bathhouses, showers, and flush toilets		10 (per picnicker)	300
Restaurants		40 (per seat)	800
Restaurants — single-service		2 (per customer)	300
Restaurants — with bars and/or lounges		50 (per seat)	1000
Schools:	Boarding	100 (per person)	3000
	Day — without gyms, cafeterias, or showers	15 (per person)	450
	Day — with gyms, cafeterias and showers	25 (per person)	750
	Day — with cafeteria, but without gyms or showers	20 (per person)	600
Service Stations		10 (per vehicle served)	500
Swimming pools and bathhouses		10 (per person)	300
Theaters:	Movie	5 (per seat)	300
	Drive-In	20 (per car space)	1000
Travel trailer parks — without individual water and sewer hookups		50 (per space)	300
Travel trailer parks — with individual water and sewer hookups		100 (per space)	500
Workers:	Construction — as semi-permanent camps	50 (per person)	1000
	Day — at schools and offices	15 (per shift)	150

* Except as otherwise provided in these rules.

OAR 340-071-0800
TABLE 3
SLOPE, EFFECTIVE SOIL DEPTH RELATIONSHIP



OAR 340-071-0800
TABLE 4

Minimum length of absorption trench (linear feet) required per 150 gallons projected daily sewage flow determined from soil texture versus effective soil depth.

Effective Soil Depth	Soil Group

OAR 340-071-0800
TABLE 4

Minimum length of absorption trench (linear feet) required per 150 gallons projected daily sewage flow determined from soil texture versus effective soil depth.

	A	B	C
18" to Less than 24"	125	150	175
24" to Less than 36"	100	125	150
36" to Less than 48	75	100	125
48" or more	50	75	125

* Soil Group A — Sand, Loamy Sand, Sandy Loam.
* Soil Group B — Sandy Clay Loam, Loam, Silt Loam, Silt, Clay Loam. Soil Group C — Silty Clay Loam, Sandy Clay, Silty Clay, Clay.
* If sand grains are fine or very fine, site according to Group B soils.

OAR 340-071-0800
TABLE 5

Minimum length of absorption trench (linear feet) required per 150 gallons projected daily sewage flow determined from soil texture versus depth to temporary groundwater.

Depth to Temporary Groundwater	Soil Group		
	A	B	C
24" to Less than 48"	100	125	150
48" or More	50	75	125

* Soil Group A — Sand, Loamy Sand, Sandy Loam.

Soil Group B — Sandy Clay Loam, Loam, Silt Loam, Silt, Clay Loam. Soil

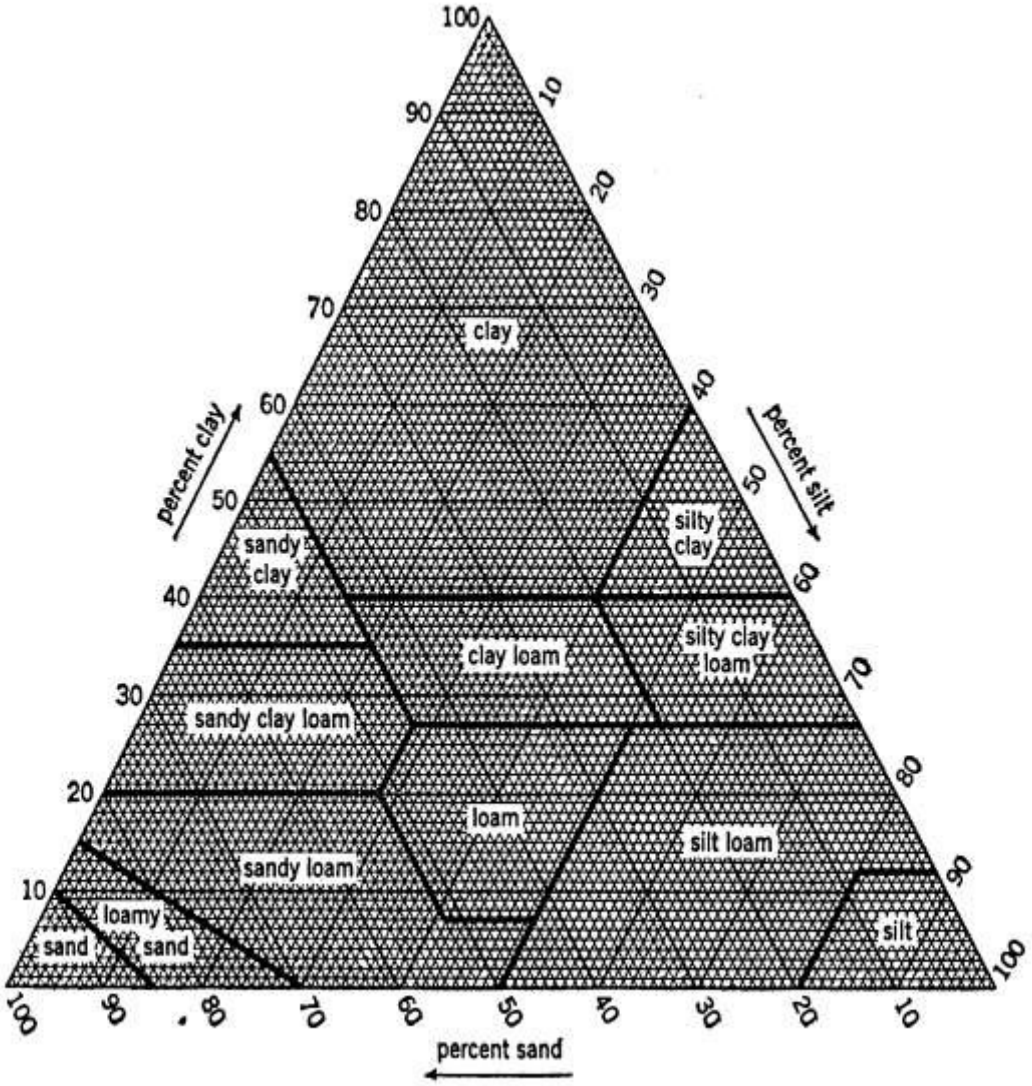
Group C — Silty Clay Loam, Sandy Clay, Silty Clay, Clay.

* If sand grains are fine or very fine, site according to Group B soils.

OAR 340-071-0800

TABLE 6

SOIL TEXTURAL CLASSIFICATION CHART



OAR 340-071-0800
TABLE 7

USDA SOIL CLASSIFICATION SIZES OF SOIL SEPARATES

	Sieve Sizes	Millimeters
Clay		.002
Silt	270	.050
Very Fine Sand	200 140	.075 .1
Fine Sand	60	.25
Medium Sand	35	.5
Coarse Sand	18	1.0
Very Coarse Sand	10	2.0
Fine Gravel	4 3/8” 1/2	4.75 9.5 12.5
Course Gravel	3”	76.2
Cobbles		

OAR 340-071-0800
TABLE 8
MINIMUM SEPARATION DISTANCES FOR NONWATER-CARRIED WASTE DISPOSAL FACILITIES

	Self-Contained Nonwater-Carried Waste Disposal	Unsealed Earth Type Privies, Graywater Waste Disposal Sump and Seepage Chambers
Groundwater supplies including springs and cisterns	50'	100'
Surface public waters, excluding intermittent streams	50'	100'
Intermittent streams	50'	50'
Property line	25'	25'

OAR 340-071-0800
TABLE 9A: SITE EVALUATION AND EXISTING SYSTEM EVALUATION FEES

New Site Evaluation fees. Fees in this section apply to each system for which site suitability is evaluated.

Single family dwelling - First lot	$700 ~~$680~~
Single family dwelling - Each additional lot evaluated during initial visit	$700 ~~$680~~
Commercial facility with a design capacity of 1,000 gpd or less	$700 ~~$680~~
Commercial facility with a design capacity of 1,001-1,500 gpd	$882 ~~$856~~
Commercial facility with a design capacity of 1,501-2,000 gpd	$1,063 ~~$1,032~~

OAR 340-071-0800

TABLE 9A: SITE EVALUATION AND EXISTING SYSTEM EVALUATION FEES

Commercial facility with a design capacity of 2,001-2,500 gpd	$1,244 ~~$1,208~~
Commercial facility s with a design capacity of 2,501-3,000 gpd	$1,426 ~~$1,384~~
Commercial facility with a design capacity of 3,001-3,500 gpd	$1,607 ~~$1,560~~
Commercial facility with a design capacity of 3,501-4,000 gpd	$1,788 ~~$1,736~~
Commercial facility with a design capacity of 4,001-4,500 gpd	$1,969 ~~$1,912~~
Commercial facility with a design capacity of 4,501-5,000 gpd	$2,151 ~~$2,088~~
Commercial facility with a design flow greater than 5,000 gpd	$2,373 ~~$2,304~~
Site Evaluation Report Review fee	$659 ~~$640~~
Existing System Evaluation Report fee	$659 ~~$640~~

OAR 340-071-0800

TABLE 9B: PERMITTING FEES FOR SYSTEMS NOT SUBJECT TO WPCF PERMITS

		System Type A	System Type B	System Type C	System Type D	System Type E	Plan Review fees for Commercial Facility Systems
Construction-Installation Permit fees.							
For systems with a design capacity of less than 600 gpd		$~~448~~461	$~~864~~890	$~~1,008~~1,038	$~~1,235~~1,272	$~~1,520~~1,566	$0
For systems with a design capacity of 601-1,000 gpd		$~~448~~461	$~~864~~890	$~~1,008~~1,038	$~~1,235~~1,272	$~~1,520~~1,566	$379~~$368~~
For systems with a design capacity of 1,001-1,500 gpd		$~~544~~560	$~~960~~989	$~~1,104~~1,137	$~~1,313~~1,352	$~~1,660~~1,710	$445~~$432~~

OAR 340-071-0800

TABLE 9B: PERMITTING FEES FOR SYSTEMS NOT SUBJECT TO WPCF PERMITS

For systems with a design capacity of 1,501-2,000 gpd		$~~640~~659	$~~1,056~~1,088	$~~1,200~~1,236	$~~1,391~~1,433	$~~1,712~~1,776	$511~~$496~~
For systems with a design capacity of 2,001-2,500 gpd		$~~736~~758	$~~1,152~~1,187	$~~1,296~~1,335	$~~1,469~~1,513	$~~1,808~~1,862	$577~~$560~~
Reinspection fee	$~~100~~103						
Pump Evaluation fee. For all permits that specify the use of a pump or dosing siphon except for sand filter, Alternative treatment technologies, Recirculating gravel filter, and pressurized distribution systems	$~~64~~66						

System Type Key:

Type A = Gray Water waste disposal sumps

Type B = Holding tanks

Type C = Standard subsurface, Absorption trenches in saprolite, Redundant, Seepage trench, Steep slope

Type D = Alternative treatment technologies, Capping fill, Pressurized distribution, Tile dewatering

Type E = Recirculating gravel filter, Sand filter (commercial or residential)

OAR 340-071-0800

TABLE 9C: OTHER PERMITTING FEES FOR SYSTEMS NOT SUBJECT TO WPCF PERMITS

		Field Visit required	No Field Visit
Minor Alteration Permit	$272 ~~$264~~		
Major Alteration Permit	$569 ~~$552~~		
Minor Repair Permit - Single Family Dwelling	$264 ~~$256~~		
Major Repair Permit - Single Family Dwelling	$551 ~~$535~~		
Minor Repair Permit - Commercial Facility	$478 ~~$464~~		
Major Repair Permit - Commercial Facility	$1,038 ~~$1,008~~		
Permit Denial Review	$363 ~~$352~~		
Permit Transfer, Reinstatement, or Renewal		$536 ~~$520~~	$157 ~~$152~~
Authorization Notice		$643 ~~$624~~	$165 ~~$160~~
Authorization Notice Denial Review	$659 ~~$640~~		
Renewal of hardship authorization for temporary		$340 ~~$330~~	$103 ~~$100~~
Alternative system inspection - Holding tanks	$396 ~~$384~~		
Variance from onsite system rules	$2,142 ~~$2,080~~		
Land use clearance	$52 ~~$50~~		
Annual report evaluation - Holding tanks – hard copy	$31 ~~$30~~		
Annual report evaluation - Holding tanks – online	$26 ~~$25~~		
Alternative system inspection - Other alternative systems listed in Table 9B	$544 ~~$528~~		
Annual report evaluation - Sand filters, pressurized distribution systems, recirculating gravel filters, and alternative treatment technology – hard copy submittal	$62 ~~$60~~		
Annual report evaluation - Sand filters, pressurized distribution systems, recirculating gravel filters, and alternative treatment technology – online submittal	$52 ~~$50~~		

OAR 340-071-0800 TABLE 9D: WPCF PERMIT FEES. (EFFECTIVE JAN. 1, 2016)			
	Application filing fee (all systems)	Permit processing fees for onsite systems with a design capacity of 1,200 gpd or less	Permit processing fees for onsite systems with a design capacity over 1,200 gpd
New application	$85 ~~$83~~	$684 ~~$664~~	$3,416 ~~$3,316~~
Permit renewal (involving request for effluent limit modifications)	$85 ~~$83~~	$340 ~~$330~~	$1,710 ~~$1,660~~
Permit renewal (without request for effluent limit modifications)	$85 ~~$83~~	$172 ~~$167~~	$853 ~~$828~~
Permit modification (involving increase in effluent limitations)	$85 ~~$83~~	$340 ~~$330~~	$1,710 ~~$1,660~~
Permit modification (not involving an increase in effluent limits)	$85 ~~$83~~	$256 ~~$249~~	$853 ~~$828~~
	Plan Review fee		
For commercial facilities with a design capacity less than 600 gpd	$0		
For commercial facilities with a design capacity of 601 - 1,000 gpd	$326 ~~$317~~		
For commercial facilities with a design capacity of 1,001 - 1,500 gpd	$384 ~~$373~~		
For commercial facilities with a design capacity of 1,501 - 2,000 gpd	$442 ~~$429~~		
For commercial facilities with a design capacity of 2,001 - 2,500 gpd	$498 ~~$484~~		
For commercial facilities with a design capacity of 2,501 - 3,000 gpd	$584 ~~$567~~		
For commercial facilities with a design capacity of 3,001 - 3,500 gpd	$641 ~~$623~~		
For commercial facilities with a design capacity of 3,501 - 4,000 gpd	$698 ~~$678~~		
For commercial facilities with a design capacity of 4,001 - 4,500 gpd	$753 ~~$731~~		
For commercial facilities with a design capacity of 4,501 - 5,000 gpd	$811 ~~$787~~		

OAR 340-071-0800 TABLE 9D: WPCF PERMIT FEES. (EFFECTIVE JAN. 1, 2016)	
Commercial facilities with a design capacity greater than 5,000 gpd	$853 ~~$828~~
Single family dwelling	$172 ~~$167~~
Annual Compliance Determination fee	
Onsite sewage lagoon with no discharge	$1,024 ~~$995~~
Treatment Standard 1 or better systems with design capacities less than 2,500 gpd	$427 ~~$414~~
Treatment Standard 1 or better systems with design capacities of 2,501 - 20,000 gpd	$853 ~~$828~~
Holding tanks, if by the date specified by DEQ, the owner does not submit written certification to DEQ that the holding tank has been operated the previous calendar year in full compliance with the permit or that the previous year's service logs for the holding tanks are not available for inspection by the DEQ	$340 ~~$330~~
Holding tanks, if by the date specified by DEQ, the owner submits written certification to DEQ that the holding tank has been operated the previous calendar year in full compliance with the permit and that the previous year's service	$37 ~~$36~~
Other systems with design capacities less than 20,000 gpd	$427 ~~$414~~
Other systems with design capacities greater than 20,000 gpd	$853 ~~$828~~

OAR 340-071-0800 TABLE 9E: SEWAGE DISPOSAL SERVICE LICENSE AND TRUCK INSPECTION FEES	
New 3-year business license	$438 per year~~$425 per year~~
Renewal of business license	$330 per year~~$320 per year~~

OAR 340-071-0800 TABLE 9E: SEWAGE DISPOSAL SERVICE LICENSE AND TRUCK INSPECTION FEES	
Additional license fee for additional pumper vehicles	$16/vehicle~~$15/vehicle~~
Transfer of or amendments to license	$206~~$200~~
Reinstatement of suspended license	$258~~$250~~
Pumper truck inspections - First vehicle, each inspection	$103~~$100~~
Pumper truck inspections - Each additional vehicle, each inspection	$52~~$50~~

OAR 340-071-0800 TABLE 9F: OTHER FEES	
Innovative or Alternative Technology Review	$1,648 ~~$1,600~~
Alternative Technology Review (greater than 1,500 gpd)	$3,296 ~~$3,200~~
Alternative Treatment Technology Annual Compliance Determination Fee (per listed model)	$515 ~~$500~~
Material Plan Review	$494~~$480~~
Department Surcharge	$100

Stat. Auth.: ORS 454.615, 454.625 & 468.020
Stats. Implemented: ORS 454.605, 454.607, 454.610, 454.615, 454.625, 454,655, 454.665, 454.675, 454.695, 454.725, 454.745, 454.755, 454.775, 454.780, 454.784, 468.020, 468.035, 468.045, 468.065, 468B.050, 468B.055, 468B.080.

Draft Rules – With Edits Incorporated

Key to Identifying Changed Text:

~~Deleted Text~~
New/inserted text
~~Text deleted from one location~~ - and moved to another location

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 45

REGULATIONS PERTAINING TO NPDES AND WPCF PERMITS

340-045-0005

Purpose

The purpose of these rules is to prescribe limitations on discharge of wastes and the requirements and procedures for obtaining NPDES and WPCF permits from the Oregon Department of Environmental Quality.

Stat. Auth.: ORS 468 & ORS 468B
Stats. Implemented: ORS 468.065, ORS 468B.015 & ORS 468B.030
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76

340-045-0010

Definitions

(1) As used in this division unless otherwise required by context:

(2) "Commission" means the Environmental Quality Commission or the Commission's authorized designee.

(3) "DEQ" means the Oregon Department of Environmental Quality.

(4) "Director" means the Director of the Oregon Department of Environmental Quality or the Director's authorized designee.

(5) "Discharge or Disposal" means placing wastes into public waters, on land, or otherwise into the environment in a manner that affects or may tend to affect the quality of public waters.

(6) "Disposal System" means a system for disposing of wastes by surface or underground methods and includes sewerage systems, treatment works, disposal wells, and other systems but excludes onsite sewage disposal systems regulated under OAR 340-071-0160, 340-071-0162, or ORS 454.655 and systems that recirculate without discharge.

(7) “Environmental Management Plan” means a document specified within the conditions of a permit that identifies environmental impacts, establishes environmental goals and periodic review for effectiveness in meeting environmental goals, best management practices, monitoring, corrective actions and other enforceable requirements of the permit.

(8) "Federal Act" means Public Law 92-500, known as the Federal Water Pollution Control Act Amendments of 1972, and amendments.

(9) "General Permit" means a permit issued to a category of qualifying sources under OAR 340-045-0033 in lieu of individual permits for every source.

(10) "Industrial Waste" means any liquid, gaseous, radioactive, or solid waste substance, or a combination of them, resulting from any process of industry, manufacturing, trade, or business or from developing or recovering any natural resources.

(11) "Municipal Separate Storm Sewer" means a conveyance or system of conveyances including: roads with drainage systems, municipal streets, catch basins, curbs, gutter, ditches, manmade channels, or storm drains, that is:

(a) Owned or operated by a state, city, county, district, association, or other public body;

(b) Designed or used for collecting or conveying stormwater; and,

(c) Is not a combined sewer or part of a Publicly Owned Treatment Works as defined in 40 C.F.R. §122.2.

(12) "Municipal Separate Storm Sewer System” means all municipal separate storm sewers that are defined as "large," "medium," or "small" municipal separate storm sewer systems in 40 C.F.R.C.F.R. §122.26(b).

(13) "NPDES Permit" means a waste discharge permit issued under the National Pollutant Discharge Elimination System authorized by the Federal Act and OAR chapter 340, division 045.

(14) "Navigable Waters" means all navigable waters of the United States and their tributaries; interstate waters; and intrastate lakes, rivers, and streams that are used by interstate travelers for recreation or other purposes or from which fish or shellfish are taken and sold in interstate commerce or that are used for industrial purposes by industries in interstate commerce.

(15) "Permit Action" means DEQ’s issuing, modifying, renewing, or revoking a permit.

(16) "Person" means the United States and its agencies, state, individual, public or private corporation, political subdivision, governmental agency, municipality, co-partnership, association, firm, trust, estate, or any other legal entity.

(17) "Point Source" means any discernible, confined, discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged.

(18) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewerage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

(19) "Pretreatment" means the waste treatment that might take place before discharging to a sewerage system including but not limited to pH adjustment, oil and grease removal, screening, and detoxification.

(20) "Process Wastewater" means wastewater contaminated by industrial processes but not including non-contact cooling water or storm runoff.

(21) "Public Waters" or "Waters of the State" means lakes, bays, ponds, impounding reservoirs, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private, except those private waters that do not combine or effect a junction with natural surface or underground waters, that are wholly or partially within or bordering the state or within its jurisdiction.

(22) "Regional Administrator" means the Regional Administrator of Region X of the U.S. Environmental Protection Agency.

(23) "Septage" means the liquid and solid material pumped from a septic tank, holding tank, cesspool, or similar domestic sewage treatment system.

(24) "Septage Alkaline Stabilization Facility" means a facility that actively mixes alkaline material with raw septage to increase and maintain pH at 12 in the resultant mixture for sufficient time to achieve chemical stabilization.

(25) "Sewage" means water-carried human or animal waste from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration and surface water as may be present. The mixture of sewage with wastes or industrial wastes is also considered sewage.

(26) "Sewerage System" means pipelines or conduits, pumping stations, force mains, and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

(27) "State" means the State of Oregon.

(28) "Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

(29) "Toxic Waste" means any waste that will cause or can reasonably be expected to cause a hazard to fish or other aquatic life or to human or animal life in the environment.

(30) "Treatment" or "Waste Treatment" means altering the quality of wastewater by physical, chemical, or biological means, or a combination of them, that reduces the tendency of the wastes to degrade water quality or other environmental conditions.

(31) "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances, that will or may cause or tend to cause pollution of any waters of the state.

(32) "WPCF Permit" means a Water Pollution Control Facilities permit to construct and operate a disposal system with no discharge to navigable waters. A WPCF permit is issued by the Director under the procedures of this division or OAR 340-071-0162.

Stat. Auth.: ORS 454.625, 454.745, 468.020, 468B.020 & 468B.035
Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 22-1981, f. & ef. 9-2-81; DEQ 30-1992, f. & cert. ef. 12-18-92; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 7-2004, f. & cert. ef. 8-3-04

340-045-0015

Permit Required

(1) Without first obtaining a permit from the Director, a person may not:

(a) Discharge any wastes into the waters of the state from any industrial or commercial establishment or activity or any disposal system;

(b) Construct, install, modify, or operate any disposal system or part thereof or any extension or addition thereto;

(c) Increase in volume or strength any wastes in excess of the discharges authorized under an existing permit;

(d) Construct, install, operate, or conduct any industrial, commercial, or other establishment or activity, or any extension or modification of or addition to them, if the operation or conduct would cause an increase in the discharge of wastes into the waters of the state or would otherwise unlawfully alter the physical, chemical, or biological properties of any waters of the state;

(e) Construct or use any new outlet for discharging any wastes into the waters of the state.

(2) A person must obtain a valid NPDES permit before that person discharge pollutants into navigable waters from a point source. . A person must also obtain a valid NPDES permit before that person discharges stormwater subject to permit requirements in 40 C.F.R. §122.26 or §122.33, including stormwater from large, medium, and regulated small municipal separate storm sewer systems and stormwater associated with industrial or construction activity.

(3) A valid NPDES permit satisfies the requirements of section (1) of this rule.

(4) A person discharging wastes into a sewerage system is not required to obtain a WPCF or NPDES permit if the owner of such sewerage system has a valid WPCF or NPDES permit. The person discharging must comply with all other applicable laws, rules, and regulations regarding water pollution.

(a) The owner of a sewerage system is responsible for controlling and treating the wastes the owner allows to be discharged into the system.

(b) Each user of the sewerage system must comply with applicable toxic and pretreatment standards and the recording, reporting, monitoring, entry, inspection, and sampling requirements of the Commission and the Federal Act and regulations and guidelines issued pursuant thereto.

(5) Each person required by sections (1) and (2) of this rule to obtain a permit must:

(a) Promptly apply to DEQ for the permit;

(b) Fulfill all terms and conditions of the permit issued;

(c) Comply with applicable federal and state requirements, effluent standards, and limitations including but not limited to those contained in or established under sections 204, 301, 302, 304, 306, 307, 402, and 403 of the Federal Act and applicable federal and state water quality standards; and

(d) Comply with DEQ's requirements for recording, reporting, monitoring, entry, inspection, and sampling, and make no false statements, representations, or certifications in any form, notice, report, or document required.

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035
Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 12-2003, f. & cert. ef. 9-2-03; DEQ 7-2004, f. & cert. ef. 8-3-04

340-045-0020

Non-Permitted Discharges

No person may discharge the following wastes into any navigable or public waters:

(1) Radioactive, chemical, or biological warfare agent or high-level radioactive waste.

(2) Any point source discharge that the Secretary of the Army acting through the Chief of Engineers finds would substantially impair anchorage and navigation.

(3) Any point source discharge to navigable waters that the Regional Administrator has objected to in writing.

(4) Any point source discharge that is in conflict with an area-wide waste treatment and management plan, or amendment to one, that has been adopted under section 208 of the Federal Act.

Stat. Auth.: ORS 468 & ORS 468B
Stats. Implemented: ORS 468B.025
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76

340-045-0027

Public Notice and Participation Requirements For Permitting Actions

(1) DEQ categorized permitting actions according to environmental and public health significance. Category I represents permit actions with low environmental and public health significance and no public notice and opportunity for public participation. Category IV represents permit actions with potentially high environmental and public health significance, and the greatest level of public notice and opportunity for public participation. The following describes the public notice and participation requirements for each category:

(a) Category I -- No public notice or opportunity for public participation.

(b) Category II -- DEQ will provide public notice of the proposed action and a minimum of 30 days to submit written comments.

(c) Category III -- DEQ will provide public notice of the proposed action and a minimum of 35 days to submit written comments. DEQ will provide a minimum of 30 days' notice for a hearing if one is scheduled. DEQ will schedule a public hearing to allow interested parties to submit oral or written comments if:

(A) For NPDES permits, DEQ receives written requests for public hearing during the public comment period from at least ten persons or from an organization or organizations representing at least ten persons.

(B) For WPCF permits, DEQ receives written requests for public hearing within 14 days of mailing the public notice from at least ten persons or from an organization or organizations representing at least ten persons; or

(C) DEQ determines that a hearing is necessary.

(d) Category IV: DEQ will:

(A) Once an application is considered complete, provide public notice of receiving a completed application and requested permitting action; and

(B) Schedule an informational meeting in the community where the facility will be or is located and provide public notice of the meeting. DEQ will consider any information gathered in this process in its drafting of the proposed permit.

(C) Once a draft permit is complete, provide public notice of the proposed permit and a minimum of 40 days to submit written comments; and

(D) Schedule a public hearing to allow interested parties to submit oral or written comments. A minimum notice of 30 days shall be provided for the hearing.

(2) The following actions are classified as follows:

(a) Category I:

(A) Minor modification of an NPDES or a WPCF permit;

(B) Issuing a special, short-term WPCF permit;

(C) Issuing a new or renewing a WPCF permit for an on-site sewage system with a design flow less than 20,000 gallons per day, regulated by OAR 340-071.

(D) NPDES or WPCF permit administrative actions that include but are not limited to: transferring a permit to a new owner or operator, terminating or revoking a permit, denying a permit, and withdrawing an application.

(E) Mutual agreement and order in lieu of a WPCF permit.

(b) Category II:

(A) Mutual agreement and order in lieu of an NPDES permit unless delay in issuing the order may magnify the problem (see OAR 340-045-0062(4));

(B) Issuing a renewal WPCF individual permit regulated by OAR 340-045, including renewing a WPCF permit for an on-site sewage system with a design flow of 20,000 gallons per day or greater, regulated by OAR 340-071.

(c) Category III:

(A) Issuing a new or renewing an NPDES individual permit unless otherwise specified in this rule;

(B) Major modification of an NPDES permit unless otherwise specified in this rule;

(C) Issuing a new or renewing a WPCF or NPDES general permit;

(D) Issuing a biosolids land application site authorization letter for any proposed site that meets the sensitive site criteria in OAR 340-050-0030(2);

(E) Issuing a new WPCF individual permit regulated by OAR 340-045, including a new WPCF permit for an on-site sewage system with a design flow of 20,000 gallons per day or greater, regulated by OAR 340-071.

(F) Approving a new pretreatment program or a substantial modification to an existing approved pretreatment program;

(G) All other actions not elsewhere classified.

(d) Category IV:

(A) Issuing a new NPDES individual permit for a major facility, as classified by DEQ.

(B) Issuing a renewal NPDES individual permit for a major facility, as classified by DEQ, when there is a new or increased discharged load.

(C) Major modification of an NPDES individual permit for a major facility, as classified by DEQ, when there is a new or increased discharged load.

(3) DEQ may move a permit action to a higher category based on, but not limited to, the following factors:

(a) Anticipated public interest in the facility;

(b) Compliance and enforcement history of the facility or owner;

(c) Potential for significant environmental or public harm due to location or type of facility, or

(d) Federal requirements.

(4) The public notice required under section (1) (b), (c) and (d) (C) of this rule, will contain at least the following information:

(a) Name and address of the permittee and permit applicant and, if different, facility location;

(b) Type of facility including a description of the facility's process subject to the permit;

(c) Description of the proposed permitting action (i.e., new permit, renewal permit, or permit modification);

(d) Description of the permitted substances stored, disposed of, discharged, or emitted, including whether there has been an increase or decrease in the substance since the last permit action for the facility;

(e) Location and description of documents relied on in preparing the draft permit action;

(f) Other permits DEQ requires ;

(g) Date of the previous permit action if a renewal or modification;

(h) Opportunity for public comment whether in writing or in person if required;

(i) Compliance, enforcement and complaint history, along with their respective resolutions; and

(j) A summary of discretionary decisions DEQ made while developing the permit.

(5) DEQ will provide public notice as this rule requires to the applicant, those requesting notice of the permitting action, local news media, and other interested parties as DEQ identifies.

(6) As best as is practicable, DEQ will process under this rule, using the appropriate public involvement category process under ORS 340-045-0027(1), all permit applications DEQ receives before this rule’s effective date..

Stat. Auth.: ORS 459.045, ORS 459.785, ORS 468.020, ORS 468A.040 & ORS 468B.048
Stat. Impl.: ORS 459.245, ORS 459.735, ORS 459.740, ORS 468.065, ORS 468A.040 & ORS 468B.048
Hist.: DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0030

Application for NPDES or WPCF Permit

(1) Any person wishing to obtain a new or renewal NPDES or WPCF permit from DEQ must submit a written application at least 180 days before an NPDES permit is needed or at least 60 days before a WPCF permit is needed on a form DEQ provides. The Director may grant permission in writing for a later date to submit a new or renewal application. The Director will not grant permission for a renewal application to be submitted later than the existing permit's expiration date.

(2) Any person wishing to modify their NPDES or WPCF permit must submit a written application on a form DEQ provides. Applications must be submitted well in advance of the needed modification in order to process the request as OAR 340-045-0055 requires.

(3) All application forms must be completed in full and signed by the applicant or the applicant's legally authorized representative. The name of the applicant must be the legal name of the owner of the facility or the owner's agent or the lessee responsible for operating and maintaining the facility. DEQ will consider applications that are correctly signed and appear administratively complete timely upon receipt. A request for further information under section (5) of this rule will not affect an application's timeliness.

(4) DEQ will not accept for filing applications that are obviously incomplete, unsigned, improperly signed, or that do not contain the required exhibits clearly identified.. DEQ will return these applications to the applicant for completion.

(5) Within 45 days after receiving an application, DEQ will preliminarily review an application to determine the adequacy of the information submitted. Failure to complete this review within 45 days does not preclude DEQ from later requesting further information from the applicant as provided in this section.

(a) If DEQ determines that additional information is needed, it will promptly request in writing the needed information from the applicant. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request or such other time as DEQ establishes in writing.

(b) If DEQ determines that additional measures are necessary to gather facts regarding the application, it will notify the applicant in writing that such measures will be instituted and provide the timetable and procedures to be followed. The application will be considered withdrawn if the applicant fails to comply with the additional measures.

(6) If upon review of an application, DEQ determines that a permit is not required, DEQ will notify the applicant in writing of this determination. Such notification constitutes final action by DEQ on the application.

(7) DEQ will accept as an application filed under this section an application that has been filed with the U.S. Army Corps of Engineers in accordance with Section 13 of the Federal Refuse Act, or an NPDES application that has been filed with

the U.S. Environmental Protection Agency provided the application is complete and the information on the application is still current.

Stat. Auth.: ORS 468.020, ORS 468B.020 & ORS 468B.035
Stats. Implemented: ORS 468.065, ORS 468B.015, ORS 468B.035 & ORS 468B.050
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 22-1981, f. & ef. 9-2-81; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 13-2001, f. & cert. ef. 10-16-01

340-045-0033

General Permits

(1) General permits may be adopted by a rule of the Environmental Quality Commission or by order the Director issues. A permit adopted by rule may be terminated by a later permit issued by order if the later permit covers the same activity and specifically provides for terminating the earlier permit.

(2) General permits may be developed for certain categories of minor discharge sources or minor activities where individual NPDES or WPCF permits are not necessary to adequately protect the environment. Before the Director can issue a general permit, the following conditions must be met:

(a) There must be several minor sources or activities that involve the same or substantially similar types of operations.

(b) The sources or activities must have the potential to discharge or dispose of the same or similar types of wastes.

(c) The general permit must require the same or similar monitoring requirements, effluent limitations and operating conditions for the categories.

(d) The category of sources or activities would be more appropriately controlled under a general permit than an individual permit.

(3) General permits issued after this rule’s effective date will specify the following:

(a) The requirements to obtain coverage under a general permit, including application requirements and application submittal deadlines. DEQ may determine that submitting an application is not necessary after evaluating the type of discharge, potential for toxic and conventional pollutants in the discharge, expected discharge volume, availability of other means to identify dischargers, and estimated number of dischargers to be covered by the permit. DEQ must provide its evaluation in the public notice for the general permit.

(b) The process DEQ used to notify a person that coverage under a general permit has been obtained and the discharge or activity is authorized.

(4) Although general permits may include activities throughout the state, they may also be restricted to more limited geographical areas.

(5) Before issuing a general permit, DEQ will follow the public notice and participation procedures outlined in OAR 340-045-0027 and 340-045-0035(3). If the general permit is to be adopted into rule, DEQ will also follow ORS 183.325 to 183.410. In addition DEQ will make reasonable efforts to notify potentially interested persons.

(6) Any person operating a discharge source or conducting an activity described in a general permit must apply for coverage under the general permit, unless the general permit does not require submitting an application under subsection (3)(a) of this rule or the source or activity is specifically covered by an individual NPDES or WPCF permit, or a person makes an application for an individual permit under subsection (9) of this rule.

(a) Any person seeking coverage under a general permit must submit an application as required under the terms of the applicable NPDES or WPCF general permit. If application requirements are not specified in the general permit, procedures in OAR 340-045-0030 or 340-071-0162, whichever is applicable, must be followed.

(b) A person who fails to submit an application under the terms of the general permit, OAR 340-045-0030 or 340-071-0162, whichever is applicable, is not authorized to conduct the activity described in the permit.

(7) Any person required to have coverage under a general permit must pay permit fees as required in OAR 340-045-0070 to 340-045-0075 or 340-071-0140 to obtain and maintain coverage under that permit.

(8) Any permittee covered by an individual NPDES or WPCF permit may request that the individual permit be canceled or allowed to expire, and that it be covered by a general permit if its discharge or activity may be covered by an existing general permit. As long as the permittee is covered by an individual NPDES or WPCF permit, the conditions and limitations of the individual permit govern until such time as it is canceled or expires.

(9) Any person not wishing to be covered by a general permit may apply for an individual permit under OAR 340-045-0030 or 340-071-0162, whichever is applicable.

(10) The Director may refuse to authorize or renew coverage, or may revoke existing coverage under a general permit, as it applies to any person and require such person to apply for and obtain an individual NPDES or WPCF permit.

(a) The procedures for denying a permit in OAR 340-045-0050 and for permit revocation in OAR 340-045-0060 apply.

(b) Any interested person may petition the Director to take action under this section.

(c) The grounds for requiring an individual permit include the following:

(A) The discharge or activity is a significant contributor of pollution or creates other environmental problems;

(B) The permittee failed to comply with, or is not currently in compliance with, the terms and conditions of the general permit, submitted false information, or the permittee is in violation of any applicable law;

(C) A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants being discharged;

(D) For NPDES general permits, effluent limitation guidelines are promulgated for point sources covered by a general permit and the guidelines are not already in the general permit;

(E) Circumstances have changed so that the discharge or activity is no longer appropriately controlled under a general permit, or either temporarily or permanently reducing or eliminating the authorized discharge is necessary; or

(F) Any other relevant factors.

(11) The following general permits are adopted by reference in this rule and are available for review at DEQ:

(a) NPDES 200-J, Filter backwash (issued August 29, 1997);

(b) NPDES 500-J, Boiler blowdown (issued August 29, 1997);

(c) NPDES 700-PM, Suction dredges (issued July 5, 2005);

(d) NPDES 1500-A, Petroleum hydrocarbon cleanups discharged to surface waters (issued August 22, 2000);

(e) NPDES 1700-A, Vehicle and equipment wash water discharged to surface waters (issued March 5, 1998);

(f) NPDES 1900-J, Non-contact geothermal heat exchange (issued September 11, 1997);

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035
Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050
Hist.: DEQ 28-1980, f. & ef. 10-27-80; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 13-2001, f. & cert. ef. 10-16-01; DEQ 8-2002, f. & cert. ef. 8-9-02; DEQ 14-2002, f. & cert. ef. 10-16-02; DEQ 12-2003, f. & cert. ef. 9-2-03; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2005, f. & cert. ef. 12-28-05; DEQ 10-2006, f. 8-15-06, cert. ef. 9-1-06; DEQ 1-2010, f. & cert. ef. 1-22-10

340-045-0035

Issuance of NPDES Permits

(1) DEQ will review each application on its own merits after determining the application is complete for processing. DEQ will develop recommendations under provisions of all applicable statutes, rules, regulations, and effluent guidelines of the State of Oregon and the U.S. Environmental Protection Agency.

(2) DEQ will formulate and prepare a tentative determination to issue or deny an NPDES permit for the discharge described in the application. If the tentative determination is to issue an NPDES permit, then DEQ will draft a proposed NPDES permit that includes at least the following:

(a) Proposed effluent limitations;

(b) Proposed biosolids limitations;

(c) Appropriate monitoring requirements;

(d) A Proposed schedule of compliance, if necessary, established under the Federal Act and regulations issued under it; and

(e) Other special conditions.

