

Proposed Rulemaking Announcement

Onsite Application Fee Increase

Background

About a third of Oregon homes are not connected to public sewer systems, but depend on an onsite septic system to treat their wastewater. The Oregon Department of Environmental Quality (DEQ) regulates the siting, construction and inspection of septic systems statewide, and administers that work directly in 14 of 36 counties.

Why are the rule changes needed?

Costs to operate the Onsite Program have increased over 40 percent in the past decade, and are expected to continue to rise. Onsite Program fees have remained the same since 1998. Fees for services provided are the only source of revenue DEQ is authorized to use for Onsite Program funding. Because of the continuing shortfall, the Oregon Legislature this year approved DEQ's request to increase fees by 40 to 60 percent, with the understanding that the new fees will take into account rising costs through 2015.

What is the objective of this rulemaking?

DEQ is proposing to increase most fees by 60%. For example, an application for a site evaluation that currently costs \$465 will cost \$740. The increase applies to all onsite fees except WPCF-Onsite permit fees, licensing fees and the state surcharge.

This increase is necessary to maintain minimum staffing levels required to run the statewide program, which protects public health and the environment. The fee increase will support 2.5 staff positions to maintain current service levels based on DEQ's forecast, and will provide for year-round operating costs. The fee increase is proposed to take effect on January 4, 2010.

Who may be affected?

Property owners who plan to build new homes or remodel existing homes will see an increase in the permitting and inspection costs for a septic system. The increased fees affect only those applications submitted directly to DEQ and do not affect the fee schedules for counties that administer the program themselves.

Manufacturers of septic system products will also see an increase in the costs for reviewing and approving their products.

How was this proposal developed?

DEQ used recent program budget reports and then forecasted application submittal rates for the

next two years to develop the proposed fee increase.

Copies of the documents relied upon in the development of this rulemaking proposal can be reviewed at DEQ's Eugene office at 165 East 7th Avenue, Suite 100, Eugene, Oregon. Please contact Randy Trox at 541-687-7338, or toll-free in Oregon at 1-800-844-8467 extension 7338 for times when the documents are available for review.

DEQ convened an external advisory committee to provide recommendations for long-term funding of the Onsite Program and to help with this rulemaking. The committee reviewed the proposed fee increase and supports the increase with the condition that DEQ re-evaluate these fees after implementing alternative funding sources the committee recommended, but no later than 2015. DEQ has committed to meet this condition.

Additional materials available

- Proposed Rule changes
- Statement of Need and Fiscal Impact
- Land Use Evaluation Statement
- Relationship to Federal Requirements

The above documents provide additional information related to this proposed rulemaking and can be viewed at "Proposed Rule Revisions" <http://www.deq.state.or.us/regulations/rulesandlaws.htm>

Additional information regarding the Onsite Program fee increase proposal can be viewed at <http://www.deq.state.or.us/wq/onsite/feeincrease.htm>

How to comment

Comments on the proposed rulemaking may be submitted in writing via mail, fax or e-mail at any time prior to the comment deadline of 5:00 p.m., September 25, 2009. Written and oral comments can be submitted during any of the public hearings specified below. It is not necessary to attend a hearing in order to comment. Written comments received prior to the deadline are treated equally with oral comments.

Written comments may be mailed to Randy Trox, Oregon DEQ, Western Region, 165 East 7th Avenue, Suite 100, Eugene, Oregon 97401-3049.



State of Oregon
Department of
Environmental
Quality

Onsite Wastewater Management Program

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*DEQ is a leader in
restoring, maintaining and
enhancing the quality of
Oregon's air, land and
water.*

The Department and the EQC have the statutory authority to address this issue under ORS 454.625, 468.020 & 468.065(2). These rules implement ORS 454.745, 468.065 & 468B.050

Comments may be faxed to Randy Trox at 541-686-7551, or e-mailed to:

trox.randall@deq.state.or.us

(E-mail comments and attachments are limited to 10 MB. If your comments and attachments will exceed this limit, please contact the DEQ staff listed above).

If there is a delay between servers, e-mails may not be received before the deadline.

Public hearings

Public hearings will be held at six locations throughout the state in September. Each hearing will begin with a brief overview of the proposed rule changes, followed by the opportunity for members of the public to provide oral and written comment. All comments will be recorded and reviewed by DEQ.

Public hearings will be held Monday, September 14, Tuesday, September 15 and Wednesday, September 16, 2009.

- Astoria, 6:00 p.m. September 14, 2009
Comfort Suites, 3420 Leif Erickson Dr.
- Pendleton, 6:00 p.m. September 14, 2009
State Office Building, 700 SE Emigrant Ave.
- North Bend, 6:00 p.m. September 15, 2009
North Bend Library, 1800 Sherman Ave.
- Baker City, 6:00 p.m. September 15, 2009
Baker City Hall, 1655 First St.
- Grants Pass, 6:00 p.m. September 16, 2009
Tally Media Group Building, 109 NW "C" St.
- Burns, 6:00 p.m. September 16, 2009
Burns City Hall, 242 South Broadway Ave.

Comment deadline is September 25, 2009

All comments are due to DEQ by 5 p.m., September 25, 2009. DEQ cannot consider comments from any party **received** after the deadline for public comment.

How will rules be adopted?

DEQ will prepare a response to all comments received during the public hearing and comment period and may modify the proposed rules. DEQ plans to recommend that the Oregon Environmental Quality Commission (EQC) adopt the rules at the December 10, 2009 EQC meeting. DEQ will notify interested parties of

the time and place for final EQC action if they submit comments during the hearing or comment period or request to be placed on DEQ's mailing list for this rulemaking.

Alternative formats/accommodations

Please notify DEQ of any special physical or language accommodations needed for the hearings as far in advance as possible.

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ's Office of Communications & Outreach, Portland, at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696.