


W.5.C.3 ORIGINAL

Memorandum Date: February 5, 2010  
Order Date: February 24, 2010

**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works; Land Management Division; Sanitation Program  
**PRESENTED BY:** Matt Laird, Land Management Division Manager 

**AGENDA ITEM TITLE:** **IN THE MATTER OF AMENDING CHAPTER 60 OF THE LANE MANUAL TO BRING SUBSURFACE SANITATION FEES INTO SUBSTANTIAL AGREEMENT WITH THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY FEE SCHEDULE AND FUND A SUSTAINABLE SERVICE LEVEL (LM 60.852) EFFECTIVE APRIL 1, 2010**

**I. MOTION**

To approve amendments to Chapter 60 of the Lane Manual to bring Subsurface Sanitation fees into substantial agreement with the Oregon Department of Environmental Quality (DEQ) fee schedule and fund a sustainable service level.

**II. AGENDA ITEM SUMMARY**

The Board is being asked to approve proposed revisions to LM 60.852 regarding fees assessed by the Subsurface Sanitation Program for permit and inspection services. The revisions contained in this order are intended to bring the Subsurface Sanitation Program's fee schedule into substantial agreement with the Oregon Department of Environmental Quality's (DEQ) recently adopted fee schedule for similar services. While this will bring about consistency between the County and other jurisdictions where DEQ administers on-site wastewater management regulations, it will also help ensure a sustainable level of service can be supported for a program whose costs are expected to exceed its revenue this coming fiscal year.

Finance and Audit moved to forward this proposal to the Board of Commissioners for discussion (2/2/2010).

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

The Board most recently approved revisions to Subsurface Sanitation permit fees with its

adoption of Order No. 08-5-14-12 on May 14, 2008. The intent of these revisions, as stated in the board packet, was to recover the actual cost of services provided. The order estimated that an additional \$28,000 would be generated in fiscal year 08-09 as a result of the changes, which consisted of a 5% increase of selected permit fees. However, this forecast took into account a minimal 2% decrease in permit activity.

The forecast upon which the additional revenue calculation was based proved to be inaccurate. In the first quarter of fiscal year 08-09, permit volume declined by over 50% (67% fewer site evaluations, 42% fewer installation permits). This darkened the budget outlook and demanded significant cost reductions in order to address a widening budget gap. With discretionary spending long since minimized and fixed costs on the rise, personnel costs were left as the last remaining option for cost reduction. As a result, staff levels in the Subsurface Sanitation program were reduced dramatically. The program historically consisted of a manager, and office assistant, and three field inspectors but was reduced to just two field inspectors in January 2009. Management of the program was assumed by the Building Official in addition to his oversight of the Building and Electrical Programs within LMD, while office administration tasks and the entire inspection workload were absorbed by the two remaining staff members.

While permit volume had decreased significantly in the first half of FY 08-09, adding capacity to the 5 FTE staff, the 60% reduction in workforce that followed has proven to be disproportionate, resulting in endless operational challenges and reduced levels of service to the public in many areas. Providing inspection services to a vast geographical area, maintaining the documentation associated with permit activities, and attending to customer inquiries in person and over the phone creates a demand that exceeds the capacity of two FTEs. This has led to delayed inspection response times, backed logged record maintenance and document scanning work, and reduced front counter office hours.

Last year, the Oregon Department of Environmental Quality proposed fee increases for services associated with their on-site wastewater management program. The services associated with these fees are the same services that have been delegated to Lane County through an intergovernmental agreement dating back to June 8<sup>th</sup>, 1981. While DEQ fees have historically been lower than those assessed by the County, the State's proposed revisions, set for phased implementation via incremental increases on the first of the years 2010 and 2011, will ultimately raise the majority of the permit fees to levels higher than those charged by the county (see fee comparison graphs included as an attachment to this memorandum). The DEQ has cited factors similar to those that influence the County's program as justification for the fee increases, including rising program costs (specifically transportation and other services and supplies) and lower permit volume. Please reference the attachments to this memorandum for additional information on the State's proposed fee increases.

## **B. Policy Issues**

The Board of County Commissioners Financial Management Policies (8) states, "County

fees and charge amounts will be set by the Board of County Commissioners based on an analysis of who benefits, amounts charged by other agencies for the same services, the indirect and direct costs of providing the services and the Statutory limits.”

This order addresses this policy by taking into consideration current program costs in relation to the services provided and by directly relating fees assessed to those of an agency that provides the same services (DEQ).