(3) In order to inform potentially interested persons of the proposed discharge and of the tentative determination to issue an NPDES permit, DEQ will provide public notice as directed in sections (6) and (7) of this rule. In addition to the information required under OAR 340-045-0027(4) the public notice will contain:

(a) When available, a description of the water quality of the receiving water body both upstream and downstream;

(b) If the waterbody is water quality limited under Section 303(d)(1) of the Clean Water Act, a description of whether the permit relates to the parameter(s) that is water quality limited and if so, how the permit will fit within the existing Total Maximum Daily Load (TMDL) or if no TMDL exists, how it is acceptable; and

(c) A description of any load increase proposed and action required for its approval.

(4) DEQ will prepare a fact sheet for each draft NPDES permit for a major facility and for each NPDES general permit. In addition, DEQ will prepare a fact sheet for every industrial NPDES permit that incorporates a variance and for every draft permit that the Director finds is the subject of widespread public interest or raises major issues. The fact sheet will briefly describe the principle facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. Fact sheets will contain the following, where applicable:

(a) A brief description of the type of facility or activity;

(b) The type and quantity of wastes to be discharged;

(c) Applicable standards and guidelines used as a basis for effluent and biosolids limits;

(d) An explanation of any proposed variances;

(e) A sketch, map, or detailed location of the discharge, where appropriate;

(f) Information spelling out procedures for finalizing the permit and providing additional public input, including opportunity for public hearing; and

(g) Where appropriate, an assessment of future control needs based on the adequacy of present controls, records of compliance, applicable rules and regulations;

(h) A statement of the inclusion of a biosolids management and land application plan, if appropriate; and

(i) Name and telephone number of a person to contact for additional information.

(5) After DEQ has drafted the public notice and prepared the proposed NPDES permit provisions DEQ will forward them to the applicant for review and comment. These comments must be submitted in writing within 14 days after mailing of the proposed materials if the comments are to receive consideration prior to final action on the application, unless the applicant requests additional time. The applicant may also waive his right for the 14-day review time in the interest of accelerating the issuance procedures.

(6) Issuing an NPDES permit, except a new NPDES permit for a major facility or a renewal NPDES permit for a major facility when there is a new or increased discharge load, is a Category III permitting action as described in OAR 340-045-0027. DEQ will provide public notice after the 14-day applicant review period has elapsed and will include the fact sheet when one is required, under section (4) of this rule.

(7) Issuing a new NPDES permit for a major facility or a renewal NPDES permit for a major facility when there is a new or increased discharge load, is a Category IV permitting action as described in OAR 340-045-0027.

(8) At the conclusion of the public involvement period, the Director will make a final determination on the application as soon as practicable and promptly notify the applicant in writing of the final determination. For all permits that receive comments on the proposed permit requirements during the public comment period, DEQ will issue a response to comments that specifies any changed provisions in the permit, and the reasons for the changes, and that describes and responds to all significant comments. DEQ will make this response to comments available to the public on request. Any NPDES permit issued under these rules will contain such pertinent and particular conditions as may be required to comply with the Federal Act or regulations issued under it. Under federal regulations, an NPDES permit will be effective for a fixed term not to exceed five years.

(a) Denial of the permit: If the Director determines that the NPDES permit should be denied, DEQ will include in the notification the reasons for the denial under OAR 340-045-0050.

(b) Issuance of the permit: If conditions of the NPDES permit issued are different from the proposed provisions forwarded to the applicant for review, the notification shall include the reasons for the changes made. DEQ will attach a copy of the NPDES permit issued to the notification. In any case, before the Director will issue an NPDES permit that applies effluent limitations under effluent guidelines rather than water quality standards, the Director will make a determination that the permitted discharge will not violate applicable water quality standards and will provide some justification for that determination. Such justification will include, but not necessarily be limited to:

(A) A description of the anticipated effect on water quality at the mixing zone boundary of the chemical and/or physical parameter(s) upon which the size and shape of the mixing zone are based; and

(B) A statement of anticipated effect of the discharge on aquatic life.

(9) DEQ's decision is effective 20 days from the date of service of the notification or on the date specified in writing by DEQ provided this date occurs after the date of service of the notification. A request for hearing on DEQ’s decision must be made by the applicant in writing within 20 days of the effective date of the permit and state the grounds for the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR chapter 340, division 011.

(a) If a request for hearing is filed on a permit for a new facility, the entire permit is stayed and will not go into effect until the hearing process is complete.

(b) If the request for hearing is for an existing facility or activity, or a new activity within an existing facility, only the contested permit condition and the conditions that cannot be implemented separately from the contested conditions are stayed until the hearing process is complete.

Stat. Auth.: ORS 183 & ORS 468
Stats. Implemented: ORS 468.065 & ORS 468B.050
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 71, f. 6-4-74, ef. 6-25-74; DEQ 126(Temp), f. & ef. 12-30-76 thru 4-28-77; DEQ 133, f. & ef. 5-2-77; DEQ 22-1981, f. & ef. 9-2-81; DEQ 13-1988, f. & cert. ef. 6-11-88; DEQ 34-1990, f. 8-20-90, cert. ef. 9-1-90; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0037

Issuance of WPCF Permits

(1) DEQ will review each application on its own merits after determining the application is complete for processing. DEQ will develop recommendations under the provisions of all applicable statutes, rules and regulations of the State of Oregon and the U.S. Environmental Protection Agency.

(2) After DEQ drafts the public notice and prepares the proposed WPCF permit provisions, DEQ will forward them to the applicant for review and comment. Unless the applicant requests extra time, DEQ will only consider comments before taking its final action on the application if the applicant submits these comments in writing within 14 days after mailing. The applicant may also waive the right for the 14-day review time in the interest of accelerating the issuance procedures.

(3) If DEQ proposes to issue a permit, DEQ will provide public notice and participation as OAR 340-045-0027 directs by.

(4) DEQ must take final action on the permit application within 45 days of the close of the public comment period if a comment period is required. DEQ shall consider all timely comments and any other information obtained that may be pertinent to the permit action in the formulation of a final determination.

(5) DEQ shall promptly notify the applicant in writing of the final action as provided in OAR 340-011-0097 and will include a copy of the permit.

(7) The duration of a WPCF permit may not exceed 10 years.

(8) DEQ's decision is effective from the date of service of the notification or on the date DEQ specifies in writing, provided this date occurs after the date DEQ serves notice. DEQ will only act on a request for hearing if the applicant submits the request in writing within 20 days of the permit’s effective date and states the grounds for the request. DEQ will conduct the hearing as a contested case hearing under ORS 183.413 through 183.470 and OAR Chapter 340, Division 011.

(a) If a request for hearing is filed on a permit for a new facility, the entire permit is stayed and will not go into effect until the hearing process is complete.

(b) If the request for hearing is for an existing facility or activity, or a new activity within an existing facility, only the contested permit condition and the conditions that cannot be implemented separately from the contested conditions are stayed until the hearing process is complete.

Stat. Auth.: ORS 183 & ORS 468
Stats. Implemented: ORS 468.065 & ORS 468B.050
Hist.: DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0040

Renewal of NPDES or WPCF Permits

(1) The procedures for issuing NPDES and WPCF permits apply to renewing these permits.

(2) If a completed application for renewal of a permit is filed with DEQ under OAR 340-045-0030, the permit will not expire until final action has been taken on the renewal application.

Stat. Auth.: ORS 468.020, ORS 468B.020 & ORS 468B.035
Stats. Implemented: ORS 468.065, 468B.015, ORS 468B.035 & ORS 468B.050
Hist.: DEQ 53(Temp), f. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 21-1990, f. & cert. ef. 7-6-90; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 13-2001, f. & cert. ef. 10-16-01

340-045-0045

Transfer of an NPDES or WPCF Permit

(1) A person may not transfer an NPDES or WPCF permit to a third party without DEQ's prior written approval. DEQ may grant approval where the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the NPDES or WPCF permit and the rules of the Commission.

(2) An applicant requesting to transfer a permit must submit an application on a form DEQ provides , for authorizing a permit transfer at least 30 days prior to the proposed action.

(3) The transfer of a permit is considered a Category I permitting action as described in OAR 340-045-0027.

Stat. Auth.: ORS 468
Stats. Implemented: ORS 468.065 & ORS 468B.050
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0050

Denial of an NPDES or WPCF Permit

DEQ will promptly notify the applicant in writing of the denial of a permit application under OAR 340-011-0097. The notification will include the reasons for denial. The denial will become effective 20 days from the date of service of the notice unless within that time DEQ receives a request for a hearing. The applicant must make the request for a hearing in writing and state the grounds for the request. DEQ will conduct the hearing as a contested case hearing under ORS 183.413 through 183.470 and OAR chapter 340, division 011.

Stat. Auth.: ORS 468
Stats. Implemented: ORS 468.065 & ORS 468.070
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0055

Modification of an NPDES or WPCF Permit

(1) If DEQ determines it is appropriate to initiate modification of an NPDES or WPCF permit, DEQ will notify the permittee by registered or certified mail of the modification and the reasons for the modification. DEQ-initiated modifications for NPDES permits shall be under section (2) of this rule, and for WPCF permits shall be under section (3) of this rule.

(2) The procedures for applying for and issuing NPDES permits apply to any modification the permittee requests or DEQ initiates, excluding modifications that are considered minor.

(a) If the modification is minor, it is considered a Category I permitting action as described in OAR 340-045-0027. Under federal regulations, types of minor modifications include the following:

(A) Corrections of typographical errors;

(B) Requirements for more frequent monitoring, or reporting, or both;

(C) Changes in an interim compliance date provided the new date is not more than 120 days after the date in the existing permit and does not interfere with the final compliance date requirement;

(D) Changes to the construction schedule for a new discharger provided pollution control equipment is installed and operational prior to discharge;

(E) Deleting a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except under the existing permit limits;

(F) Incorporating conditions from a publicly owned treatment works' pretreatment program that has been approved under OAR 340-045-0063(1).

(b) If the modification is not minor, it is considered a Category III or Category IV permitting action as described in OAR 340-045-0027. Only the conditions subject to modification are reopened during this process. The existing NPDES permit will remain in effect until the modification is final.

(3) The procedures for applying for and issuing WPCF permits apply to any modification the permittee requests or DEQ initiates, excluding modifications that are considered minor.

(a) If modification to a WPCF permit is minor, as defined in section (2) of this rule for NPDES permits, it is considered a Category I permitting action as described in OAR 340-045-0027.

(c) Any other modification to a WPCF permit is considered a Category II permitting action as described in OAR 340-045-0027.

(4) The modification will become effective upon mailing unless the permittee requests a hearing within 20 days. A permittee must request a hearing in writing and state the grounds for the request. DEQ will conduct any hearing as a contested case hearing under ORS 183.413 through 183.470 and OAR chapter 340, division 011. If a hearing is requested, the existing permit continues in effect until DEQ issues a final order.

Stat. Auth.: ORS 468
Stats. Implemented: ORS 468.065, ORS 468.070 & ORS 468B.050
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 13-1988, f. & cert. ef. 6-11-88; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0060

Termination or Revocation of an NPDES or WPCF Permit

(1) Automatic Termination. A permit is automatically terminated when:

(a) DEQ issues a new permit for the same activity or operation;

(b) The permittee requests in writing that the permit terminate, if DEQ determines that a permit is no longer needed; or

(c) The permittee fails to submit application for permit renewal as required in OAR 340-45-0030. Termination is effective on the permit expiration date.

(2) Revocation with prior notice.

(a) If DEQ determines that a permittee is in non-compliance with the terms of its permit, submitted false information in the application or other required documentation, or is in violation of any applicable law, the Director may revoke the permit.

(b) DEQ will provide notice of the intent to revoke the permit under OAR 340-011-0097. The notice will include the reasons why the permit will be revoked. DEQ will only act on a request for hearing if it receives a written request for a hearing stating the grounds for the request within 60 days from the date of service of the notice. DEQ will conduct the hearing as a contested case hearing under ORS 183.413 through 183.470 and OAR chapter 340, division 011. The permit will continue in effect until the 60 days expires or a final order is issued.

(3) Revocation without prior notice.

(a) If DEQ finds that the permittee's activities cause a serious danger to the public health, safety or the environment, DEQ may immediately revoke or refuse to renew a permit without prior notice or opportunity for a hearing.

(b) If DEQ does not provide advance notice of the revocation, DEQ will notify the permittee as soon as possible as provided in OAR 340-011-0097. The notification will state the reasons for the revocation or refusal to renew.

(c) DEQ will only act on a request for hearing if it receives a written request for a hearing stating the grounds for the request within 90 days of the service of the notice. DEQ will conduct the hearing as a contested case hearing under ORS 183.413 through 183.470 and OAR chapter 340, division 011. If DEQ does not receive a request for a hearing within 90 days, the revocation or refusal to renew becomes final without further action by DEQ.

Stat. Auth.: ORS 468
Stats. Implemented: ORS 468.065 & ORS 468.070
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 22-1981, f. & ef. 9-2-81; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0061

Special WPCF Permit (Short-Term)

The Director may waive the procedures required in OAR 340-045 and issue a special, short-term WPCF permit for unexpected or emergency activities, operations, emissions or discharges. Such a permit is valid for not more than 60 days from date of issuance. DEQ will develop such a permit to ensure it adequately protects property and preserves public health, welfare and resources. Application for a special WPCF permit must be in writing and may be in the form of a letter that fully describes the emergency and the proposed activities, operations, emissions, or discharges.

Stat. Auth.: ORS 468
Stats. Implemented: ORS 468.065 & ORS 468.070
Hist.: DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0062

Mutual Agreement and Order

(1) The Director may issue a mutual agreement and order (MAO) in lieu of or in addition to an NPDES permit or WPCF permit where the MAO is part of an enforcement action, for disposal of wastewater associated with the cleanup of a spill, or for an activity that does not lend itself to the normal permitting process or permit term.

(2) An MAO may include, but not necessarily be limited to, compliance schedules, effluent limitations, monitoring and reporting requirements, or stipulated penalties, or any of these.

(3) The term of an MAO, when used in lieu of a permit, may not be longer than the term of the type of permit it is replacing.

(4) The permitting procedures in OAR 340-045 are not required for MAOs, except for the following: An MAO issued in lieu of an NPDES permit is considered a Category II permitting action as described in OAR 340-045-0027. An exception to this requirement is allowed for environmental cleanups or other instances where a delay in issuing an MAO may magnify the problem. In these situations, DEQ may issue public notice at the same time it issues the MAO.

(5) When an MAO is used in lieu of a permit, the fee schedule for permits found in OAR 340-045-0075 applies.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468.065 & ORS 468B.050
Hist.: DEQ 21-1990, f. & cert. ef. 7-6-90; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0063

Industrial Waste Pretreatment

(1) All owners of sewerage systems that receive industrial waste subject to federal or state pretreatment standards will develop and implement a pretreatment program for controlling those industrial contributors. The system owner must submit the program to the Director for approval. Department approval is considered a Category III action as described in OAR 340-045-0027.

(2) The Director will review requests for revisions of categorical pretreatment standards to reflect removals the sewerage system achieves. Removal credits are only allowed if the Director approves them.

(3) Both the owners of sewerage systems receiving industrial wastes and the industrial contributors must comply with applicable pretreatment provisions of the federal Clean Water Act and DEQ’s rules.

(4) Where a question exists as to whether or not an industrial contributor falls within a particular industrial subcategory, the Director will make a written finding and submit it to the EPA Regional Enforcement Division Director for a final determination, unless the Enforcement Division Director waives receiving the Director's determination as provided in the federal regulations. In that case the Director's determination is final.

(5) The owner of a sewerage system receiving industrial waste is responsible for assuring that the industrial contributor meets the prohibited discharge or categorical pretreatment standards established by the United State Environmental Protection Agency or DEQ, whichever is most limiting. The owner of the sewerage system may impose more stringent pretreatment standards if the owner deems it necessary for properly operating and maintaining the sewerage system or disposability of the sewage sludge.

(6) The Director will review requests for Fundamentally Different Factors variances and will either deny them or concur with them and submit the concurrence to the United States Environmental Protection Agency for approval, as provided in federal regulations.

Stat. Auth.: ORS 468 & ORS 468B
Stats. Implemented: ORS 454.020 & ORS 468B.035
Hist.: DEQ 16-1980, f. & ef. 5-27-80; DEQ 15-2000, f. & cert. ef. 10-11-00

340-045-0065

Other Requirements

(1) Before beginning construction on any waste collection, treatment, disposal, or discharge facilities for which a permit is required by OAR 340-045-0015, the facility owner or operator must submit detailed plans and specifications to, and receive written approval from, DEQ, as ORS 468B.055 and OAR, Division 52, Review of Plans and Specifications require.

(2) Monitoring, recording, and reporting procedures used to meet the requirements of a NPDES permit must conform with the Federal Act and regulations issued under it.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 454.020 & ORS 468B.035
Hist.: DEQ 53(Temp), f. & ef. 6-21-73 thru 10-18-73; DEQ 58, f. 9-21-73, ef. 10-25-73; DEQ 113, f. & ef. 5-10-76; DEQ 126(Temp), f. & ef. 12-30-76 thru 4-28-77; DEQ 133, f. & ef. 5-2-77; DEQ 3-1999, f. & cert. ef. 2-5-99

340-045-0070

Permit Fees

(1) Except for a person assigned to the 700-PM general permit, a person required to have a WPCF or NPDES permit is subject to a two-part fee consisting of the applicable new-permit application fee and the annual fee in OAR 340-045-0075.

(a) A person submitting an application for a new NPDES or WPCF permit must submit the amount equal to the new-permit application fee and the first year's annual fee.

(b) A person is not required to submit a fee with an application for renewal of a NPDES or WPCF permit, unless the permit is to be modified as described in OAR 340-045-0075(5). A person requesting a permit modification must submit the appropriate modification fee in OAR 340-045-0075 with the application.

(c) A person is not required to pay a fee for modification of an existing, unexpired permit if DEQ initiates the modification and determines the modification does not require re-filing or department review of an application, plans, or specifications.

(d) When a governmental entity has an agreement with DEQ to assist with implementing a general permit, DEQ may in that agreement lower the general permit fees established in OAR 340-045-0075 and allow the governmental entity to collect the fee for DEQ and retain a portion of the fee for its services.

(2) A person must pay the applicable annual fee in OAR 340-045-0075 for as long as the permit is active.

(a) The annual fee must be paid by the date DEQ specifies.

(b) DEQ will apply the annual fee submitted as part of an application for a new NPDES or WPCF permit to the first 12 months the permitted facility is put into operation.

(c) The director may alter the due date for the annual fee on receiving a permittee’s justifiable request. The Commission may reduce or suspend the annual fee if a hardship is demonstrated.

(3) DEQ may refund a new-permit application fee submitted in whole or in part if DEQ determines that:

(a) A permit is not required; or

(b) The wrong application was filed.

(4) All fees must be made payable to the Oregon Department of Environmental Quality or DEQ's agent.

(5) A person assigned to the 700-PM general permit must pay either an annual fee or an optional 5-year permit registration fee according to the schedule provided in OAR 340-045-0075. The permittee must submit the applicable fee with the permit application. The fee is non-refundable unless DEQ or DEQ's agent determines that the permittee cannot be assigned to the general permit. Fees must be made payable to the Oregon Department of Environmental Quality. An annual fee must be paid at the time of application, and for each following year that the permit is valid on a date specified by DEQ.

Stat. Auth.: ORS 454.625, 454.745, 468.020, 468B.020 & 468B.035
Stats. Implemented: ORS 454.745, 468.065, 468B.015, 468B.035 & 468B.050
Hist.: DEQ 113, f. & ef. 5-10-76; DEQ 129, f. & ef. 3-16-77; DEQ 31-1979, f. & ef. 10-1-79; DEQ 18-1981, f. & ef. 7-13-81; DEQ 12-1983, f. & ef. 6-2-83; DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 7-2004, f. & cert. ef. 8-3-04; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2006, f. & cert. ef. 8-15-06; DEQ 15-2011, f. & cert. ef. 9-12-11

340-045-0075

Permit Fee Schedule

(1) OAR chapter 340, division 71 contains the fee schedule for onsite sewage disposal system permits, including WPCF permits, and graywater reuse and disposal system WPCF individual permits.

(2) DEQ establishes fees for various industrial, domestic and general water quality permits:

(a) Table 70A lists the application and modification fees that apply to industrial NPDES and WPCF individual permits.

(b) Table 70B lists the annual fees that apply to industrial NPDES and WPCF individual permits.

(c) Table 70C lists application, modification and annual fees for domestic NPDES and WPCF individual permits.

(d) Table 70D lists annual population fees.

(e) Table 70E lists annual pretreatment fees applicable to domestic wastewater systems.

(f) Table 70I lists application, annual and surcharge fees for Underground Injection Control rule authorizations and general permits.

(3) DEQ must consider the following criteria when classifying a facility for determining applicable fees. For industrial sources that discharge to surface waters, discharge flowrate refers to the system design capacity. For industrial sources that do not discharge to surface waters, discharge flow refers to the total annual flow divided by 365:

(a) Tier 1 industry. A facility is classified as a Tier 1 industry if the facility:

(A) Discharges at a flowrate that is greater than or equal to 1 mgd; or

(B) Discharges large biochemical oxygen demand loads; or

(C) Is a large metals facility; or

(D) Has significant toxic discharges; or

(E) Has a treatment system that will have a significant adverse impact on the receiving stream if not operated properly; or

(F) Needs special regulatory control, as DEQ determines .

(b) Tier 1 domestic facility. A facility is classified as a Tier 1 domestic facility if the facility:

(A) Has a dry weather design flow of 1 mgd or greater; or

(B) Serves an industry that can have a significant impact on the treatment system.

(c) Tier 2 industry or domestic facility: A facility is classified as Tier 2 if it does not meet Tier 1 qualifying factors.

(4) New-permit application fee. Unless waived by this rule, the applicant must submit the applicable new-permit application fee listed in Table 70A, 70C, 70G, or 70J with each application. The facility category and type of permit (e.g., individual vs. general) determines the amount of the fee.

(5) Permit modification fee. Tables 70A and 70C list the permit modification fees. Permit modification fees vary with the type of permit, the type of modification and the timing of modification as follows:

(a) Modification at time of permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by DEQ;

(B) Minor modification — does not involve significant analysis by DEQ.

(b) Modification prior to permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by DEQ. DEQ may require a permittee requesting a significant modification to their permit to enter into an agreement to pay for these services according to ORS 468.073. ORS 468.073 allows DEQ "to expedite or enhance a regulatory process by contracting for services, hiring additional staff or covering costs of activities not otherwise provided during the ordinary course of department business;"

(B) Minor modification — does not involve significant analysis by DEQ.

(6) Annual fees. Tables 70B and 70G list applicable annual fees for general and industrial permit holders. Table 70H lists applicable annual fees for Municipal Separate Storm Sewer general permits. Annual fees for domestic sources may also be found in Table 70C and include the following:

(a) Annual fee. This is based on the type of treatment system, the dry weather design flow and the duration assigned to the permit before a renewal application is required;

(b) Population-based fee. A permit holder with treatment systems other than Type F (septage alkaline stabilization facilities) must pay an annual population-based fee. Tables 70D lists the applicable fee;

(c) Pretreatment fee. A source DEQ requires to administer a pretreatment program under federal pretreatment program regulations (40C.F.R.C.F.R., Part 403; January 29, 1981 and its amendments) must pay an additional annual fee plus a fee for each significant industrial user specified in their annual report for the previous year. Table 70E lists the applicable fee.
(7) Technical activities fee. Tables 70F list the technical activity, plan review and administrative fees. They are categorized as follows:

(a) All permits. A permittee must pay a fee for NPDES and WPCF individual and general permit-related technical activities and DEQ review of environmental management plans. DEQ will charge fee for initial submittal of engineering plans and specifications. DEQ will not charge fees for revisions and re-submittals of engineering plans and specifications or for facilities plans, design studies, reports, change orders, or inspections;

(b) General permits. A permittee must pay the technical activity fee shown in Table 70F when the following activities are required for application review:

(A) Disposal system and environmental management plan review;

(B) Site inspection and evaluation.

(8) For permits the Oregon Department of Agriculture administers, the permit applicant or permit holder must pay the permit fees following the fee schedule the Oregon Department of Agriculture establishes.

(9) Administrative activity fees are listed in Table 70F:

(a) The electronic reporting requirement waiver fee applies to permit holders who qualify for a temporary waiver exempting them from submitting data and reports electronically.

b) A permittee must pay a fee for a transfer of ownership and requests for a change to the legal or common name on the permit issued to the facility. Permittees must notify DEQ and submit a request for permit transfer under OAR 340-045-0045 not later than 30 days after the transfer.

[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of table(s).]

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035
Stats. Implemented: ORS 468B.195, ORS 468.065, 468B.015, 468B.035 & 468B.050
Hist.: DEQ 113, f. & ef. 5-10-76; DEQ 129, f. & ef. 3-16-77; DEQ 31-1979, f. & ef. 10-1-79; DEQ 18-1981, f. & ef. 7-13-81; DEQ 12-1983, f. & ef. 6-2-83; DEQ 9-1987, f. & ef. 6-3-87; DEQ 18-1990, f. & cert. ef. 6-7-90; DEQ 10-1991, f. & cert. ef. 7-1-91; DEQ 9-1992, f. & cert. ef. 6-5-92; DEQ 10-1992, f. & cert. ef. 6-9-92; DEQ 30-1992, f. & cert. ef. 12-18-92; DEQ 20-1994, f. & cert. ef. 10-7-94; DEQ 4-1998, f. & cert. ef. 3-30-98; Administrative correction 10-22-98; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 7-2004, f. & cert. ef. 8-3-04; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2006, f. & cert. ef. 8-15-06; DEQ 5-2007, f. & cert. ef. 7-3-07; DEQ 8-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & cert. ef. 6-30-11; DEQ 15-2011, f. & cert. ef. 9-12-11; DEQ 6-2012, f. 10-31-12, cert. ef. 11-1-12; DEQ 8-2013, f. 10-23-13, cert. ef. 11-1-13; DEQ 13-2014, f. 11-14-14, cert. ef. 12-1-14; DEQ 16-2015, f. 12-10-15, cert. ef. 1-1-16

Permit Fee Schedule

Table 70A **Industrial NPDES and WPCF Individual Permits:** **Application and Modification Fees**		
Application fees for new industrial permits		
Tier 1 Industrial Facilities	$61,859	
Tier 2 Industrial Facilities	$12,449	
Special WPCF Permits (OAR 340-045-0061)	$589	
Note: New permit applications must include the annual fee specified in Table 70B in addition to the new permit application fee listed above. The application fee is not required for renewal unless a modification is needed or requested.		
Modification Fees	Major	Minor

Table 70A

Industrial NPDES and WPCF Individual Permits:

Application and Modification Fees

Application fees for new industrial permits			
	At Permit Renewal	Prior to Expiration	
Tier 1 Industrial Facilities	$15,541	$30,880	$1,083
Tier 2 Industrial Facilities	$3,951	$6,172	$1,083
Note: A new application, application fee and modification fee must accompany all requests for permit modification.			

OAR 340-045-0075

Table 70B

Industrial NPDES and WPCF Individual Permit Annual Fees

Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2
B01	Pulp, paper, or other fiber pulping industry	$21,630	N	$20,075	N
Food or beverage processing - includes produce, meat, poultry, seafood or dairy for human, pet, or livestock consumption:					
B02	Washing or packing only	N	$3,007	N	$2,767
B03	Processing – small. Flow ≤ 0.1 mgd, or 0.1 < flow < 1 mgd for less than 180 days per year	N	$4,496	N	4,253
B04	Processing – medium. 0.1 mgd < Flow < 1 mgd for 180 or more days per year, or flow ≥ 1 mgd for less than 180 days per year	N	$6,344	N	$6,102
B05	Processing – large. Flow ≥ 1 mgd for 180 or more days per year	$21,630	$19,006	$20,075	$18,761
Primary Smelting or Refining:					

OAR 340-045-0075

Table 70B

Industrial NPDES and WPCF Individual Permit Annual Fees

Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2
B06	Aluminum	$21,630	$19,006	$20,075	$18,761
B07	Non-ferrous metals utilizing sand chlorination separation facilities	$21,630	$19,006	$20,075	$18,761
B08	Ferrous and non-ferrous metals not elsewhere classified	$12,370	$9,744	$10,815	$9,504
B09	Chemical manufacturing with discharge of process wastewater	$21,630	$19,006	$20,075	$18,761
B10	Cooling water discharges in excess of 20,000 BTU per second	$12,370	$9,744	$10,815	$9,504
Mining Operations – includes aggregate or ore processing:					
B11	Large (over 500,000 cubic yards per year or involving chemical leaching)	$21,630	$19,006	$20,075	$18,761
B12	Medium (100,000 to 500,000 cubic yards per year)	N	$6,654	N	$6,412
B13	Small (less than 100,000 cubic yards per year)	N	$2,025	N	$1,784
All facilities not elsewhere classified which dispose of process wastewater (includes remediated groundwater):					
B14	Tier 1 sources	$21,630	N	$20,075	N
B15	Tier 2 sources	N	$4,185	N	$3,947
B16	All facilities not elsewhere classified which dispose of non-process wastewaters (for example: small cooling water discharges, boiler blowdown, filter backwash)	N	$2,802	N	$2,561
B17	Dairies, fish hatcheries and other confined feeding operations on individual permits	N	$2,452	N	$2,212
B18	All facilities which dispose of wastewater only by evaporation from watertight ponds or basins	N	N	N	$1,626
Timber and Wood Products					

OAR 340-045-0075

Table 70B

Industrial NPDES and WPCF Individual Permit Annual Fees

Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2
B19	Sawmills, log storage, instream log storage	$6,067	$3,442	$4,512	$3,199
B20	Hardboard, veneer, plywood, particle board, pressboard manufacturing, wood products	$6,415	$3,791	$4,863	$3,550
B21	Wood preserving	$5,429	$2,802	$3,874	$2,561

OAR 340-045-0075

Table 70C

Domestic NPDES and WPCF Individual Permits:

Application, Annual and Modification Fees

Description	Type	Criteria[1]	New Permit App. Fee[2]	Annual Fee (5yr)	Annual Fee (10yr)	Modifications	
						Major	Minor
Nondischarging Lagoons	E	No discharge flow	$4,035		$1,288	$2,065	$1,083
Lagoons Discharging to Surface Waters	Db	Flow < 1 mgd	$7,966	$1,545		$4,035	$1,083
	C2b	1 mgd ≤ Flow < 2 mgd	$39,435	$4,070		$19,766	$1,083
	C1b	2 mgd ≤ Flow < 5 mgd	$39,435	$5,576		$19,766	$1,083
	Bb	5 mgd ≤ Flow < 10 mgd	$39,435	$8,019		$19,766	$1,083

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Table 70C

Domestic NPDES and WPCF Individual Permits:

Application, Annual and Modification Fees

Description	Type	Criteria[1]	New Permit App. Fee[2]	Annual Fee (5yr)	Annual Fee (10yr)	Modifications	
						Major	Minor
Non-Lagoon Treatment Systems	Da	Flow < 1 mgd	$7,966	$2,192	$2,034	$4,035	$1,083
	C2a	1 mgd ≤ Flow < 2 mgd	$39,435	$6,921	$5,929	$19,766	$1,083
	C1a	2 mgd ≤ Flow < 5 mgd	$39,435	$10,197	$9,206	$19,766	$1,083
	Ba	5 mgd ≤ Flow < 10 mgd	$39,435	$15,164	$14,172	$19,766	$1,083
	A3	10 mgd ≤ Flow < 25 mgd	$39,435	$23,656		$19,766	$1,083
	A2	25 mgd ≤ Flow < 50 mgd	$39,435	$50,191		$19,766	$1,083
	A1	≥ 50 mgd	$39,435	$85,399		$19,766	$1,083
Please see Table 70E and 70F for applicable population and pretreatment fees for the permits listed above.							
Municipal Separate Storm Sewer System	MS4	See 40 C.F.R.C.F.R. § 122.26	$21,900	$4,930		$1,902	$1,083
Underground Injection Control	UIC	As defined in 40 C.F.R.C.F.R. parts 9, 144-146	$12,449		$2,635	$2,065	$1,083

1. Based on Average Dry Weather Design Flow, or as defined in 40C.F.R.C.F.R. . .

2. New permit applications must include the annual fee in addition to the new permit application fee.

OAR 340-045-0075 Table 70D Domestic NPDES and WPCF Annual Population Fee	
Population range	Annual fee
500,000+	$114,734
400,000 to 499,999	$87,771
300,000 to 399,999	$60,810
200,000 to 299,999	$33,846
150,000 to 199,999	$27,373
100,000 to 149,999	$18,028
50,000 to 99,999	$11,307
25,000 to 49,999	$5,082
15,000 to 24,999	$2,893
10,000 to 14,999	$1,885
5,000 to 9,999	$1,146
1,000 to 4,999	$343
100 to 999	$65
0 to 99	$0

Oar 340-045-0075 Table 70E Annual Pretreatment Fees	
Description	Fee
Pretreatment Fee	$1,967

Oar 340-045-0075 Table 70E Annual Pretreatment Fees	
Significant Industrial User	$656 per industry

OAR 340-045-0075 Table 70F All NPDES and WPCF[1] Permits: Technical Activity, Plan Review and Other Fees	
Activity	Fee
New or substantially modified facility	$9,049
Minor facility or pump station modifications	$983
Major system or pressure system expansion	$690
Minor system expansion or modification	$196
New or substantially modified septage alkaline stabilization facility	$983
Disposal system and environmental management plan review[2]	$616
Site inspection and evaluation[2]	$1,541
Other Fees	
Temporary electronic reporting requirement waiver	$750
Permit transfer, legal name change.	$97
1. Does not include Onsite septic systems. Please see Tables 9A-9F in OAR 340-071 for appropriate technical activity fees. 2. This fee is not charged to new applicants for individual NPDES and WPCF permits. Plans updated after the permit is issued are subject to plan review as specified in the permit.	

OAR 340-045-0075 Table 70G General NPDES and WPCF Permits: Application and Annual Fees				
Number	Type	Description	New Permit App. Fee[1]	Annual Fee
100-J	NPDES	Cooling water/heat pumps	$252	$574
200-J	NPDES	Filter backwash	$252	$574
300-J	NPDES	Fish hatcheries	$402	$574
400-J	NPDES	Log ponds	$252	$574
500-J	NPDES	Boiler blowdown	$252	$574
900-J	NPDES	Seafood processing	$252	$574
1400-A	WPCF	Wineries and seasonal fresh pack operations whose wastewater flow is ≤ 25,000 gallons/day and is only disposed of by land irrigation.	$252	$336
1400-B	WPCF	Wineries and small food processors not otherwise eligible for a 1400A general permit.	$402	$574
1500-A	NPDES	Petroleum hydrocarbon clean-up	$402	$574
1500-B	WPCF	Petroleum hydrocarbon clean-up	$402	$574
1700-A	NPDES	Vehicle and equipment wash water	$559	$574
1700-B	WPCF	Vehicle and equipment wash water	$559	$574
1900-J	NPDES	Non-contact geothermal heat exchange	$559	$574
Residential and Commercial Graywater and Industrial Reuse Water				
2401	WPCF	Tier 1 graywater reuse and disposal system for residential systems: ≤ 300 gallons/day, or equivalent	$52	$41

OAR 340-045-0075 Table 70G General NPDES and WPCF Permits: Application and Annual Fees				
Number	Type	Description	New Permit App. Fee[1]	Annual Fee
		specific geographic area graywater reuse and disposal area permit		
2402	WPCF	Tier 2 graywater reuse and disposal system for systems: ≤ 1,200 gallons/day, or equivalent specific geographic area graywater reuse and disposal area permit	$550	$52
2501	WPCF	Industrial reuse water free of human and animal waste suitable for reuse without secondary or advanced treatment and ≤ 25,000 gallons/day	$559	$574
Stormwater General Permits[3]				
1200-A	NPDES	Stormwater: Sand, gravel, and other non-metallic mining	$981	$1,009
1200-C	NPDES	Stormwater: Construction activities – one acre or more	$981	$1,009
1200-C	NPDES	Stormwater: Construction activities – less than one acre and part of a common plan of development disturbing one or more acres	$288	$0
1200-CA	NPDES	Stormwater: Construction activities performed by public agencies – one acre or more	$981	$1,009
1200-Z	NPDES	Stormwater: Industrial	$981	$1,009
4000-MS4	NPDES	Municipal Separate Storm Sewer System (MS4): Conveyance system owned or operated by municipality, special district, hospital, port, school district, etc.	$981	Please see Table 70H
Mining General Permits				
600	WPCF	Offstream small scale mining – Processing < 5 cubic yds/day, or < 1,500 cubic yds/year	$0	$0

OAR 340-045-0075

Table 70G

General NPDES and WPCF Permits:

Application and Annual Fees

Number	Type	Description	New Permit App. Fee[1]	Annual Fee
		Offstream small scale mining – Processing 1,500 - 10,000 cubic yds/year	$252	$0
700	NPDES	Suction dredges	$0	$25
1000	WPCF	Gravel mining	$252	$574
Other General Permits				
DOM-F	WPCF	Septage alkaline stabilization facilities	$1,083	$444
All other permits not elsewhere classified.			$559	$574

1. New permit applications must include both the new permit application fee and the first year's annual fee.

2. Stormwater construction and industrial permits are also administered by public agencies and local districts under contract with DEQ.

OAR 340-045-0075

Table 70H

Municipal Separate Storm Sewer System

General Permits:

Annual Fees Based on Population

Population Range	Fee
50,000+	$1,133
25,000 to 49,999	$927
15,000 to 24,999	$876
10,000 to 14,999	$773

OAR 340-045-0075

Table 70H

Municipal Separate Storm Sewer System

General Permits:

Annual Fees Based on Population

Population Range	Fee
5,000 to 9,999	$670
1,000 to 4,999	$567
100 to 999	$67
0 to 99	$0

OAR 340-045-0075

Table 70I

Underground Injection Control: Rule Authorized and General Permits

Application Fees, Annual Fees and Surcharges

Type	Category	Application Fee	Annual Fee	Class of Injection	Surcharge	
					Application	Annual
Authorized By Rule[1]	Low Risk Injection of Stormwater Only	None	None	Low Risk	$100	None
	Non-Stormwater Injection[2]	None	None	Medium Risk	$125	None
		None	None	Low Risk	$100	None

OAR 340-045-0075

Table 70I

Underground Injection Control: Rule Authorized and General Permits

Application Fees, Annual Fees and Surcharges

Type	Category	Application Fee	Annual Fee	Class of Injection	Surcharge	
					Application	Annual
	All Other UIC's Draining Stormwater from Any Surface			Medium Risk	$125	None
				High Risk	$300	$100
1200-U General Permit[3]	Stormwater Injection	$559	$574	Low Risk	$100	None
				Medium Risk	$125	None
				High Risk	$300	$100
1900-B General Permit	Injection During Geothermal Exploration	$559	$574			

1. Includes facilities with less than 50 injection systems. All systems must be located over 500 feet from a water well and outside a 2 -year time of travel from a water source.

2. Includes aquifer storage and recovery, low temperature geothermal injection, remediation and other underground injection control systems that do not drain stormwater.

3. Includes facilities with less than 50 injection systems and for systems within 500 ft from a water well and within a 2-year time of travel from a water source.

