



CLATSOP COUNTY

BOARD OF COMMISSIONERS AGENDA

WORK SESSION

Virtual Meeting

Tuesday, July 06, 2021

BOARD OF COMMISSIONERS:

Mark Kujala, Dist. 1 – Chair
Lianne Thompson, Dist. 5 – Vice Chair
John Toyooka, Dist. 2
Pamela Wev, Dist. 3
Courtney Bangs, Dist. 4

commissioners@co.clatsop.or.us

CONTACT:

800 Exchange, Suite 410
Astoria, OR 97103
Phone (503) 325-1000
Fax (503) 325-8325

www.co.clatsop.or.us

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WORK SESSION: 12:00 PM

Work Sessions are an opportunity for Board members to discuss issues informally with staff and invited guests. The Board encourages members of the public to attend Work Sessions and listen to the discussion, but there is generally no opportunity for public comment. Members of the public wishing to address the Board are welcome to do so during the Board's regularly scheduled meetings held twice monthly.

BOARD COMMUNICATION {5 min}

TOPICS:

1. Legislative Update {20 min}
2. Clatsop County Code Amendments – Operation and Maintenance Agreements for Onsite Wastewater Systems {15 min} {Page 3}
3. Oregon Department of Forestry Update {30 min} {Page 25}

ADJOURNMENT

As necessary Executive Session will be held in accordance with but not limited to: ORS 192.660 (2)(d) Labor Negotiations; ORS 192.660 (2)(e) Property Transactions; ORS 192.660 (2)(f) Records exempt from public inspection; ORS 192.660 (2)(h) Legal Counsel

Agenda packets also available online at www.co.clatsop.or.us

This meeting is accessible to persons with disabilities or wish to attend but do not have computer access or cell phone access. Please call 325-1000 if you require special accommodations at least 48 hours prior to the meeting in order to participate.

Board of Commissioners Clatsop County

WORK SESSION AGENDA ITEM SUMMARY

July 6, 2021

Topic: Clatsop County Code Amendments – Operation and Maintenance Agreements for Onsite Wastewater Systems

Presented By: Nancy Mendoza, Code Compliance Specialist

**Informational
Summary:**

BACKGROUND

In accordance with the authority granted by Oregon Revised Statutes (ORS) 454.725 and 454.745, Clatsop County entered into an agreement with the Oregon Department of Environmental Quality (DEQ) on June 24, 2014 to manage and perform duties of the Onsite Wastewater Program including receiving and processing applications, issuing permits, and performing required inspections.

Clatsop County has approximately 14,000-17,000 individuals served by onsite wastewater systems. Owners of onsite systems are responsible for the operation and maintenance of their system; and must operate and maintain their systems in compliance with all permit conditions and applicable requirements while not creating a public health hazard or polluting public waters (OAR 340-071-0130(13)).

Pressurized distribution systems serve approximately 472 properties in Clatsop County. A pressure distribution system is any onsite septic system that uniformly distributes effluent under pressure in an absorption facility or treatment unit. **Of these 472 pressurized systems in Clatsop County there are approximately 100 systems that have not entered into a service contract or have failed to renew their contract.**

Of particular concern is the Clatsop Plains area, which is specifically cited in OAR 340-071-400(5) as a geographic area requiring special considerations for the use of onsite treatment systems. The Clatsop Plains area also contains many wetlands and coastal lakes which are inventoried resources in Goal 5 of the County's comprehensive plan. Ensuring that systems in this area of the county are properly maintained is especially critical.

Under OAR 340-071-0130(23) the owner of a pressurized distribution system must maintain a contract with a licensed maintenance provider to inspect and maintain the onsite system. A service contract must be

completed before the system is installed and must be maintained until the system is decommissioned.

For pressurized systems permitted prior to January 1, 2014, an operation and maintenance contract is not required but the owners are responsible for having their systems inspected at least once per year. For owners of pressurized distribution systems permitted after January 1, 2014, an operation and maintenance contract must be maintained with a licensed maintenance provider. A DEQ fact sheet explaining these requirements is attached as **Exhibit A**.

The required annual report fee established by DEQ is \$62. Service contract costs will vary depending upon the service provider. However, one service provider that was contacted by staff stated their annual service contract fee was \$262, which includes the \$62 for the required annual report.