**C. Board Goals**

Revenue Development is identified as Strategy 4 of Lane County’s Strategic Plan. Section D2, “Identifying and recovering user fees and charges”, Paragraph a., states as follows: “Lane County Government will assure that fair and reasonable user fees are established and collected for those services where state law permits such fees and where the usage of the service is affected by consumer choice.”

The fee schedule developed by the Lane County Sanitation Program and, similarly, by DEQ has been established for some time as the appropriate means by which to recover the cost of services rendered. This proposed order is part of the ongoing effort to ensure revenue generated is adequate to support an acceptable and sustainable level of service so that fees collected are justified by the measurable benefit provided to the customer and county as a whole.

**D. Financial and/or Resource Considerations**

Despite the Subsurface Sanitation program’s reduced staff level (currently at two FTEs), the program’s adopted budget for fiscal year 09-10 projects that expenditures will exceed revenue by over \$25,000 at year’s end. Recognition of this projected shortfall has not only prompted these proposed revisions to Lane Manual but has also affected personnel decisions. The retirement of one of the program’s two field inspectors at the end of September has left one of the two positions vacant. Program management has chosen to leave this position open for at least three months to generate savings that will help mitigate the projected revenue gap. While this may be a fiscally sound choice, customer service, operational efficiency, and employee moral have suffered in an effort to achieve this marginal financial benefit. With staffing depth eliminated, the Sanitation program runs the very real risk of having no staff available to the public in any capacity due to a single vacation period or unexpected absence due to illness. Program management’s preference would be to adopt the proposed fee revisions, so that resource allocation decisions can take customer needs and operational requirements into consideration rather than being solely driven by fiscal demands.

In addition to considering the cost of services for which we currently collect fees, one of the proposed revisions associated with this order addresses a service rendered by the Sanitation program that consumes a significant amount of staff time but for which no fee is currently charged. Requests for septic records are common and are typically associated with the

marketing or sale of a property or simply the curiosity of a homeowner contemplating work on their property. Often times these requests are not associated with any new work that would affect the existing system or require a permit. As a result, the research time associated with retrieving records in response to these requests cannot ultimately be associated with any revenue and the service essentially goes unfunded. This is significant in that research in response to a typical septic records request can take anywhere from five minutes to an entire hour depending on the age and condition of the records being reviewed.

This demand on staff time, coupled with limited Sanitation workforce resources, results in a considerable portion of the technical field staff workday spent in the office, scouring historical files and microfiche, in response to records requests. While LM60.850(1) prescribes a methodology by which research time may be compensated on an hourly basis, the volume of requests and manner in which multiple requests may be attended to simultaneously makes these hourly fee assessment calculations tedious and impractical when applied to regular septic research requests. Instead, this order proposes a standard fee for research in response to typical septic records requests. The "Septic Records Research Fee" was calculated by determining the estimated average time of research in response to a request (22 minutes) and applying the calculation methodology of LM60.850(1), resulting in a fee of \$24.00 per request ( $2.42 \times \$27.16/\text{hr} \times 0.367 \text{ hrs} \approx \$24.00$ ). In instances where no information can be retrieved in response to a research request, no research fee will be charged. Larger research projects, that fall outside the scope of what is considered a typical research request for septic records, will continue to have fees assessed in accordance with LM60.850(1).

#### **E. Analysis**

To determine the net increase in revenue these proposed changes would yield, the fee revisions included in this proposed board order were applied to the mix of permit types applied for in fiscal year 08-09. This exercise demonstrated a 20% increase in revenue generated from site evaluations and a 47% increase in the revenue generated from installation permits (compared to the 60% increase DEQ's revisions represent). Using these figures, and with projected revenue of approximately \$297,000 (\$51,000 in site evaluations and \$246,000 in installation permits) for the current fiscal year, this increase in fees is projected to generate an additional \$126,000 over the course of a year. Of course this calculation of additional revenue associated with the revised fee schedule assumes revenue projections are accurate and the mixture of permit types analyzed from the previous year will remain consistent this year. This being said, it should be noted that, through the first half of this fiscal year, installation permit revenue was falling 12% short of projections as applicants chose less expensive repair work over system replacements and upgrades. If this trend continues, the projected increase in revenue could prove to be somewhat optimistic and the projected \$25,000 end-of-year deficit could widen.