Effect of a Permit

340-045-0080

Purpose

(1) A permittee in compliance with a National Pollutant Discharge Elimination System (NPDES) permit during its term is considered to be in compliance for purposes of enforcement, with Sections 301, 302, 306, 307, 318, 403, and 405(a)-(b) of the federal Clean Water Act (CWA) and ORS 468B.030, 468B.035, and 468B.048, and implementing rules, applicable to effluent limitations, including effluent limitations based on water quality basin standards, and treatment systems operation requirements. This section does not apply to:

(a) Toxic effluent standards and prohibitions imposed under Section 307 of the CWA, and OAR Chapter 340, Division 41;

(b) Standards for sewage sludge use or disposal under Section 405(d) of the CWA; or

(c) Groundwater quality protection requirements as specified in OAR Chapter 340, Division 40.

(2) Section (1) of this rule does not prevent DEQ from instituting any proceeding for any modifications, revocation, or suspension of a permit during its term. This includes any modification of a permit necessary to implement and enforce Oregon statutes or rules enacted or adopted after DEQ issued the permit.

(3) Compliance with permit conditions that implement a particular standard for sewage sludge use or disposal is an affirmative defense in any enforcement action brought for a violation of that standard for sewage sludge use or disposal under Sections 405(e) and 309 of the CWA.

(4) Nothing in this rule prevents DEQ from instituting any proceeding against a permittee for violating ambient water quality standards, outside of any applicable mixing zone, in effect at the time the permit issued, that are not implemented through an effluent limitation.

(5) The Commission may adopt rules that apply to existing permits when either the Commission or the Governor declares an emergency.

Stat. Auth.: ORS 468.020 & ORS 468B.035
Stats. Implemented: ORS 468.020 & ORS 468B.035
Hist.: DEQ 18-1992, f. & cert. ef. 8-7-92 (and corrected 8-12-92); DEQ 10-1993, f. & cert. ef. 6-17-93

340-045-0100

Initiation Level Rule

(1) Definitions. The definitions in ORS 468B.138 are adopted by reference. In addition, for purposes of this rule, the following definitions apply:

(a) “Persistent Pollutants” are substances that are toxic and that either persist in the environment or accumulate in the tissues of humans, fish, wildlife or plants, and are listed in Column 2 of Table A.

(b) “Permittee” means a municipality in possession of a National Pollutant Discharge Elimination System or water pollution control facility permit issued by the DEQ pursuant to ORS 468B.050 for a sewage treatment facility that has a dry weather design flow capacity of one million gallons per day or more.

(c) “Initiation level” is the concentration of a persistent pollutant in a permittee’s effluent that, if exceeded, requires preparing a persistent pollutant reduction plan under ORS 468B.140.

(2) Initiation levels.

(a) Initiation levels for persistent pollutants are those values contained in Table A, or the analytical quantitation limit (concentration at which quantitative results can be reported with a high degree of confidence), whichever is higher.

(b) Initiation levels are not standards of quality and purity for the waters of this state for the purposes of ORS 468B.048 or the federal Clean Water Act.

(c) Except as specified in subsection (f), each permittee must measure the concentration of the persistent pollutants listed in Table A in its effluent, compare the results of these measurements to the initiation levels, determine whether any persistent pollutant exceeds its initiation level, and document this proposed determination in a report to DEQ. Existing permittees must file the report no later than 60 calendar days after receiving laboratory results. Permittees that first become subject to this rule after its effective date must file the report within 18 months after the permittee becomes subject to the rule, unless the permittee requests and is granted a longer period by DEQ.

(d) DEQ will review this report to verify that the proposed determination is based on reliable information. If DEQ finds that the proposed determination is not based on reliable information, DEQ will make an independent determination of whether an initiation level has been exceeded.

(e) Except as specified in subsection (g), each permittee must prepare and submit to DEQ a written persistent pollutant reduction plan under ORS 468B.140(1)(a) addressing persistent pollutants that exceed the initiation level. Existing permittees must submit the plan no later than July 1, 2011. Permittees that first become subject to this rule after the effective date of this rule must submit the plan to DEQ within six months after the determination report required by subsection (c) is submitted, or, if DEQ makes an independent determination, six months from the date of DEQ’s independent determination, or within a timeframe established by DEQ.

(f) DEQ may suspend, by written order, the requirement to measure or develop a persistent pollutant reduction plan for a listed persistent pollutant under the following circumstances:

(A) If DEQ determines it is not technically practicable to measure the pollutant in effluent or if DEQ removes a pollutant from the Priority Persistent Pollutant List; or

(B) If, based on additional monitoring done under a persistent pollutant reduction plan, DEQ determines that it is unlikely that a pollutant exists in a permittee’s effluent; or

(C) If sampling of a permittee’s effluent demonstrates that the pollutant concentration is lower than the initiation level; or

(D) If DEQ determines that there are no available laboratories capable of performing the analysis for the pollutant; or

(E) If a permittee is subject to duplicative or more stringent requirements addressing the same pollutant; or

(F) For permittees that become subject to this rule after this effective date, if DEQ determines a pollutant is unlikely to be present in effluent based on a review of available effluent data at the facility or similar facilities in the state.

(g) Permittees are not required to develop a persistent pollutant reduction plan to address cholesterol or coprostanol.

[ED. NOTE: Click here for PDF copy of table(s).]

Stat. Auth.: ORS 468.020 & 468B.141
Stats. Implemented: ORS 468B.138 - 468B.144
Hist.: DEQ 6-2010, f. & cert. ef. 7-6-10; DEQ 3-2011(Temp), f. & cert. ef. 3-15-11 thru 9-11-11; Administrative correction 9-23-11; MHS 9-2011(Temp), f. & cert. ef. 11-22-11 thru 5-18-12; DEQ 17-2011, f. & cert. ef. 11-18-11

DEQ
State of Oregon Department of Environmental Quality

OAR 340-045-0100
TABLE A

For the pollutants listed in italics below, the initiation level is the 2009 National Primary Drinking Water Standards Maximum Contaminant Level (MCL).

CASRN	Chemical Name	Initiation Level
120-12-7	Anthracene	0.01
7440-38-2	*Arsenic Compounds*	10
56-55-3	Benz(a)anthracene	0.02
50-32-8	*Benzo(a)pyrene*	0.2
205-99-2	Benzo(b)fluoranthene	0.5
191-24-2	Benzo(g,h,i)perylene	2
207-08-9	Benzo(k)fluoranthene	0.002
98-07-7	Benzotrichloride	0.03
82657-04-	Bifenthrin	0.02
56-35-9	Bis (tributyltin) oxide [TBTO, hexabutyldistannoxane	0.008
7440-43-9	*Cadmium Compounds*	5

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TABLE A

For the pollutants listed in italics below, the initiation level is the 2009 National Primary Drinking Water Standards Maximum Contaminant Level (MCL).

CASRN	Chemical Name	Initiation Level
5103-71-9	*Chlordane, cis-*	2
5103-74-2	*Chlordane, trans-*	2
143-50-0	Chlordecone [Kepone]	0.5
2921-88-2	Chlorpyrifos	0.04
57-88-5	Cholesterol	0.06
218-01-9	Chrysene [benzo(a)phenanthrene]	2
360-68-9	Coprostanol	0.04
541-02-6	Cyclopentasiloxane, decamethyl- [D5]	16
556-67-2	Cyclotetrasiloxane, octamethyl- [D4]	7
72-54-8	DDD, 4,4'-	0.1
72-55-9	DDE, 4,4'-	0.1
50-29-3	DDT, 4,4'-	0.001
434-90-2	Decafluorobiphenyl	18
52918-63-	Deltamethrin [decamethrin]	0.0004
333-41-5	Diazinon	0.2
53-70-3	Dibenz(a,h)anthracene	0.04
115-32-2	Dicofol	6
60-57-1	Dieldrin	0.002
56-53-1	Diethylstilbestrol	87
88-85-7	*Dinoseb*	7
1746-01-6	*Dioxins/furans [as 2,3,7,8-TCDD TEQ]*	3×10^{-5}
1031-07-8	Endosulfan sulfate	0.1
72-20-8	*Endrin*	2
66230-04-	Esfenvalerate	0.02
13356-08-	Fenbutatin-oxide	0.5
120068-	Fipronil	15

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TABLE A

For the pollutants listed in italics below, the initiation level is the 2009 National Primary Drinking Water Standards Maximum Contaminant Level (MCL).

CASRN	Chemical Name	Initiation Level
206-44-0	Fluoranthene [benzo(j,k)fluorine]	0.04
1222-05-5	Galaxolide [HHCB]	29
76-44-8	*Heptachlor*	0.4
1024-57-3	*Heptachlor epoxide*	0.2
32241-08-	Heptachloronaphthalene	0.4
25637-99-	Hexabromocyclododecane [HBCD]	7
118-74-1	*Hexachlorobenzene [HCB]*	1
319-84-6	Hexachlorocyclohexane, alpha-	0.006
319-85-7	Hexachlorocyclohexane, beta-	0.04
58-89-9	*Hexachlorocyclohexane, gamma-*	0.2
1335-87-1	Hexachloronaphthalene	1.4
70-30-4	Hexachlorophene	2
193-39-5	Indeno(1,2,3-cd)pyrene	0.5
465-73-6	Isodrin	0.6
91465-08-	Lambda-cyhalothrin	0.01
7439-92-1	*Lead Compounds*	15
330-55-2	Linuron	0.09
22967-92-	Methylmercury	0.004
832-69-9	Methylphenanthrene, 1-	0.7
2381-21-7	Methylpyrene, 1-	20
2385-85-5	Mirex	0.001
15323-35-	Musk indane	10
81-14-1	Musk ketone	30
145-39-1	Musk tibetene	4
81-15-2	Musk xylene	100

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TABLE A

For the pollutants listed in italics below, the initiation level is the 2009 National Primary Drinking Water Standards Maximum Contaminant Level (MCL).

CASRN	Chemical Name	Initiation Level
88671-89-	Myclobutanil	200
5103-73-1	Nonachlor, cis-	2
39765-80-	Nonachlor, trans-	2
29082-74-	Octachlorostyrene	0.2
27304-13-	Oxychlordane, single isomer	0.4
42874-03-	Oxyfluorfen	1.3
5436-43-1	PBDE-047 [2,2',4,4'-Tetrabromodiphenyl	0.7
60348-60-	PBDE-099 [2,2',4,4',5-	0.7
189084-	PBDE-100 [2,2',4,4',6-	0.7
68631-49-	PBDE-153 [2,2',4,4',5,5'-	1
1163-19-5	PBDE-209 [decabromodiphenyl ether]	0.1
7012-37-5	*PCB-028 [2,4,4'-trichlorobiphenyl]*	0.5
35693-99-	*PCB-052 [2,2',5,5'-tetrachlorobiphenyl]*	0.5
32598-13-	*PCB-077 [3,3',4,4'-tetrachlorobiphenyl]*	0.5
70362-50-	*PCB-081 [3,4,4',5-tetrachlorobiphenyl]*	0.5
37680-73-	*PCB-101 [2,2',4,5,5'-*	0.5
32598-14-	*PCB-105 [2,3,3',4,4'-*	0.5
74472-37-	*PCB-114 [2,3,4,4',5-*	0.5
31508-00-	*PCB-118 [2,3',4,4',5-*	0.5
65510-44-	*PCB-123 [2',3,4,4',5-*	0.5
57465-28-	*PCB-126 [3,3',4,4',5-*	0.5
35065-28-	*PCB-138 [2,2',3,4,4',5'-*	0.5
35065-27-	*PCB-153 [2,2',4,4',5,5'-*	0.5
38380-08-	*PCB-156 [2,3,3',4,4',5-*	0.5
69782-90-	*PCB-157 [2,3,3',4,4',5'-*	0.5

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TABLE A

For the pollutants listed in italics below, the initiation level is the 2009 National Primary Drinking Water Standards Maximum Contaminant Level (MCL).

CASRN	Chemical Name	Initiation Level
52663-72-	*PCB-167 [2,3',4,4',5,5'-*	0.5
32774-16-	*PCB-169 [3,3',4,4',5,5'-*	0.5
35065-29-	*PCB-180 [2,2',3,4,4',5,5'-*	0.5
39635-31-	*PCB-189 [2,3,3',4,4',5,5'-*	0.5
40487-42-	Pendimethalin	6
1825-21-4	Pentachloroanisole [2,3,4,5,6-	35
608-93-5	Pentachlorobenzene	6
1321-64-8	Pentachloronaphthalene	4
82-68-8	Pentachloronitrobenzene	20
375-85-9	Perfluoroheptanoic acid [PFHpA]	300
375-95-1	Perfluorononanoic acid [PFNA]	1
754-91-6	Perfluorooctane sulfonamide [PFOSA]	0.2
1763-23-1	Perfluorooctane sulfonic acid [PFOS]	300
335-67-1	Perfluorooctanoic acid [PFOA]	24
85-01-8	Phenanthrene	0.4
2062-78-4	Pimozide	3
67747-09-	Prochloraz	2
129-00-0	Pyrene	0.03
80214-83-	Roxithromycin	710
7782-49-2	*Selenium Compounds]*	50
83-45-4	Sitostanol, beta- [stigmastanol]	75
83-46-5	Sitosterol, beta-	25
92-94-4	Terphenyl, p-	11
79-94-7	Tetrabromobisphenol A [TBBPA]	980
1335-88-2	Tetrachloronaphthalene	14

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TABLE A

For the pollutants listed in italics below, the initiation level is the 2009 National Primary Drinking Water Standards Maximum Contaminant Level (MCL).

CASRN	Chemical Name	Initiation Level
1321-65-9	Trichloronaphthalene	43
95-95-4	Trichlorophenol, 2,4,5-	18
88-06-2	Trichlorophenol, 2,4,6-	2
3380-34-5	Triclosan [2,4,4'-trichloro-2'-hydroxydiphenyl ether]	70
1582-09-8	Trifluralin	1.1
732-26-3	Tris-(1,1-dimethylethyl)phenol, 2,4,6-	6

340-045-0105

Intake Credits

(1) General Provisions. The following provisions apply to the consideration of intake pollutants in determining reasonable potential under section (2) of this rule and the consideration of intake pollutants in establishing water quality based effluent limits under section (3) of this rule.

These provisions do not alter the permitting authority's obligation under 40 C.F.R. §122.44(d)(vii)(B) to develop effluent limitations consistent with the assumptions and requirements of any available waste load allocations for the discharge, that is part of a TMDL prepared by DEQ and approved by the U.S. EPA under 40 C.F.R. §130.7, or prepared by the EPA under 40 C.F.R. §130.7(d).

(a) An "intake pollutant" is the amount of a pollutant that is present in public waters, including groundwater as provided in subsection (d), below, at the time it is withdrawn from such waters by the discharger or other facility supplying the discharger with intake water.

(b) An intake pollutant is considered to be from the “same body of water” as the discharge if DEQ finds that the intake pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee. This finding may be deemed established if:

(A) The background concentration of the pollutant in the receiving water (excluding any amount of the pollutant in the facility's discharge) is similar to that in the intake water;

(B) There is a direct hydrological connection between the intake and discharge points; and

(C) Water quality characteristics (e.g., temperature, pH, hardness) are similar in the intake and receiving waters.

(c) DEQ may also consider other site-specific factors relevant to the transport and fate of the pollutant to make the finding in a particular case that a pollutant would or would not have reached the vicinity of the outfall point in the receiving water within a reasonable period had the permittee not removed it.

(d) An intake pollutant from groundwater may be considered to be from the “same body of water” if DEQ determines that the pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had the permittee not removed it, except that such a pollutant is not from the same body of water if the groundwater contains the pollutant partially or entirely due to human activity, such as industrial, commercial, or municipal operations, disposal actions, or treatment processes.

(e) The determinations made under Sections (2) and (3), below, will be made on a pollutant-by-pollutant and outfall-by-outfall basis.

(2) Consideration of Intake Pollutants in Determining Reasonable Potential:

(a) DEQ may determine that there is “no reasonable potential” for the discharge of an identified intake pollutant to cause or contribute to an excursion above a narrative or numeric water quality criterion contained in Oregon’s water quality standards where a discharger demonstrates to DEQ’s satisfaction, based on information provided in the permit application or other information, that:

(A) The facility withdraws 100 percent of the intake water containing the pollutant from the same body of water into which the discharge is made;

(B) The facility does not contribute any additional mass of the identified intake pollutant to its wastewater;

(C) The facility does not alter the identified intake pollutant chemically or physically in a manner that would cause adverse water quality impacts to occur that would not occur if the pollutants were left in-stream;

(D) The facility does not increase the identified intake pollutant concentration at the edge of the mixing zone, or at the point of discharge if a mixing zone is not allowed, as compared to the pollutant concentration in the intake water, unless the increased concentration does not cause or contribute to an excursion above an applicable water quality standard; and

(E) The timing and location of the discharge would not cause adverse water quality impacts to occur that would not occur if the identified intake pollutant were left in-stream.

(b) Upon a finding under subsection (a) of this section that an intake pollutant in the discharge does not cause, have the reasonable potential to cause, or contribute to an excursion above an applicable water quality standard, DEQ is not required to include a water quality-based effluent limit for the identified intake pollutant in the facility's permit, provided:

(A) The NPDES permit evaluation report includes a determination that there is no reasonable potential for the discharge of an identified intake pollutant to cause or contribute to an excursion above an applicable numeric water quality criterion and references appropriate supporting documentation included in the administrative record;

(B) The permit requires all influent, effluent, and ambient monitoring necessary to demonstrate that the conditions above in subsection (a) of this section are maintained during the permit term; and

(C) The permit contains a re-opener clause authorizing modifying or revoking and re-issuing the permit if new information shows the discharger no longer meets the conditions in subsection (a)(A) through (E) of this section.

(3) Consideration of Intake Pollutants in Establishing Water Quality Based Effluent Limits (WQBELs):

(a) DEQ may consider pollutants in intake water as provided in section (3) when establishing water quality-based effluent limitations based on narrative or numeric criteria, provided that the discharger has demonstrated that the following conditions are met:

(A) The facility withdraws 100 percent of the intake water containing the pollutant from the same body of water into which the discharge is made;

(B) The observed maximum ambient background concentration and the intake water concentration of the pollutant exceed the most stringent applicable water quality criterion for that pollutant;

(C) The facility does not alter the identified intake pollutant chemically or physically in a manner that would cause adverse water quality impacts to occur that would not occur if the pollutants were left in-stream;

(D) The facility does not increase the identified intake pollutant concentration, as defined by DEQ, at the point of discharge as compared to the pollutant concentration in the intake water; and

(E) The timing and location of the discharge would not cause adverse water quality impacts to occur that would not occur if the identified intake pollutant were left in-stream.

(b) Where the conditions in subsection (a) of this section are met, DEQ may establish a water quality-based effluent limitation allowing the facility to discharge a mass and concentration of the intake pollutant that are no greater than the mass and concentration found in the facility’s intake water. A discharger may add mass of the pollutant to its waste stream if an equal or greater mass is removed prior to discharge, so there is no net addition of the pollutant in the discharge compared to the intake water.

(c) Where proper operation and maintenance of a facility’s treatment system results in the removal of an intake water pollutant, DEQ may establish limitations that reflect the lower mass and concentration of the pollutant achieved by such treatment.

(d) Where a municipal water supply system provides intake water for a facility and the supplier provides treatment of the raw water that removes an intake water pollutant, the concentration of the intake water pollutant will be determined at the point where the water enters the water supplier's distribution system.

(e) Where a facility discharges intake pollutants from multiple sources that originate from the receiving water body and from other water bodies, DEQ may derive an effluent limitation reflecting the flow-weighted amount of each source of the pollutant provided that adequate monitoring to determine compliance can be established and is included in the permit.

(f) The permit will specify how compliance with mass and concentration-based limitations for the intake water pollutant will be assessed. This may be done by basing the effluent limitation on background concentration data. Alternatively, DEQ may determine compliance by monitoring the pollutant concentrations in the intake water and in the effluent. This monitoring may be supplemented by monitoring internal waste streams or by a department evaluation of the use of best management practices.

(g) In addition to the above, DEQ must establish effluent limitations to comply with all other applicable State and Federal laws and regulations including technology-based requirements and anti-degradation policies.

(h) When determining whether WQBELs are necessary, information from chemical-specific, DEQ will consider whole effluent toxicity and biological assessments independently.

(i) Permits limits must be consistent with the assumptions and requirements of waste load allocations or other provisions in a TMDL that has been approved by the EPA.

Stat. Auth.: ORS 468.020, 468B.010, 468B.020, 468B.035, 468B.110
Stats. Implemented: ORS 468B.048
Hist.: DEQ 10-2011, f. & cert. ef. 7-13-11

DIVISION 71

ONSITE WASTEWATER TREATMENT SYSTEMS

340-071-0100

Definitions

As used in OAR 340, divisions 71 and 73, unless otherwise specified:

(1) "Absorption Area" means the entire area used for underground dispersion of the liquid portion of sewage including the area designated for a future replacement system. It may consist of a seepage pit, absorption field, or combination of the two. It may also consist of a cesspool, seepage bed, bottomless sand filter, or evapotranspiration-absorption system.

(2) "Absorption Facility" means a system of open-jointed or perforated piping, alternative distribution units, or other seepage systems for receiving the flow from septic tanks or other treatment facilities that are designed to distribute effluent for oxidation and absorption by the soil within the zone of aeration.

(3) "Absorption Field" means a system of absorption trenches, a seepage trench, or a system of seepage trenches.

(4) "Absorption Trench" means a ditch or a trench installed into soil, permeable saprolite, or diggable bedrock, with vertical sides and a substantially flat bottom.

(5) "Active Sand Dune" means wind-drifted ridges and intervening valleys, pockets, and swales of sand adjacent to the beach. The sand is grayish-brown with little or no horizon, color, or textural difference. Active dunes are either bare of vegetation or lack sufficient vegetation to prevent blowing of sand.

(6) "Aerobic Sewage Treatment Facility" means a sewage treatment plant that incorporates a means of introducing air and oxygen into the sewage to provide aerobic biochemical stabilization during a detention period. Aerobic sewage treatment facilities may include anaerobic processes as part of the treatment system.

(7) "Aerobic System" means an alternative system that incorporates a septic tank or other treatment facility, an aerobic sewage treatment facility, and an absorption facility to provide treatment before dispersal.

(8) "Agent" means the director or person authorized to act on the director’s behalf, frequently referring to DEQ or contract county staff performing onsite permitting activities.

(9) "Alteration" means expansion or change in location of an existing system or any part of it. Major alteration is the expansion or change in location of the soil absorption facility, treatment unit, or any part of it. Minor alteration is the replacement or relocation of a septic tank or other components of the system other than the soil absorption facility, or a change in distribution technique or method.

(10) "Alternative System" means any onsite wastewater treatment system DEQ or the commission approves for use in lieu of the standard subsurface system.

(11) "Alternative Treatment Technologies" means an alternative system that incorporates aerobic and other treatment technologies or units not specifically described elsewhere in this division.

(12) "Approved Material" means construction items that DEQ approved for use.

(13) "Approved Criteria" means methods of design or construction that DEQ approved for use.

(14) "ASTM" means American Society of Testing Materials.

(15) "Authorization Notice" means a written document issued by an agent establishing that an existing onsite wastewater treatment system appears adequate for its intended use.

(16) "Authorized Representative" means a person with written authorization to act as another person's delegate.

(17) "Automatic Siphon" means a hydraulic device designed to rapidly discharge the contents of a dosing tank between predetermined liquid levels.

(18) "Bedroom" means any room within a dwelling accepted as a bedroom by state or local building departments.

(19) "Biochemical Oxygen Demand" (BOD5) means the quantity of oxygen used in the biochemical oxidation of organic matter in five days at 20 degrees centigrade under specified conditions and reported as milligrams per liter (mg/L).

(20) "Black Waste" means human body wastes including feces, urine, other substances of body origin, and toilet paper.

(21) "Capping Fill System" means an alternative system that incorporates an absorption trench with an effective sidewall installed a minimum of 12 inches into the natural soil below a soil cap of specified depth and texture.

(22) "Carbonaceous Biochemical Oxygen Demand" (CBOD5) means BOD minus the nitrogenous oxygen demand, typically measured in mg/L.

(23) "Cesspool" means a lined pit that receives raw sewage, allows separation of solids and liquids, retains the solids, and allows liquids to seep into the surrounding soil through perforations in the lining.

(24) "Chemical Recirculating Toilet Facility" means a toilet facility in which black wastes are deposited and carried from a bowl by a combination of chemically treated and filtered liquid waste and water.

(25) "Chemical Toilet Facility" means a nonflushing, nonrecirculating toilet facility in which black wastes are deposited directly into a chamber containing a solution of water and chemical.

(26) "Clayey Soil" means mineral soil with over 40 percent clay that shrinks and develops wide cracks when dry and swells and shears when wet, forming slickensides and wedge-shaped structure. Clayey soil is very hard or extremely hard when dry, very firm when moist, and very sticky and very plastic when wet.

(27) "Claypan" means a dense, compact clay layer in the subsoil. It has a much lower permeability than the overlying soil horizon from which it is separated by an abrupt boundary. Claypans are hard when dry and very sticky and very plastic when wet and impede movement of water, air, and growth of plant roots.

(28) "Combustion Toilet Facility" means a toilet facility wherein black wastes are deposited directly into a combination chamber for incineration.

(29) "Commercial Facility" means any structure or building or portion of one other than a single-family dwelling.

(30) "Commission" means the Environmental Quality Commission.

(31) "Community System" means an onsite system that serves more than one lot or parcel, more than one condominium unit, or more than one unit of a planned unit development.

(32) "Completed Application" means an application form that is completed in full, is signed by the owner or owner's authorized representative or, for WPCF permits, by the applicant or applicant's authorized representative, and is accompanied by all required exhibits and fees.

(33) "Conditions Associated with Saturation" means soil morphological properties that may indicate the presence of a water table that persists long enough to impair system function and create a potential health hazard. These conditions include depleted matrix chromas caused by saturation and not a relict or parent material feature, and the following:

(a) High chroma matrix with iron depletions. Soil horizons whose matrix chroma is 3 or more in which there are some visible iron depletions having a value 4 or more and a chroma of 2 or less. Iron-manganese concentrations as soft masses or pore linings may be present but are not diagnostic of conditions associated with saturation.

(b) Depleted matrix with iron concentrations. Soil horizons whose matrix color has a value of 4 or more and a chroma of 2 or less as a result of removal of iron and manganese oxides. Some visible zones of iron concentration are present as soft masses or pore linings.

(c) Depleted matrix without iron concentrations. Soil horizons whose color is more or less uniform with a value of 4 or more and a chroma of 2 or less as a result of removing iron and manganese oxides. These horizons lack visible iron concentrations as soft masses or pore linings.

(d) Reduced matrix. Soil horizons whose color has a value of 4 or more and a chroma of 2 or less with hues that are often, but not exclusively, on the gley pages of the Munsell Color Book. On exposure to air, yellow colors form within 24 hours as some of the ferrous iron oxidizes.

(e) Dark colored soils with organic matter accumulation. Mineral soils with a high amount of decomposed organic matter in the saturated zone, a value of 3 or less, and a chroma of 1 or less. Included in this category are organic soils with a minor amount of mineral matter.

(f) Soils with a dark surface. The upper surface layer has a dark color with a value of 3 or less and a chroma of 1 or less immediately underlain by a layer with a chroma of 2 or less.

(g) Iron stripping and staining in sandy soils. Soil horizons in which iron/manganese oxides or organic matter or both have been stripped from the matrix, exposing the primary base color of soil materials. The stripped areas and trans-located oxides or organic matter form a diffuse splotchy pattern of two or more colors.

(h) Salt-affected soils. Soils in arid and semi-arid areas that have visible accumulations of soluble salts at or near the ground surface.

(i) Dark colored shrink-swell soils. Vertisols whose colors have values of 3 or less and chromas of 1 or less. Iron concentrations may be present but are not diagnostic of conditions associated with saturation.

(j) Other soils that lack the diagnostic value and chroma as described in this section but remain saturated long enough to impair system function and have a high water table under OAR 340-071-0130(23).

(34) "Confining Layer" means a layer associated with an aquifer that, because of low permeability, does not allow water to move through it perceptibly under head differences occurring in the groundwater system.

(35) "Construction" includes installing a new system, or a part of one, or altering, repairing, or extending an existing system. The grading, excavating, and earth-moving work connected with installing, altering, or repairing a system or a part of one is considered system construction.

(36) "Contract County" means a local unit of government that has entered into an agreement with DEQ under OAR 340-071-0120 to perform duties of DEQ under this division.

(37) "Conventional Sand Filter" means a filter with 2 feet or more of sand filter media designed to chemically and biologically process septic tank or other treatment unit effluent from a pressure distribution system operated on an intermittent basis.

(38) "Curtain Drain" means a groundwater interceptor that is designed to divert groundwater from an absorption facility. The drain creates a "curtain" to block water from reaching the absorption facility.

(39) "Cut-manmade" means a land surface resulting from mechanical land shaping operations where the modified slope is greater than 50 percent and the depth of cut exceeds 30 inches.

(40) "DEQ" means the Department of Environmental Quality.

(41) "Design Capacity" means the maximum daily flow a system is designed to treat and disperse.

(42) "Design Criteria" means the criteria used in designing onsite wastewater treatment systems including but not limited to dimensions, geometry, type of materials, size of drain media or filter media, absorption field sizing, depth, grade or slope, hydraulic loading rate, or any other factor relevant to the successful operation of the system. It does not include absorption area siting criteria.

(43) "Designer" means a person who plans onsite wastewater treatment and dispersal technology for an onsite system.

(44) "Director" means the Director of the Department of Environmental Quality.

(45) "Disposal Trench" means "absorption trench."

(46) "Distribution Box" means a watertight structure that receives septic tank or other treatment facility effluent and distributes it concurrently into 2 or more header pipes leading to the absorption area.

(47) "Distribution Pipe" means an open-jointed or perforated pipe used in the dispersion of septic tank or other treatment facility effluent into absorption trenches, seepage trenches, or seepage beds.

(48) "Distribution Unit" means a distribution box, dosing tank, diversion valve or box, header pipe, or other means of transmitting septic tank or other treatment unit effluent from the effluent sewer to the distribution pipes.

(49) "Diversion Valve" means a watertight structure that receives septic tank or other treatment facility effluent through one inlet and distributes it to 2 outlets, only one of which is used at a time.

(50) "Dosing Tank" means a watertight receptacle placed after a septic tank or other treatment facility equipped with an automatic siphon or pump.

(51) "Dosing Septic Tank" means a unitized device performing functions of both a septic tank and a dosing tank.

(52) "Drainfield" means an "absorption field."

(53) "Drain Media" means clean washed gravel or clean, crushed rock with a minimum size of 3/4 inch and a maximum size of 2-1/2 inches used in the distribution of effluent. The material must be durable and inert so that it will maintain its integrity, will not collapse or disintegrate with time, and will not be detrimental to the performance of the system. Drain media also includes any product or material approved by DEQ for distribution of effluent in an absorption field.

(54) "Dwelling" means any structure or building or portion thereof that is used, intended, or designed to be occupied for human living purposes including but not limited to houses, houseboats, boathouses, mobile homes, recreational cabins, travel trailers, hotels, motels, and apartments.

(55) "Effective Seepage Area" means the sidewall area within an absorption trench or a seepage trench from the bottom of the trench to a level 2 inches above the distribution pipes, the sidewall area of any cesspool, seepage pit, unsealed earth pit privy, graywater waste absorption sump seepage chamber, or trench with drain media substitute, or the bottom area of a pressurized soil absorption facility installed in soil.

(56) "Effective Soil Depth" means the depth of soil material above a layer that impedes movement of water and air and growth of plant roots. Layers that differ from overlying soil material enough to limit effective soil depth are hardpans, claypans, fragipans, compacted soil, bedrock, saprolite, and clayey soil.

(57) "Effluent Filter" means an effluent treatment device installed on the outlet of a septic tank or outside the septic tank in a separate enclosure and designed to prevent the passage of suspended matter larger than 1/8 inch in size.

(58) "Effluent Lift Pump" means a pump used to lift septic tank or other treatment facility effluent to a higher elevation.

(59) "Effluent Sewer" means that part of the system of drainage piping that conveys partially treated sewage from a septic tank or other treatment facility into a distribution unit or an absorption facility.

(60) "Emergency Repair" means immediate action to repair a failing system when sewage is backing up into a dwelling or building or to repair a broken pressure sewer pipe. It does not include the construction of new or additional absorption facilities but does include using the septic tank as a temporary holding tank until new or additional absorption facilities can be permitted and constructed.

(61) "Equal Distribution" means the distribution of effluent to a set of absorption trenches in which each trench receives effluent in equivalent or proportional volumes.

(62) "Escarpment" means any naturally occurring slope greater than 50 percent that extends vertically 6 feet or more from toe to top, is characterized by a long cliff or steep slope that separates two or more comparatively level or gently sloping surfaces, and may intercept one or more layers that limit effective soil depth.

(63) "Existing Onsite Wastewater Treatment System" means any installed onsite wastewater treatment system constructed in conformance with the rules, laws, and local ordinances in effect at the time of construction.

(64) "Existing System" means "existing onsite wastewater treatment system."

(65) "Failing System" means any system that discharges untreated or incompletely treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters or that creates a public health hazard.

(66) "Family Member" means any one of two or more persons related by blood or by law.

(67) "Fecal Coliform" means bacteria common to the digestive systems of warm-blooded animals and cultured in standard tests. The term is typically used to indicate fecal pollution and the possible presence of enteric pathogens and is measured as colonies/100ml.

(68) "Filter Fabric" means a woven or spun-bonded sheet material used to impede or prevent the movement of sand, silt, and clay into drain media.

(69) "Fragipan" means a loamy subsurface horizon with high bulk density relative to the horizon above, seemingly cemented when dry, and weakly to moderately brittle when moist. Fragipans are mottled and low in organic matter, and they impede movement of water and air and growth of plant roots.

(70) "Governmental Unit" means the state or any county, municipality, or political subdivision or any agency thereof.

(71) "Grade" means the rate of fall or drop in inches per foot or the percentage of fall of a pipe.

(72) "Graywater" means household sewage other than "black wastes," such as bath water, kitchen waste water, and laundry wastes.

(73) "Graywater Waste Sump" means a receptacle or series of receptacles designed to receive hand-carried graywater for dispersal into the soil.

(74) "Grease and Oils" means a component of sewage typically originating from food stuffs, consisting of compounds of alcohol or glycerol with fatty acids.

(75) "Groundwater Interceptor" means any natural or artificial groundwater or surface water drainage system, including drain tile, curtain drain, foundation drain, cut banks, and ditches, that intercept and divert groundwater or surface water from the area of the absorption facility.

(76) "Hardpan" means a hardened layer in soil caused by cementation of soil particles with silica, calcium carbonate, magnesium carbonate, iron, or organic matter. The hardness does not change appreciably with changes in moisture content. Hardpans impede movement of water and air and growth of plant roots.

(77) "Header Pipe" means a tight-jointed part of the sewage drainage conduit that receives septic tank effluent from the distribution box, drop box, or effluent sewer and conveys it to the absorption area.

(78) "Headwall" means a steep slope at the head or upper end of a land slump block or unstable landform.

(79) "Holding Tank" means a watertight receptacle designed to receive and store sewage to facilitate treatment at another location.

(80) "Holding Tank System" means an alternative system consisting of the combination of a holding tank, service riser, and level indicator (alarm), designed to receive and store sewage for intermittent removal for treatment at another location.

(81) "Hydrosplitter" or "hydrasplitter" means a hydraulic device to proportion flow under pressure by the use of one or more orifices.

(82) "Incinerator Toilet Facility" means "combustion toilet facility."

(83) "Individual System" means a system that is not a community system.

(84) "Individual Water Supply" means a source of water and a distribution system that provides water for drinking, culinary, or household uses and is not a public water supply system.

(85) "Industrial Waste" means any liquid, gaseous, radioactive, or solid waste or a combination thereof resulting from any process of industry, manufacturing, trade, or business or from developing or recovering any natural resources.

(86) "Intermittent Sand Filter" means a conventional sand filter.

(87) "Intermittent Stream" means any public surface water or groundwater interceptor that continuously flows water for a period greater than two months in any one year but not continuously for that year.

(88) "Invert" is the lowest portion of the internal cross section of a pipe or fitting.

(89) "Large System" means any onsite system with a projected daily sewage flow greater than 2,500 gallons.

(90) "Lateral Pipe" means "distribution pipe."

(91) "Maintenance" means taking the actions necessary to keep onsite system components properly functioning as designed. Maintenance is further defined as:

(a) Major Maintenance is cleaning, repairing or replacing a broken or plugged effluent sewer pipe where:

(A) The pipe is the same make and model; or

(B) The pipe meets the requirements in this division; and

(C) A certified maintenance provider or certified licensed installer performs the work.

(b) Minor Maintenance includes, but is not limited to, repairing or replacing of a tank riser or lid, or pump, screen, filter, or other component internal to the tank that:

(A) Is the same make and model; or

(B) Meets the requirements in this division.

(92) "Maintenance provider" means a person who performs maintenance of onsite systems and:

(a) Possesses adequate skills and knowledge regarding onsite wastewater treatment, absorption facilities, and system functions to competently inspect and maintain onsite systems, and

(b) Is certified under OAR 340-071-0650.

(93) "Mechanical Sewage Treatment Facility" or "Mechanical Oxidation Sewage Treatment Facility" means an aerobic sewage treatment facility.

(94) "Nonwater-Carried Waste Facility" means any toilet facility that has no direct water connection, including but not limited to pit privies, vault privies, and portable toilets.

(95) "Occupant" means any person living or sleeping in a dwelling.

(96) "Onsite Sewage Disposal System" means "onsite wastewater treatment system."

(97) "Onsite Wastewater Treatment System" means any existing or proposed subsurface onsite wastewater treatment and dispersal system including but not limited to a standard subsurface, alternative, experimental, or nonwater-carried sewage system. It does not include systems that are designed to treat and dispose of industrial waste as defined in OAR chapter 340, division 045.

(98) "Operating Permit" means a WPCF permit issued under these rules.

(99) "Owner" means any person who alone, jointly, or severally:

(a) Has legal title to any single lot, dwelling, dwelling unit, or commercial facility;

(b) Has care, charge, or control of any real property as agent, executor, administrator, trustee, commercial lessee, or guardian of the estate of the holder of legal title; or

(c) Is the contract purchaser of real property.

(100) "Peer Review" means a review by at least three members of a scientific community recognized as experts in the field of study and well-rehearsed with scientific principles and experimentation.

(101) "Permanent Groundwater Table" means the upper surface of a saturated zone that exists year-round. The thickness of the saturated zone and resulting elevation of the permanent groundwater table may fluctuate as much as 20 feet or more annually, but the saturated zone and associated permanent groundwater table is present at some depth beneath land surface throughout the year.

(102) "Permit" means the written document, issued and signed by an agent, that authorizes a permittee to install a system or any part of one and, in some cases, to operate and maintain the system under the permit.

(103) "Permit Action" means an agent’s issuing, modifying, renewing, reinstating, or revoking a permit.

(104) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any of its agencies, and the federal government and any of its agencies.

(105) "Pollution" or "Water Pollution" means any alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt, or odor of the waters, or any discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state that, alone, or in connection with any other substance, threatens to create a public nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or welfare or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish, or other aquatic life or their habitat.

(106) "Portable Toilet" means any self-contained chemical toilet facility that is housed within a portable toilet shelter and includes but is not limited to construction-type chemical toilets.

(107) "Portable Toilet Shelter" means any readily relocatable structure built to house a toilet facility.