PROPOSED ADDITIONS TO COUNTY CODE

Because there are many licensed O&M providers servicing contracts in Clatsop County, the Environmental Health Department staff are not able to track when service contracts expire and must rely on licensed maintenance providers to alert them when contracts expire or are not renewed. As discussed above, there are approximately 100 owners of pressurized systems within the County who do not have the required maintenance agreements. While many of those systems may be functioning as designed, others may not. This can lead to potential health safety issues and/or contamination and pollution of public waters. Because there is no mechanism in the County Code to address this situation, staff is proposing the following changes to Title 8 of the Clatsop County Code:

- Establish a clear process for how Environmental Health staff will notify owners of systems that do not have the required agreements
- Identify the process that Code Compliance would use if Environmental Health is unable to bring an owner into compliance
- Specify the responsibilities of service providers.
- Specify the responsibilities of the system owner.

Draft language for Ordinance 21-02 is included as **Exhibit B**. The specific responsibilities of both the service provider and the system owner are taken directly from OAR 340-071-130, which is included as **Exhibit C**.

Because it may be likely that financial considerations are one reason many system owners choose not to renew or enter into the required maintenance agreements, penalties and fines should be weighed against the potential environmental impacts from improperly functioning systems. Staff has proposed that failure to maintain the required

maintenance agreement should be considered a Class A violation, per Section 1.11.010, Clatsop County Code. The fine for a Class A violation is \$720. This would be more than the cost of having the required service contract, which may be an incentive for owners who might consider not renewing a contract. However, it would remove violations from the standard code compliance track, which could ultimately result in a lien on the owner's property and fines of up to \$20,000.

NEXT STEPS

Staff is requesting input and direction from the Board regarding the following:

- Should staff proceed with the proposed code amendments?
- Should a fine be assessed to system owners who fail to renew or enter into the required agreements?

Based upon direction from the Board, staff will either cease the amendment process, continue to make revisions for further Board review, or move forward with the amendments as proposed.

Attachment List

- A. DEQ Fact Sheet
- B. Draft Ordinance 21-02
- C. OAR 340-071-130

EXHIBIT A

DEQ Fact Sheet

Sand Filter and Pressure Distribution Maintenance

Septic system owners are responsible for the maintenance of their septic system.

Required Inspections:

Owners of sand filter systems and/ or pressure distribution systems permitted before Jan. 2, 2014 must inspect their septic tank and dosing tank at least once a year for sludge and scum accumulation. The septic tank(s) must be pumped:

- when surface floating scum accumulations within the tank is less than three inches from the bottom of the outlet tee, holes, or ports and,
- when sludge from the bottom of the tank is less than six inches below the bottom of the outlet tee, holes or ports.

Owners of sand filter systems and/ or pressure distribution systems permitted on or after Jan. 2, 2014 must maintain a service contract with a certified Maintenance Provider. A copy of the service contract must be submitted to DEQ before the system is installed.

Owners of sand filter systems and/ or pressure distribution systems permitted on or after Jan. 2, 2014 must submit the annual report, pursuant to Oregon Administrative Rule 340-071-0130(17), and annual evaluation fee, pursuant to OAR 340-071-0140(3).

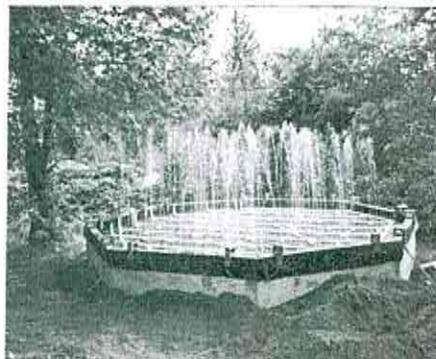
Maintenance:

- DEQ recommends pumping the septic tank when the solids accumulation is 35 percent of the tank volume. Pumping the dosing tank, or pump chamber of a two-compartment tank, at the same time is also recommended.
- Test the pump and alarm operation at least once each year by manually lifting each float switch inside of the dosing tank of pump chamber.
- Test pump-cycle volume by measuring the sewage level in the tank at the start of pumping and again at the pump turn-off.
 - The proper pump cycle volume for a residential sand filter is no more than ten percent of the projected daily

sewage flow (e.g. a maximum of 45 gallons per cycle for a dwelling with a maximum of 4 bedrooms). A rule of thumb is about four inches in a concrete two-compartment septic tank, or two inches in a single compartment dosing septic tank.