With the caveats associated with these projections well understood, program management plans to utilize additional revenue generated by these proposed fee revisions to address the fiscal demands the program faces in the immediate future and secure its current staff of two FTEs. Any excess would be dedicated toward creating the capacity to adjust service levels



with the recognition that construction is a seasonal industry and permit fees remain a volatile funding source. With regard to the current fiscal year, assuming an effective date of April 1, 2010 for these revisions and that a quarter of the annual revenue is generated in the final quarter, approximately \$32,000 in additional revenue will be generated based on current budget models. These additional funds will first be utilized to address the projected funding shortfall at year's end (currently estimated at \$25,000) to sustain the current staff level of two (2) FTE. The remaining funds, if any, will be dedicated toward improved customer service and operational efficiency, likely in the form of seasonal or extra help positions to assist in sustaining service levels during the peak summer month workload.

Aside from the fiscal considerations prompting these proposed revisions, there are several practical justifications for adopting DEQ's fee schedule set to go into effect January 1, 2011 (with an incremental increase January 1, 2010). Oregon DEQ administers on-site wastewater management regulations in fourteen (14) different counties throughout Oregon. The other twenty-two (22) counties, including Lane County, have assumed this responsibility through an intergovernmental agreement with the State. An alternative to Lane County establishing adequate funding for a subsurface sanitation program would be to end the County's current agreement with the State, and have Oregon DEQ reassume authority over the on-site wastewater management systems within the county. Regardless of whether the State or a local jurisdiction is responsible, the code standards and mandated services remain consistent. However, what is markedly different is the local jurisdiction's ability to attend and remain accountable to the unique needs of their citizens, effectively communicate with coordinating agencies at the local level, and develop a thorough understanding of the specific geological and geographical characteristics of their jurisdiction. Specifically, local jurisdictions have a far greater ability to incorporate subsurface sanitation permitting functions into their other land use and building permit processes, providing for a much higher level of efficiency and customer service. Given the added benefits associated with local jurisdiction administration as compared to administration at the State level, staff is of the opinion the Lane County Subsurface Sanitation program is justified in assessing fees at least equal to those assessed by Oregon DEQ for similar services.

**F. Alternatives/Options**

1. Approve the Order.
2. Do not approve the Order and direct staff to make changes to proposed revisions.

**IV. TIMING/IMPLEMENTATION**

These changes are to be implemented on April 1, 2010.

**V. RECOMMENDATION**

Finance and Audit moved to forward this proposal to the Board of Commissioners for discussion (2/2/2010).

Staff recommends approval the motion as drafted.

**VI. FOLLOW-UP**

Staff will continue to monitor expenditure vs. revenue projections and alert the board of any future need for additional fee schedule revisions.

**VII. ATTACHMENTS**

Order with attachments:

Lane Manual Chapter 60.852

Lane Manual Chapter 60.852 – Legislative Format

Attachment A – Oregon Department of Environmental Quality, Proposed Rulemaking Announcement: Onsite Application Fee Increase

Attachment B – Oregon Department of Environmental Quality, Jurisdiction Fee Comparison Graphs

Attachment C – Oregon Department of Environmental Quality, Revisions to OAR 340-071-0140: Onsite System Fee Schedule

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 60 OF  
THE LANE MANUAL TO BRING SUBSURFACE  
SANITATION FEES INTO SUBSTANTIAL  
AGREEMENT WITH THE OREGON DEPARTMENT  
OF ENVIRONMENTAL QUALITY FEE SCHEDULE  
AND FUND A SUSTAINABLE SERVICE LEVEL (LM  
60.852) EFFECTIVE APRIL 1, 2010

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 60 is hereby amended by removing, substituting, and adding the following section:

**DELETE THIS SECTION**

60.852  
as located on page 60-67 through 60-68  
(a total of 2 pages)

**INSERT THIS SECTION**

60.852  
as located on page 60-67 through 60-68  
(a total of 2 pages)

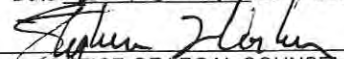
Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to bring Subsurface Sanitation fees into substantial agreement with the Oregon Department of Environmental Quality (DEQ) fee schedule and fund a sustainable service level (LM 60.852) effective April 1, 2010.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 2-16-2010 Lane County

  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

**60.852 Land Management Division/Public Works Department-Subsurface Sanitation.**

Pursuant to the authorization of ORS 454.745 and the Lane County Home Rule Charter, the following fees shall be paid to Lane County for the following services:

On-Site Sewage Disposal Systems Site Evaluation

## Commercial Facility System Site Evaluation:

For first 1,000 gallons projected daily  
sewage flow ..... \$ 680.00

Plus for each 500 gallons or part thereof above  
1,000 gallons, for projected daily sewage  
flow up to 2,500 gallons ..... \$ 176.00

Single-Family Dwelling ..... \$ 680.00

Each fee paid entitles the applicant to as many site inspections on a single parcel or lot as are necessary to determine site suitability for a single system.