(108) "Pressure Distribution Lateral" means piping and fittings in pressure distribution systems that distribute septic tank or other treatment unit effluent to drain media through small diameter orifices.

(109) "Pressure Distribution Manifold" means piping and fittings in a pressure distribution system that supply effluent from pressure transport piping to pressure distribution laterals.

(110) "Pressure Distribution System" means any system designed to uniformly distribute septic tank or other treatment unit effluent under pressure in an absorption facility or treatment unit.

(111) "Pressure Transport Piping" means piping that conveys sewage effluent from a septic tank or other treatment or distribution unit typically by means of a pump or siphon.

(112) "Pretreatment" means the wastewater treatment that takes place prior to discharging to any component of an onsite wastewater treatment system, including but not limited to pH adjustment, oil and grease removal, BOD5 and TSS reduction, screening, and detoxification.

(113) "Prior Approval" means a written approval for an onsite wastewater treatment system for a specific lot issued before January 1, 1974.

(114) "Prior Construction Permit" means a subsurface wastewater treatment system construction-installation permit issued before January 1, 1974, by a county that had an ordinance requiring construction-installation permits for subsurface wastewater treatment systems.

(115) "Privy" means a structure used for disposal of human waste without the aid of water. It consists of a shelter built above a pit or vault in the ground into which human waste falls.

(116) "Projected Daily Sewage Flow" or "design flow" means the peak daily quantity of sewage production from a facility for which a system is sized and designed. The projected daily sewage flow allows for a safety margin and reserve capacity for the system during periods of heavy use.

(117) "Public Health Hazard" means the presence of sufficient types or amounts of biological, chemical, physical, or radiological agents relating to water or sewage that cause, or threaten to cause, human illness, disorders, or disability. These include but are not limited to pathogenic viruses, bacteria, parasites, toxic chemicals, and radioactive isotopes.

(118) "Public Waters" means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private, except private waters that do not combine or effect a junction with natural surface or underground waters, that are wholly or partially within or bordering the state or within its jurisdiction.

(119) "Recirculating Gravel Filter (RGF)" means a gravel filter wastewater treatment system in which a portion of the filtered effluent is mixed with septic tank effluent in a recirculation/dilution tank and redistributed to the filter.

(120) "Recirculating Gravel Filter System" means a recirculating gravel filter and an absorption facility used to treat wastewater.

(121) "Redundant Absorption Field System" means a system in which two complete absorption fields are installed, the absorption trenches of each system alternate with each other, and only one system operates at a given time.

(122) "Repair" means installing all portions of a system necessary to eliminate a public health hazard or pollution of public waters a failing system creates.

(a) Major repair is replacing the soil absorption facility, treatment unit, or any part of it.

(b) Minor repair is replacing a septic tank, broken pipe, distribution unit, or any part of the onsite system external to the septic tank or treatment facility except the soil absorption system. Unless classified as a major repair or major maintenance, any replacement of a part of a system with a part that does not meet the original design specifications is a minor repair.

(123) "Residential Strength Wastewater" means septic tank effluent that does not typically exceed five-day biochemical oxygen demand (BOD5) of 300 mg/L; total suspended solids (TSS) of 150 mg/L; total Kjeldahl nitrogen (TKN) of 150 mg/L; oil & grease of 25 mg/L; or concentrations or quantities of other contaminants normally found in residential sewage.

(124) "Sand Filter Media" means a medium sand or other approved material used in a conventional sand filter. The media must be durable and inert so that it will maintain its integrity, will not collapse or disintegrate with time, and will not be detrimental to the system’s performance. The particle size distribution of the media must be determined through a sieve analysis conducted under ASTM C-117 and ASTM C-136. The media must comply with the following particle size distribution: 100 percent passing the 3/8 inch sieve, 95 percent to 100 percent passing the No. 4 sieve, 80 percent to 100 percent passing the No. 8 sieve, 45 percent to 85 percent passing the No. 16 sieve, 15 percent to 60 percent passing the No. 30 sieve, 3 percent to 15 percent passing the No. 50 sieve, and 4 percent or less passing the No. 100 sieve.

(125) "Sand Filter Surface Area" means the area of the level plane section in the medium sand horizon of a conventional sand filter located 2 feet below the bottom of the drain media containing the pressurized distribution piping.

(126) "Sand Filter System" means an alternative system that combines a septic tank or other treatment unit; a dosing system with effluent pump and controls or dosing siphon, piping and fittings; a sand filter; and an absorption facility to treat wastewater.

(127) "Sanitary Drainage System" means that part of a system's drainage piping that conveys untreated sewage from a building or structure to a septic tank or other treatment facility, to a service lateral at a curb or in a street or alley, or to another disposal terminal holding human or domestic sewage. The sanitary drainage system consists of a building drain or building drain and building sewer.

(128) "Saprolite" means weathered material underlying the soil that grades from soft thoroughly decomposed rock to rock that has been weathered sufficiently so that it can be broken in the hands or cut with a knife. It has rock structure instead of soil structure and does not include hard bedrock or hard fractured bedrock.

(129) "Saturated Zone" means a three-dimensional layer, lens, or other section of the subsurface in which all open spaces including joints, fractures, interstitial voids, and pores are filled with groundwater. The thickness and extent of a saturated zone may vary seasonally or periodically in response to changes in the rate or amount of groundwater recharge or discharge.

(130) "Scum" means a mass of sewage solids floating at the surface of sewage that is buoyed up by entrained gas, grease, or other substances.

(131) "Seepage Area" means "effective seepage area."

(132) "Seepage Bed" means an absorption system having absorption trenches wider than 3 feet.

(133) "Seepage Pit" means a cesspool that has a treatment facility such as a septic tank ahead of it.

(134) "Seepage Trench System" means a system with absorption trenches with more than 6 inches of drain media below the distribution pipe.

(135) "Self-Contained Nonwater-Carried Waste Containment Facility" means a system in which all waste is contained in a watertight receptacle, including but not limited to vault privies, chemical toilets, combustion toilets, recirculating toilets, and portable toilets.

(136) "Septage" means the domestic liquid and solid sewage pumped from septic tanks, cesspools, holding tanks, vault toilets, chemical toilets or other similar domestic sewage treatment components or systems and other sewage sludge not derived at sewage treatment plants.

(137) "Septic Tank" means a watertight receptacle that receives sewage from a sanitary drainage system and is designed to separate solids from liquids, digest organic matter during a period of detention, and allow the liquids to discharge to a second treatment unit or to a soil absorption facility.

(138) "Septic Tank Effluent" means partially treated sewage that is discharged from a septic tank.

(139) "Serial Distribution" means the distribution of effluent to a set of absorption trenches constructed at different elevations in which one trench at a time receives effluent in consecutive order beginning with the uppermost trench by means of a drop box, a serial overflow, or another approved distribution unit. The effluent in an individual trench must reach a level of 2 inches above the distribution pipe before effluent is distributed to the next lower trench.

(140) "Sewage" means water-carried human and animal wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with any groundwater infiltration, surface waters, or industrial waste that may be present.

(141) "Sewage Disposal Service" means:

(a) Constructing onsite wastewater treatment systems, including placing portable toilets, or any part of one;

(b) Pumping out or cleaning onsite wastewater treatment systems, including portable toilets, or any part of one;

(c) Disposing of material derived from pumping out or cleaning onsite wastewater treatment systems. including portable toilets; or

(d) Grading, excavating, and earth-moving work connected with the operations described in subsection (a) of this section.

(142) "Sewage Stabilization Pond" means a pond designed to receive the raw sewage flow from a dwelling or other building and retain that flow for treatment without discharge.

(143) "Site Evaluation Report" means a report on the evaluation of a site to determine its suitability for an onsite system prepared under OAR 340-071-0150.

(144) "Slope" means the rate of fall or drop in feet per 100 feet of the ground surface. It is expressed as percent of grade.

(145) "Soil Permeability" refers to the ability of a soil to transmit water or air.

(146) "Soil Separate" means the size of soil particles described in Table 7.

(147) "Soil Texture" means the amount of each soil separate in a soil mixture. Field methods for judging the texture of a soil consist of forming a cast of soil, both dry and moist, in the hand and pressing a ball of moist soil between thumb and finger.

(a) The major textural classifications are defined as follows and shown in Table 6:

(A) Sand: Individual grains can be seen and felt readily. Squeezed in the hand when dry, this soil will fall apart when the pressure is released. Squeezed when moist, it will form a cast that will hold its shape when the pressure is released but will crumble when touched.

(B) Loamy Sand: Consists primarily of sand, but has enough silt and clay to make it somewhat cohesive. The individual sand grains can readily be seen and felt. Squeezed when dry, the soil will form a cast that will readily fall apart, but if squeezed when moist, a cast can be formed that will withstand careful handling without breaking.

(C) Sandy Loam: Consists largely of sand, but has enough silt and clay present to give it a small amount of stability. Individual sand grains can be readily seen and felt. Squeezed in the hand when dry, this soil will readily fall apart when the pressure is released. Squeezed when moist, it forms a cast that will not only hold its shape when the pressure is released but will withstand careful handling without breaking. The stability of the moist cast differentiates this soil from sand.

(D) Loam: Consists of an even mixture of the different sizes of sand and of silt and clay. It is easily crumbled when dry and has a slightly gritty, yet fairly smooth feel. It is slightly plastic. Squeezed in the hand when dry, it will form a cast that will withstand careful handling. The cast formed of moist soil can be handled freely without breaking.

(E) Silt Loam: Consists of a moderate amount of fine grades of sand, a small amount of clay, and a large quantity of silt particles. Lumps in a dry, undisturbed state appear quite cloddy, but they can be pulverized readily; the soil then feels soft and floury. When wet, silt loam runs together in puddles. Either dry or moist, casts can be handled freely without breaking. When a ball of moist soil is passing between thumb and finger, it will not press out into a smooth, unbroken ribbon but will have a broken appearance.

(F) Clay Loam: Consists of an even mixture of sand, silt, and clay that breaks into clods or lumps when dry. When a ball of moist soil is pressed between the thumb and finger, it will form a thin ribbon that will readily break, barely sustaining its own weight. The moist soil is plastic and will form a cast that will withstand considerable handling.

(G) Silty Clay Loam: Consists of a moderate amount of clay, a large amount of silt, and a small amount of sand. It breaks into moderately hard clods or lumps when dry. When moist, a thin ribbon or 1/8-inch wire can be formed between thumb and finger that will sustain its weight and will withstand gentle movement.

(H) Silty Clay: Consists of even amounts of silt and clay and very small amounts of sand. It breaks into hard clods or lumps when dry. When moist, a thin ribbon or 1/8 inch or smaller wire formed between thumb and finger will withstand considerable movement and deformation.

(I) Clay: Consists of large amounts of clay and moderate to small amounts of sand and silt. It breaks into very hard clods or lumps when dry. When moist, a thin, long ribbon or 1/16-inch wire can be molded with ease. Fingerprints will show on the soil, and a dull to bright polish is made on the soil by a shovel.

(b) Soil textural characteristics described in the United States Department of Agriculture Textural Classification Chart are incorporated here by reference. This textural classification chart is based on the Standard Pipette Analysis as defined in the United States Department of Agriculture, Soil Conservation Service Soil Survey Investigations Report No. 1 (See Table 6). [Table not included. See ED. NOTE.]

(148) "Soil with Rapid or Very Rapid Permeability" means:

(a) Soil that contains 35 percent or more of coarse fragments 2 millimeters in diameter or larger by volume with interstitial soil of sandy loam texture or coarser;

(b) Coarse textured soil defined as loamy sand or sand in this rule; or

(c) Stones, cobbles, gravel, and rock fragments with too little soil material to fill interstices larger than 1 millimeter in diameter.

(149) "Split Waste Method" means a process where black waste sewage and graywater from the same dwelling or building are managed by separate systems.

(150) "Stabilized Dune" means a sand dune that is similar to an active dune except that vegetative growth is dense enough to prevent blowing of sand. The surface horizon is either covered by a mat of decomposed and partially decomposed leaves, needles, roots, twigs, moss, or other vegetative material or contains roots to a depth of at least 6 inches and has a color value of 3 or less.

(151) "Standard Subsurface System" means an onsite wastewater treatment system consisting of a septic tank, distribution unit, and absorption facility constructed under OAR 340-071-0220.

(152) "Steep Slope System" means a seepage trench system installed on slopes greater than 30 percent and less than or equal to 45 percent.

(153) "Subsurface Absorption System" means the combination of a septic tank or other treatment unit and an effluent sewer and absorption facility.

(154) "Subsurface Sewage Disposal" means "subsurface wastewater treatment."

(155) "Subsurface Disposal System" means "subsurface absorption system."

(156) "Subsurface Wastewater Treatment" means dispersing wastewater from a septic tank or other treatment unit into the zone of aeration to be further treated through physical, chemical, or biological processes.

(157) "System" or "onsite system" means "onsite wastewater treatment system."

(158) "Temporary Groundwater Table" means the upper surface of a saturated zone that exists only on a seasonal or periodic basis. Like a permanent groundwater table, the elevation of a temporary groundwater table may fluctuate, but a temporary groundwater table and associated saturated zone will dry up for a period of time each year.

(159) "Test Pit" means an open pit dug to sufficient size and depth to permit thoroughly examining the soil to evaluate its suitability for subsurface wastewater treatment.

(160) "Third-Party" means a consulting firm, research institute, academic institute, or other similar entity with no vested interest in the outcome of test results of a material, design, or technology under evaluation.

(161) "Tile Dewatering System" means an alternative system in which the absorption facility is encompassed with field collection drainage tile to reduce and control a groundwater table and create a zone of aeration below the bottom of the absorption facility.

(162) "Toilet Facility" means a fixture housed within a toilet room or shelter to receive black waste.

(163) "Total Kjeldahl Nitrogen" (TKN) means the combination of ammonia and organic nitrogen, excluding nitrate and nitrite nitrogen.

(164) "Total Nitrogen" (TN) means the sum of all nitrogen forms.

(165) "Total Suspended Solids" (TSS) means solids in wastewater that can be removed readily by standard filtering procedures in a laboratory and reported as milligrams per liter (mg/L).

(166) "Treatment" means the alteration of the quality of wastewaters by physical, chemical, or biological means or combination thereof to reduce potential degradation of water quality or the environment and risk to public health.

(167) "Treatment Standard 1" means a 30-day average of less than 20 mg/L of BOD5 and 20 mg/L of TSS. A 30-day average of less than 17 mg/L of CBOD5 is acceptable in lieu of the BOD5 value.

(168) "Treatment Standard 2" means a 30-day average of less than 20 mg/L of BOD5 and 20 mg/L of 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. A 30-day average of less than 17 mg/L of CBOD5 is acceptable in lieu of the BOD5 value.

(169) "Turbidity" means the optical condition of waters caused by suspended or dissolved particles or colloids that scatter and absorb light rays instead of transmitting light in straight lines through the water column. Turbidity may be expressed as nephelometric turbidity units (NTU) measured with a calibrated turbidimeter.

(170) "Underdrain Media" means the material placed under the sand filter media in a sand filter and consists of clean, washed pea gravel with 100 percent passing the 1/2 inch sieve, 18 to 100 percent passing the 1/4 inch sieve, 5 to 75 percent passing the No. 4 sieve, 24 percent or less passing the No. 10 sieve, 2 percent or less passing the No. 16 sieve, and 1 percent or less passing the No. 100 sieve.

(171) "Unstable Landforms" means areas showing evidence of mass downslope movement such as debris flow, landslides, rockfall, and hummock hill slopes with undrained depressions upslope. Examples are landforms exhibiting slip surfaces roughly parallel to the hillside; landslide scars and curving debris ridges; fences, trees, and telephone poles that appear tilted; and tree trunks that bend uniformly as they enter the ground. Active sand dunes are unstable landforms.

(172) "Vertisols" means a mineral soil characterized by a high content of swelling-type clays that in dry seasons cause the soils to develop deep, wide cracks.

(173) "WPCF Permit" means a Water Pollution Control Facilities permit that has been issued under OAR chapter 340, divisions 045 or 071.

(174) "Wastewater" means "sewage."

(175) "Zone of Aeration" means the unsaturated zone that occurs below the ground surface and above the point at which the upper limit of the water table exists.

[ED. NOTE: Tables referenced are not included in rule text. All tables are found in OAR 340-071-0800.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.605 & 454.615
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 15-1986, f. & ef. 8-6-86; DEQ 6-1988, f. & cert. ef. 3-17-88; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14; DEQ 11-2014, f. & cert. ef. 10-15-14

340-071-0110

Purpose

These rules establish requirements for constructing, altering, repairing, operating, and maintaining onsite wastewater treatment systems. Their purpose is to restore and maintain the quality of public waters and to protect the public health and general welfare of the people of the State of Oregon.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.605 - 454.780
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0115

Technical Review Committee

(1) The Director may form a Technical Review Committee (TRC) to advise and assist DEQ in:

(a) Implementing the onsite wastewater management program, including developing program improvements and rules; and

(b) Evaluating the use of new or innovative technologies, materials, or designs that maintain or advance protection of the quality of public waters and public health and general welfare in Oregon. The TRC may use performance standards and criteria as appropriate to evaluate the efficiency and safety of new technologies, materials, or designs.

(2) Committee composition and term. The TRC may consist of up to 9 persons appointed for 3-year, staggered terms by, and serving at, the director’s pleasure. The TRC may include onsite wastewater treatment experts from local government, DEQ, equipment manufacturers, consultants, installers and pumpers and other persons with technical or scientific knowledge applicable to the onsite program.

(3) Chair. The director will approve the chair of the TRC for a term the director determines.

(4) Meeting frequency. DEQ may convene the TRC as necessary and reimburse members for reasonable expenses under DEQ policy.

(5) Staffing. DEQ will provide the necessary technical, engineering, and clerical staff and services for the TRC to fulfill its responsibilities in a timely, professional, informed, and responsible manner.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.775
Hist.: DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0120

Jurisdiction and Policy

(1) DEQ may enter agreements with local governmental units authorizing those units to become DEQ's agents for permitting onsite systems, including receiving and processing applications, issuing permits, enforcing, and performing required inspections for onsite systems that do not require WPCF permits. DEQ retains those responsibilities for systems in nonagreement counties and for all systems that require WPCF permits.

(2) Each owner of real property is jointly and severally responsible for:

(a) Treating wastewater generated on that property under the rules the commission adopts;

(b) Connecting all plumbing fixtures from which wastewater is or may be discharged to a sewerage facility or onsite system approved by DEQ or an agent;

(c) Maintaining, repairing, and replacing the onsite system on that property as necessary to ensure proper operation of the system; and

(d) Complying with all requirements for constructing, installing, maintaining, replacing, and repairing onsite systems required in this division and OAR chapter 340, division 073.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.655, 454.665, 454.725 & 454.755
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0130

General Standards, Prohibitions and Requirements

(1) Protection of public waters from public health hazards. An agent may not authorize installing or using a system that is likely to pollute public waters or create a public health hazard. If, in the judgment of the agent, the minimum standards in this division will not adequately protect public waters or public health on a particular site, the agent must require a system to meet requirements that are protective. This may include but is not limited to increasing setbacks, increasing drainfield sizing, or using an alternative system. The agent must provide the applicant with a written statement of the specific reasons why more stringent requirements are necessary.

(2) Approved treatment and dispersal required. All wastewater must be treated and dispersed in a manner approved under these rules.

(3) Prohibited discharges of wastewater. A person may not discharge untreated or partially treated wastewater or septic tank effluent directly or indirectly onto the ground surface or into public waters. Such discharge constitutes a public health hazard and is prohibited.

(4) Prohibited discharges to systems. A person may not discharge into any system cooling water, air conditioning water, water softener brine, groundwater, oil, hazardous materials, roof drainage, or other aqueous or nonaqueous substances that are detrimental to the system's performance or to groundwater.

(5) Increased flows prohibited. Except where specifically allowed by this division, a person may not connect a dwelling or commercial facility to a system if the total projected sewage flow would be greater than that allowed under the original system construction-installation permit.

(6) System capacity. Each system must have adequate capacity to properly treat and disperse the maximum projected daily sewage flow. The projected quantity of sewage flow must be determined from OAR 340-071-0220 Table 2 or other information the agent determines to be valid.

(7) Material standards. All materials used in onsite systems must comply with standards in this division and OAR chapter 340, division 073.

(8) Encumbrances. Before a permit to install a new system may be issued, the site for the new system must be approved under OAR 340-071-0150 and be free of encumbrances, such as easements or deed restrictions, that could prevent the installation or operation of the system from conforming with the rules of this division.

(9) Plumbing fixtures connected. All plumbing fixtures in dwellings, commercial facilities, and other structures from which sewage is or may be discharged must be connected to and discharge into an approved area-wide sewerage system or an approved onsite system that is not failing.

(10) Future connection to sewerage system. DEQ encourages placing plumbing in buildings to facilitate connection to a sewerage system in areas where a district has been formed to provide sewerage facilities.

(11) Property lines crossed: All or part of an onsite system, including areas for future repair or replacement, may be located on one or more lots or parcels different from the lot or parcel on which the facility the system serves is located. The lots and parcels may be under the same or different ownership:

(a) For each lot or parcel different from and under different ownership than the lot or parcel served, the owner of the lot or parcel served must ensure that a utility easement and covenant against conflicting uses is executed and recorded in such owner's favor, on a form the agent approves the agent, in the county land title records. The easements and covenants must accommodate the parts of the system, including a 10-foot setback surrounding the areas for future repair or replacement, that lie beyond the property line of the facility served and must allow entry by the grantee, successor, or assigns to install, maintain, and repair the system;

(b) For each lot or parcel different from, but under the same ownership as, the lot or parcel served, the owner of the property must execute and record in the county land title records, on a DEQ-approved form , an easement and a covenant in favor of the State of Oregon:

(A) Allowing the state's officers, agents, employees, and representatives to enter and inspect, including by excavation, that portion of the system, including setbacks, on the servient lot or parcel;

(B) Agreeing not to put that portion of the servient lot or parcel to a conflicting use; and

(C) Agreeing, upon severance of the lots or parcels, to grant or reserve and record a utility easement and covenant against conflicting uses, in a form DEQ approves, in favor of the owner of the lot or parcel served by the system under subsection (a) of this section.

(12) Initial and replacement absorption area. Except as provided in specific rules, the absorption area, including installed system and replacement area, must not be subject to activity that is likely, in the opinion of the agent, to adversely affect the soil or the functioning of the system. This may include but is not limited to vehicular traffic, covering the area with asphalt or concrete, filling, cutting, or other soil modification.

(13) Operation and maintenance. Owners of onsite systems must operate and maintain their systems in compliance with all permit conditions and applicable requirements in this division and must not create a public health hazard or pollute public waters. Operation and maintenance requirements for systems under WPCF permits are established by the WPCF permits required in this division.

(14) Construction. An agent may limit the time period during which a system can be constructed to ensure that soil conditions, weather, groundwater, or other conditions do not adversely affect the reliability of the system.

(15) Permit requirements:

(a) A person may not cause or allow constructing, altering, or repairing a system or any part of one without a WPCF permit issued under OAR 340-071-0162 or a construction-installation, alteration, or repair permit under OAR 340-071-0160, 340-071-0210, and 340-071-0215 except for emergency repairs authorized under OAR 340-071-0215(1) and (2);

(b) The following systems must be constructed and operated under a renewable WPCF permit issued pursuant to OAR 340-071-0162:

(A) Any system or combination of systems located on the same property or serving the same facility and having a total sewage flow design capacity greater than 2,500 gpd. Flows from single family residences or equivalent flows on separate systems incidental to the purpose of the large system or combination of systems (e.g., caretaker residence for a mobile home park) need not be included;

(B) A system of any size, if the septic tank effluent produced is greater than residential strength wastewater as defined in OAR 340-071-0100 or systems using pretreatment methods other than grease traps and grease interceptor tanks to achieve residential strength wastewater;

(C) Except as provided for in section (16)(d) of this rule, other systems that are not described in this division and do not discharge to surface public waters or the ground surface.

(16) WPCF permits for existing facilities:

(a) The owner of an existing system required to have a WPCF permit under subsection (15)(b) of this rule is not required to obtain a WPCF permit until a system major repair or major alteration of a system, or facility expansion, is necessary;

(b) The permittee of an existing aerobic treatment unit, recirculating gravel filter, commercial sand filter, or alternative treatment technology system constructed or operating under a WPCF permit that is no longer required under section (15) of this rule may request DEQ to terminate the permit:

(A) The permittee must submit, on a DEQ-approved form:

(i) A copy of the service contract required in OAR 340-071-0290, 340-071-0302, or 340-071-0345; and

(ii) A written statement from a maintenance provider certifying that the system is not failing.

(B) DEQ will send a letter to the permittee to terminate a WPCF permit. The letter will be deemed a Certificate of Satisfactory Completion for the permitted system.

(c) DEQ may terminate WPCF permits for existing holding tanks for which permits are no longer required under section (15) of this rule. DEQ will send a letter to the permittee to terminate the permit. The letter will be deemed a Certificate of Satisfactory Completion for the permitted system;

(d) Permittees of other existing systems or combination of systems constructed or operating under a WPCF permit may request DEQ terminate the permit if all of the following conditions are met:

(A) The system or combination of systems located on the same property or serving the same facility must have a total sewage flow design capacity of 2,500 gpd or less; and

(B) The system or combination of systems must not produce septic tank effluent greater than residential strength wastewater as defined in OAR 340-071-100; and

(C) The system or combination of systems must have been operating under a WPCF permit before July 1, 2007; and

(D) The absorption facility is described in this division and does not discharge to surface public waters or the ground surface; and

(E) DEQ determines that the system or combination of systems is in compliance with the waste disposal limitations specified in the WPCF permit; and

(F) The permittee submits a copy of a service contract that meets the requirements of OAR 340-071-0302(6); and

(G) The permittee submits a written statement from a maintenance provider certifying that the system is not failing;

(H) Owners of and maintenance providers for these systems must operate and maintain the system under the requirements described for recirculating gravel filter systems in OAR 340-071-0302(4), (5), and (6). DEQ will send a letter to the permittee to terminate the WPCF permit. The letter will be deemed a Certificate of Satisfactory Completion for the permitted system. Conditions specified in the Certificate of Satisfactory Completion continue in force as long as the system is in use.

(17) Annual permit fees and reports:

(a) Owners of pressurized distribution, sand filter, recirculating gravel filter, and alternative treatment technology systems and those systems described in section (16)(d) of this rule not under WPCF permits must submit annual fees and reports as follows:

(A) Owners must pay the annual report evaluation fee in OAR 340-071-0140(3) by the date DEQ specifies for each year the system is in operation. A system is placed in operation when it first receives wastewater and remains in operation until DEQ receives notice the system has been decommissioned;

(B) Owners must submit written certification prepared by a maintenance provider on a DEQ-approved form that:

(i) The system has been maintained under the requirements of the rules in this division during the reporting year and is operating under the agent-approved design specifications; or

(ii) The owner has applied for a repair permit under OAR 340-071-0215.

(C) Owners are not required to submit fees or reports under this subsection that a maintenance provider has submitted on behalf of the owner under this section.

(b) Owners of holding tanks not under WPCF permits. Owners of holding tanks not under WPCF permits must pay annual fees and reports as follows:

(A) Owners must pay the annual report evaluation fee in 340-071-0140(3) by the date specified by DEQ for each calendar year the tank is in operation;

(B) Owners must submit written certification on a DEQ-approved form that the holding tank has been regularly inspected and pumped during the reporting year and that the year's service log for the holding tank is available for inspection by the agent.

(c) Fees for systems under WPCF permits. Permittees of onsite systems under WPCF permits must pay the annual compliance determination fee in OAR 340-071-0140(4) by the date DEQ specifies for each year the system is in operation.

(18) Engineering plan review. Unless specifically exempted in this division, all plans and specifications for constructing, installing, or modifying onsite systems must be submitted to the agent for approval or denial. The design criteria and rules governing the plan review are as follows:

(a) The agent must review all plans and specifications for WPCF permits under OAR chapter 340, division 052;

(b) Plans and specifications for construction-installation permits for commercial sand filter, recirculating gravel filter, and advanced treatment technology systems with design capacities greater than 600 gpd must be signed by a person registered under ORS 672 or 700.

(19) Criteria and standards for design and construction. The criteria and standards for design and construction in this division and OAR chapter 340, division 073 apply to all onsite systems:

(a) For onsite systems subject to WPCF onsite permits, DEQ may allow variations of the criteria, standards, and technologies in this division and OAR chapter 340, division 073 based on adequate documentation of successful operation of the proposed technology or design. The system designer must demonstrate the performance of new processes, treatment systems, and technologies under OAR chapter 340, division 052;

(b) For systems not requiring WPCF permits, DEQ may authorize variances from the criteria, standards, and technologies in this division through the variance processes in OAR 340-071-0415 through 340-071-0445.

(20) Manufacturer's specifications. All materials and equipment, including but not limited to tanks, pipe, fittings, solvents, pumps, controls, and valves, must be installed, constructed, operated, and maintained under manufacturer's specifications.

(21) Sewer and water lines. Effluent sewer and water line piping constructed of materials that are approved for use within a building, as defined by the 2000 Edition of the Oregon State Plumbing Specialty Code, may be run in the same trench. Effluent sewer pipe of material not approved for use in a building must not be run or laid in the same trench as water pipe unless both of the following conditions are met:

(a) The bottom of the water pipe at all points is at least 12 inches above the top of the sewer pipe;

(b) The water pipe is placed on a solid shelf excavated at one side of the common trench with a minimum clear horizontal distance of at least 12 inches from the sewer pipe.

(22) Septage management. A person may not dispose of wastewater, septage, or sewage-contaminated materials in any location or manner not authorized by DEQ.

(23) Service Contracts. Service contracts for servicing and maintaining onsite systems must include:

(a) A schedule for the first two years of operation that directs the maintenance provider to inspect, adjust and service the system a minimum of once every six months,

(b) A schedule for subsequent years of operation that directs the maintenance provider to inspect, adjust and service the system:

(A) According to the manufacturer’s specifications in the approved owner’s manual; and

(B) At least once every 12 months.

(c) A clause stating that the maintenance provider must provide an effluent quality inspection that includes but is not limited to:

(A) A visual assessment for color, turbidity, and scum overflow,

(B) An olfactory assessment for odor, and

(C) Any other performance assessment or operational diagnosis, which may include sampling of treated effluent (post-disinfection if disinfection is used) necessary to determine or ensure proper operation of the facility.

(d) A clause stating that the maintenance provider must notify the system owner in writing about any improper system function that cannot be remedied during the time of inspection and include an estimated date of correction.

(e) Other information and conditions of the agreement such as:

(A) Owner's name and address;

(B) Property address and legal description;

(C) Permit requirements;

(D) Contact information for the owner, maintenance provider, and agent;

(E) Details of service to be provided, including the service required in this section;

(F) Schedule of maintenance provider duties;

(G) Cost and length of service contract and time period covered;

(H) Details of any warranty; and

(I) Owner's responsibilities under the contract for routine operation of the onsite system.

(24) A maintenance provider under a contract required in OAR 340-071-0275, 0290, 0302 & 0345 must:

(a) Observe and record conditions in the drainfield during all operation and maintenance activities for the system and report those observations to the system owner;

(b) Make repairs or alteration to comply with OAR 340-071-0215, 340-071-0210 and other applicable requirements in this division.

(c) Maintain accurate records of their service contracts, customers, performance data, and time lines for renewing the contracts. These records must be available for inspection upon the agent’s request;

(d) Notify the agent of service contracts that are terminated or not renewed within 30 days of their termination or expiration,

(e) Make emergency service available within 48 hours of a service request,

(f) Submit the annual report required in section (17) and the annual evaluation fee in OAR 340-071-0140(3) for each system under contract to be serviced by the maintenance provider.

(g) System owners must report evidence of any system failures to the agent and take appropriate action the agent approves to correct the problem.

(25) Groundwater levels. All groundwater levels must be predicted using conditions associated with saturation. In areas where conditions associated with saturation do not occur or are inconclusive, such as in soil with rapid or very rapid permeability, predictions of the high level of the water table must be based on an agent's past recorded observations. If such observations have not been made or are inconclusive, the application must be denied until observations can be made. Groundwater level observations must be made during the period of the year in which high groundwater normally occurs in an area. A properly installed nest of piezometers or other methods DEQ accepts must be used for making water table observations.

(26) A person may not submit information required by statute, rule, permit, or order that is false, inaccurate, or incomplete.

[ED. NOTE: All tables are found in OAR 340-071-0800.Publications referenced are available from the agency.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.655, 454.695, 468B.050, 468B.055, 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 8-1998, f. & cert. ef. 6-5-98; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 5-2000(Temp), f. 2-24-00, cert. ef. 3-1-00 thru 8-27-00; DEQ 14-2000, f. & cert. ef. 8-24-00; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 5-2007, f. & cert. ef. 7-3-07; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0135

Approval of New or Innovative Technologies, Materials, or Designs for Onsite Systems

(1) DEQ approval.

(a) Coordination with listing of alternative treatment technologies, OAR 340-071-0345. Under OAR 340-071-0345, DEQ maintains a list of alternative treatment technologies (ATTs) that have been tested by an NSF/ANSI organization that meets the requirements of ISO/IEC 17025 – 2005. The ATT must meet the performance standards and other requirements in OAR 340-071-0345. ATTs are usually separate treatment units that are installed in onsite systems. Only listed ATTs may be installed under the siting criteria in OAR 340-071-0345. This rule provides a process for approving new or innovative technologies, materials, or designs for various components of onsite systems, such as drainfield products or appurtenances. Add-on treatment units, such as units to remove nitrogen following an ATT or sand filter, may also be approved under this rule. However, DEQ does not intend to approve alternatives to standard systems under this rule. Alternative systems will need to be listed as ATTs under OAR 340-071-0345 or approved under new rules in this division.

(b) DEQ may approve new or innovative technologies, materials, or designs for onsite systems pursuant to this rule if it determines they will protect public health, safety, and waters of the state as effectively as systems authorized in this division. DEQ must base approval on one or more of the following.

(A) A performance evaluation conducted under section (3) of this rule that demonstrates the technology, material, or design will achieve applicable performance standards in OAR chapter 340, divisions 071 and 073 and any additional standards DEQ determines are necessary to satisfy the requirements of subsection (1)(b) of this rule.

(B) Documentation that the alternative drainfield products are functionally equivalent to drainfield products DEQ approves.

(C) Documentation that the material used as a substitute for drain media in absorption trenches will achieve the performance standards and design criteria in section (5) of this rule.

(D) Certification of the new material, technology, or design for proposed uses by NSF/ANSI, or another program providing equivalent performance demonstration required by this rule and approved by DEQ.

(c) DEQ may approve or deny a request for approval of a new or innovative technology, material, or design or may limit approval to those locations or conditions for which achievement of standards has been demonstrated.

(d) DEQ may amend or revoke approval of a new or innovative material, technology, or design if it determines:

(A) Approval was based on false or misleading information;

(B) The material, technology, or design no longer achieves performance standards for which it was approved; or

(C) The manufacturer is not meeting the requirements in this rule or conditions of the approval.

(2) Requests for approval.

(a) Any person may submit a completed application for approval of a new or innovative technology, material, or design for onsite systems to DEQ.

(b) The application must include the following:

(A) For approval based on a performance evaluation under paragraph (1)(b)(A) of this rule:

(i) A proposed evaluation protocol under section (3) of this rule and a proposed schedule for completing the proposed evaluation; and

(ii) At the conclusion of the performance evaluation, documentation demonstrating the technology, material, or design achieves applicable standards.

(B) For approval under paragraph (1)(b)(B) of this rule, documentation supporting a determination of functional equivalency.

(C) For approval under paragraph (1)(b)(C) of this rule, documentation supporting a determination that the applicable standards will be achieved.

(D) For approval under paragraph (1)(b)(D) of this rule, documentation of certification by an approved program.

(E) The Innovative or Alternative Technology, Material, or Design Review fee established in OAR 340-071-0140(5).

(3) Requirements for studies. Field or other studies used to demonstrate performance of technologies, materials, or designs under paragraph (1)(b)(A) of this rule must satisfy the following requirements.

(a) Be based on theory or applied research that supports the intended use of the technology, material, or design.

(b) Follow an evaluation protocol that has been peer reviewed and approved by DEQ and that clearly defines the number of systems for installation reasonably necessary for the study and performance objectives, including standards to be achieved; performance measurements to validate attainment of the objectives; and the variables to be considered, including climate, soil, waste characteristics such as flow and strength, and topography.

(c) Include controls that represent the standards to be achieved.

(d) Include sufficient monitoring and reporting of performance data on both the test product and control product to support direct comparisons to the standards to be achieved.

(e) Address system operations at maturity and relevant temporal variations to support comparison to the standards to be achieved.

(f) Be designed and conducted by a qualified third party DEQ approves who certifies whether the installation, monitoring, and evaluation of the systems studied and reports submitted to DEQ satisfy this rule’s requirements.

(g) At the conclusion of the study, provide sufficient performance data to demonstrate standards are met. Data must be peer-reviewed, be scientifically defensible, and have sufficient replication to be representative and to address variations in climate, soil, topography, waste loading, and strength relevant to the proposed use.

(4) Installation of onsite systems for study. The following requirements must be met for each system incorporating unapproved new or innovative technologies, materials, or designs installed for study under this rule or OAR 340-071-0130, or former OAR 340-071-0116 or 340-071-0117 (replaced by this rule).

(a) Prior to installation, the system owner must obtain a WPCF permit under OAR 340-071-0162 or, for a system incorporating only unapproved drainfield materials and not otherwise requiring a WPCF permit, or a construction-installation permit under OAR 340-071-0160.

(b) Before installation, the system owner must provide legal and physical access for construction inspections and monitoring.

(c) The system owner must acknowledge that the system being installed is an unapproved technology and must agree in writing to hold the State of Oregon and its officers, employees, and agents harmless of any and all loss or damage caused by system failure or defective installation or operation of the proposed systems.

(d) Before transferring ownership of a system using an unapproved technology, the system owner must notify all transferees that the technology has not been approved, and the transferee must agree in writing to hold the state of Oregon and its officers, employees, and agents harmless of any and all loss or damage caused by system failure or defective installation or operation of the proposed systems.

(e) A site evaluation must be conducted under this division. Suitable area must be available for installation of both an initial onsite system and a full replacement system.

(5) Standards and design criteria for drain media substitutes. To be approved under (1)(b)(C) of this rule, substitutes for drain media used in absorption trenches, including seepage trenches, seepage beds, or other similar absorption facilities, must meet the following performance standards and design criteria.

(a) Performance standards. New or innovative materials to be used as a substitute for drain media must be structurally sound, durable, and inert in the environment they are placed. The substitute material must be capable of passing wastewater toward the infiltrative surfaces at a rate equal to or greater than gravel drain media.

(b) Design criteria for absorption trenches.

(A) The trench must be excavated under the trench standards described in this division. If warranted by the design configuration of the substitute material, the trench width may be less than 24 inches, provided the trench length is increased to compensate for the loss of the bottom surface area using the following formula: Adjusted Trench Length = (24 inches ÷ W) x L, where W = the reduced trench width in inches, and L = the original trench length as specified in paragraph (5)(b)(F) of this rule.

(B) The substitute material for the drain media must be placed in the trench and be in uniform contact with the trench bottom and both sidewalls. If voids larger than typically found with the use of drain media are present along the trench bottom after placement of the substitute material, steps must be taken to prevent the entry of burrowing rodents. If the substitute material for drain media is not in uniform contact with both sidewalls, drain media must be placed in the trench to provide that contact.