- Pressure distribution drainfields can receive no more than 20 percent of the projected daily sewage flow (e.g. a maximum of 90 gallons per pump cycle for a dwelling with a maximum of 4 bedrooms). A rule of thumb is about eight inches in a concrete two-compartment septic tank, or four inches in a single compartment dosing septic tank.

- Inspect the screen around the pump at least once each year and clean as necessary. The screen needs to be cleaned when it is about 50 percent clogged. Wash the pump screen over the septic tank manhole.
- Flush sand filter and pressure distribution drainfield pipes. Sand filter and pressure distribution systems constructed after 1995 should have cleaning valves at the ground surface. Flush the lateral pressure distribution pipes within the sand filter and pressure distribution system at least once a year. Flush each lateral pipe separately and be mindful of the liquid level in the tank (do not run the pump dry).



Sand filter squirt test during system construction.



State of Oregon
Department of
Environmental
Quality

Regional Field Offices

**Onsite Program
Eastern Region**
800 SE Emigrant #330
Pendleton, OR 97801
Phone: (541) 276-4063
(800) 304-3513
Fax: (541) 278-0168

**Onsite Program
Northwest Region**
65 N. Hwy 101, Ste. 202
Warrenton, OR 97146
Phone: (503) 861-3280
(800) 452-4011
Fax: (541) 861-3259

**Onsite Program
Western Region (Coos
Bay)**
381 N. Second St.
Coos Bay, OR 97420
Phone: (541) 269-2721
(800) 452-4011
Fax: (541) 269-7984

**Onsite Program
Western Region
(Medford)**
221 Stewart Ave., Ste. 110
Medford, OR 97501
Phone: (541) 776-6010
(877) 823-3216
Fax: (541) 776-6262

Last updated: 2/14/2014
By: P. Woolverton

EXHIBIT B

Draft Ordinance 21-02

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF CLATSOP**

In the Matter of:

**An Ordinance adopting regulations
requiring Operation and
Maintenance Agreements for
pressurized and sand filter onsite
wastewater treatment systems.**

ORDINANCE NO. 21-02

Doc # _____

Recording Date: _____

RECITALS

WHEREAS, Oregon Administrative Rule (OAR) 340-071-0120(1) allows the Oregon Department of Environmental Quality (DEQ) to enter into 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 requirement inspections; and

WHEREAS, Clatsop County entered into an agreement with DEQ in 1996 to become an authorized agent; and

WHEREAS, OAR 340-071-0120(2) requires each owner of real property to be jointly and severally responsible for treating wastewater generated on that property; for 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; maintaining, repairing and replacing the onsite system on that property as necessary to ensure proper operation of the systems; and complying with all requirements for constructing, installing, maintaining, replacing and repairing onsite systems required by OAR 340 divisions 71 and 73; and

WHEREAS, the Clatsop County Board of Commissioners seeks to promote the protection of public waters against the impacts of improperly functioning onsite wastewater treatment systems, as required by state regulations;

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:

SECTION 1. ADOPTION

The Board of County Commissioners hereby adopts the Clatsop County Operation and Maintenance Agreement Ordinance as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2. SEPARABILITY

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. CONFORMANCE OF STATE LAW

This Ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the state of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS

This Ordinance shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County.

SECTION 5. APPLICABILITY

This Ordinance shall apply to all areas of Clatsop County, including within the boundaries of any incorporated City or adopted Urban Growth Boundary.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect on the 30th day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(B) of the Home Rule Chapter for the Government of Clatsop County.

Approved this ___ day of _____, 2021

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By _____
Mark Kujala, Chair

Date _____

By _____
Theresa Dursse, Recording Secretary

First Reading: _____

Second Reading: _____

Effective Date _____

**Title 8
HEALTH AND SAFETY**

Chapters:

- 8.04 Nuisance Abatement**
- 8.08 Nuclear Weapons Free Zone**
- 8.12 Noise Control Standards**
- 8.16 Tobacco and Smoking Free Campus**
- 8.20 Outdoor Lighting**
- 8.24 Operation and Maintenance Agreements**

Chapter 8.24

OPERATION AND MAINTENANCE AGREEMENTS

Sections:

- 8.24.010 Policy and Purpose.**
- 8.24.020 Definitions.**
- 8.24.030 Applicability.**
- 8.24.040 Annual Permit Fees and Reports.**
- 8.24.050 Service Contract Requirements**
- 8.24.060 Maintenance Provider Responsibilities**
- 8.24.070 System Owner Responsibilities**
- 8.24.080 Prohibitions.**
- 8.24.090 Administration and Enforcement.**

8.24.010 Policy and Purpose.

The purpose of this ordinance is to establish requirements for operating and maintaining onsite wastewater treatment systems in order to restore and maintain the quality of public waters and to protect the public health and general welfare of the people of Clatsop County.