The applicant may request additional site inspections within 90 days of the initial site evaluation, at no extra cost. Separate fees shall be required if site inspections are to determine site suitability for more than one system on a single parcel of land.

On-Site Sewage Disposal System Construction Installation Permits

For first 1,000 gallons projected daily sewage flow:

Standard on-site system ..... \$1,008.00

## Alternative Systems:

Alternative Treatment Technologies..... \$1,235.00

Capping Fill ..... \$1,235.00

Disposal Trenches in Saproliite ..... \$1,008.00

Gray water waste disposal sump ..... \$ 448.00

Holding Tank ..... \$ 864.00

Pressure distribution ..... \$1,235.00

Redundant ..... \$1,008.00

Sand Filter..... \$1,520.00

Seepage Pit..... \$1,008.00

Seepage Trench..... \$1,008.00

Steep Slope ..... \$1,008.00

Tile Dewatering ..... \$1,235.00

For systems with projected daily sewage flows greater than 1,000 gallons, the on-site sewage disposal system construction permit fee shall be equal to the fee required above, plus \$108, for each 500 gallons or part thereof above 1,000 gallons.

Commercial Facility System, Plan Review.

For a system with a projected daily sewage flow of less than 600 gallons, the cost of plan review is included in the permit application fee.

- (a) For a system with a projected daily sewage flow of 600 gallons but not more than 1,000 gallons projected daily sewage flow ..... \$ 368.00
- (b) Plus for each 500 gallons or part thereof above 1,000 gallons, to a maximum sewage flow limit of 2,500 gallons per day ..... \$ 64.00
- (c) Plan review for systems with projected sewage flows greater than 5,000 gallons per day shall be pursuant to OAR 340, Division 52.

Other Services and Fees

Permit Renewal.



If field visit required.....	\$ 520.00
No field visit required .....	\$ 152.00
NOTE. Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original permit expiration date. Refer to OAR 340-71-160(10).	
Alteration Permit	
Major.....	\$ 736.00
Minor.....	\$ 310.00
Repair Permit	
Single Family Dwelling:	
Major.....	\$ 535.00
Minor.....	\$ 256.00
Commercial Facility. The appropriate fee identified in on-site sewage disposal system construction permits above.	
Authorization Notice	
If field visit is required.....	\$ 624.00
No field visit is required.....	\$ 160.00
Alternative System Inspection Fee	
Holding Tank.....	\$ 384.00
Other Alternative Systems .....	\$ 528.00
Annual Evaluation of Temporary or Hardship	
Mobile Home.....	\$ 160.00
Annual Report Evaluation Fee	
Holding Tank.....	\$ 30.00
Commercial sand filters, recirculating gravel filters, and alternative treatment technology .....	\$ 60.00
Pumper Truck Inspection	
First vehicle.....	\$ 118.00
Each additional vehicle during same inspection .....	\$ 66.00
Existing System Evaluation Report.....	\$ 640.00
NOTE. The fee shall not be charged for an evaluation report on any proposed repair, alteration or extension of an existing system.	
Building permit plot plan check when authorization notice is not required.....	
	\$ 58.00
Septic Records Research Fee. The Subsurface Sanitation Program may assess a standard \$24.00 research fee (per request) to address the cost of staff time associated with research in response to regular requests for site evaluation and installation permit records. A research fee shall not be assessed in instances where research yields no information. Larger research projects shall have research fees assessed in accordance with LM 60.850(1).	
Surcharge. In order to offset a portion of the administrative costs of the statewide on-site sewage disposal program, a surcharge for each activity, as set by Oregon Administrative Rule, shall be levied. Proceeds from surcharges shall be forwarded to the Department of Environmental Quality as negotiated in the memorandum of agreement (contract) between the County and the Department.	

(Revised by Order No. 01-4-4-6; Effective 7.1.01; 03-3-12-3, 4.11.03; 04-2-18-1, 7.1.04; 05-2-2-7, 7.1.05; 06-2-8-7, 7.1.06; 08-5-14-12, 7.1.08)

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**Bold** indicates material being added  
~~Strikethrough~~ indicates material being deleted  
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**60.852 Land Management Division/Public Works Department-Subsurface Sanitation.**  
Pursuant to the authorization of ORS 454.745 and the Lane County Home Rule Charter,  
the following fees shall be paid to Lane County for the following services:

On-Site Sewage Disposal Systems Site Evaluation

Commercial Facility System Site Evaluation:

For first 1,000 gallons projected daily  
sewage flow..... \$ ~~680.00~~**565.00**

Plus for each 500 gallons or part thereof above  
1,000 gallons, for projected daily sewage  
flow up to 2,500 gallons..... \$ ~~176.00~~**170.00**

Single-Family Dwelling..... \$ ~~680.00~~**565.00**

Each fee paid entitles the applicant to as many site inspections on a  
single parcel or lot as are necessary to determine site suitability for  
a single system.