(C) The substitute material for drain media must be placed to provide a uniform sidewall infiltrative surface depth as measured along the trench sidewall from the bottom to the top of the drain media substitute in contact with the sidewall. In seepage trenches, the depth of the substitute material must be greater than 12 inches. If the substitute material provides less than 12 inches of sidewall contact depth, either drain media must be placed to accomplish the minimum sidewall contact depth, or the length of the absorption trench must be increased to compensate for the reduced sidewall seepage area depth using the following formula: Adjusted Trench Length = (12 inches ÷ D) x L, where D = the reduced sidewall seepage area depth in inches, and L = the original trench length as specified in paragraph (5)(b)(F) of this rule.

(D) If a substitute material is used in a trench that is both narrower than 24 inches and has a sidewall contact depth that is less than 12 inches, the adjusted trench length must be the longer of the adjusted trench lengths calculated using the formulae in paragraphs (A) and (C) of this section.

(E) The top surface of the substitute material for the drain media must be level across the trench and in contact with each side of the trench. The substitute material for drain media must have porosity at the top surface that is not appreciably different from the porosity of drain media. Drain media may be placed across the top of the substitute material to provide the level surface extending from sidewall to sidewall.

(F) The sizing for standard absorption trenches using a substitute material for drain media must conform to applicable criteria in OAR 340-071-0220(2), 340-071-0290(3), or 340-071-0360(2)(a). Seepage trenches using a substitute material for drain media must conform with applicable size criteria in OAR 340-071-0280(2), 340-071-0290(3), 340-071-0310(2), or 340-071-0360(2)(b).

(c) Design criteria for seepage beds.

(A) Bed excavation must conform with the standards described in OAR 340-071-0275(4)(d).

(B) The substitute material for drain media must be placed in the excavation and in contact with the bottom and sidewalls of the bed. If voids larger than typically found with the use of drain media are present along the bottom or sidewalls after placement of the substitute material, steps must be taken to prevent entry of burrowing rodents.

(C) The substitute material for drain media must be placed to provide a substitute material depth of at least 12 inches, as measured from the bottom of the excavation to the top of the drain media substitute. If the depth of the media substitute is less than 12 inches, drain media must be placed within the excavation to provide this depth.

(D) The upper surface of the substitute material for drain media must be level from sidewall to sidewall. The porosity of the top surface of the substitute material must not appreciably differ from the porosity of drain media. Drain media may be placed across the top of the substitute material to provide the level surface extending from sidewall to sidewall.

(E) Seepage beds using a substitute material for drain media must conform with size requirements in OAR 340-071-0275(4)(d)(B).

(d) Distribution piping in absorption facilities using a substitute material for drain media must comply with the appropriate pipe standards in this division and OAR chapter 340, division 073.

(6) Study protocols for substitutes for drain media — example. This section provides an example study protocol to demonstrate substitute drain media under paragraph (1)(b)(C) of this rule. Proposed protocols must be approved for study under section (3) of this rule.

(a) A standard onsite system must be installed and sized for a given soil group according to Tables 4 and 5 of this division. The system must be designed to allow a side-by-side performance comparison of the substitute material with a standard absorption trench (the control). For this purpose, the drainfield must contain four small test cells, two of them containing the substitute material and two the standard drain media, which receive septic tank effluent before the remaining portion of the drainfield. The test cells must represent approximately one-third of the total drainfield. The cells containing the substitute material must be sized according to the manufacturer's claim for equivalence to the standard trench length.

(b) A drop box or similar monitoring box containing a sump must be placed at the end of each test cell. All drop boxes must be connected to the remaining portion of the drainfield.

(c) The test cells must be fed by a pump and a hydrosplitter to distribute the effluent equally to each test cell. Installation of a water meter or pump cycle-counter may be required.

(d) Observation ports must be installed in each test cell to allow measuring and recording the effluent ponding depth.

(e) Domestic wastewater coming directly from a septic tank connected to a residence or facility must be used in the field study.

(f) The performance standard to be achieved is the acceptance rate of the effluent by the substitute material, measured by observing the time required for each test cell to overflow to the drop box.

(g) The test must conclude at the end of three years or when overflow is observed in one of each paired test cells, whichever occurs first. Observation of overflow or no overflow and of ponding must be recorded at least monthly.

(h) For approval for statewide use, the testing described in this section must be duplicated at sites within the two major climatic regimes of Oregon, west of the Cascade Mountain Range and east of the Cascade Mountain Range, and in each of the soil groups described in Tables 4 and 5 of this division. At least 18 duplicate sites are required, with 3 sites in each of 3 soil groups in the 2 major climatic regimes of Oregon. Studies may include additional sites.

[ED. NOTE: All tables are found in OAR 340-071-0800.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.607, 454.615, 454.784, 468.035, 468.045, 468.065 & 468B.050
Hist.: DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 14-2000, f. & cert. ef. 8-24-00; Renumbered from 340-071-0116 & 340-071-0117, DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0140

Onsite System Fees

(1) This rule establishes the fees for site evaluations, permits, reports, variances, licenses, and other services DEQ provides under this division.

(2) Table 9A lists the site evaluation and existing system evaluation fees. [Table not included. See ED. NOTE.]

(3) Tables 9B and 9C list the permitting fees for systems not subject to WPCF permits. Online submittals for annual report evaluation fees may apply when DEQ implements online reporting. [Table not included. See ED. NOTE.]

(4) WPCF permit fees. Fees in this section apply to WPCF permits issued under OAR 340-071-0162. Table 9D lists the WPCF permit fees. [Table not included. See ED. NOTE.]

(5) Table 9F lists the innovative, Alternative Technology and Material Plan Review fees. [Table not included. See ED. NOTE.]

(6) Table 9E lists the Sewage Disposal Service License and Truck Inspection fees. [Table not included. See ED. NOTE.]

(7) Compliance Recovery Fee. When a violation results in an application in order to comply with the requirements in this division, the agent may require the applicant to pay a compliance recovery fee in addition to the application fee. The amount of the compliance recovery fee shall not exceed the application fee. Such violations include but are not limited to installing a system without a permit, performing sewage disposal services without a license, or failure to obtain an authorization notice when it is required.

(8) Land Use Review Fee. Land use review fees are listed in Table 9C and are assessed when an agent review is required in association with a land use action or building permit application and no approval is otherwise required in the division.

(9) Contract county fee schedules.

(a) Each county having an agreement with DEQ under ORS 454.725 must adopt a fee schedule for services rendered and permits issued. The county fee schedule may not include DEQ's surcharge established in section (10) of this rule unless identified as a DEQ surcharge.

(b) The county must submit a copy of the fee schedule and any subsequent amendments to the schedule to DEQ.

(c) Fees may not exceed actual costs for efficiently conducted services.

(10) DEQ surcharge.

(a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, DEQ and contract counties must levy a surcharge for each site evaluation, report permit, and other activity for which an application is required in this division. The surcharge fee is listed in Table 9F. This surcharge does not apply to pumper truck inspections, annual report evaluation fees, or certification of installers or maintenance providers. [Table not included. See ED. NOTE.]

(b) Proceeds from surcharges DEQ and contract counties collect must be accounted for separately. Each contract county must forward the proceeds to DEQ under its agreement with the DEQ.

(11) Refunds. DEQ may refund all or a portion of a fee accompanying an application if the applicant withdraws the application before any field work or other substantial review of the application has been done.

[ED. NOTE: All tables are found in OAR 340-071-0800.]

Stat. Auth.: ORS 454.625, 468.020 & 468.065(2)
Stats. Implemented: ORS 454.745, 468.065 & 468B.050
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 13-1986, f. & ef. 6-18-86; DEQ 15-1986, f. & ef. 8-6-86; DEQ 6-1988, f. & cert. ef. 3-17-88; DEQ 11-1991, f. & cert. ef. 7-3-91; DEQ 18-1994, f. 7-28-94, cert. ef. 8-1-94; DEQ 27-1994,

f. & cert. ef. 11-15-94; DEQ 12-1997, f. & cert. ef. 6-19-97; Administrative correction 1-28-98; DEQ 8-1998, f. & cert. ef. 6-5-98; DEQ 16-1999, f. & cert. ef. 12-29-99; Administrative correction 2-16-00; DEQ 9-2001(Temp), f. & cert. ef. 7-16-01 thru 12-28-01; DEQ 14-2001, f. & cert. ef. 12-26-01; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 7-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 10-2009, f. 12-28-09, cert. ef. 1-4-10; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & cert. ef. 6-30-11; DEQ 6-2012, f. 10-31-12, cert. ef. 11-1-12; DEQ 8-2013, f. 10-23-13, cert. ef. 11-1-13; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14; DEQ 11-2014, f. & cert. ef. 10-15-14; DEQ 13-2014, f. 11-14-14, cert. ef. 12-1-14; DEQ 4-2015, f. & cert. ef. 2-3-15; DEQ 16-2015, f. 12-10-15, cert. ef. 1-1-16; DEQ 1-2016, f. & cert. ef. 1-27-16

340-071-0150

Site Evaluation Procedures

(1) A site evaluation is the first step in the process of obtaining a construction-installation permit for an onsite system. Except as otherwise provided in these rules, before obtaining a permit to construct an onsite system, a person must obtain a site evaluation report finding the site suitable for an onsite system under this division.

(2) Completed applications for site evaluations must be submitted to the agent with all required exhibits and the applicable site evaluation fee in OAR 340-071-0140(2).

(a) Unless DEQ approves other procedures for a contract county, applicants must provide at least two test pits, with dimensions and configuration as the agent directs, located approximately 75 feet apart and within the area of the proposed system, including the repair/replacement area.

(b) The fee paid for a site evaluation report covers as many site inspections within ninety days of the initial inspection as necessary to determine the suitability of a single lot or parcel for a single system. A site is considered to be suitable as soon as it is found to meet the criteria for any type of onsite system.

(3) Site evaluation report.

(a) The agent or, for WPCF permits, an agent or a qualified private contractor, must evaluate the site of the proposed system, consider all system options, and provide a report of such evaluation.

(b) The site evaluation report must be on a DEQ-approved form.

(c) The report must contain, at a minimum, a site diagram and observations of the following site characteristics.

(A) Parcel size;

(B) Slope in absorption field and replacement areas (percent and direction);

(C) Surface streams, springs, other bodies of water;

(D) Existing and proposed wells;

(E) Escarpments;

(F) Cuts and fills;

(G) Unstable landforms;

(H) Soil profiles determined from test pits provided by applicant;

(I) Water table levels as indicated by conditions associated with saturation or water table observations;

(J) Useable area for initial and replacement absorption areas;

(K) Encumbrances observed or listed on the application;

(L) Sewerage availability;

(M) Other observations including off-site features as appropriate.

(d) Site evaluation reports for subdivisions or other land divisions must be based on an evaluation of each lot.

(e) Specific conditions or limitations imposed on an approved site must be listed on the evaluation report.

(f) A site evaluation report approving a site for a system qualifies the property owner for a permit to construct a system on that property if other requirements for a permit are met.

(4) Approval or denial:

(a) A site must be approved for a system if the site evaluation report documents the following:

(A) The site evaluation report identifies the types of the initial and replacement systems for which the site is approved.

(B) All criteria for approving a specific type or types of systems, as described in this division are satisfied.

(C) Each lot or parcel has sufficient usable area available to accommodate an initial and replacement system. The usable area may be located within the lot or parcel or within the bounds of another lot or parcel that is secured under OAR 340-071-0130(11). The initial and replacement systems may be of different types, e.g., a standard subsurface system as the initial system and an alternative system as the replacement system. The site evaluation report must indicate the types of the initial and replacement systems for which the site is approved.

(D) A replacement area is not required in areas under control of a legal entity such as a city, county, or sanitary district if the legal entity gives a written commitment that sewerage service will be provided within five years.

(b) A site must be denied if the conditions identified in section (4)(a) of this rule are not met.

(c) Changes in technical requirements in this division may not invalidate a site approval but may require design changes or use of a different type of system.

(5) Site evaluation report review. An applicant may request DEQ to review an agent's site evaluation report. The application for review must be submitted to DEQ in writing within 60 days after the site evaluation report issue date and must include the site evaluation review fee in OAR 340-071-0140(2). DEQ will review and approve or disapprove the site evaluation report.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.655 & 454.755
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0155

Existing System Evaluation Report

(1) An evaluation of an existing onsite wastewater treatment system must meet the following requirements:

(a) An evaluation must be performed by a person with one or more of the qualifications listed below:

(A) Professional Engineer under ORS chapter 672 with knowledge and experience inspecting onsite systems;

(B) Registered Environmental Health Specialist or Wastewater Specialist under ORS chapter 700 with knowledge and experience inspecting onsite systems;

(C) A certified installer with knowledge and experience inspecting onsite systems;

(D) A certified maintenance provider with knowledge and experience inspecting onsite systems;

(E) A current NAWT inspector training and certification accreditation;

(F) Other similar license or certification DEQ approves.

(b) An evaluation must include the following:

(A) An examination of the records available on the existing system, including all permit records and pumping and other maintenance records.

(B) For existing systems without a permit record, the inspector must create a record to document system materials, components, and location. Methods used to create the record may include the use of soil probes, metal detectors, electronic pipe tracers, radio and video technology, and uncovering system components.

(C) A field inspection of the existing system.

(D) A report of findings on a DEQ-approved form including the information obtained relevant to system performance, such as age; usage; records of installation, maintenance, and repairs; type, size, capacity, and condition of components; evidence of any failures; other relevant information, such as condition of repair area if known; and a complete sketch of the system showing location and distances of major components.

(E) The evaluation must include all portions of the system that serve the facility, including any portion located on a lot or parcel different from the lot or parcel on which the facility the system serves is located.

(2) A person may not conduct an existing system evaluation required by this rule unless the person meets the qualifications in subsection (1)(a) of this rule prior to conducting the evaluation.

(3) Any person may request an agent to provide an evaluation report on an existing onsite wastewater treatment system.

(4) A completed application form must be submitted to the agent with all necessary exhibits and the existing system evaluation fee in OAR 340-071-0140(2).

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.755, 468B.015 & 468B.080
Hist.: DEQ 8-1983, f. & ef. 5-25-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

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

(3) Deadlines for action. The agent must either issue or deny the permit within 20 days after receiving the completed application unless weather conditions or distance and unavailability of transportation prevent the agent from timely action. The agent must notify the applicant in writing of any delay and the reason for delay and must either issue or deny the permit within 60 days after the mailing date of notification.

(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 sewerage system that can serve the proposed sewage flow is both legally and physically available, as described in paragraphs (A) and (B) of this subsection.

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

(i) For 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.

(ii) For a proposed subdivision or group of two to five 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.

(iii) For proposed subdivisions or other developments with more than five single family dwellings or equivalent flows, the agent will determine sewerage availability.

(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.

(5) Permit effective dates. A permit issued for construction of a system under this rule is effective for one year from the date of issuance. After a system has been installed under the permit and a Certificate of Satisfactory Completion has been issued for the installation, conditions specified in the Certificate of Satisfactory Completion continue in force as long as the system is in use.

(6) Permit renewal, reinstatement, or transfer. An agent may renew, reinstate, or transfer a permit if the following conditions are met:

(a) The applicant submits a completed application for permit renewal before the permit expiration date or for reinstatement within one year after the permit expiration date.

(b) Applications for transfer of a permit from a permittee to another person must be filed before the permit expiration date. Only the permittee's name may be changed in a transfer.

(c) Applications for permit renewal, reinstatement, or transfer must conform to the requirements of this rule and the permit will be issued or denied under this rule.

(7) Temporary holding tank. If a permit has been issued under these rules but existing soil moisture conditions preclude the construction of the soil absorption system, an agent may approve installing a septic tank for use as a temporary holding tank for up to 12 months. Before approval, the permittee must demonstrate that the outlet of the tank has been sealed with a water tight seal and that the permittee has entered into a pumping contract for the tank. Unless otherwise authorized by the agent, the septic tank must be designed and constructed under OAR 340-071-0340.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.655
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 8-1983, f. & ef. 5-25-83; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0162

Permit Application Procedures — WPCF Permits

(1) Procedures in this rule are for applications for WPCF permits for onsite systems.

(2) Any person may request a new, modified, or renewal WPCF permit by submitting an application on forms DEQ provides with the specified number of copies of all required exhibits. The name of the applicant and permittee must be the legal name of the owner of the facilities the system serves or the lessee responsible for the operation and maintenance. Applications must be submitted at least 60 days before a permit is needed. Required exhibits include but are not limited to the following:

(a) A land use compatibility statement from the local land use planning agency indicating that the site is approved for the activity for which the applicant is applying. If the activity is approved only upon conditions in a conditional use permit, a copy of the conditional use permit must be provided;

(b) A copy of a site evaluation report approving the site for the type and quantity of wastes to be disposed;

(c) Evidence that the permit processing fees and the first year's annual compliance determination fee in OAR 340-071-0140(4) have been paid to DEQ or agent, as directed; and

(d) A site diagram meeting the requirements of OAR 340-071-0160(2)(c).

(3) DEQ will not accept applications for filing that are obviously incomplete, improperly signed, or lacking required exhibits clearly identified. DEQ will return these applications for completion. DEQ will consider applications that are correctly signed and appear administratively complete timely upon receipt. A request for further information under section (4) of this rule will not affect the timeliness of an application.

(4) Within 45 days after receiving an application, DEQ will preliminarily review the application to determine the adequacy of the information submitted. Failure to complete this review within 45 days does not preclude DEQ from later requesting additional information from the applicant as provided in this section.

(a) DEQ will request in writing from the applicant any additional information needed to review the application. DEQ will consider the application withdrawn if the applicant fails to submit the requested information within 90 days of the request.

(b) If DEQ determines that additional measures are necessary to gather facts regarding the application, DEQ will notify the applicant of measures to be instituted and the timetable and procedures to be followed. DEQ will consider the application withdrawn if the applicant fails to comply with the additional measures.

(5) Draft permit review. Before issuing a permit, DEQ will send a draft permit to the applicant for review. The applicant will have up to 14 calendar days to comment on the draft permit.

(6) Public participation. DEQ will provide for public participation under the requirements for WPCF permits in OAR chapter 340, division 045.

(7) Final DEQ action. DEQ must take final action on the permit application within 45 days of the close of the public comment period if a comment period is required. DEQ will consider all timely comments and other information obtained pertinent to the permit action. DEQ will notify the applicant of the action taken.

(8) Applicant's appeal rights. DEQ's final action is effective 20 days from the date DEQ serves notice to the applicant of DEQ's final action unless the applicant requests a hearing before the effective date. The request for a hearing must be in writing and state the grounds for the request. DEQ will conduct any hearing as a contested case hearing under ORS 183.413 through 183.470 and OAR chapter 340, division 011.

(9) Permit term. The term of a permit issued under this rule may not exceed ten years. The expiration date will be recorded on each permit issued.

(10) For systems that are proposed to be or are operating under a WPCF permit, a person may not construct, alter, or repair the system, or any part thereof, unless that person is licensed under ORS 454.695 or is the permittee.

(11) A person may not connect to or use any system authorized by a WPCF permit unless the system has been inspected and certified under OAR chapter 340, division 052 and DEQ has accepted that certification.

(12) Renewal of a permit. The procedures for issuing a new WPCF permit apply to renewing a permit. A permit may be renewed if the applicant files a completed permit renewal application, on forms DEQ provides, with DEQ at least sixty days before the permit expires. The permit will not expire until DEQ takes final action on a timely renewal application.

(13) DEQ may terminate, revoke, modify, or transfer a permit under the rules in OAR chapter 340, division 045 applicable to WPCF permits.

(14) Rules that do not apply to WPCF applicants or permittees:

(a) Because the permit review, issuance, and appeal procedures for WPCF permits are different from those of other onsite permits in these rules, the following rules do not apply to WPCF applicants or permittees: OAR 340-071-0135; 340-071-0155; 340-071-0160(1), (2)(a), (b), and (d), (3), (5) and (6); 340-071-0165(1); 340-071-0170; 340-071-0175; 340-071-0185; 340-071-0200; 340-071-0205; 340-071-0210; 340-071-0215(1), (2), (3), and (5); 340-071-0275(4)(c)(A); 340-071-0290(7); 340-071-0295(1); 340-071-0302(6); 340-071-0330; 340-071-0345(1)-(7) and (9)-(14); 340-071-0360(2)(b)(B); 340-071-0410; 340-071-0415; 340-071-0420; 340-071-0425; 340-071-0430; 340-071- 0435; 340-071-0440; 340-071-0445; and 340-071-0500.

(b) WPCF permit applicants and permittees are not subject to any WPCF permit-related fees other than those specified in OAR 340-071-0140.

(c) The following rules in OAR chapter 340, division 073 do not apply to WPCF applicants or permittees: OAR 340-073-0030(1); 340-073-0065; 340-073-0070; and 340-073-0075.

Stat. Auth.: ORS 454.625, 468.020 & 468.065(2)
Stats. Implemented: ORS 468.065, 468.070, 468B.050 & 468B.055
Hist.: DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0165

Permit Denial Review — Construction-Installation, Repair, Alteration Permits

(1) DEQ must review a permit denied by an agent if the applicant requests review. The applicant must submit an application for review to DEQ in writing within 60 days of the date the agent issues the permit denial notice and must include the permit denial review fee in OAR 340-071-0140(3).

(2) Permit denials for systems proposed to serve commercial facilities intended for use in a commercial activity, trade, occupation, or profession may be appealed through the contested case hearing procedure set forth in ORS Chapter 183 and OAR chapter 340, division 011.

(3) If the agent intends to deny a permit for a parcel of ten acres or larger, the agent must:

(a) Provide the applicant with a Notice of Intent to Deny;

(b) Specify reasons for the intended denial; and

(c) Offer a contested case hearing under ORS chapter 183 and OAR chapter 340, division 011.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.655
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0170

Pre-Cover Inspections

(1) System installers must request a pre-cover inspection when system construction, alteration, or repair is complete except for backfill (cover) and as a permit otherwise requires. The agent must inspect the installation to determine whether it complies with this division, unless the agent waives the inspection under section (2) of this rule or OAR 340-071-0400(6).

(2) The agent may waive inspections for a system proposed to serve a single family dwelling or for a system of similar flow and waste strength if:

(a) The system was installed by a sewage disposal service business licensed under ORS 454.695;

(b) The installer complies with all requirements of this rule; and

(c) Upon the agent's request, the installer submits to the agent photographs of those portions of the construction for which the inspection is waived.

(3) To request a pre-cover inspection, the installer must submit the following information to the agent at the time system construction is complete.

(a) A detailed and accurate as-built plan of the constructed system.

(b) A list of all materials used in the construction of the system.

(c) Certification on a DEQ-approved form signed by the permittee who installed the system or an installer certified under OAR 340-071-0650 on a DEQ-approved form that the system was constructed as the permit, this division, and OAR chapter 340, division 073 require.

(4) An agent may require an owner to pay the inspection fee in OAR 340-071-0140(3) when a pre-cover inspection correction notice requires correction of improper construction and, at a subsequent inspection, the agent finds system construction deficiencies have not been corrected.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.665
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0175

Certificate of Satisfactory Completion

(1) The agent may issue a Certificate of Satisfactory Completion for a system installation if, the agent inspects and system and determines the system complies with applicable requirements in this division and OAR chapter 340, division 073 and the permit's conditions.

(2) If an agent determines an installation does not comply with the requirements in section (1) of this rule, the agent must notify the permittee in writing or post a Correction Notice on the site. The notice must explain the system deficiencies and corrective action required.

(3) If an agent does not inspect a system within 7 days after notification of completion or waives the inspection under OAR 340-071-0170(2) or 340-071-0400(6)(d), a Certificate of Satisfactory Completion will be deemed to have been issued by operation of law. In such cases, a modified Certificate will be issued to the owner.

(4) A system may be backfilled (covered) after installation only after:

(a) The agent has notified the permittee that the inspection will not be conducted;

(b) The agent has inspected the system and issued a Certificate of Satisfactory Completion; or

(c) A Certificate of Satisfactory Completion has been issued by operation of law under section (3) of this rule.

(5) The permittee must ensure satisfactory completion of a system installation within 30 days after written notification or posting of a Correction Notice under section (2) of this rule unless the agent agrees to a later time.

(6) A person may not connect to or use any system completed after January 1, 1974, unless a Certificate of Satisfactory Completion has been issued for the installation or deemed issued by operation of law under this rule.

(7) Unless the agent requires otherwise, the system installer must backfill (cover) a system within 10 days after issuance of a Certificate of Satisfactory Completion for that system.

(8) A Certificate of Satisfactory Completion is valid for a period of five years for connection of the system to the facility for which it was constructed. After the five-year period, an Authorization Notice, alteration permit, or construction-installation permit may be required under OAR 340-071-0160, 340-071-0205, or 340-071-0210.

(9) A permittee may appeal the denial or revocation of a Certificate of Satisfactory Completion under ORS 183.310 through 183.550 and OAR chapter 340, division 11.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.655
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0205

Authorization to Use Existing Systems

(1) Authorization Notice required. Except as this rule specifically allows, a person may not place into service, reconnect to, change the use of, or increase the projected daily sewage flow into, an existing onsite system without first obtaining an Authorization Notice, construction-installation permit, or alteration permit as appropriate.

(2) Exceptions.

(a) An Authorization Notice is not required to replace a mobile home with a similar mobile home in a mobile home park or a recreation vehicle with another recreation vehicle in a lawful recreation vehicle park if the onsite wastewater system has adequate capacity for safely treating wastewater generated within the park.

(b) An Authorization Notice is not required to place into service a previously unused system for which a Certificate of Satisfactory Completion has been issued within five years of the date such system is placed into service if the projected daily sewage flow does not exceed the design flow and the system is in compliance with the requirements of the Certificate of Satisfactory Completion and applicable requirements in this division.

(3) A completed application for the Authorization Notice must be submitted to an agent with all required exhibits and the authorization notice fee in OAR 340-071-0140(3). The exhibits must include:

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

(b) An accurate property development plan;

(c) An onsite system description;

(d) A lot map or equivalent plat map for the property;

(e) Documentation of any hardship claimed;

(f) All other information the agent finds necessary to complete the application.

(4) An agent may issue an Authorization Notice valid for up to one year to place into service or change the use of an existing onsite system when no increase in sewage flow is projected and the design flow is not exceeded, if:

(a) The existing system is not failing;

(b) All set-backs between the existing system and the structure can be maintained; and

(c) In the agent’s opinion, the proposed use would not create a public health hazard on the ground surface or in public surface waters.

(5) An agent may issue an Authorization Notice valid for up to one year to place into service or change the use of an existing system when projected daily sewage flow would increase by not more than 300 gallons above the design capacity and not more than 50 percent of the design capacity for the system if:

(a) The existing system is not failing;

(b) All set-backs between the existing system and the structure can be maintained;

(c) A full system replacement area is available and meets all siting requirements in this division except those relating to soil conditions and groundwater; and

(d) In the agent's opinion, the proposed increase in sewage flow would not create a public health hazard or pollute water.

(6) A construction-installation permit is required to place into service or change the use of a system when projected daily sewage flows would increase by more than 300 gallons above the design capacity or by more than 50 percent of the design capacity of the system.

(7) Personal hardship.

(a) The agent may issue an Authorization Notice allowing a temporary dwelling to use an existing system serving another single family dwelling to provide housing for a person suffering hardship or for an individual providing care for such a person if:

(A) The agent receives a hardship approval issued under local planning ordinances;

(B) The system is not failing; and

(C) The agent receives evidence that local zoning and land use planning regulations allow placing a hardship temporary dwelling on the subject property.

(b) The Authorization Notice remains in effect for a specified period not to exceed 5 years, but may not exceed cessation of the hardship. The Authorization Notice may be extended for additional periods upon application under the requirements in section (3) of this rule.

(c) The agent must impose conditions in the Authorization Notice that are necessary to protect public health.

(8) Temporary placement.

(a) The agent may issue an Authorization Notice allowing a temporary dwelling to use an existing system serving another single family dwelling to provide temporary housing for a family member in need if:

(A) The agent receives evidence that the family member is in need of temporary housing;

(B) The system is not failing;

(C) A full system replacement area is available; and

(D) The agent receives evidence that local zoning and land use planning regulations allow placement of a temporary dwelling on the subject property.

(b) The Authorization Notice may authorize use for no more than 2 years and is not renewable. The agent must impose conditions in the Authorization Notice necessary to protect public health. If the system fails during the temporary placement and additional replacement area is no longer available, the owner must disconnect the temporary dwelling from the system.

(9) If the conditions of sections (4), (5), (6), (7), and (8) of this rule are not satisfied, the agent must either deny the Authorization Notice or withhold issuance until necessary alterations or repairs are made to the system.

(a) Alteration or repair requires a permit under OAR 340-071-0160, 340-071-0210, or 340-071-0215. The agent must credit the Authorization Notice fee submitted with the Authorization Notice application toward the permit fee.

(b) The agent may require submitting the exhibits described in OAR 340-071-0160(2) to complete the permit application and must issue or deny the permit under OAR 340-071-0160.

(10) Upon the applicant’s request, DEQ will review an Authorization Notice an agent denied. The application for review must be submitted to DEQ in writing within 45 days of the Authorization Notice denial along with the denial review fee in OAR 340-071-0140(3) and other information DEQ finds necessary to complete the review. DEQ will prepare a report of the review.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 11-1991, f. & cert. ef. 7-3-91; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0210

Alteration of Existing Onsite Wastewater Treatment Systems

(1) Permit required. A person may not alter or increase the design capacity of an existing onsite wastewater treatment system not under a WPCF permit without first obtaining an alteration permit under this rule or a construction-installation permit under OAR 340-071-0160, as applicable. The permit application procedure is described in OAR 340-071-0160.

(2) An agent may issue an alteration permit if the requirements of either subsections (a) or (b) of this section are met.

(a) Alterations do not increase the system's design capacity above the original design flow and:

(A) The existing system is not failing;

(B) The site setbacks in Table 1 can be met except that if the setbacks in Table 1 for septic tanks, treatment units, effluent sewers, and distribution units cannot be met, the agent may allow a reasonable installation; and

(C) In the agent's opinion, use of the onsite system would not create a public health hazard or result in water pollution.

(b) Alterations do not exceed the existing system design capacity by more than 300 gpd or 50 percent, and:

(A) The existing system is not failing;

(B) The setbacks in Table 1 can be met; and

(C) In the agent's opinion, using the onsite system would not create a public health hazard or result in water pollution.

(3) An application for a construction-installation permit under OAR 340-071-0160 is required when the existing system design capacity is proposed to be exceeded by more than 300 gpd or more than 50 percent.

(4) Certificate of Satisfactory Completion required. Upon completing installation of that part of a system for which a permit was issued, the system installer must comply with the requirements for pre-cover inspections in OAR 340-071-0170. The agent must issue or deny the Certificate of Satisfactory Completion for the completed construction under OAR 340-071-0175. The projected daily sewage flow into the system may not be increased until the Certificate is issued.

[ED. NOTE: All tables are found in OAR 340-071-0800.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.655, 454.665 & 454.675
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 8-1983, f. & ef. 5-25-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

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) Certificate of Satisfactory Completion. Upon completion of installation of that part of a system for which a repair permit was issued, the system installer must comply with the requirements for pre-cover inspections in OAR 340-071-0170. The agent must issue or deny the Certificate of Satisfactory Completion under OAR 340-071-0175.

(4) Criteria for permit issuance.

(a) If the site characteristics and standards in OAR 340-071-0220 can be met, the repair installation must conform to the requirements.

(b) If the site characteristics or standards in OAR 340-071-0220 cannot be met, the agent may allow a reasonable repair installation to eliminate a public health hazard, including installing an alternative system as necessary.

(5) Notwithstanding the permit duration specified in OAR 340-071-0160(5), a permit issued under this rule may be effective for a period of less than one year from the date of issue if specified by the agent.

(6) System owners must decommission failing systems under OAR 340-071-0185 if the systems cannot be repaired.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.655, 454.665, 454.675 & 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0220

Standard Subsurface Systems

(1) Criteria For standard subsurface systems. Each site must meet all of the conditions in this section to be approved for a standard subsurface system.

(a) Effective soil depth must extend 30 inches or more below the ground surface as shown in Table 3. A minimum 6-inch separation must be maintained between the layer that limits effective soil depth and the bottom of the absorption facility.

(b) Water table levels must be predicted using standards in OAR 340-071-0130(23).

(A) The permanent water table must be at least 4 feet below the bottom of the absorption facility, except in defined geographic areas where DEQ has determined through a groundwater study that less separation will not degrade groundwater or threaten public health. In these exception areas, the permanent water table must be at least 24 inches below the ground surface.

(B) A temporary water table must be 24 inches or more below the ground surface. An absorption facility may not be installed deeper than the top of the temporary water table.

(C) A groundwater interceptor may be used to intercept or drain water from an absorption area on sites with adequate slope to permit proper drainage. An agent may require a demonstration that the site can be de-watered before issuing a site evaluation report approving the site. Where required, groundwater interceptors are an integral part of the system but do

not need to meet setback requirements to property lines, wells, streams, lakes, ponds, or other surface water bodies that are required for the wastewater absorption area.

(c) Except as subsection (d) of this section provides, soil with rapid or very rapid permeability must be 36 inches or more below the ground surface. A minimum 18-inch separation must be maintained between soil with rapid or very rapid permeability and the bottom of absorption trenches.

(d) Sites may be approved with no separation between the bottom of absorption trenches and soil with rapid or very rapid permeability as defined in OAR 340-071-0100(148)(a) and (b) and absorption trenches may be placed into such soil if any of the following conditions occur.

(A) A confining layer occurs between the bottom of absorption trenches and the groundwater table and a minimum 6-inch separation is maintained between the bottom of absorption trenches and the top of the confining layer.

(B) A layer of nongravelly (less than 15 percent gravel) soil with sandy loam or finer texture at least 18 inches thick occurs between the bottom of the absorption trenches and the groundwater table.

(C) The projected daily sewage flow does not exceed a loading rate of 450 gallons per acre per day.

(e) Slopes do not exceed 30 percent or the slope/effective soil depth relationship described in Table 3.

(f) The site has not been filled or the soil has not been modified in a way that would, in the agent's opinion, adversely affect the system's functioning.

(g) The site is not on an unstable land form that might adversely affect operation of the system.

(h) The site of the initial and replacement absorption facility is not covered by asphalt or concrete or subject to vehicular traffic, livestock, or other activity that would adversely affect the soil.

(i) The site of the initial and replacement absorption facility will not be subjected to excessive saturation from artificial drainage of ground surfaces, driveways, roads, roof drains, or other circumstances.

(j) Setbacks in Table 1 except as modified by this subsection can be met.

(A) Surface waters setbacks. Setback from streams or other surface waters must be measured from bank drop-off or mean yearly high water mark, whichever provides the greatest separation distance.

(B) Lots created before May 1, 1973. For lots or parcels legally created before May 1, 1973, the agent may approve installing a standard or alternative system with a setback from surface waters of less than 100 feet but not less than 50 feet if all other applicable provisions of this rule can be met.

(C) Water lines and sewer lines. Effluent sewer and water line piping constructed of materials that are approved for use within a building in the 2000 Edition of the Oregon State Plumbing Specialty Code may be run in the same trench or may cross. Where the effluent sewer pipe material is not approved for use in a building, it may not be run or laid in the same trench as water pipe unless:

(i) The bottom of the water pipe at all points is set at least 12 inches above the top of the sewer pipe; and

(ii) The water pipe is placed on a solid shelf excavated at one side of the common trench with a minimum, clear, horizontal distance of at least 12 inches from the sewer pipe.

(D) Septic tank setbacks. The agent must encourage placing septic tanks and other treatment units as close as feasible to the minimum separation from the building foundation to minimize clogging the building sewer.

(E) Pressure transport pipe setback to well. Notwithstanding the setback distance in Table 1, the agent may allow the separation distance between a pressure transport pipe and a well to be less than 50 feet but no less than 25 feet when: [Table not included. See ED. NOTE.]

(i) The pressure transport pipe is PVC Sch. 40 or heavier pressure-rated piping meeting ASTM Specification D-2241;

(ii) The pressure transport pipe is placed within a larger diameter PVC or ABS Sch. 40 or heavier encasement pipe, with the pipe ends located at least 50 feet away from the well; and

(iii) All pipe joints in the pressure transport pipe and encasement pipe are solvent-welded.

(2) Criteria for sizing absorption fields. Absorption fields must be designed and sized based on the criteria in this section.

(a) Table 2, specifying quantities of sewage flows, or other information the agent determines is reliable with the following exception. [Table not included. See ED. NOTE.] A system must be sized on the basis of 300 gallons sewage flow per day plus 75 gallons per day for the third bedroom when the system:

(A) Is proposed to serve a single family dwelling on a lot of record created before March 1, 1978, that is too small to accommodate a system sized for a daily sewage flow of 450 gallons; or

(B) Serves specifically planned developments with living units of three or fewer bedrooms and deed restrictions prohibit an increase in the number of bedrooms.

(b) Table 4, specifying the minimum length of absorption trenches based on soil texture and effective soil depth. [Table not included. See ED. NOTE.]

(c) Table 5, specifying the minimum length of absorption trenches based on soil texture and depth to temporary water. [Table not included. See ED. NOTE.]

(d) Strength of the wastewater. If the strength of the wastewater exceeds the maximum limits for residential strength wastewater or the contents of the wastewater are atypical of residential strength wastewater or pose a threat to groundwater, public health, or the environment, the wastewater must be pretreated to acceptable levels before being discharged into a standard or alternative system.

(3) Septic tank.

(a) Liquid capacity.

(A) The quantity of daily sewage flow projected for a facility must be estimated from Table 2. The agent must determine the projected daily sewage flow for establishments not listed in Table 2. [Table not included. See ED. NOTE.]

(B) A septic tank that serves a commercial facility must have a liquid capacity of at least two times the projected daily sewage flow unless the agent authorizes otherwise. In all cases the capacity must be at least 1,000 gallons.

(C) The capacity of a septic tank that serves a single family dwelling must be based on the number of bedrooms in the dwelling. For a dwelling with 4 or fewer bedrooms, the tank capacity must be at least 1,000 gallons. Septic tank capacity must be at least 1,500 gallons for dwellings with more than 4 bedrooms.

(D) The agent may require a larger capacity than this subsection specifies as needed for special or unique waste characteristics, such as flow patterns, volumes, waste strength, or facility operation.

(b) Installation requirements.

(A) Septic tanks must be installed on a level, stable base that will not settle.

(B) Septic tanks located in high groundwater area must be weighted or provided with an antibuoyancy device to prevent flotation under the manufacturer's instructions.

(C) Tanks must be installed with at least one watertight riser extending to the ground surface or above. The riser must have a minimum diameter of 20 inches when the soil cover above the tank does not exceed 36 inches. The riser must have a minimum diameter of 30 inches when the soil cover above the tank exceeds 36 inches or when the tank capacity exceeds 3,000 gallons. A gasketed cover must be provided and securely fastened or weighted to prevent unauthorized access.

(D) Tanks must be installed in a location that provides access for maintenance.

(E) Where practicable, the sewage flow from an establishment must be consolidated into one septic tank.

(F) The agent may allow a removable plug to be placed in the top of a septic tank inlet sanitary tee if the septic tank discharges directly into a gravity-fed absorption facility.