8.24.020 Definitions.

- (A) AGENT: The director or person authorized to act on the Director’s behalf, frequently referring to DEQ or contract county staff performing onsite permitting activities.
- (B) ALTERATION: The expansion or change in location of an existing system or any part of it. Major alternation in 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.
- (C) BLACK WASTE: Human body wastes including feces, urine, other substances of body origin, and toilet paper.
- (D) CONVENTIONAL SAND FILTER: A filter with two feet or more of sand filter medial designed to chemically and biologically process septic tank or other treatment unit effluent from a pressure distribution system operated on an intermittent basis.
- (E) DESIGN CAPACITY: The maximum daily flow a system is designed to treat and disperse.
- (F) EMERGENCY REPAIR: 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.

- (G) EXISTING ONSITE WASTEWATER TREATMENT SYSTEM: Any installed onsite wastewater treatment system constructed in conformance with the rules, laws, and local ordinances in effect at the time of construction.
- (H) EXISTING SYSTEM: “Existing System” has the same meaning as “Existing Onsite Wastewater Treatment System”.
- (I) FAILING SYSTEM: 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.
- (J) GOVERNMENTAL UNIT: The state or county, municipality or political subdivision or any agency thereof.
- (K) GRAYWATER: Household sewage other than “black wastes,” such as bath water, kitchen wastewater, and laundry wastes.
- (L) INTERMITTENT SAND FILTER: A conventional sand filter.
- (M) MAINTENANCE: Taking the actions necessary to keep onsite system components properly functioning as designed. Maintenance is further defined as:
 - a. Major Maintenance: Cleaning, repairing or replacing a broken or plugged effluent sewer pipe where:
 - i. The pipe is the same make and model; or
 - ii. The pipe meetings the requirements of OAR 340-071; and
 - iii. 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:
 - i. Is the same make and model; or
 - ii. Meets the requirements of OAR 340-071.
- (N) MAINTENANCE PROVIDER: 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.
- (O) OCCUPANT: Any person living or sleeping in a dwelling.
- (P) ONSITE SEWAGE DISPOSAL SYSTEM: Means the same as “Onsite Wastewater Treatment System”.
- (Q) ONSITE WASTEWATER TREATMENT SYSTEM: Any existing or proposed subsurface onsite wastewater treatment and dispersal system including, but not limited to, a standard subsurface, alternative, experimental, or nonwatery-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.
- (R) OWNER: 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.
- (S) PERMIT: 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.

- (T) PERSON: Includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivision, the state any of its agencies, and the federal government and any of its agencies.
- (U) PRESSURE DISTRIBUTION LATERAL: Piping and fittings in pressure distribution systems that distribute septic tank or other treatment unit effluent to drain media through small diameter orifices.
- (V) PRESSURE DISTRIBUTION MANIFOLD: Piping and fittings in a pressure distribution system that supply effluent from pressure transport piping to pressure distribution laterals.
- (W) PRESSURE DISTRIBUTION SYSTEM: Any system designed to uniformly distribute septic tank or other treatment unit effluent under pressure in an absorption facility or treatment unit.
- (X) PRESSURE TRANSPORTING PIPE: Piping that conveys sewage effluent from a septic tank or other treatment or distribution unit typically by means of a pump or siphon.
- (Y) PUBLIC HEALTH HAZARD: 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.
- (Z) PUBLIC WATERS: 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.
- (AA) REPAIR: 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: Replacing the soil absorption facility, treatment unit, or any part of it.
 - b. Minor Repair: 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.
- (BB) SAND FILTER MEDIA: 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.
- (CC) SAND FILTER SURFACE AREA: The area of the level plan section in the medium sand horizon of a conventional sand filter located two feet below the bottom of the drain media containing the pressurized distribution piping.
- (DD) SAND FILTER SYSTEM: An alternative system that combines a septic tank or other treatment unit; a dosing system with effluent pump and control or dosing siphon, piping and fittings; a sand filter; and an absorption facility to treat wastewater.