(G) After installation all tanks must prove watertightness under OAR 340-073-0025.

(H) Unless the agent allows otherwise, an effluent filter meeting the requirements of OAR 340-073-0056 must be installed at the septic tank outlet if a tank serves a commercial facility. A service access riser and cover meeting the requirements of 340-071-0220(3)(b)(C) must be placed above the effluent filter.

(c) Construction. Tank construction must comply with minimum standards in OAR chapter 340, division 073, unless otherwise DEQ authorizes otherwise in writing.

(d) Multi-compartment tank requirement.

(A) With the exception in paragraph (B) of this subsection, if a sewage ejector pump precedes a septic tank, the tank must have been manufactured as a multi-compartment tank under requirements in this division and OAR chapter 340, division

073. An effluent filter must be installed unless the agent allows other methods with equal or better performance in preventing suspended solids from passing to the drainfield.

(B) If the sewage ejector pump preceding the septic tank at a single family residence receives wastewater from only a clothes washing machine and a sink, a single-compartment septic tank may be used in lieu of a multi-compartment septic tank. The tank must meet the minimum capacity requirement in subsection (a) of this section, and an effluent filter must be installed in the tank's outlet tee fitting. Alternatively, the agent may allow the filter to be placed in a separate vault and riser located just outside the septic tank or may authorize other alternatives as appropriate.

(4) Distribution techniques. Absorption trenches must be constructed according to one of the methods in this section.

(a) Gravity-fed equal distribution (including loop).

(A) Equal distribution must be used on generally level ground. All trenches and piping must be level within a tolerance of plus or minus 1 inch. All lateral piping must be at the same elevation.

(B) A pressure-operated hydrosplitter may be used to achieve equal distribution.

(C) To determine the total useable area of a looped soil absorption facility, the agent must add the sum of the lengths of the parallel absorption trenches and the lengths of up to two absorption trenches intersecting the parallel trenches.

(b) Serial distribution. Serial distribution is generally used on sloping ground. Each trench must be level within a tolerance of plus or minus 1 inch. Serial distribution may be a combination of equal distribution and serial distribution.

(c) Pressurized distribution systems. Pressurized distribution must satisfy the requirements in OAR 340-071-0275.

(5) Distribution boxes and drop boxes.

(a) Construction. Distribution box and drop box construction must comply with standards in OAR 340-073-0035 and 340-073-0040.

(b) Foundation. All distribution boxes and drop boxes must be bedded on a stable, level base.

(c) In all gravity distribution techniques, the connection of the effluent piping to the distribution piping must include at least one distribution or drop box or other device acceptable to the agent as a means for locating and monitoring the absorption field.

(6) Dosing tanks and dosing septic tanks.

(a) Tank construction must comply with the standards in OAR chapter 340, division 73 unless DEQ authorizes otherwise in writing.

(b) The tank must be installed on a stable, level base at a location that provides access for maintenance.

(c) The tank must be provided with at least one watertight service access riser extending to the ground surface or above. The riser must have a minimum diameter of 20 inches when the soil cover above the tank does not exceed 36 inches. The riser must have a minimum diameter of 30 inches when the soil cover above the tank exceeds 36 inches. A gasketed cover must be securely fastened or weighted to prevent unauthorized access.

(d) A tank located in a high groundwater area must be weighted or provided with an antibuoyancy device to prevent flotation under the tank manufacturer's instructions.

(7) Absorption trenches.

(a) Absorption trenches must be constructed under the standards in this section unless otherwise authorized in this division.

(A) Minimum bottom width of trench — 24 inches.

(B) Minimum depth of trench:

(i) Equal or looped distribution —18 inches.

(ii) Serial distribution — 24 inches.

(iii) Pressure distribution — 18 inches.

(C) Maximum depth of trench — 36 inches.

(D) Maximum length of an individual trench — 150 linear feet, unless the agent authorizes otherwise in writing.

(E) Minimum distance of undisturbed earth between trenches — 8 feet.

(b) The bottom of the trench must be level within a tolerance of plus or minus 1 inch end to end and level from side to side.

(c) When the sidewall within a trench has been smeared or compacted, sidewalls must be raked to ensure permeability.

(d) Trenches must be constructed to prevent septic tank effluent from flowing backwards from the distribution pipe to undermine the distribution box, the septic tank, or any portion of the distribution unit.

(e) Drain media must extend the full width and length of the trench to a depth of at least 12 inches with at least 6 inches of drain media under the distribution pipe and at least 2 inches over the distribution pipe.

(f) Before backfilling the trench, the drain media must be covered with filter fabric, untreated building paper, or other material the agent approves.

(g) If trenches are installed in sandy loam or coarser soils, filter fabric or other nondegradable material the agent approves must be used to cover the drain media.

(8) Trench backfill.

(a) The installer must backfill the system. Backfill must be carefully placed to prevent damage to the system.

(b) A minimum of 6 inches of backfill is required. 12 inches is required in serial systems.

(c) Backfill must be free of large stones, frozen clumps of earth, masonry, stumps, waste construction materials, or other materials that could damage the system.

(9) Header pipe. Header pipe must be watertight, have a minimum diameter of 3 inches, and be bedded on undisturbed earth. Where distribution boxes or drop boxes are used, the header pipe between the box and the distribution pipe must be at least 4 feet in length and be installed level.

(10) Distribution pipe.

(a) Distribution pipes must have a minimum diameter of 3 inches.

(b) Each disposal trench must have distribution piping that is centered in the trench and laid level within a tolerance of plus or minus 1 inch.

(c) Distribution pipe must comply with standards in OAR 340-073-0060(4).

(d) All perforated pipe must be installed with centerline markings up.

(11) Effluent sewer. The effluent sewer must extend at least 5 feet beyond the septic tank before connecting to the distribution unit. It must be installed with a minimum fall of 4 inches per 100 feet and at least 2 inches of fall from one end of the pipe to the other. In addition, there must be a minimum difference of 8 inches between the invert of the septic tank outlet and either the invert of the header to the distribution pipe of the highest lateral in a serial distribution field or the invert of the header pipe to the distribution pipes of an equal distribution absorption field. A minimum 18-gauge, green-jacketed tracer wire or green color-coded metallic tape must be placed above the effluent sewer pipe.

(12) Curtain drain construction. Unless the agent authorizes otherwise, curtain drains must comply with the following requirements.

(a) Ground slope must be at least 3 percent, or other landform features such as an escarpment must allow for effective drainage.

(b) The curtain drain must extend at least 6 inches into the layer that limits effective soil depth or to a depth adequate to effectively dewater the site.

(c) Trench width must be a minimum of 12 inches.

(d) Perforated pipe must have a minimum diameter of 4 inches and must meet the requirements in OAR 340-073-0060(4).

(e) Perforated pipe must be installed at least 2 inches above the bottom and along the full length of the trench and must be covered by a minimum of 10 inches of drain media.

(f) The curtain drain must be filled with drain media to within 12 inches of the ground surface.

(g) Outlet pipe must be rigid, smooth-wall, solid PVC pipe meeting or exceeding ASTM Standard D-3034 with a minimum diameter of 4 inches. A flap gate or rodent guard must be installed.

(h) Filter fabric must be placed over the drain media.

[ED. NOTE: All tables are found in OAR 340-071-0800.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 7-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14; DEQ 11-2014, f. & cert. ef. 10-15-14

340-071-0260

Alternative Systems, General

(1) Application requirements. The requirements in this division and OAR chapter 340, division 073 for siting, constructing, and maintaining standard subsurface systems apply to alternative systems unless the standards for alternative systems in this division provide otherwise.

(2) Periodic inspections.

(a) Agents may perform periodic inspections of installed alternative systems. System owners must pay the inspection fee in OAR 340-071-0140(3) for the inspection upon billing by the agent.

(b) The agent must prepare a report of each inspection listing system deficiencies, corrections required, and timetables for correction, and will provide a copy to the system owner. The agent may follow up as necessary to ensure proper corrections.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 9-1984, f. & ef. 5-29-84; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0265

Capping Fills

(1) Criteria for approval. Each site approved for a capping fill system must meet all the following conditions:

(a) Slope does not exceed 12 percent.

(b) Temporary water table is not closer than 18 inches to the ground surface at any time during the year. A 6-inch minimum separation must be maintained between the bottom of the absorption trench and the temporary water table.

(c) Where a permanent water table is present, a minimum 4-foot separation must be maintained between the bottom of the absorption trench and the water table.

(d) Except as provided in subsection (e) of this section, where material with rapid or very rapid permeability is present, a minimum 18-inch separation must be maintained between the bottom of the absorption trench and soil with rapid or very rapid permeability.

(e) Sites may be approved with no separation between the bottom of the absorption trenches and soil with rapid or very rapid permeability (as defined in OAR 340-071-0100(148)(a) or (b)), and absorption trenches may be placed into such soil if any of the following conditions occur.

(A) A confining layer occurs between the bottom of absorption trenches and the temporary groundwater table and a minimum 6-inch separation is maintained between the bottom of absorption trenches and the top of the confining layer.

(B) A layer of non-gravelly (less than 15 percent gravel) soil with sandy loam or finer texture at least 18 inches thick occurs between the bottom of the absorption trenches and the groundwater table.

(C) The projected daily sewage flow does not exceed a loading rate of 450 gallons per acre per day.

(f) Effective soil depth is 18 inches or more below the natural soil surface.

(g) Soil texture from the ground surface to the layer that limits effective soil depth is no finer than silty clay loam.

(h) A minimum 6-inch separation is maintained between the bottom of the absorption trench and the layer that limits effective soil depth.

(i) The system can be sized according to effective soil depth in Table 4.

(2) Installation requirements. The cap must be constructed as the permit requires. Unless the agent requires otherwise, construction must follow this sequence:

(a) The agent must examine and approve the soil before placing the cap. The texture of the soil used for the cap must be the same textural class as or one textural class finer than the natural topsoil unless otherwise allowed in this division.

(b) Capping fills must be constructed between June 1 and October 1 unless the agent allows otherwise. The upper 18 inches of natural soil must not be saturated or have a moisture content that causes loss of soil structure and porosity when worked.

(c) The absorption area and the borrow site must be scarified to destroy the vegetative mat.

(d) The system must be installed as specified in the construction-installation permit with a minimum 10-foot separation between the edge of the fill and the absorption facility.

(e) Filter fabric must be used between the drain media and the soil cap, unless the agent authorizes otherwise.

(f) Fill must be applied to the fill site and worked in so that the two contact layers, native soil and fill, are mixed. Fill material must be evenly graded to a final depth of 10 inches over the drain media for an equal system or 16 inches over the drain media for a serial system to allow for appropriate settled depths. Both initial cap and repair cap may be constructed at the same time.

(g) The site must be landscaped according to permit conditions and be protected from livestock, automotive traffic, and other activity that could damage the system.

(3) Required inspections. Unless the agent waives it, the following inspections must be performed for each capping fill installed.

(a) Inspecting both the absorption area and borrow material before cap construction for scarification, soil texture, and moisture content.

(b) Inspecting the installed absorption facility before covering.

(c) Inspection after the cap is placed to determine adequate contact between fill material and native soil (no obvious contact zone visible), adequate depth of material, and uniform distribution of fill material.

(d) Final inspection after landscaping or other erosion control measures are established.

[ED. NOTE: All table s are found in OAR 340-071-0800.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 8-1983, f. & ef. 5-25-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0275

Pressurized Distribution Systems

(1) Pressurized distribution systems receiving residential strength wastewater may be permitted on any site meeting the requirements for installation of a standard onsite system and on other sites where this method of effluent distribution is preferable and the site conditions in this rule can be met.

(2) Except as allowed in OAR 340-071-0220(1)(d), pressurized distribution systems must be used where depth to soil with rapid or very rapid permeability as defined in OAR 340-071-0100(148)(a) and (b) is less than 36 inches and the minimum separation distance between the bottom of the absorption trench and such soil is less than 18 inches.

(3) Pressurized distribution systems installed in soil with rapid or very rapid permeability as defined in OAR 340-071-0100(148)(a) and (b) in areas with permanent water tables may not discharge more than 450 gallons of effluent per 1/2 acre per day except where:

(a) Groundwater is degraded and designated as a non-developable resource by the Oregon Water Resources Department; or

(b) A detailed hydrogeological study discloses loading rates exceeding 450 gallons per 1/2 acre per day would not increase the nitrate-nitrogen concentration in the groundwater beneath the site or at any down gradient location to above 5 mg/L.

(4) Materials and construction.

(a) General.

(A) All materials used in pressurized systems must be structurally sound, durable, and capable of withstanding normal stresses incidental to installation and operation.

(B) Pump wiring must comply with applicable building, electrical, or other codes. An electrical permit and inspection from the Department of Consumer and Business Services, Building Codes Division, or the municipality with jurisdiction, is required for pump wiring installation.

(C) A single compartment dosing septic tank may not be used in a system with pressurized distribution laterals unless the tank is partitioned with a flow-through below the tank's lowest liquid level. The flow through port must be at 65 to 75 percent of the minimum liquid level and be at least 4" in diameter.

(b) Pressurized distribution piping. Piping, valves, and fittings for pressurized systems must meet the following minimum requirements.

(A) All pressure transport, manifold, lateral piping, and fittings must meet the requirements in OAR 340-073-0060(3).

(B) Pressure transport piping must be uniformly supported along the trench bottom. The agent may require the piping to be bedded in sand or other material approved by the agent. A minimum 18 gauge, green-jacketed tracer wire or green color-coded metallic locate tape must be placed above piping.

(C) Orifices must be located on top of the pipe, except as noted in paragraph 4(b)(I) of this section.

(D) The ends of lateral piping must be constructed with long sweep elbows or an equivalent method to bring the end of the pipe to finished grade. The ends of the pipe must be provided with threaded plugs, caps, or other devices acceptable to the agent to allow for access to and flushing the lateral.

(E) All joints in the manifold, lateral piping, and fittings must be solvent-welded using the appropriate joint compound for the pipe material. Pressure transport piping may be solvent-welded or rubber-ring jointed.

(F) A shut off valve must be placed on the pressure transport pipe in or near the dosing tank when appropriate.

(G) A check valve must be placed between the pump and the shut off valve when appropriate.

(H) All orifices must be covered by a protective, durable, noncorrosive orifice shield designed to keep orifices from being blocked by drain media or other system components. The shields or piping must be removable for access to the orifices.

(I) The agent may specify alternate orifice orientation and valve arrangements for conditions such as extended freezing temperatures, temporary or seasonal use, or effluent characteristics.

(J) Where operating a pump could result in siphonage of effluent to below the normal off level of the pump, an anti-siphon measure in the form of a non-discharging valve designed for the specific purpose must be used. The anti-siphon valve must be installed and operated under manufacturer's specifications.

(c) Absorption trench sizing and construction.

(A) A system using absorption trenches must be designed and sized as OAR 340-071-0220(2) requires.

(B) Absorption trenches must be constructed using the specifications for the standard disposal trench unless otherwise authorized by the agent.

(C) The trench must contain drain media at least 12 inches deep, with at least 6 inches of media under the pressure distribution laterals and sufficient media above the laterals to meet or cover the orifice shields to provide a smooth, even cover.

(D) The top of the drain media must be covered with filter fabric or other nondegradable material permeable to fluids that will not allow passage of soil particles coarser than very fine sand. In unstable soils, sidewall lining may be required.

(d) Seepage bed construction.

(A) Seepage beds may be used instead of absorption trenches in soil as defined in OAR 340-071-0100(148)(b) if flows do not exceed 600 gpd.

(B) The effective seepage area must be based on the bottom area of the seepage bed. The area must be at least 200 square feet per 150 gallons per day waste flow.

(C) Beds must be installed at least 18 inches deep (12 inches with a capping fill) but not deeper than 36 inches into the natural soil. The seepage bed bottom must be level.

(D) The top of the drain media must be covered with filter fabric or other nondegradable material that is permeable to fluids but will not allow passage of soil particles coarser than very fine sand.

(E) The bed must contain drain media at least 12 inches deep with at least 6 inches of media under the pressure distribution laterals and sufficient media above the laterals to meet or cover the orifice shields to provide a smooth, even cover.

(F) Pressurized distribution piping must be horizontally spaced not more than 4 feet apart and not more than 2 feet away from the seepage bed sidewall. At least 2 parallel pressurized distribution pipes must be placed in the seepage bed.

(G) A minimum of 10 feet of undisturbed earth must be maintained between seepage beds.

(5) Hydraulic design criteria. Pressurized distribution systems must be designed for appropriate head and capacity.

(a) Head calculations must include maximum static lift, pipe friction, and orifice head requirements.

(A) Static lift where pumps are used must be measured from the minimum dosing tank level to the level of the perforated distribution piping.

(B) Pipe friction must be based upon a Hazen Williams coefficient of smoothness of 150. All pressure piping and fittings on laterals must have a minimum diameter of 2 inches unless submitted plans and specifications show a smaller diameter pipe is adequate.

(C) A minimum head of 5 feet at the remotest orifice and no more than a 10 percent flow variation between the nearest and remotest orifice in an individual unit are required.

(b) The capacity of a pressurized distribution system refers to the rate of flow given in gallons per minute (gpm).

(A) Lateral piping must have discharge orifices drilled a minimum diameter of 1/8 inch and evenly spaced no more than 24 inches apart in coarse textured soils or no more than 4 feet apart in finer textured soils.

(B) The system must be dosed at a rate not to exceed 20 percent of the projected daily sewage flow.

(C) The effect of back drainage of the total volume of effluent within the pressure distribution system must be evaluated for its impact on the dosing tank and system operation.

(6) Service contracts. The owner of a pressurized distribution system must maintain a contract, under OAR 340-071-0130(23), with a maintenance provider to serve, maintain and adjust the onsite system. A service contract must be entered before the system is installed and must be maintained until the system is decommissioned.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.775 & 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0290

Conventional Sand Filter Systems

(1) Criteria for approval. Construction of conventional sand filter systems may be approved for single family dwellings or commercial facilities.

(2) Sites approved for sand filter systems. Sand filters may be permitted on any site meeting requirements for standard onsite systems in OAR 340-071-0220 or for pressurized distribution systems in OAR 340-071-0275 if site conditions in this section can be met.

(a) Separation from the temporary groundwater table must satisfy the requirements in this subsection.

(A) The high level attained by a temporary groundwater table is:

(i) Twelve inches or more below ground surface where:

(I) The ground slope does not exceed 12 percent;

(II) Equal distribution methods are achieved by gravity or using either a hydrosplitter or pressurized distribution method; and

(III) A capping fill is placed under OAR 340-071-0265(2) and 340-071-0265(3)(a) through (c).

(ii) Eighteen inches or more below ground surface where equal distribution methods are achieved by gravity or through the use of a hydrosplitter or pressurized distribution.

(iii) Twenty-four inches or more below ground surface where serial distribution methods are used.

(B) Methods used in OAR 340-071-0315 for tile dewatering systems may be used to achieve separation distances from temporary groundwater.

(C) Absorption trenches may not be installed deeper than the highest level of the temporary water table. The minimum backfill depth within the absorption trenches is 6 inches for trenches using equal distribution methods and 12 inches for trenches using serial distribution.

(b) Separation from the permanent groundwater table must satisfy the requirements in this subsection.

(A) The highest level attained by a permanent water table does not exceed the minimum separation distance from the bottom of the absorption area as follows:

(i) For gravel and Soil Group A: sand, loamy sand, sandy loam — 24 inches;

(ii) For Soil Group B: loam, silt loam, sandy clay loam, clay loam — 18 inches;

(iii) For Soil Group C: silty clay loam, silty clay, clay, sandy clay — 12 inches.

(B) Shallow absorption trenches placed not less than 12 inches into the original soil profile may be used with a capping fill to achieve separation distances from permanent groundwater. The fill must be placed under OAR 340-071-0265(2) and 340-071-0265(3)(a) through (c).

(C) Methods used in OAR 340-071-0315 for tile dewatering systems may be used to achieve separation distances from permanent groundwater.

(c) Sand filter systems installed in soils with rapid or very rapid permeability as defined in OAR 340-071-0100(148)(a) and (b) in areas with permanent water tables may not discharge more than 450 gallons of effluent per 1/2 acre per day except where:

(A) Groundwater is degraded and designated as a nondevelopable resource by the Oregon Water Resources Department; or

(B) A detailed hydrogeological study determines loading rates exceeding 450 gallons per 1/2 acre per day would not increase nitrate-nitrogen concentration in the groundwater beneath the site or any downgradient location to above 5 mg/L.

(d) Sand filter systems may be installed in soils, fractured bedrock, or saprolite diggable with a backhoe if, in the judgment of the agent, the soils, fractured bedrock, or saprolite is permeable to the extent that effluent will absorb adequately and not hinder the performance of the filter or absorption field. The agent may require that an absorption test be conducted to determine the permeability of the bedrock or saprolite. Test methods must be acceptable to DEQ.

(A) Where ground slope does not exceed 12 percent, a capping fill, 12-inch deep trench may be installed under OAR 340-071-0265, except that when installed in fractured bedrock or saprolite, the cap material must be Soil Group B.

(B) Where ground slope exceeds 12 percent but is not greater than 30 percent, a standard 24-inch deep trench may be installed.

(e) A sand filter absorption facility may be installed on slopes of 30 percent or less if other conditions in this section are satisfied.

(f) An absorption facility following a sand filter may be installed on slopes above 30 percent and up to 45 percent where:

(A) Projected daily flow does not exceed 450 gallons and the installation is sized under sand filter absorption area criteria;

(B) The soil is diggable with a backhoe to a depth of at least 36 inches and 12 inches below the bottom of the trench; and

(C) The temporary water table is at least 30 inches below the ground surface and 6 inches below the bottom of the trench.

(g) Setbacks in Table 1 can be met, except the minimum separation distance between the sewage absorption area and surface waters must be at least 50 feet.

(3) Absorption trenches. Absorption trenches for sand filter absorption facilities must satisfy the requirements in this section.

(a) The minimum length of a standard absorption trench per 150 gallons of projected daily sewage flow is:

(A) For gravel and Soil Group A: sand, loamy sand, sandy loam -- 35 linear feet;

(B) For Soil Group B: loam, silt loam, sandy clay loam, clay loam -- 45 linear feet;

(C) For Soil Group C: silty clay loam, silty clay, sandy clay, clay -- 50 linear feet;

(D) For permeable saprolite or fractured bedrock -- 50 linear feet;

(E) For high shrink-swell clays (Vertisols) -- 75 linear feet.

(b) On lots created before January 1, 1974, which do not have sufficient, suitable area for an absorption facility sized under this section, the agent may allow seepage trenches if:

(A) The design criteria and limitations in OAR 340-071-0280(2) are met;

(B) The soil is not a high shrink-swell clay;

(C) The temporary water table is at least 30 inches below the ground surface; and

(D) All other requirements of this rule are met.

(c) Trench designs in Vertisols.

(A) Absorption trenches in Vertisols must contain 24 inches of drain media and 24 inches of soil backfill in areas with an annual rainfall of 25 inches or less, minimum slopes of 5 percent, and a temporary water table at least 48 inches below the ground surface.

(B) Seepage trenches in Vertisols containing less than 24 inches of drain media may be used if designed under the criteria and limitations in OAR 340-071-0280 in areas with an annual rainfall of 25 inches or less, minimum slopes of 5 percent, and a temporary water table at least 48 inches below the ground surface.

(4) Bottomless sand filter. Sites may use a bottomless sand filter if the site meets the criteria in this section and section (3) of this rule.

(a) Saprolite; fractured bedrock; gravel; or soil textures of sand, loamy sand, or sandy loam occur in a continuous section at least 2 feet thick in contact with and below the bottom of the sand filter.

(b) The agent determines the saprolite, fractured bedrock, gravel, or soil is permeable over the basal area to the extent that effluent will absorb adequately and not hinder the performance of the filter. The agent may require that an absorption test be conducted to determine the permeability of the basal area. Test methods must be acceptable to DEQ.

(c) The application rate is based on the design sewage flow in OAR 340-071-0220(2)(a) and the basal area of the sand.

(d) The water table is at least 24 inches below the ground surface throughout the year, and a minimum 24-inch separation is maintained between a water table and the bottom of the sand filter.

(5) Materials and construction.

(a) All materials used in sand filter system construction must be structurally sound, durable, and capable of withstanding normal installation and operation stresses. Component parts subject to malfunction or excessive wear must be readily accessible for repair and replacement.

(b) All filter containers must be placed over a stable, level base.

(c) In a gravity-operated distribution system, the invert elevation of the outlet end of the underdrain pipe must be at or above the final settled ground elevation of the highest absorption trench.

(d) Piping and fittings for the sand filter distribution system must comply with the requirements for pressure distribution systems in OAR 340-071-0275.

(e) Septic tanks, dosing tanks, and other components must comply with the requirements in OAR 340-071-0220 unless this rule specifies different requirements.

(f) The design and construction requirements in OAR 340-071-0295 must be met. A bottomless sand filter unit does not require a watertight floor, but does require watertight walls unless otherwise authorized by the agent.

(g) A bottomless sand filter unit does not require a minimum 10-foot separation between the original and replacement unit.

(6) Gravelless absorption method.

(a) Absorption trenches following a sand filter may be constructed without using drain media if they meet the criteria in this section.

(A) Absorption trenches must be 12 inches wide by 10 inches deep and incorporate pressurized distribution and a chamber constructed of half sections of 12-inch diameter plastic irrigation pipes (PIP). DEQ may consider deviations to the depth requirement in this rule for alternative drainfield products.

(B) Trenches must be level end to end and across their width.

(C) The agent may allow trenches on minimum 3-foot centers maintaining at least 2 feet of undisturbed earth between parallel trench sidewalls.

(D) Pressurized distribution piping must meet the requirements of OAR 340-071-0275(4)(b), except that orifice shields are not required.

(E) Distribution piping must be perforated with 1/8 inch diameter orifices on maximum 2-foot centers at the 12 o'clock position. The hydraulic design must provide at least a 2-foot residual head at the distal orifice.

(F) The chambers must have an adequate footing to support the soil cover and all normal activity and at a minimum must be constructed of 12-inch PIP rated at 43 pounds per square inch and meeting the appendix standards of ASTM D-2241. Each line must be equipped with a minimum 6-inch diameter inspection port.

(b) Except as noted in subsection (a) of this section, all construction and siting criteria for conventional sand filter systems in this division must be met. This includes but is not limited to the absorption field sizing for sand filter systems in OAR 340-071-0290(3) and area sizing for an initial and replacement absorption facility meeting standard trench separations in OAR 340-071-0220(7)(a)(E). Plans must verify that a system can be installed on the parcel that will meet the requirements in OAR 340-071-0290(3) and 340-071-0220(7)(a)(E) and all other applicable rules before a gravelless absorption method is approved.

(c) A gravelless absorption method may be used wherever this division allows a standard or alternative-type absorption trench for sand filter systems, except in Vertisols.

(d) A method to prevent burrowing animals from entering the chamber must be provided in areas where this is likely to occur.

(7) Operation and maintenance. Owners of conventional and other sand filter systems must ensure the sand filter and all other components of the system are continuously operated and timely maintained as the Certificate of Satisfactory Completion and this rule require.

(a) Owners of conventional and other sand filter systems must comply with the operation and maintenance requirements in this section. The owner of a sand filter system must inspect the septic tank and other components of the system at least annually for sludge accumulation, pump calibration, and cleaning the laterals. Tanks must be pumped when there is an accumulation of floating scum less than 3 inches above the bottom of the outlet tee fitting, holes or ports, or an accumulation of sludge less than 6 inches below the bottom of the outlet tee fitting, holes or ports. Pump calibration, cleaning of the laterals, and other maintenance must be completed as necessary.

(b) Service Contracts. The owner of a residential sand filter system and all sand filter systems serving commercial facilities must maintain a contract, under OAR 340-071-0130(23), with a maintenance provider to serve and maintain the onsite system. A service contract must be entered before the system is installed and must be maintained until the system is decommissioned.

[ED. NOTE: All tables are found in OAR 340-071-0800.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.775 & 454.780
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; Administrative correction 2-16-00; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05, Renumbered from 340-071-0305; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0295

Conventional Sand Filter Design and Construction

(1) Criteria for sizing. Systems must be sized based on quantities of sewage flow under OAR 340-071-0220(2)(a).

(2) Minimum filter area:

(a) A sand filter proposed to serve a single family dwelling must have an effective medium sand surface area of at least 360 square feet. If the design sewage flow exceeds 450 gallons per day, the medium sand surface area must be determined with the following equation: Area = projected daily sewage flow divided by 1.25 gallons per square foot.

(b) A bottomless sand filter following an ATT system must have an effective medium sand surface area of at least 250 square feet. If the design sewage flow exceeds 450 gallons per day, the medium sand surface area must be determined with the following equation: Area = projected daily sewage flow divided by 1.80 gallons per square foot.

(c) Sand filter influent may not exceed concentrations of 300 mg/L BOD5, 150 mg/L TSS, or 25 mg/L oil and grease.

(3) Design criteria.

(a) The interior base of the filter container must be level or constructed at a grade of 1 percent or less to the underdrain piping elevation.

(b) Except for sand filters without a bottom, underdrain piping must meet the requirements in OAR 340-073-0060(2) and must be installed in the interior of the filter container at the lowest elevation. The piping must be level or on a grade of 1 percent or less to the point of passage through the filter container. The pipe perforations or slots must be oriented in the upright or sideways position.

(c) The base of the filter container with the underdrain piping in place must be covered with a minimum of 6 inches of drain media or underdrain media. Unless the agent waives it, the underdrain media proposed for a sand filter must be sieved to determine conformance with the criteria in OAR 340-071-0100(170) and a report of the analysis must be provided to the agent. Where underdrain media is used, the underdrain piping must be enveloped in an amount and depth of drain media to prevent migration of the underdrain media to the pipe perforations.

(d) Where drain media is used at the base of the filter, it must be covered by a layer of filter fabric meeting the specifications in OAR 340-073-0041. Where underdrain media is used, filter fabric is not required.

(e) A minimum of 24 inches of approved sand filter media must be installed over the filter fabric or underdrain media. The sand filter media must be damp at the time of installation. The top surface of the media must be level. Unless waived by the agent, the sand filter media proposed for each sand filter must be sieve-tested to determine conformance with the criteria in OAR 340-071-0100(124), and a report of the analysis must be provided to the agent.

(f) A minimum of 3 inches of clean drain or underdrain media is required below the distribution laterals, and sufficient media is required above the laterals to meet or cover the orifice shields to provide a smooth, even cover.

(g) A pressurized distribution system meeting the requirements of OAR 340-071-0275(4) and (5) must be constructed as described in subsection (f) of this section.

(A) Distribution laterals must be spaced a maximum of 30 inches center to center. Orifices must be spaced no more than 30 inches apart.

(B) The ends of the distribution laterals must be designed and constructed to allow flushing of the piping, collectively or individually, using a corrosion-resistant and accessible valve or threaded endcap. The flushed effluent may be discharged to the septic tank or into the sand filter.

(C) The diameters of the distribution manifold and laterals must be at least 1/2 inch in diameter.

(D) A sand filter must be dosed at a rate not to exceed 10 percent of the projected daily sewage flow.

(h) The top of the media in which the pressure distribution system is installed must be covered with filter fabric meeting the specifications in OAR 340-073-0041.

(i) The top of the sand filter area must be backfilled with a soil cover free of rock, vegetation, wood waste, and other materials that may harm the filter. The soil cover must have a textural class no finer than loam unless otherwise authorized by the agent. The soil cover must be at least 6 inches and no more than 12 inches deep.

(j) All piping passing through the sand filter container must be watertight.

(4) Container design and construction.

(a) A reinforced concrete container with watertight walls and floors must be used where watertightness is necessary to prevent groundwater from infiltrating into the filter or to prevent the effluent from exfiltrating from the filter except as otherwise allowed in this division or OAR chapter 340, division 073. The container structure may require a building permit for construction.

(b) The container may be constructed of materials other than concrete where equivalent function, workmanship, watertightness, and at least a 20-year service life can be documented.

(A) Flexible membrane liner (FML) materials must have properties at least equivalent to 30 mil unreinforced polyvinyl chloride (PVC) described in OAR 340-073-0085. For FML materials to be approved for installation:

(i) Field repair instructions and materials must be provided to the purchaser with the liner; and

(ii) The final materials must have factory-fabricated boots suitable for field bonding onto the liner to facilitate the passage of piping through the liner in a waterproof manner.

(B) Where accepted for use, flexible sheet membrane liners must be installed as OAR 340-073-0085 requires.

(C) The backfill around the container must be no steeper than a 3:1 slope (3 feet for every vertical foot) unless otherwise authorized by the agent.

(5) Internal pump option. Where a pump is used to discharge effluent from a sand filter to another treatment unit, a distribution unit, or an absorption facility, the design and construction of the filter may include an internal pump station if the following conditions are met.

(a) The location, design, and construction of the pump station must not conflict with design, construction, and operation of the sand filter system.

(b) The design and construction of the pump, discharge plumbing, controls, and alarm must meet the requirements in OAR 340-073-0055 except subsections (4)(d) and (4)(h).

(c) The pump and related apparatus must be housed in a corrosion-resistant vault designed to withstand stresses and prevent the migration of drain media, sand, or underdrain media to its interior. The vault must have a durable, affixed floor. The vault must provide watertight access to finished grade with a diameter equal to that of the vault and designed to receive treated effluent from the bottom of the sand filter.

(d) The depth of underdrain media and the operating level of the pump cycle and alarm may not allow effluent to come within 2 inches of the bottom of the sand filter media. The pump off-level may be no lower than the invert of the perforations of the underdrain piping.

(e) The internal sand filter pump must be electrically linked to the sand filter dosing apparatus to prevent effluent from entering the sand filter if the internal sand filter pump fails.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.775 & 454.780
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0302

Recirculating Gravel Filter (RGF)

(1) Siting and absorption area construction criteria.

(a) RGFs approved for treatment standard 1 may be sited and sized as follows.

(A) In areas with a temporary water table, as specifications for sand filters in areas with temporary groundwater in OAR 340-071-0290 require.

(B) In areas with permanent groundwater, where 4 feet of separation can be maintained between the bottom of the trench and groundwater and the other criteria in OAR 340-071-0290 can be met.

(C) On sites meeting criteria for standard onsite systems in OAR 340-071-0220 or for pressurized systems in OAR 340-071-0275.

(b) RGFs used in conjunction with approved disinfection and approved nitrogen reduction processes and expected to meet treatment standard 2 may be sited and sized as follows.

(A) On sites meeting the criteria for treatment standard 1 in subsection (a) of this section.

(B) In areas with a permanent water table, as specifications for sand filters in areas with a permanent water table in OAR 340-071-0290 require.

(c) Any type of absorption area permitted for a sand filter system, including the gravel-less absorption method, may be permitted for an RGF system.

(2) Design criteria.

(a) Filter design and dosing.

(A) The filter's basal or bottom area must be sized based on a maximum organic load. For residential strength wastewater that has been pretreated through a septic tank, the maximum hydraulic load allowable is 5 gal/ft2/day.

(B) For BOD5 waste strengths stronger than residential strength wastewater but not exceeding 400 mg/L, the filter size must be increased proportionately.

(C) Higher strength wastewaters must be pretreated or will require special consideration. In no case may the concentration of greases and oil applied exceed 30 mg/L.

(b) Filter media.

(A) Where CBOD5 removal must be at least 85 percent based upon the raw sewage concentration applied to the septic tank and nitrification of wastewater is necessary, a filter media must consist of 3 feet of very fine washed gravel, 100 percent passing a 3/8-inch sieve with an effective size between 3 and 5 millimeters and a uniformity coefficient of 2 or less. Washed means that negligible fines (less than 1.0 percent) pass a No. 10 sieve.

(B) Where additional removal of BOD5 and denitrification is intended or required, a treatment media may consist of 2 feet of very coarse washed sand, 100 percent passing a 3/8-inch sieve with an effective size between 1.5 and 2.5 millimeters and a uniformity coefficient of 2 or less. Washed means that negligible fines (less than 4.0 percent) pass the No. 100 sieve.

(C) Sieves of 3/8 inch, 1/4 inch, and Nos. 4, 6, 8, 10, 50, and 100 must be used in gradation analysis.

(D) The permittee must provide fresh samples of the intended media for each project before shipment to the project site. A laboratory gradation analysis must be performed and the gradation data plotted on semi-log paper as a gradation curve. The permittee must submit lab data, gradation curve, and a 5-pound sample of the media to the agent for approval. Only approved media may be used.

(c) Filter media must be overlain by a 3-inch bed of 1/2-inch to 3/4-inch washed gravel. The media and gravel may only lightly cover the distribution piping. Unless otherwise authorized, each orifice must be covered by an orifice shield to prevent aerial spray drift.

(d) Filter dosing must use a low pressure distribution piping system operating under adequate head to pressurize the system. The operating head must be a minimum of 5 feet at the remotest orifice and have no more than 10 percent flow variation between the nearest and remotest orifice in an individual unit. Each lateral pipe end must terminate with a screwed plug or cap accessible for removal and flushing. Wherever practical, a valved backflush system must be installed to flush groups of laterals back to a septic tank or elsewhere.

(e) Pressure-distribution piping must be spaced 2 feet center to center in a parallel grid. Orifice spacing must be every 2 feet on laterals. Piping grid edges should be within 1 foot of the filter basal edge.

(f) Filter media must be underlain by a 6-inch bed of a 1/2 to 3/4-inch washed gravel underdrain media. No filter fabric may cover the underdrain media.

(g) Perforated collection pipes must meet requirements in OAR 340-073-0060(2) and be bedded in the underdrain media. Pipes must be at least 4 inches in diameter with no filter fabric wrap. At least 15 lineal feet of collection pipe is required for each 225 square feet of filter basal area.

(h) The filter container must be watertight to suit the design conditions. Underflow must be contained. Groundwater must be excluded. A concrete container may be used. Other materials may be used if equivalent function, workmanship, watertightness, and at least a 20-year service life can be expected.

(3) Recirculation/dilution tank.

(a) A recirculation tank receives septic tank effluent and underflow from the filter. A pumping system at this tank delivers flow to the filter dose piping network according to a project design. The recirculation tank volume measured from tank floor to tank soffit must be at least equal to the projected daily sewage flow volume.

(b) The recirculation ratio at design flow must be at least 4. Recirculation ratio is the daily volume of recycle divided by design daily volume of the wastewater. A fabricated "T" or "Splitter T" float valve located in the recirculation tank must be used whenever possible. Minimum recirculation tank liquid volume must be at least 80 percent of the gross tank volume when a float valve is used. Alternatively, where required and reasonable, a splitter basin using orifice or weir control may be used to divide underflow 20 percent to the absorption field and 80 percent to recycle on a daily basis. This alternative must use orifice control wherever possible. Minimum recirculation tank liquid volume must be at least 50 percent of the required tank volume when a splitter basin is used.

(c) Evaluation of and design for overflow and surge control at the recirculation tank must be included in the design plans.

(d) An audible or visual high water alarm must be included in the recirculation tank immediately below the overflow level. A latching electrical relay must retain the audible or visual alarm until a site attendant acknowledges it.

(e) Parallel pump start/stop electric controls (usually floats) must be installed to correct any unforeseen high liquid level event and keep sewage contained. This pump start function precludes overflow and must operate in parallel with the start/stop function of a timer and must not interfere with or depend upon a timer position.

(f) All areas of the filter must be wetted 48 times a day or every 30 minutes to achieve the recirculation ratio of at least 4 unless the agent authorizes otherwise.

(g) Testing must demonstrate the recirculation tank is watertight. The designer must witness the testing. Test protocol must be included in the design plans.

(h) A fence or other effective means must restrict access onto the filter. Design and construction must prevent surface water entry onto the filter.

(i) Access openings to the recirculation tank must be provided at each end. Larger tanks must have additional openings. The smallest dimension of any access must be 18 inches. Larger openings must be provided if partially obstructed with piping or other objects. Provisions must be made to remove dregs (settleable solids). Pumps must be readily removable and replaceable without demolition of piping or other components.

(4) Operation and Maintenance standards. The owner of an onsite system using an RGF must ensure the RGF and all other components of the onsite system are properly operated and timely maintained or decommissioned.

(5) Operation and maintenance manual. The designer of an RGF system must ensure that comprehensive and detailed operation and maintenance instructions are provided to the onsite system owner at the time of installation. The instructions must emphasize operating and maintaining the entire system within the parameter ranges for which it is designed. The information must be presented in a manner that can be easily understood by the owner and include at a minimum:

(a) As-built plans with the name and contact number of the installer;

(b) A description of how the process functions, including diagrams illustrating basic system design and flow path;

(c) A maintenance schedule for all critical components;

(d) Requirements and recommended procedures for periodic removal of residuals from the system;

(e) A detailed procedure for visually evaluating the function of system components;

(f) A description of olfactory and visual techniques for confirming correct process parameters and system performance;

(g) A recommended method for collecting and transporting effluent samples;

(h) Safety concerns that may need to be addressed; and

(i) Emergency contact numbers for maintenance providers and pumpers.

(6) Service contracts. The owner of an RGF system must maintain a contract, under OAR 340-071-0130(23), with a maintenance provider to serve and maintain the onsite system. A service contract must be entered before the system is installed and must be maintained until the system is decommissioned.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.780, 468B.050 & 468B.055
Hist.: DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0305 [Renumbered to **340-071-0290**]

340-071-0315

Tile Dewatering System

(1) General conditions for approval. Construction permits may be issued for tile dewatering systems if the following requirements can be met:

(a) The site has a natural outlet that will allow a field tile installed on a proper grade around the proposed absorption facility to daylight above annual high water.

(b) Soils are silty clay loam or coarser textured and drainable.

(c) Soils must have a minimum effective soil depth of at least 30 inches in soils with temporary groundwater and at least 72 inches in soils with permanent groundwater unless otherwise authorized by the agent.

(d) Slope does not exceed 3 percent.

(e) All other requirements for the system, except depth to groundwater, can be met. After the field collection drainage tile is installed, the groundwater levels must conform to the requirements of OAR 340-071-0220(1), 340-071-0265(1), 340-071-0290(2), 340-071-0302(1), or 340-071-0345(8).

(2) Construction requirements.

(a) Field collection drainage tile must be installed on a uniform grade of 0.2 to 0.4 feet of fall per 100 feet. The tile drainage trench must be constructed to the minimum depth required in the approved site evaluation report.

(b) A field collection drainage tile trench must be constructed at least 12 inches wide.

(c) Maximum drainage tile spacing must be 70 feet center to center.

(d) The minimum horizontal separation distance between the drainage tile and absorption facility must be 20 feet.

(e) Field collection drainage tile must be rigid, smooth-wall, perforated pipe or other pipe material the agent approves with a minimum diameter of 4 inches.

(f) Field collection drainage tile must be enveloped in clean drain media or underdrain media to within 30 inches of the soil surface in soils with permanent groundwater or to within 12 inches of the soil surface in soils with temporary groundwater. Drain media must be covered with filter fabric, treated building paper, or other nondegradable material approved by the agent.

(g) Outlet tile must be rigid, smooth-wall, solid PVC pipe meeting or exceeding ASTM Standard D-3034 with a minimum diameter of 4 inches. The agent may require a flap gate or rodent guard.

(h) A silt trap with a 12-inch minimum diameter must be installed between the field collection drainage tile and the outlet pipe unless otherwise authorized by the agent. The bottom of the silt trap must be at least 12 inches below the invert of the drainage pipe outlet.

(i) The discharge pipe and tile drainage system are integral parts of the system but do not need to meet setback requirements to property lines, wells, streams, lakes, ponds, or other surface waterbodies.

(j) Before issuing a final site evaluation report approving the site, the agent may require demonstration that a proposed tile dewatering site can be effectively drained.

(k) The absorption facility must use equal or pressurized distribution.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 8-1983, f. & ef. 5-25-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0320

Split Waste Method

Criteria for approval. In a split waste method, wastes may be disposed of as follows.

(1) Black wastes may be disposed of using nonwater-carried plumbing units such as recirculating oil flush toilets or compost toilets approved by the State Building Codes Division.

(2) Gray water may be disposed of by discharge to:

(a) An existing onsite system which is not failing;

(b) A new onsite system with a soil absorption facility 2/3rds normal size if a full-size initial absorption area and replacement absorption area of equal size are available; or

(c) A public sewerage system.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.610, 454.615 & 454.775

Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 8-1983, f. & ef. 5-25-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0330

Nonwater-Carried Systems

(1) A person may not cause or allow the installation, placement, or use of a nonwater-carried waste disposal facility without a letter of authorization or permit from the agent, except as this section specifies.

(a) Temporary-use pit privies used on farms for farm labor do not require agent approval.

(b) A sewage disposal service business licensed under OAR 340-071-0600 may install portable toilets without the agent's written approval if all other requirements of this rule except Table 8 setbacks are met.

(2) Nonwater-carried waste disposal facilities may be approved for temporary or limited-use areas, including but not limited to recreation parks, camp sites, farm labor camps, or construction sites, if:

(a) All liquid wastes can be handled in a manner to prevent a public health hazard and to protect public waters; and

(b) The separation distances in Table 8 can be met.

(3) Construction. Nonwatercarried waste disposal facilities must be constructed under OAR 340-073-0065 through 340-073-0075.

(4) Maintenance. Nonwater-carried waste disposal facilities must be maintained to prevent health hazards and polluting public waters.

(5) General. A person may not place water-carried sewage in nonwater-carried waste disposal facilities. The contents of nonwater-carried waste disposal facilities must be removed by a licensed sewage disposal service with a pumper license and taken to an authorized treatment site.

(6) Pit privy.

(a) Unsealed earth-pit type privies may be approved where the highest level attained by groundwater is not closer than 4 feet below the bottom of the privy pit.

(b) The privy must be constructed to prevent surface water from running into the pit.

(c) When the pit becomes filled to within 16 inches of the ground surface, a new pit must be excavated and the old pit backfilled with at least 2 feet of earth.

(7) A person may not cause or allow the installation or use of a portable toilet unless a valid and effective contract with a pumping service licensed under OAR 340-071-0600, covers pumping or cleaning the toilet. Each portable toilet must display the name of the pumping service responsible for servicing.

[ED. NOTE: All tables are found in OAR 340-071-0800.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0335

Cesspools and Seepage Pits

(1) A person may not construct new cesspool sewage disposal systems in Oregon.

(2) Seepage pit sewage disposal systems may be used only to serve existing sewage loads and replace existing failing seepage pit and cesspool systems on lots that are too small to accommodate a standard system or other alternative onsite system.

(3) Construction requirements.

(a) Each seepage pit must be installed in a location to facilitate future connection to a sewerage system when such facilities become available.

(b) Maximum depth of seepage pits is 35 feet below ground surface.

(c) The seepage pit depth must terminate at least 4 feet above the water table.

(4) Notwithstanding the permit duration specified in OAR 340-071-0160(5), a permit issued under this rule may be effective for a period of less than one year from the date of issue if specified by the agent.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 21-1981(Temp), f. & ef. 9-1-81; DEQ 6-1982(Temp), f. & ef. 3-19-82; DEQ 8-1982, f. & ef. 4-20-82; DEQ 1-1985(Temp), f. & ef. 1-2-85; DEQ 2-1985, f. & ef. 2-1-85; DEQ 8-1986(Temp), f. & ef. 4-29-86; DEQ 16-1986, f. & ef. 9-16-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0340

Holding Tanks

(1) Criteria for approval. Except as section (5) of this rule provides, installing a holding tank system requires a construction-installation or WPCF permit. A construction-installation permit may be issued for sites that meet all the following conditions.

(a) Permanent use.

(A) The site cannot be approved for installation of a standard subsurface system.

(B) No community or area wide sewerage system is available or expected to be available within five years.

(C) The tank is intended to serve a small industrial or commercial building or an occasional use facility such as a county fair or a rodeo.

(D) Unless DEQ allows otherwise, the projected daily sewage flow is not more than 200 gallons.

(E) Setbacks required for septic tanks can be met.

(b) Temporary use: A holding tank may be installed in an area under the control of a city or other legal entity authorized to construct, operate, and maintain a community or area-wide sewerage system if:

(A) The application for permit includes a copy of a legal commitment from the legal entity to extend a community or area-wide sewerage system meeting the requirements of this division to the property covered by the application within five years from the date of the application; and

(B) The proposed holding tank complies with other applicable requirements in OAR chapter 340, divisions 071 and 073.

(2) Operations and maintenance. At all times the holding tank is being used, the tank's owner must maintain a service contract with a sewage disposal service licensed under OAR 340-071-0600 to provide for regularly inspecting and pumping the holding tank.

(3) Design and construction requirements. Except as provided in section (5) of this rule, holding tanks must comply with the following requirements:

(a) Plans and specifications for each holding tank proposed to be installed must be submitted to the agent for review and approval.

(b) Each tank must:

(A) Have a minimum liquid capacity of 1,500 gallons;

(B) Comply with tank standards in OAR 340-073-0025;

(C) Be located and designed to facilitate removal of contents by pumping

(D) Be equipped with both an audible and a visual alarm placed in locations acceptable to the agent to indicate when the tank is 75 percent full. Only the audible alarm may be user cancelable;

(E) Have no overflow vent at an elevation lower than the overflow level of the lowest fixture served; and

(F) Be designed for antibuoyancy if test hole examination or other observations indicate seasonally high groundwater may float the tank when empty.

(4) Special requirements. The application for a holding tank permit must include:

(a) A copy of a contract with a licensed sewage disposal service that requires the tank to be pumped periodically at regular intervals or as needed and the contents treated in a manner and at a facility the agent approves; and

(b) Evidence that the owner or operator of the proposed treatment facility will accept the pumpings for treatment.

(5) Portable holding tanks may be temporarily placed at sites having limited duration events such as county fairs or construction projects or at temporary restaurants if the following requirements are met:

(a) The tanks must be owned and serviced by a licensed sewage disposal service with sewage pumping equipment having a 550-gallon or larger tank and meeting all other requirements in OAR 340-071-0600(11).

(b) Tank placement and use must comply with all local planning, building, and health requirements.

(c) Only domestic sewage may be discharged into the tank.

(d) The tank must be maintained in a sanitary manner to prevent a health hazard or nuisance.

(e) The tank must not be buried.

(f) A person may not use the tank to serve a dwelling, recreation vehicle, or any other structure having sleeping accommodations, except that a portable holding tank may be used temporarily to serve a contractor's job shack or night watchman's trailer.

(g) The tank must meet the following standards:

(A) The tank must be watertight with no overflow vent lower than the overflow level of the lowest fixture served.

(B) Tank capacity may not exceed 1,000 gallons unless otherwise authorized by the agent.

(C) The tank must be structurally sound and made of durable, noncorrosive materials.

(D) The tank must be designed and constructed to provide a secure, watertight connection of the building sewer pipe.

(E) The tank must be marked with the name and phone number of the licensed sewage disposal service responsible for maintaining the tank.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 13-1997(Temp), f. & cert. ef. 6-23-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0345

Alternative Treatment Technologies (ATTs)

(1) Criteria for approval. Construction-installation permits may be issued for onsite systems incorporating alternative treatment technologies (ATTs) for single family dwellings and commercial facilities if the following criteria are met:

(a) DEQ has listed the ATT, including brand and model or type where applicable, for use in onsite systems pursuant to section (2) of this rule.

(b) The ATT meets the performance and model selection criteria specified for the proposed use in section (4) of this rule.

(c) The site meets the appropriate siting criteria in section (8) of this rule, and the agent has approved the site.

(d) The owner of the property served by the onsite system incorporating the ATT has a written service contract as required in section (14) of this rule.

(2) ATT listing and delisting.

(a) DEQ will maintain a list of ATTs that meet the performance requirements in section (3) of this rule.

(b) Any person may submit an application for listing an ATT. The application must include:

(A) Documentation that the ATT meets the performance requirements in section (3) of this rule;

(B) Documentation that the ATT has been tested to NSF/ANSI as a class 1 or equivalent residential wastewater treatment system;

(C) A guide for inspecting the ATT installation;

(D) A plan for training agents on inspecting the ATT and training and certifying system installers on installing the ATT;

(E) A plan for training and certifying maintenance providers on system maintenance for the ATT;

(F) Documentation that the ATT complies with sections (5)-(7) and (9) of this rule; and

(G) The alternative technology review fee in OAR 340-071-0140(5).

(c) DEQ will approve applications to list ATTs that DEQ determines meet the performance requirements in section (3) of this rule under normal operating conditions. ATTs will be listed by brand and model or type for the treatment standards they achieve.

(d) DEQ may approve ATTs that vary from standards in OAR chapter 340, division 073.

(e) Beginning July 1, 2015, DEQ may remove ATTs from the list if it determines the requirements for approval in subsection (c) of this section are no longer satisfied or if:

(A) Ten percent or more of systems under 10 years of age fail;

(B) The manufacturer fails to submit the annual report in section (g) of this rule by the date specified by DEQ; or

(C) The manufacturer fails to submit the annual compliance determination fee in OAR 340-071-0140(5) by the date specified by DEQ; or

(D) The manufacturer goes out of business.

(f) All ATT listings will expire on June 30, 2016 and will be removed from the list. To renew the ATT listing and remain on the list, the manufacturer of the ATT must submit an application for each ATT model by July 1, 2015. The application must include, but is not limited to:

(A) A current list of each ATT sold in the State of Oregon including the model number, serial number, and the property address the ATT is located;

(B) A current list of all maintenance providers the manufacturer certifies;

(C) The material plan review fee in OAR 340-071-0140(5).

(g) Annual manufacturer report. Unless DEQ authorizes otherwise in writing, the manufacturer must submit an annual report for each ATT model. The report must include, but is not limited to:

(A) A list of each ATT sold in Oregon for the reporting period including the model number, serial number, certified maintenance provider name, status of service contract, and the property address the ATT is located;

(B) A current list of all maintenance providers that are certified by the manufacturer;

(C) The annual compliance determination fee in OAR 340-071-0140(5).

(h) Any person adversely affected by DEQ's listing or delisting decision may appeal that decision through the contested case hearing procedures in ORS Chapter 183 and OAR chapter 340, division 011.

(3) Performance testing and standards for listing ATTs.

(a) Product testing.

(A) ATTs must be tested according to the product standards and testing protocols of NSF/ANSI Standard No. 40 for residential wastewater treatment systems – 2013, NSF/ANSI Standard No. 245 for nitrogen reduction — 2012, or another NSF/ANSI protocol DEQ approves.

(B) For purposes of demonstrating performance to the fecal coliform concentration in treatment standard 2, the ATT shall be followed by a nonchlorinating disinfection device that has been tested according to NSF/ANSI Standard No. 46 – 2012, or the ATT must be tested by collecting and analyzing influent and effluent grab samples at a minimum frequency of three days per week and the same duration (26 consecutive weeks) and hydraulic loadings (design and stress loadings)

as the NSF/ANSI sample collection requirements for the BOD5, CBOD5, and TSS parameters. The testing must be performed by an ANSI accredited, third-party testing and certification organization whose accreditation is specific to onsite wastewater treatment products, or have been studied under the La Pine National Demonstration Project.

(b) Product performance. An ATT must produce effluent quality equal to or better than treatment standard 1 or 2 defined in section 0100.

(4) ATT model type and size selection. The model, type, and size of the ATT proposed for a system must be consistent with manufacturer recommendations and match the daily design wastewater flow anticipated from the dwelling or facility.

(5) Access ports.

(a) At a minimum, the ATT must have ground-level access ports sized and located to facilitate installing, removing, sampling, examining, maintaining, and servicing components or compartments that require routine maintenance or inspection. Access ports must facilitate:

(A) Visually inspecting and removing mechanical or electrical components;

(B) Removing components that require periodic cleaning or replacement;

(C) Visually inspecting and collecting samples; and

(D) Removing (manual or pumping) accumulated residuals.

(b) Access ports must be protected against unauthorized intrusion. Acceptable protective measures include but are not limited to padlocks or covers that can be removed only with tools.

(6) Malfunction, failure sensing, and signaling equipment.

(a) The system must be designed to prevent untreated waste passing into the absorption field if the plant malfunctions.

(b) The ATT must possess a mechanism or process capable of detecting:

(A) Failure of electrical and mechanical components that are critical to the treatment process; and

(B) High liquid level conditions above the normal operating specifications.

(c) The ATT must possess a mechanism or process capable of notifying the system owner of failures. The mechanism must have circuits separate from pump circuits and deliver a visible and audible signal.

(A) The visual alarm signal must be conspicuous at a distance of 50 feet from the system and its appurtenances.

(B) The audible alarm signal strength must be between 70 and 90 dbA at 5 feet and discernible at a distance of 50 feet from the system and its appurtenances.

(C) The visual and auditory signals must continue to function in the event of electrical, mechanical equipment, or hydraulic malfunction of the system. The audible signal may be disabled for service as long as the visual signal remains active while cause for the alarm is identified and alleviated.

(d) A clearly visible label or plate with instructions for obtaining service must be permanently located near the failure signal.

(7) Data plate.

(a) The ATT must have permanent and legible data plates located on:

(A) The front of the electrical control box if the ATT has an electrical control box or panel; and

(B) The tank, aeration equipment assembly, or riser at a location accessed during maintenance cycles and inspections.

(b) Each data plate must include:

(A) Manufacturer's name and address;

(B) Model number;

(C) Serial number (required on one data plate only);

(D) Rated daily hydraulic capacity of the system; and

(E) The performance expectations as determined by performance testing and evaluation.

(8) Siting and absorption area construction criteria.

(a) ATTs approved for treatment standard 1 may be sited and sized as follows:

(A) In areas with a temporary water table, as specifications for sand filters in areas with temporary groundwater in OAR 340-071-0290 require.

(B) In areas with permanent groundwater, where 4 feet of separation can be maintained between the bottom of the trench and groundwater and the other criteria in OAR 340-071-0290 can be met.

(C) On sites meeting criteria for standard onsite systems in OAR 340-071-0220 or for pressurized systems in OAR 340-071-0275.

(b) ATTs used in conjunction with approved disinfection and approved nitrogen reduction processes and approved for treatment standard 2 may be sited and sized as follows.

(A) On sites meeting the criteria for treatment standard 1 in subsection (a) of this section.

(B) In areas with a permanent water table, as specifications for sand filters in areas with a permanent water table in OAR 340-071-0290 require.

(c) Any type of absorption area permitted for a sand filter system, including the gravel-less absorption method, may be permitted for an ATT system.

(9) Limited warranty. The ATT manufacturer must:

(a) Warrant all components of the ATT to be free from defects in material and workmanship for a minimum of two years from the date of installation; and

(b) Fulfill the terms of the warranty by repairing or exchanging any components that the manufacturer determines may be defective.

(10) Installation. ATTs must be installed under the manufacturer's instructions and this division. The installer must be certified by the ATT manufacturer to install the system and provide written certification to the agent that the ATT component was installed under the manufacturer's instructions and this rule.

(11) Sampling ports. A sampling port must be designed, constructed, and installed to provide easy access for collecting a free falling or undisturbed sample from the effluent stream. The sampling port may be located within the ATT or other system component (such as a pump chamber) if the wastewater stream being sampled is representative of the effluent stream from the ATT.

(12) Operation and maintenance standards. The owner of an ATT system must ensure the ATT and all components of the onsite system are properly operated and timely maintained or decommissioned and the effluent standards in section (3) of this rule are met.

(13) Owner's manual. The designer of each onsite system using an ATT must provide a comprehensive owner's manual prepared by the manufacturer or designer to the system owner, manufacturer's representative, installer, and if requested, the agent before or at the time of installation. The manual may be a collection of individual system component manuals and must include information on system specifications, system installation, operation and maintenance, and troubleshooting and repair. The information must be presented in a manner the owner can easily understand.

(14) Service contracts.

(a) The owner of an ATT system must maintain a contract, under OAR 340-071-0130(23), with a maintenance provider to serve and maintain the onsite system. A service contract must be entered before the system is installed and must be maintained until the system is decommissioned.

(b) A maintenance provider must be certified by the manufacturer to provide service on an ATT.

[ED. NOTE:
[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 454.775
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0400

Geographic Area Special Considerations.

(1) River Road — Santa Clara Area, Lane County.

(a) Within the areas described in subsection (b) of this section, an agent may approve sites or issue construction-installation permits for new onsite wastewater treatment systems if both of the following conditions are met:

(A) The lot and proposed system comply with all rules in effect at the time the site is approved or the permit is issued.

(B) The system alone or in combination with other new sources will not contribute more than 16.7 pounds of nitrate-nitrogen per acre per year to the local groundwater. To ensure compliance, the applicant must own or control adequate land through easements or equivalent.

(b) Subsection (a) of this section applies to all of the following area generally known as River Road — Santa Clara and defined by the boundary submitted by the Board of County Commissioners for Lane County. The area is bounded on the south by the City of Eugene, on the west by the Southern Pacific Railroad, on the north by Beacon Drive, and on the east by the Willamette River and includes all or portions of T16S, R4W, Sections 33, 34, 35, 36; T17S, R4W, Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25; and T17S, R1E, Sections 6, 7, 18, Willamette Meridian.

(c) Appropriate local agencies within this area may petition the commission to repeal or modify this rule. Such petition must provide reasonable evidence either that development using onsite wastewater treatment systems will not cause unacceptable degradation of groundwater quality or surface water quality or that degradation of groundwater or surface water quality will not occur as a result of the modification or repeal requested.

(d) This section does not apply to any construction-installation permit application based on a site approval issued by the agent pursuant to ORS 454.755(1) (b) before March 20, 1981.

(2) General North Florence Aquifer, North Florence Dunal Aquifer Area, Lane County.

(a) Within the area described in subsection (b) of this section, an agent may approve sites or issue construction-installation permits for new onsite systems under either of the following circumstances:

(A) The lot and proposed system comply with all rules in effect at the time the site is approved or the permit is issued.

(B) The lot and proposed system comply with paragraph (A) of this subsection except for the projected daily sewage loading rates, and the agent determines the system in combination with all other previously approved systems owned or

legally controlled by the applicant will not contribute to the local groundwater more than 58 pounds of nitrate-nitrogen per year per acre owned or controlled by the applicant.

(b) Subsection (a) of this section applies to the following area designated the General North Florence Aquifer of the North Florence Dunal Area and defined by the hydrologic boundaries identified in the June 1982, 208 North Florence Dunal Aquifer Study. The area is bounded on the west by the Pacific Ocean; on the southwest and south by the Siuslaw River; on the east by the North Fork of the Siuslaw River and the ridge line at the approximate elevation of four hundred (400) feet above mean sea level directly east of Munsel Lake, Clear Lake, and Collard Lake; and on the north by Mercer Lake, Mercer Creek, Sutton Lake, and Sutton Creek and includes all or portions of T17S, R12W, Sections 27, 28, 33, 34, 35, 36, and T18S, T12W, sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27; W.M., Lane County, except that portion defined as the Clear Lake Watershed, which is the area beginning at a point known as Tank One, located in Section One, Township 18 South, Range 12 West, of the Willamette Meridian, Lane County, Oregon: run thence S. 67° 50' 51.5" E. 97.80 ft. to the True Point of Beginning; run thence S. 05° 40' 43.0" W. 1960.62 ft. to a point; run thence S. 04° 58' 45.4" E. 1301.91 ft. to a point; run thence S. 52° 44' 01.0" W. 231.21 ft. to a point; run thence S. 15° 20' 45.4" E. 774.62 ft. to a point; run thence S. 31°44' 14.0" W. 520.89.ft. to a point; run thence S. 00° 24' 43.9" W. 834.02 ft. to a point; run thence S. 07° 49' 01.8" W. 1191.07 ft. to a point; run thence S. 50° 26' 06.3" W. 731.61 ft. to a point; run thence S. 02° 51' 10.5" W. 301.37 ft. to a point; run thence 36° 37' 58.2" W. 918.41 ft. to a point; run thence S. 47° 12' 26.3" W. 1321.86 ft. to a point; run thence S. 72° 58' 54.2" W. 498.84 ft. to a point; run thence S. 85° 44' 21.3" W. 955.64 ft. to a point; Which is N. 11° 39' 16.9" W. 5434.90 ft. from a point known as Green Two (located in Section 13 in said Township and Range); run thence N. 58° 09' 44.1" W. 1630.28 ft. to a point; run thence N. 25° 23' 10.1" W. 1978.00 ft. to a point; run thence N. 16° 34' 21.0" W. 1731.95 ft. to a point; run thence N. 06° 13' 18.0" W. 747.40 ft. to a point; run thence N. 03° 50' 32.8" E. 671.51 ft. to a point; run thence N. 59° 33'18.9" E. 1117.02 ft. to a point; run thence N. 59° 50' 06.0" E. 1894.56 ft. to a point; run thence N. 48° 28' 40.0" E. 897.56 ft. to a point; run thence N. 31° 29' 50.7" E. 920.64 ft. to a point; run thence N. 19° 46' 39.6" E. 1524.95 to a point; run thence S. 76° 05' 37.1" E. 748.95 ft. to a point; run thence S. 57° 33' 30.2" E. 445.53 ft. to a point; run thence S. 78° 27' 44.9" E. 394.98 ft. to a point; run thence S. 61° 55' 39.0" E. 323.00 ft. to a point; run thence N. 89° 04' 46.8" E, 249.03 ft. to a point; run thence S. 67° 43' 17.4" E. 245.31 ft. to a point; run thence S. 79° 55' 09.8" E. 45.71 ft. to a point; run thence S. 83° 59' 27.6" E. 95.52 ft. to a point; run thence N. 42° 02' 57.2" E. 68.68 ft. to a point; run thence S. 80° 41' 24.2" E. 61.81 ft. to a point; run thence S. 10° 47' 03.5" E. 128.27 ft. to the True Point of Beginning; and containing all or portions of T17S, R12W, Sections 35 and 36; and T18S, R12W, Sections 1, 2, 11 and 12; W.M., Lane County.

(3) Lands overlaying the Alsea Dunal Aquifer.

(a) Within the area set forth in subsection (c) of this section, the agent may approve a site or issue a permit to construct a single onsite system on lots that were lots of record before January 1, 1981, or on lots in partitions or subdivisions that have received preliminary planning, zoning, and onsite wastewater treatment system approval before January 1, 1981, if one of the following can be met:

(A) At the time the site is approved or the permit is issued, the lot complies with OAR 340-071-0100 through 340-071-0360 and 340-071-0410 through 340-071-0520.

(B) The site meets all of the following conditions when a pressurized seepage bed is used:

(i) Groundwater levels are not closer than 4 feet from the ground surface or closer than 3 feet from the bottom of the seepage bed.

(ii) The seepage bed is constructed under OAR 340-071-0275(4) and (5).

(iii) The seepage bed is sized on the basis of 200 square feet of bottom area per 150 gallons projected daily sewage flow.

(iv) Projected daily sewage flows are limited to 375 gallons per lot, except for lots approved in a site evaluation for a larger flow.

(v) All setbacks identified in Table 1 can be met, except that lots of record before May 1, 1973, must maintain a minimum 50-feet separation to public surface waters.

(vi) Sufficient area exists on the lot to install a seepage bed and a replacement seepage bed, or the area reserved for replacement is waived pursuant to the exception in OAR 340-071-0150(4)(a)(C).

(C) The site meets all of the following conditions when a bottomless sand filter is used.

(i) Groundwater levels are not closer than 1 foot from the ground surface and not closer than 1 foot from the bottom of the sand filter.

(ii) Sewage flows are limited to 375 gallons per day per lot, except for lots approved in a site evaluation for larger flows.

(iii) The sand filter is sized at 1 square foot of bottom area for each gallon of projected daily sewage flow.

(iv) The design and construction requirements in OAR 340-071-0295(3) and (4) must be met. A bottomless sand filter unit does not require a watertight floor, but does require watertight walls unless otherwise authorized by the agent.

(v) All setbacks identified in Table 1 can be met, except that lots of record before May 1, 1973, must maintain a minimum 50 feet separation to public surface waters.

(vi) Sufficient area exists on the lot to install an initial and replacement bottomless conventional sand filter, or the area for replacement is not required under OAR 340-071-0150(4)(a)(C).

(b) An agent may approve a site or issue a construction-installation permit for a new onsite system within the area set forth in subsection (c) of this section on lots created on or after January 1, 1981, if all rules in this division can be met.

(c) The Alsea Dunal Aquifer is defined as all the land bounded on the East by Highway 101, on the west by the Pacific Ocean, and from Driftwood Beach Wayside South to the southern tip of the Alsea Bay Spit.

(d) If groundwater monitoring in the Alsea Dunal Aquifer indicates unacceptable levels of degradation or if development of the aquifer as a source of drinking water is necessary or desirable, sewage collection and off-site treatment facilities must be installed unless further study demonstrates that such facilities are not necessary or effective to protect the beneficial use.

(4) Christmas Valley Townsite, Lake County.

(a) Within the area set forth in subsection (b) of this section, the agent may consider the shallow groundwater table, if present, in the same manner as a temporary water table when issuing site evaluation reports and construction-installation permits.

(b) The Christmas Valley Townsite is defined as all land within the Christmas Valley Townsite plat located within Sections 9, 10, 11, 14, 15 and 16 of Township 27 South, Range 17 East, Willamette Meridian, in Lake County.

(5) Clatsop Plains Aquifer, Clatsop County. The Clatsop Plains Groundwater Protection Plan, prepared by R.W. Beck and Associates and adopted by Clatsop County, provides a basis for continued use of onsite wastewater treatment systems while protecting the quality of groundwater for future water supplies. For the plan to be successful, the following components must be accomplished.

(a) By January 1, 1983, Clatsop County must identify and set aside aquifer reserve areas for future water supply development containing a minimum of 2-1/2 square miles. The reserve areas must be controlled so that the potential for groundwater contamination from nitrogen and other possible pollutants is kept to a minimum;

(b) The agent may approve sites and issue construction permits for new onsite systems within the area generally known as the Clatsop Plains as described in subsection (c) of this section if the conditions in paragraph (A) and paragraph (B), (C), or (D) of this subsection are met.

(A) The lot or parcel was created in compliance with the appropriate comprehensive plan for Gearhart (adopted by County Ordinance 80-3), Seaside (adopted by County Ordinance 80-10), Warrenton (adopted by County Ordinance 82-15), or Clatsop County (adopted through Ordinance No. 79-10).

(B) The lot or parcel does not violate any rule of this division.

(C) The lot or parcel does not violate DEQ's Water Quality Management Plan or any rule in this division, except that the projected maximum sewage loading rate may exceed the ratio of 450 gallons per 1/2 acre per day. In this case, the onsite system must be either a sand filter system or a pressurized distribution system with a design sewage flow not to exceed 450 gallons per day.

(D) Use of standard onsite systems to serve single family dwellings within planned developments or clustered-lot subdivisions complies with the following requirements:

(i) The planned development or clustered-lot subdivision is not located within Gearhart, Seaside, Warrenton, or their urban growth boundaries.

(ii) The lots do not violate any rule of this division, except the projected maximum sewage loading rate may exceed the ratio of 450 gallons per acre per day.

(iii) DEQ is provided satisfactory evidence through a detailed groundwater study that the use of standard systems will not constitute a greater threat to groundwater quality than would occur with the use of sand filter systems or pressurized distribution systems.

(c) The area generally known as Clatsop Plains is bounded by the Columbia River to the North; the Pacific Ocean to the west; the Necanicum River, Neawanna Creek, and County Road 157 on the south; and the Carnahan Ditch-Skipanon River and the foothills of the Coast Range to the east.

(6) Within areas east of the Cascade Range where the annual precipitation does not exceed 20 inches, the agent may issue a construction-installation permit authorizing installation of a standard system to serve a single family dwelling if the requirements in subsections (a) and (b) of this section are met.

(a) Minimum site criteria.

(A) The parcel or lot is 10 acres or larger.

(B) The slope gradient does not exceed 30 percent.

(C) The soils are diggable with a backhoe to a depth of at least 24 inches.

(D) The site complies with the provisions of OAR 340-071-0220(1)(b), (f), (g), (h), (i), and (j).

(b) Minimum construction requirements.

(A) The system must contain at least 225 linear feet of absorption trench for projected sewage flows not exceeding 450 gallons per day. Larger sewage flows must be sized on the basis of 75 linear feet per each 150 gallons of projected flow.

(B) The system must be constructed and backfilled as OAR 340-071-0220(3), (4), (5), (7), (8), (9), (10), (11), and (12) require.

(c) The owner or owner's authorized representative may submit a single application to the agent for both a site evaluation report and a construction-installation permit. Such application must be submitted under OAR 340-071-0160 or 340-071-0162 and include the applicable evaluation and permit fees in OAR 340-071-0140.

(d) The agent may waive the pre-cover inspection for a system installed pursuant to this section if the system installer submits the following information to the agent at the time construction of the system is complete:

(A) A detailed, accurate as-built plan of the constructed system;

(B) A list of all material used in the construction of the system; and

(C) A written certification on a DEQ-approved form that the construction complies with the permit and rules in this division and OAR chapter 340, division 73.

(e) The Agent may waive the site evaluation for a single family dwelling if the requirements in this subsection are met. These conditions are set forth in an addendum to the memorandum of agreement (contract) between the County and DEQ.

(A) Minimum site criteria.

(i) The lot or parcel is 80 acres or larger.

(ii) The separation distance between the proposed onsite system and the nearest dwelling not served by the proposed system is at least 1/4 mile.

(iii) The nearest property line to the proposed system is at least 100 feet; the nearest domestic water source is at least 200 feet; and the nearest public surface water is at least 200 feet.

(iv) In the agent's opinion, topographical and soils information submitted with the application, including but not limited to slope, terrain, landform, and rock outcrops, demonstrates that the property can be approved for an onsite system under this division.

(B) Minimum construction requirements.

(i) Sizing requirements of Tables 4 and 5 must be followed as closely as possible. In all cases the system must contain at least 225 linear feet of absorption trench for projected sewage flows not exceeding 450 gallons per day. Larger sewage flows must be sized on the basis of 75 linear feet per each 150 gallons of projected flow.

(ii) The system must be constructed and backfilled as closely as possible to the requirements in OAR 340-071-0220. The agent may waive watertight testing of tanks in the system.

[ED. NOTE: All tables are found in OAR 340-071-0800.]

Stat. Auth.: ORS 183.335, 454.625, 468.020, 468B.010 & 468B.020
Stats. Implemented: ORS 454.610 & 454.615
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 17-1981, f. & ef. 7-10-81; DEQ 2-1982, f. & ef. 1-28-82; DEQ 16-1982, f. & ef. 8-31-82; DEQ 20-1982, f. & ef. 10-19-82; DEQ 3-1983, f. & ef. 4-18-83; DEQ 8-1983, f. & ef. 5-25-83; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 20-1996(Temp), f. & cert. ef. 10-14-96; DEQ 4-1997, f. & cert. ef. 3-7-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0410

Rural Area Consideration

An agent may approve designing and constructing standard and alternative systems that depart from any standard in OAR 340-071-0220(1) (a) through (i) in designated rural zones if the following requirements are met:

(1) The county designates specific rural zoning classifications for this rule.

(2) The county designates a minimum parcel size of at least 10 acres.

(3) The parcel as proposed or existing is at least 10 acres and does not have an accessible area approvable for a standard onsite system.

(4) The permit is for an onsite system designed to serve a single family dwelling or a commercial facility allowed in the zone with a flow no greater than 600 gpd.

(5) The onsite system will not create a public health hazard or pollute public waters.

(6) Requiring strict compliance with standards in OAR 340-071-0220(1)(a) through (i) would in the agent's judgment be unreasonable, burdensome, or impractical.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0415

For Cause Variances

(1) An applicant may request variances from any rule or standard in this division.

(2) Variances. Variance officers the director appoints may, after a public hearing, grant variances from any rule in this division to permit applicants.

(3) To grant a variance, the variance officer must find that:

(a) Strict compliance with the rule or standard is inappropriate; or

(b) Special physical conditions render strict compliance unreasonable, burdensome, or impractical.

(4) Applications.

(a) A separate application for each site considered for a variance must be submitted to DEQ or the contract county as appropriate.

(b) Each application must be signed by the owner of the property served by the system and include:

(A) A site evaluation report, unless the variance officer waives it;

(B) Plans and specifications for the proposed system;

(C) The variance from onsite system rule fee in OAR 340-071-0140; and

(D) Other information the variance officer determines is necessary for a decision.

(5) An applicant for a variance is not required to pay the application fee if at the time of filing the applicant:

(a) Is 65 years of age or older;

(b) Is a resident of Oregon;

(c) Has an annual household income, as defined in ORS 310.630, of $15,000 or less; and

(d) Has not previously applied for a variance under this section.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.657, 454.660 & 454.662
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 9-1984, f. & ef. 5-29-84; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0420

Hardship Variances

(1) In cases of extreme and unusual hardship, the commission may, after a public hearing, grant hardship variances from rules or standards in this division to applicants for onsite permits.

(2) Applications.

(a) Applicants must submit applications for hardship variances to DEQ.

(b) The application must document that:

(A) A for cause variance under 340-071-0415 has been denied; and

(B) An extreme or unusual hardship exists.

(3) The commission may consider the following factors in reviewing an application for a variance based on hardship:

(a) Applicant's advanced age or poor health;

(b) Applicant's need to care for aged, incapacitated, or disabled relatives; and

(c) Environmental impacts from the variance.

(4) Hardship variances the commission grants include conditions such as:

(a) Limiting permits to the life of the applicant;

(b) Limiting the number of permanent residents using the system; and

(c) Using experimental systems for specified periods of time.

(5) DEQ will strive to aid and accommodate the needs of applicants for hardship variances.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.657
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0430

Variance Hearings and Decisions

(1) A variance officer must hold a public information hearing on each variance application for a for cause or hardship variance within 30 days after receiving a completed application.

(2) The hearing must be held in the county where the property described in the application is located.

(3) The applicant must demonstrate the variance is warranted.

(4) The variance officer must visit the site of the proposed system before conducting the hearing.

(5) The variance officer or, for hardship variances, the commission, must grant or deny the variance within 45 days after the hearing is completed. A decision to grant a variance must include the specifications and conditions of the variance and the location of the onsite system.

(6) Except for hardship variances under OAR 340-071-0420, variances run with the land.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.660
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0440

Variance Appeals

(1) Any person adversely affected by a variance officer’s approval of a variance under OAR 340-071-0415 or 340-071-0420 may appeal that decision to the commission under ORS 454.660(1).

(2) Any person adversely affected by the denial of a variance under OAR 340-071-0415 or 340-071-0420 or by the commission’s approval of a hardship variance under OAR 340-071-0420 may appeal that decision to a circuit court under ORS 183.484.