- (EE) SCUM: A mass of sewage solids floating at the surface of sewage that is buoyed up by entrained gas, grease, or other substances.
- (FF) SEPTAGE: 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.
- (GG) SEPTIC TANK: 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.
- (HH) SEPTIC TANK EFFLUENT: Partially treated sewage that is discharged from a septic tank.
- (II) SEWAGE: 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.
- (JJ) SITE EVALUATION REPORT: A report on the evaluation of a site to determine its suitability for an onsite system prepared under OAR 340-071-0150.
- (KK) STABILIZED DUNE: 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.
- (LL) STANDARD SUBSURFACE SYSTEM: An onsite wastewater treatment system consisting of a septic tank, distribution unit, and absorption facility constructed under OAR 340-071-0220.
- (MM) TREATMENT: 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 rise to public health.

8.24.030. Applicability.

This ordinance applies to the owners of all pressurized distribution, sand filter, recirculating gravel filter, and alternative treatment technology systems within Clatsop County.

8.24.040. Annual Permit Fees and Reports.

- (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:
 - a. 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
 - b. 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.

8.24.050. Service Contract Requirements.

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:
 - i. A visual assessment for color, turbidity, and scum overflow,
 - ii. An olfactory assessment for odor, and
 - iii. Any other performance assessment or operational diagnosis, which may include sampling of treated effluent(post-disinfection if 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:
 - i. Owner's name and address;
 - ii. Property address and legal description;
 - iii. Permit requirements
 - iv. Contact information for the owner, maintenance provider, and agent;
 - v. Details of service to be provided, including the service required in this section;
 - vi. Schedule of maintenance provider duties;
 - vii. Cost and length of service contact and time period covered;
 - viii. Details of any warranty; and
 - ix. Owner's responsibilities under the contract for routine operation of the onsite system.

8.24.060. Maintenance Provider Responsibilities.

A maintenance provider under a contract required by OAR 340-071-0275, 0290, 0302, and/or 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 alterations to comply with OAR 340-071-0215, 340-071-0210 and other applicable requirements.
- (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) Subject the annual report required in Section 8.24.040 and the annual evaluation fee in OAR 340-071-0140(3) for each system under contract to be serviced by the maintenance provider.

8.24.070. System Owner Responsibilities.

System owners must:

- (A) Report evidence of any system failures to the agent and take appropriate action the agent approves to correct the problem.
- (B) Enter into a maintenance provider agreement and maintain a service agreement as required by OAR 340-071-0130(23).

8.24.080. Prohibitions.

- (A) A person may not submit information required by statute, rule, permit, or order that is false, inaccurate, or incomplete.
- (B) A person may not discharge untreated or partially untreated 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.
- (C) 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.
- (D) Except where specifically allowed by OAR 340-071, 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.

8.24.090. Administration and Enforcement.

- (A) Once the Environmental Health Department is notified by an operations and maintenance provider that a customer has failed to renew their contract and it has expired, Clatsop County Environmental Health staff will send a reminder letter to the property owners of the pressurized system stating that a maintenance agreement is required to be maintained per DEQ regulations for pressurized distribution systems.
- (B) If after 30 days Environmental Health staff do not receive a response from the property owner or operation and maintenance provider, a warning letter will be sent to the system owner providing 30 days to enter into a contract with a pressurized service provider.
- (C) If after 30 days there is no response, the matter will be referred to Clatsop County Code Compliance.
- (D) Failure to enter into or maintain the required service provider agreement shall constitute a Class A violation per Section 1.11.010, Clatsop County Code of Regulations.
- (E) The remedies provided in this chapter are not exclusive and shall not prevent the County from exercising any other remedy available under the law.

EXHIBIT C

OAR 340-071-130

Department of Environmental Quality

Chapter 340

Division 71

ONSITE WASTEWATER TREATMENT SYSTEMS

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, 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.

Board of Commissioners Clatsop County

WORK SESSION AGENDA ITEM SUMMARY

July 6, 2021

Topic: Oregon Department of Forestry Activities
Presented By: Don Bohn, County Manager & Dan Goody, State Forester

Informational Summary: Dan Goody, State Forester, will provide an update on state forest activities.