Stat. Auth.: ORS 454.625
Stats. Implemented: ORS 454.660
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0460

Moratorium Areas

(1) Under ORS 454.685, whenever the commission finds that construction of subsurface, non-water-carried, or alternative onsite systems should be limited or prohibited in an area, it must issue an order limiting or prohibiting such construction.

(2) The order may be issued only after public hearing for which more than 30 days' notice is given to interested persons in the affected areas.

(3) In issuing the order, the commission must consider the factors for the proposed area in ORS 454.685.

(4) A permit or site evaluation report may not be issued for construction of a new or expanded system in violation of any order of the commission issued under this rule.

Stat. Auth.: ORS 183.335, 454.625, 468.020, 468B.010 & 468B.020
Stats. Implemented: ORS 454.685
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 16-1982, f. & ef. 8-31-82; DEQ 3-1983, f. & ef. 4-18-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 20-1996(Temp), f. & cert. ef. 10-14-96; DEQ 4-1997, f. & cert. ef. 3-7-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0500

Community Systems

(1) A person may not construct a community system without a permit.

(2) Plans for all community systems must describe the system and how it is to be operated, maintained, and financed.

(3) Community systems must satisfy the siting criteria in this division for standard or alternative systems.

(4) Operation responsibility. Municipalities, homeowner associations, or associations of unit owners must operate and maintain community systems including conducting inspections annually or as required by a permit, Certificate of Satisfactory Completion, or these rules.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 9-1984, f. & ef. 5-29-84; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05

340-071-0520

Large Systems

Unless DEQ authorizes otherwise, large systems must comply with the following requirements.

(1) Large system absorption facilities must be designed with distribution to the cells by means of pumps or siphons.

(2) The absorption area must be divided into relatively equal units. Each unit may receive no more than 1300 gallons of effluent per day.

(3) The replacement (repair) absorption area must be divided into relatively equal units, with a replacement absorption area unit located adjacent to an initial absorption area unit.

(4) Effluent distribution must alternate between the absorption area units.

(5) Each system must have at least two pumps or siphons.

(6) The applicant must provide a written assessment of the impact of the proposed system on the quality of public waters and public health, prepared by a registered geologist, a certified engineering geologist qualified as a hydrogeologist, or a subordinate under the direction of either, except as specifically exempted in ORS 672.535.

(7) The owners of all new and existing large systems must register those systems with DEQ as Underground Injection Control (UIC) systems under OAR chapter 340, division 044. Large systems receiving domestic waste are regulated under this division. Drainfields receiving nondomestic waste are also regulated under the UIC rules.

Stat. Auth.: ORS 454.625 & 468.020
Stats. Implemented: ORS 454.615 & 468B.080
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 8-1983, f. & ef. 5-25-83; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0600

Sewage Disposal Service Licenses

(1) License required. A person may not perform sewage disposal services or advertise or represent himself as being in the business of performing such services without a valid license issued by DEQ to perform those services. A separate license is required for each business, organization, or other person conducting sewage disposal services.

(2) Types of licenses. DEQ may issue three types of sewage disposal service licenses.

(a) Installer license. An installer license is required for any person to construct or install onsite systems or parts of onsite systems or to perform the grading, excavating, or earth-moving work associated with constructing or installing onsite systems.

(b) Pumper license. A pumper license is required for any person to pump out or clean onsite systems, including portable toilets or any part of them, and to dispose of the material derived from pumping out or cleaning onsite systems or portable toilets.

(c) Installer/pumper license. The combined installer/pumper license authorizes a person to perform the work authorized by the installer and the pumper licenses.

(3) Duration of license. The duration of a sewage disposal service license may not exceed three years following the issue date. DEQ may issue licenses for periods of less than three years to stagger expiration dates. DEQ will provide licensees written notice of the expiration date assigned and date application for renewal is due.

(4) Certification requirement.

(a) Each business with an installer or installer/pumper license must identify at least one person certified under OAR 340-071-0650 who will supervise installation of onsite systems for the licensee.

(b)Applicants must submit evidence of the certification required by this section to DEQ with their application.

(5) New, renewal, and reinstatement licenses. Persons applying for new, renewal, or reinstatement of existing licenses must submit the following to DEQ for each license:

(a) A complete license application form.

(b) Evidence of a surety bond or equivalent security DEQ approved in the penal sum of $15,000 for each installer or installer/pumper license or $5000 for each pumper license and evidence that the security or bond will be continued through the license cycle and satisfies all other requirements of section (7) of this rule.

(c) The applicable license fee in OAR 340-071-0140(6).

(d) Evidence of certification as required in section (4) of this rule.

(e) For pumper licenses:

(A) A completed Sewage Pumping Equipment Description/Inspection form documenting inspection by an agent of all pumping equipment to be used for work under the license; and

(B) On DEQ's request, summary origin-destination pumping information for pumping services.

(6) Transfer or amendment of license. DEQ may amend or transfer a valid sewage disposal service license to reflect changes in business name, ownership, or entity (e.g., from individual to partnership or corporation). Persons applying for a license transfer or amendment must submit the following to DEQ:

(a) A complete application to transfer or amend the license with the applicable license fee in OAR 340-071-0140(6);

(b) A rider to an existing bond or a new form of security as required in subsection (5)(b) of this rule;

(c) The valid sewage disposal service license (not suspended, revoked, or expired) being transferred or amended;

(d) For business name changes, a new Sewage Pumping Equipment Description/Inspection form for each vehicle to be used for work under the license; and

(e) For installer licenses, evidence of certification as required in section (4) of this rule.

(7) Security requirements.

(a) Security this rule requires may be any of the following.

(A) A surety bond executed in favor of the State of Oregon on a form the Attorney General approved and DEQ provides. The bond must be issued by a surety company licensed by the Insurance Commissioner of Oregon. A surety bond must require at least 45 days' notice to DEQ before cancellation is effective and must otherwise remain in effect for at least two years after the sewage disposal service license terminates, except as provided in subsection (c) of this section.

(B) An insured savings account irrevocably assigned to DEQ with interest earned by such account made payable to the depositor.

(C) Negotiable securities of a character approved by the State Treasurer irrevocably assigned to DEQ with interest earned on deposited securities made payable to the depositor.

(b) Any deposit of cash or negotiable securities under ORS 454.705 must remain in effect for at least 2 years following termination of the sewage disposal service license except as provided in subsection (c) of this section. A claim against such security deposits must be submitted in writing to DEQ with an authenticated copy of:

(A) The court judgment or order requiring payment of the claim; or

(B) Written authority by the depositor for DEQ to pay the claim.

(c) When proceedings under ORS 454.705 have been commenced while the security required is in effect, such security must be held until final disposition of the proceedings is made. At that time claims will be referred for consideration of payment from the security so held.

(8) Licensee responsibilities. Each licensee:

(a) Is responsible for violations of any statute, rule, or order of the commission or DEQ pertaining to the licensed business.

(b) Is responsible for any act or omission of any servant, agent, employee, or representative of such licensee that violates any statute, rule, or order concerning the license privileges.

(c) Must deliver written notice, before completing licensed services, to each person:

(A) The rights of the recipient included in ORS 454.705(2); and

(B) The name and address of the surety company that has executed the bond required by ORS 454.705(1); or

(C) A statement that the licensee has deposited cash or negotiable securities for the benefit of DEQ to compensate any person injured by the licensee's failure to comply with ORS 454.605 to 454.745 and rules of this division.

(d) Inform DEQ of changes that affect the license, such as changes in the business, ownership, or entity (e.g., changes from individual to partnership or corporation).

(9) Misuse of license.

(a) A sewage disposal service licensee may not allow anyone to perform sewage disposal services under its license except the licensee's employees.

(b) A licensee may not:

(A) Display or cause or permit to be displayed any license that is fictitious, revoked, suspended, or fraudulently altered;

(B) Fail or refuse to surrender to DEQ any license that has been suspended or revoked.

(C) Give false or fictitious information or knowingly conceal a material fact or otherwise commit a fraud in any license application or any other activities associated with the license.

(10) Denial, suspension, or revocation of licenses.

(a) DEQ may refuse to grant, renew, or reinstate or may suspend or revoke any sewage disposal service license under procedures in ORS 183.310 to 183.540 if it finds:

(A) A material misrepresentation or false statement in connection with a license application;

(B) Failure to comply with any provisions of ORS 454.605 through 454.785, the rules of the commission, or an order of the commission or DEQ;

(C) Failure to maintain in effect at all times the required bond or other approved equivalent security in the full amount specified in these rules; or

(D) Nonpayment by drawee of any instrument the applicant tendered as payment of a license fee.

(b) Whenever a license is suspended or revoked or expires, the licensee must remove the license from display and remove all DEQ-issued labels from equipment used for work under the license. Within 14 days after suspension or revocation, the licensee must surrender the suspended or revoked license and certify in writing to DEQ that all DEQ-issued labels have been removed from all equipment.

(c) A sewage disposal service business may not be considered for re-licensure for a period of at least 1 year after DEQ revokes its license.

(d) A suspended license may be reinstated if:

(A) The licensee submits to DEQ a complete application for reinstatement of license accompanied by the applicable license fee in OAR 340-071-0140(6);

(B) The grounds for suspension have been corrected; and

(C) The original license would not have otherwise expired.

(11) Requirements for pumping vehicles and equipment. A licensee who pumps onsite systems must ensure that all pumping vehicles and equipment comply with the following requirements.

(a) Tanks used for pumping or transporting septage must:

(A) Have a liquid capacity of at least 550 gallons, except that tanks for equipment used exclusively for pumping chemical toilets not exceeding 80 gallons capacity must have a liquid capacity of at least 150 gallons;

(B) Be of watertight metal construction;

(C) Be fully enclosed; and

(D) Have suitable covers to prevent spillage.

(b) Vehicles used for pumping or transporting septage must be equipped with either a vacuum or other type of pump that is self-priming and will not allow seepage from the diaphragm or other packing glands.

(c) The sewage hose on vehicles must be drained, capped, and stored in a manner that will not create a public health hazard or nuisance.

(d) The discharge nozzle must be:

(A) Provided with either a camlock quick coupling or threaded screw cap;

(B) Sealed by threaded cap or quick coupling when not in use;

(C) Located to minimize flow or drip onto any portion of the vehicle;

(D) Protected from accidental damage or breakage.

(e) Pumping equipment must not have spreader gates unless permitted to land apply alkaline-stabilized septage under chapter 340, division 050.

(f) Each vehicle must at all times be supplied with a pressurized wash-water tank, disinfectant, and implements for cleanup.

(g) Except as specified in subsection (h) of this section or otherwise authorized in writing by the agent, pumping equipment must be used exclusively for pumping sewage disposal facilities.

(h) The following may be pumped or serviced using pumping equipment without written authorization, whether or not they are connected to an onsite system or a centralized community sewer system: pump stations, lift stations, food grease

tanks, vaults or tanks used for domestic sewage not contaminated with industrial or hazardous waste, and spills and backups of uncontaminated domestic sewage.

(i) Chemical toilet pumping equipment may not be used for any other purpose if the pump tank has a liquid capacity of less than 550 gallons.

(j) Equipment must be maintained in a reasonably clean condition at all times and must be operated in a manner that does not create a public health hazard or nuisance.

(12) Vehicle identification. The onsite sewage disposal services licensee must identify vehicles as follows.

(a) The licensee's name or assumed business name must be displayed on both sides of the vehicle or the attached tank and on both sides of a tank trailer.

(A) Letters and numbers must be at least 3 inches high unless DEQ authorizes otherwise.

(B) Letters and numbers must be in a color contrasting with the background.

(b) Tank capacity must be printed on both sides of the tank.

(A) Letters and numbers must be at least 3 inches high unless DEQ authorizes otherwise.

(B) Letters and numbers must be in a color contrasting with the background.

(c) DEQ-issued labels for each current license period must be displayed at all times at the front and rear and on each side of the vehicle. Labels must be returned to DEQ when a vehicle is no longer being used in conjunction with pumping under a sewage disposal service license.

(13) Septage management requirements. The licensee and all persons managing septage:

(a) Must avoid spilling sewage or septage during pumping, cleaning, or transport and must immediately clean up any spill and disinfect the spill area.

(b) Must dispose of septage and sewage only in DEQ-approved disposal facilities.

(c) At all times during pumping, transport, or disposal of septage, must possess origin-destination records for sewage disposal services rendered.

(d) Must maintain on file for at least 3 years complete origin-destination records for sewage disposal services rendered. The records must be made available for review upon the request of DEQ. Origin-destination records must include the following information for each pumping, transport, and disposal occurrence:

(A) Source of septage, including name and address;

(B) Specific type of material pumped;

(C) Quantity of material pumped;

(D) Name and location of disposal site where septage was deposited;

(E) Quantity of material deposited; and

(F) The license numbers or vehicle numbers assigned by the licensee for all vehicles or trailers used for pumping, transport, and disposal.

(e) Must transport septage in a manner that will not create a public health hazard or nuisance.

(f) Must possess a current DEQ-approved septage management plan. The plan must be kept current, with any revisions approved by DEQ before implementation.

(g) Must comply with the approved septage management plan and the DEQ-issued septage management plan approval letter.

Stat. Auth.: ORS 454.615, 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.625 & 468.020
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 32-1981(Temp), f. & ef. 12-8-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 10-1996(Temp), f. & cert. ef. 7-16-96; DEQ 12-1997, f. & cert. ef. 6-19-97; Administrative correction 1-28-98; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0650

Training and Certification Requirements for System Installers and Maintenance Providers

(1) Certification required.

(a) A person who supervises or is responsible for constructing or installing onsite systems must be a certified installer unless the person is the permittee for constructing or installing the system or the permittee's regular employee.

(b) A maintenance provider who inspects, maintains, or certifies or supervises maintenance on onsite systems using alternative treatment technologies, recirculating gravel filters, sand filters, or pressurized distribution systems must be certified as a maintenance provider.

(2) Training and certification programs. DEQ may enter interagency agreements to provide a program to train and certify onsite system installers, maintenance providers, and other onsite maintenance providers as described in this rule.

(3) Initial training and certification.

(a) Each initial training course for certification must provide the minimum training described in this section. One day of training equals eight hours including a total of 30 minutes of break time and a one-hour lunch.

(b) Course instructors must have academic credentials or field experience in the course discipline and experience as instructors.

(c) Installer training.

(A) The training course for installers must include at least eight hours of lectures, demonstrations, hands-on training, course review, and exam. DEQ encourages using audiovisual materials to complement lectures where appropriate.

(B) Installer training must at a minimum adequately address the following topics:

(i) Working knowledge of onsite rules.

(ii) Working understanding of permits.

(iii) Basic math skills.

(iv) Technical drawing.

(v) Field layout of onsite system.

(vi) Installation requirements.

(vii) Job safety practices.

(d) Maintenance provider training.

(A) The training course for maintenance providers must include at least eight hours of lectures, demonstrations, hands-on training, course review, and exam. DEQ encourages using audiovisual materials to complement lectures where appropriate.

(B) Maintenance provider training must adequately address the following topics:

(i) Working knowledge of onsite rules.

(ii) Working understanding of permits.

(iii) Basic math skills.

(iv) Technical drawing.

(v) Onsite system processes.

(vi) System operation and maintenance.

(vii) Job safety practices.

(4) Examinations and certification.

(a) The training provider must administer an open book examination to persons seeking certification. A person seeking initial certification in a discipline must complete the initial training and pass the examination for that discipline, except that installers DEQ certified before December 31, 2003, are not required to take the examination.

(b) Each examination must be approved by DEQ and include questions that adequately cover the topics in the training course for that discipline. Applicants must answer 70 percent correctly to pass.

(c) The training provider must issue a certification to each person who completes the training course and passes the required examination.

(d) Each certification must include the following:

(A) A unique certificate number.

(B) Full name of the person certified.

(C) Dates of the training course.

(D) Date of the examination.

(E) An expiration date three years after the certification issuance date.

(F) The name, address, and telephone number of the training provider that issued the certificate.

(G) A statement that the person receiving the certification has completed the requisite training and examination for the discipline certified.

(f) Certified persons must have proof of certification at the location where they are conducting work requiring certification.

(5) Recertification.

(a) For each discipline, the training provider or DEQ must review and approve continuing education courses and other training for recertification. Training approved for each discipline must cover topics related to that discipline, including the topics addressed in section (1) of this rule.

(b) For each discipline, the training provider must extend recertification to each certified person who completes 18 hours of approved continuing education following his most recent certification and to each formerly certified person who completes these requirements within six months after his certification expires.

(6) Suspension or revocation of certification.

(a) DEQ may suspend or revoke the certification of any person for the following reasons:

(A) Performing work requiring certification at a job site without physically possessing a current certification.

(B) Permitting another person to duplicate or use one's own certification.

(C) Obtaining certification from a person not accredited to provide the certification.

(D) Violating requirements in this division.

(E) Failing to pay civil penalties assessed for violations of this division.

(b) DEQ must notify the person whose certification is being revoked or suspended of the reasons for the action and any conditions that must be met before DEQ will reinstate the certification.

(c) A person may appeal a suspension or revocation by requesting a contested case hearing under OAR chapter 340, division 011.

(d) A person whose certification has been revoked may not be recertified and may not apply for a new certification for twelve months after the revocation date or under exceptional circumstances as approved by DEQ.

Stat. Auth.: ORS 454.615, 454.625 & 468.020
Stats. Implemented: ORS 454.615, 454.625 & 468.020
Hist.: DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14

340-071-0800

Tables

[Ed. Note: Click here for a PDF of tables.]

OAR 340-071-0800
TABLE 1
MINIMUM SEPARATION DISTANCES

Items Requiring Setback	From Subsurface Absorption Area Including Replacement Area	From Septic Tank and Other Treatment Units, Effluent Sewer and Distribution Units
1. Groundwater Supplies and Wells.	*100'	50'
2. Springs: • Upgradient. • Downgradient.	 50' 100'	 50' 50'
**3. Surface Public Waters: • Year round. • Seasonal.	 100' 50'	 50' 50'
4. Intermittent Streams: • Piped (watertight not less than 20' from any part of the onsite system). • Unpiped.	 20' 50'	 20' 50'
5. Groundwater Interceptors: • On a slope of 3% or less. • On a slope greater than 3%: • Upgradient. • Downgradient.	 20' 10' 50'	 10' 5' 10'
6. Irrigation Canals: • Lined (watertight canal). • Unlined: • Upgradient. • Downgradient.	 25' 25' 50'	 25' 25' 50'
7. Manmade Cuts Down Gradient in Excess of 30 Inches (top of downslope cut): • Which Intersect Layers that Limit Effective Soil Depth Within 48 Inches of Surface. • Which Do Not Intersect Layers that Limit Effective Soil Depth.	 50' 25'	 25' 10'
8. Downgradient Escarpments: • Which Intersect Layers that Limit Effective Soil Depth.		

OAR 340-071-0800
TABLE 1
MINIMUM SEPARATION DISTANCES

Items Requiring Setback	From Subsurface Absorption Area Including Replacement Area	From Septic Tank and Other Treatment Units, Effluent Sewer and Distribution Units
• Which Do Not Intersect Layers that Limit Effective Soil Depth.	50' 25'	10' 10'
9. Property Lines.	10'	5'
10. Water Lines.	10'	10'
11. Foundation Lines of any Building, Including Garages and Out Buildings.	10'	5'
12. Underground Utilities.	10'	—

* 50-foot setback for wells constructed with special standards granted by WRD.
**This does not prevent stream crossings of pressure effluent sewers.

OAR 340-071-0800
TABLE 2
QUANTITIES OF SEWAGE FLOWS

Type of Establishment		Column 1 Gallons Per Day	Column 2 Minimum Gallons Per Establishment Per Day
Airports		5 (per passenger)	150
Bathhouses and swimming pools		10 (per person)	300
Camps: (4 Persons per Campsite, where Applicable)	Campground with central comfort stations	35 (per person)	700
	With flush toilets, no showers	25 (per person)	500
	Construction camps — semi-permanent	50 (per person)	1000
	Day camps — no meals served	15 (per person)	300
	Resort camps (night and day) with limited plumbing	50 (per person)	1000

OAR 340-071-0800
TABLE 2
QUANTITIES OF SEWAGE FLOWS

Type of Establishment		Column 1 Gallons Per Day	Column 2 Minimum Gallons Per Establishment Per Day
	Luxury camps	100 (per person)	2000
Churches		5 (per seat)	150
Country clubs		100 (per resident member)	2000
Country clubs		25 (per non-resident member present)	—
Dwellings:	Boarding houses	150 (per bedroom)	600
	Boarding houses – additional for non-residential boarders	10 (per person)	—
	Rooming houses	80 (per person)	500
	Condominiums, Multiple family dwellings — including apartments	300 (per unit)	900
	Single family dwellings	300 (not exceeding 2 bedrooms)	450*
	Single family dwellings — with more than 2 bedrooms	75 (for third & each succeeding bedroom)	450
Factories (exclusive of industrial wastes — with shower facilities)		35 (per person per shift)	300
Factories (exclusive of industrial wastes — without shower facilities)		15 (per person per shift)	150
Hospitals		250 (per bed space)	2500
Hotels with private baths		120 (per room)	600
Hotels without private baths		100 (per room)	500
Institutions other than hospitals		125 (per bed space)	1250
Laundries — self-service		500 (per machine)	2500
Mobile home parks		250 (per space)	750
Motels — with bath, toilet, and kitchen wastes		100 (per bedroom)	500
Motels — without kitchens		80 (per bedroom)	400
Picnic Parks — toilet wastes only		5 (per picnicker)	150
Picnic Parks — with bathhouses, showers, and flush toilets		10 (per picnicker)	300
Restaurants		40 (per seat)	800
Restaurants — single-service		2 (per customer)	300
Restaurants — with bars and/or lounges		50 (per seat)	1000
Schools:	Boarding	100 (per person)	3000
	Day — without gyms, cafeterias, or showers	15 (per person)	450

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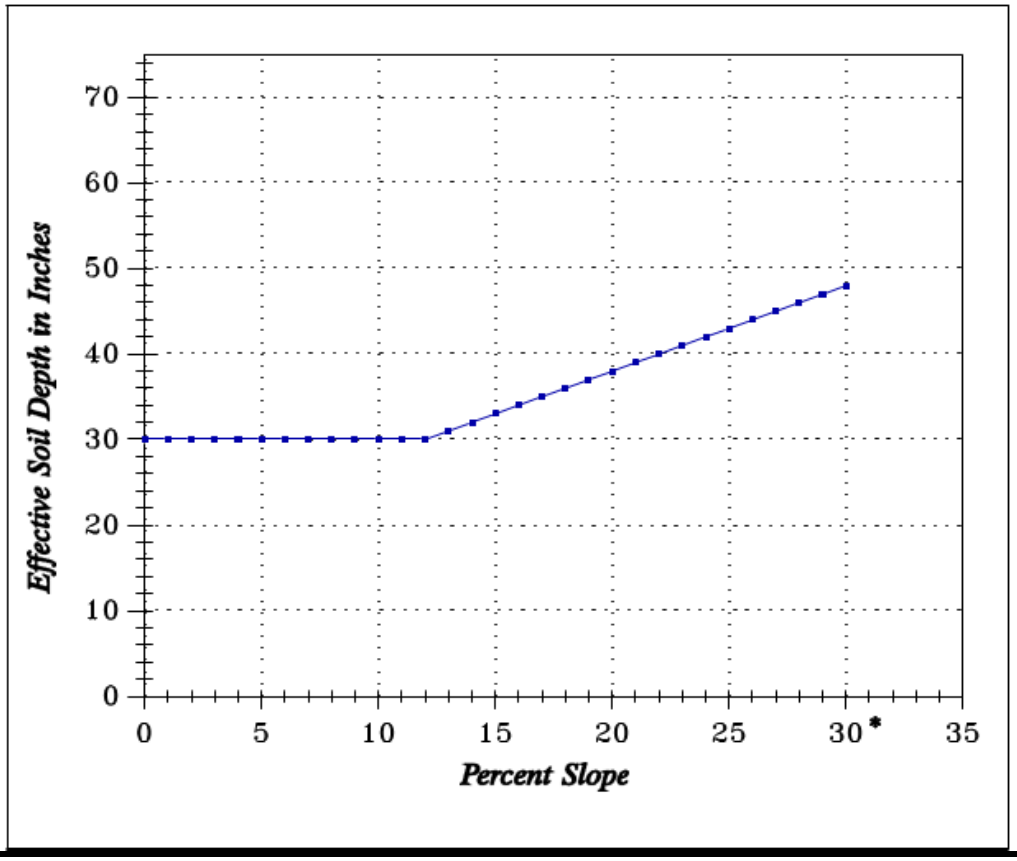
TABLE 2
QUANTITIES OF SEWAGE FLOWS

Type of Establishment		Column 1 Gallons Per Day	Column 2 Minimum Gallons Per Establishment Per Day
	Day — with gyms, cafeterias and showers	25 (per person)	750
	Day — with cafeteria, but without gyms or showers	20 (per person)	600
Service Stations		10 (per vehicle served)	500
Swimming pools and bathhouses		10 (per person)	300
Theaters:	Movie	5 (per seat)	300
	Drive-In	20 (per car space)	1000
Travel trailer parks — without individual water and sewer hookups		50 (per space)	300
Travel trailer parks — with individual water and sewer hookups		100 (per space)	500
Workers:	Construction — as semi-permanent camps	50 (per person)	1000
	Day — at schools and offices	15 (per shift)	150

* Except as otherwise provided in these rules.

OAR 340-071-0800
TABLE 3
SLOPE, EFFECTIVE SOIL DEPTH RELATIONSHIP



OAR 340-071-0800
TABLE 4

Minimum length of absorption trench (linear feet) required per 150 gallons projected daily sewage flow determined from soil texture versus effective soil depth.

Effective Soil Depth	**Soil Group**

OAR 340-071-0800
TABLE 4

Minimum length of absorption trench (linear feet) required per 150 gallons projected daily sewage flow determined from soil texture versus effective soil depth.

	A	B	C
18" to Less than 24"	125	150	175
24" to Less than 36"	100	125	150
36" to Less than 48	75	100	125
48" or more	50	75	125

* Soil Group A — Sand, Loamy Sand, Sandy Loam.
* Soil Group B — Sandy Clay Loam, Loam, Silt Loam, Silt, Clay Loam. Soil Group C — Silty Clay Loam, Sandy Clay, Silty Clay, Clay.
* If sand grains are fine or very fine, site according to Group B soils.

OAR 340-071-0800
TABLE 5

Minimum length of absorption trench (linear feet) required per 150 gallons projected daily sewage flow determined from soil texture versus depth to temporary groundwater.

Depth to Temporary Groundwater	Soil Group		
	A	B	C
24" to Less than 48"	100	125	150
48" or More	50	75	125

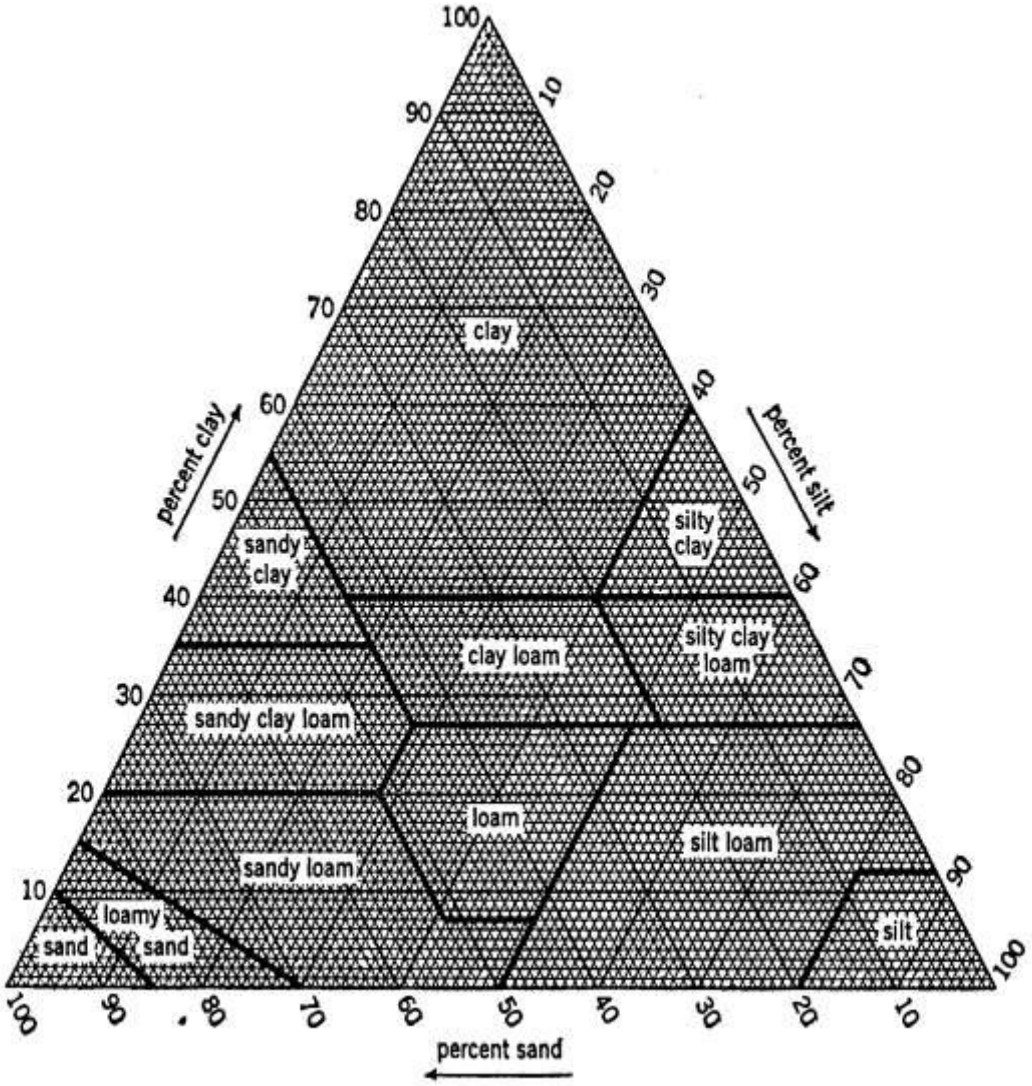
* Soil Group A — Sand, Loamy Sand, Sandy Loam.

Soil Group B — Sandy Clay Loam, Loam, Silt Loam, Silt, Clay Loam. Soil

Group C — Silty Clay Loam, Sandy Clay, Silty Clay, Clay.

* If sand grains are fine or very fine, site according to Group B soils.

OAR 340-071-0800
TABLE 6
SOIL TEXTURAL CLASSIFICATION CHART



OAR 340-071-0800
TABLE 7
USDA SOIL CLASSIFICATION SIZES OF SOIL SEPARATES

	Sieve Sizes	Millimeters
Clay		.002
Silt	270	.050
Very Fine Sand	200 140	.075 .1
Fine Sand	60	.25
Medium Sand	35	.5
Coarse Sand	18	1.0
Very Coarse Sand	10	2.0
Fine Gravel	4 3/8” 1/2	4.75 9.5 12.5
Course Gravel	3”	76.2
Cobbles		

OAR 340-071-0800
TABLE 8
MINIMUM SEPARATION DISTANCES FOR NONWATER-CARRIED WASTE DISPOSAL FACILITIES

	Self-Contained Nonwater-Carried Waste Disposal	Unsealed Earth Type Privies, Graywater Waste Disposal Sump and Seepage Chambers
Groundwater supplies including springs and cisterns	50'	100'
Surface public waters, excluding intermittent streams	50'	100'
Intermittent streams	50'	50'
Property line	25'	25'

OAR 340-071-0800
TABLE 9A: SITE EVALUATION AND EXISTING SYSTEM EVALUATION FEES

New Site Evaluation fees. Fees in this section apply to each system for which site suitability is evaluated.

Single family dwelling - First lot	$700
Single family dwelling - Each additional lot evaluated during initial visit	$700
Commercial facility with a design capacity of 1,000 gpd or less	$700
Commercial facility with a design capacity of 1,001-1,500 gpd	$882
Commercial facility with a design capacity of 1,501-2,000 gpd	$1,063

OAR 340-071-0800 TABLE 9A: SITE EVALUATION AND EXISTING SYSTEM EVALUATION FEES	
Commercial facility with a design capacity of 2,001-2,500 gpd	$1,244
Commercial facility s with a design capacity of 2,501-3,000 gpd	$1,426
Commercial facility with a design capacity of 3,001-3,500 gpd	$1,607
Commercial facility with a design capacity of 3,501-4,000 gpd	$1,788
Commercial facility with a design capacity of 4,001-4,500 gpd	$1,969
Commercial facility with a design capacity of 4,501-5,000 gpd	$2,151
Commercial facility with a design flow greater than 5,000 gpd	$2,373
Site Evaluation Report Review fee	$659
Existing System Evaluation Report fee	$659

OAR 340-071-0800 TABLE 9B: PERMITTING FEES FOR SYSTEMS NOT SUBJECT TO WPCF PERMITS							
		System Type A	System Type B	System Type C	System Type D	System Type E	Plan Review fees for Commercial Facility Systems
Construction-Installation Permit fees.							
For systems with a design capacity of less than 600 gpd		$461	$890	$1,038	$1,272	$1,566	$0
For systems with a design capacity of 601-1,000 gpd		$461	$890	$1,038	$1,272	$1,566	$379
For systems with a design capacity of 1,001-1,500 gpd		$560	$989	$1,137	$1,352	$1,710	$445

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TABLE 9B: PERMITTING FEES FOR SYSTEMS NOT SUBJECT TO WPCF PERMITS

For systems with a design capacity of 1,501-2,000 gpd		$659	$1,088	$1,236	$1,433	$1,776	$511
For systems with a design capacity of 2,001-2,500 gpd		$758	$1,187	$1,335	$1,513	$1,862	$577
Reinspection fee	$103						
Pump Evaluation fee. For all permits that specify the use of a pump or dosing siphon except for sand filter, Alternative treatment technologies, Recirculating gravel filter, and pressurized distribution systems	$66						

System Type Key:

Type A = Gray Water waste disposal sumps

Type B = Holding tanks

Type C = Standard subsurface, Absorption trenches in saprolite, Redundant, Seepage trench, Steep slope

Type D = Alternative treatment technologies, Capping fill, Pressurized distribution, Tile dewatering

Type E = Recirculating gravel filter, Sand filter (commercial or residential)

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TABLE 9C: OTHER PERMITTING FEES FOR SYSTEMS NOT SUBJECT TO WPCF PERMITS

		Field Visit required	No Field Visit
Minor Alteration Permit	$272		
Major Alteration Permit	$569		
Minor Repair Permit - Single Family Dwelling	$264		
Major Repair Permit - Single Family Dwelling	$551		
Minor Repair Permit - Commercial Facility	$478		
Major Repair Permit - Commercial Facility	$1,038		
Permit Denial Review	$363		
Permit Transfer, Reinstatement, or Renewal		$536	$157
Authorization Notice		$643	$165
Authorization Notice Denial Review	$659		
Renewal of hardship authorization for temporary		$340	$103
Alternative system inspection - Holding tanks	$396		
Variance from onsite system rules	$2,142		
Land use clearance	$52		
Annual report evaluation - Holding tanks – hard copy	$31		
Annual report evaluation - Holding tanks – online	$26		
Alternative system inspection - Other alternative systems listed in Table 9B	$544		
Annual report evaluation - Sand filters, pressurized distribution systems, recirculating gravel filters, and alternative treatment technology – hard copy submittal	$62		
Annual report evaluation - Sand filters, pressurized distribution systems, recirculating gravel filters, and alternative treatment technology – online submittal	$52		

OAR 340-071-0800 TABLE 9D: WPCF PERMIT FEES. (EFFECTIVE JAN. 1, 2016)			
	Application filing fee (all systems)	Permit processing fees for onsite systems with a design capacity of 1,200 gpd or less	Permit processing fees for onsite systems with a design capacity over 1,200 gpd
New application	$85	$684	$3,416
Permit renewal (involving request for effluent limit modifications)	$85	$340	$1,710
Permit renewal (without request for effluent limit modifications)	$85	$172	$853
Permit modification (involving increase in effluent limitations)	$85	$340	$1,710
Permit modification (not involving an increase in effluent limits)	$85	$256	$853
	Plan Review fee		
For commercial facilities with a design capacity less than 600 gpd	$0		
For commercial facilities with a design capacity of 601 - 1,000 gpd	$326		
For commercial facilities with a design capacity of 1,001 - 1,500 gpd	$384		
For commercial facilities with a design capacity of 1,501 - 2,000 gpd	$442		
For commercial facilities with a design capacity of 2,001 - 2,500 gpd	$498		
For commercial facilities with a design capacity of 2,501 - 3,000 gpd	$584		
For commercial facilities with a design capacity of 3,001 - 3,500 gpd	$641		
For commercial facilities with a design capacity of 3,501 - 4,000 gpd	$698		
For commercial facilities with a design capacity of 4,001 - 4,500 gpd	$753		
For commercial facilities with a design capacity of 4,501 - 5,000 gpd	$811		

OAR 340-071-0800 TABLE 9D: WPCF PERMIT FEES. (EFFECTIVE JAN. 1, 2016)	
Commercial facilities with a design capacity greater than 5,000 gpd	$853
Single family dwelling	$172
Annual Compliance Determination fee	
Onsite sewage lagoon with no discharge	$1,024
Treatment Standard 1 or better systems with design capacities less than 2,500 gpd	$427
Treatment Standard 1 or better systems with design capacities of 2,501 - 20,000 gpd	$853
Holding tanks, if by the date specified by DEQ, the owner does not submit written certification to DEQ that the holding tank has been operated the previous calendar year in full compliance with the permit or that the previous year's service logs for the holding tanks are not available for inspection by the DEQ	$340
Holding tanks, if by the date specified by DEQ, the owner submits written certification to DEQ that the holding tank has been operated the previous calendar year in full compliance with the permit and that the previous year's service	$37
Other systems with design capacities less than 20,000 gpd	$427
Other systems with design capacities greater than 20,000 gpd	$853

OAR 340-071-0800 TABLE 9E: SEWAGE DISPOSAL SERVICE LICENSE AND TRUCK INSPECTION FEES	
New 3-year business license	$438 per year
Renewal of business license	$330 per year

OAR 340-071-0800 TABLE 9E: SEWAGE DISPOSAL SERVICE LICENSE AND TRUCK INSPECTION FEES	
Additional license fee for additional pumper vehicles	$16/vehicle
Transfer of or amendments to license	$206
Reinstatement of suspended license	$258
Pumper truck inspections - First vehicle, each inspection	$103
Pumper truck inspections - Each additional vehicle, each inspection	$52

OAR 340-071-0800 TABLE 9F: OTHER FEES	
Innovative or Alternative Technology Review	$1,648
Alternative Technology Review (greater than 1,500 gpd)	$3,296
Alternative Treatment Technology Annual Compliance Determination Fee (per listed model)	$515
Material Plan Review	$494
Department Surcharge	$100

Stat. Auth.: ORS 454.615, 454.625 & 468.020
Stats. Implemented: ORS 454.605, 454.607, 454.610, 454.615, 454.625, 454,655, 454.665, 454.675, 454.695, 454.725, 454.745, 454.755, 454.775, 454.780, 454.784, 468.020, 468.035, 468.045, 468.065, 468B.050, 468B.055, 468B.080.