The applicant may request additional site inspections within 90 days  
of the initial site evaluation, at no extra cost. Separate fees shall be  
required if site inspections are to determine site suitability for more  
than one system on a single parcel of land.

On-Site Sewage Disposal System Construction Installation Permits

For first 1,000 gallons projected daily sewage flow:

Standard on-site system..... \$~~1,008.00~~**736.00**

Alternative Systems:

Alternative Treatment Technologies \$~~1,235.00~~**1,077.00**

Capping Fill..... \$~~1,235.00~~**1,208.00**

Disposal Trenches in Saprolite..... \$~~1,008.00~~**736.00**

Gray water waste disposal sump..... \$ ~~448.00~~**341.00**

Holding Tank..... \$ ~~864.00~~**670.00**

Pressure distribution..... \$~~1,235.00~~**1,048.00**

Redundant..... \$~~1,008.00~~**736.00**

Sand Filter..... \$~~1,520.00~~**1,318.00**

Seepage Pit..... \$~~1,008.00~~**736.00**

Seepage Trench..... \$~~1,008.00~~**736.00**

Steep Slope..... \$~~1,008.00~~**736.00**

Tile Dewatering..... \$~~1,235.00~~**1,048.00**

For systems with projected daily sewage flows greater than 1,000 gallons, the on-  
site sewage disposal system construction permit fee shall be equal to the fee required  
above, plus \$108, for each 500 gallons or part thereof above 1,000 gallons.

Commercial Facility System, Plan Review.

For a system with a projected daily sewage flow of less than 600 gallons, the cost  
of plan review is included in the permit application fee.

(a) For a system with a projected daily sewage flow  
of 600 gallons but not more than 1,000 gallons  
projected daily sewage flow..... \$ ~~368.00~~**341.00**

(b) Plus for each 500 gallons or part thereof above  
1,000 gallons, to a maximum sewage flow limit  
of 2,500 gallons per day..... \$ ~~64.00~~**39.00**

(c) Plan review for systems with projected sewage  
flows greater than 5,000 gallons per day shall  
be pursuant to OAR 340, Division 52.

Other Services and Fees

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— Permit Renewal.	
If field visit required.....	\$ <del>520.00</del> <sup>318.00</sup>
No field visit required .....	\$ <del>152.00</del> <sup>147.00</sup>
NOTE. Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original permit expiration date. Refer to OAR 340-71-160(10).	
Alteration Permit	
Major .....	\$ 736.00
Minor .....	\$ 310.00
Repair Permit	
Single Family Dwelling:	
Major .....	\$ <del>535.00</del> <sup>265.00</sup>
Minor .....	\$ <del>256.00</del> <sup>155.00</sup>
Commercial Facility. The appropriate fee identified in on-site sewage disposal system construction permits above.	
Authorization Notice	
If field visit is required.....	\$ <del>624.00</del> <sup>396.00</sup>
No field visit is required.....	\$ <del>160.00</del> <sup>153.00</sup>
Alternative System Inspection Fee	
Holding Tank.....	\$ <del>384.00</del> <sup>272.00</sup>
Other Alternative Systems .....	\$ <del>528.00</del> <sup>374.00</sup>
Annual Evaluation of Temporary or Hardship	
Mobile Home.....	\$ 160.00
Annual Report Evaluation Fee	
Holding Tank.....	\$ <del>30.00</del> <sup>28.00</sup>
Commercial sand filters, recirculating gravel filters, and alternative treatment technology .....	\$ <del>60.00</del> <sup>57.00</sup>
Pumper Truck Inspection	
First vehicle .....	\$ 118.00
Each additional vehicle during same inspection .....	\$ 66.00
Existing System Evaluation Report.....	\$ <del>640.00</del> <sup>480.00</sup>
NOTE. The fee shall not be charged for an evaluation report on any proposed repair, alteration or extension of an existing system.	
Building permit plot plan check when authorization notice is not required.....	
	\$ 58.00
<b>Septic Records Research Fee. The Subsurface Sanitation Program may assess a standard \$24.00 research fee (per request) to address the cost of staff time associated with research in response to regular requests for site evaluation and installation permit records. A research fee shall not be assessed in instances where research yields no information. Larger research projects shall have research fees assessed in accordance with LM 60.850(1).</b>	
Surcharge. In order to offset a portion of the administrative costs of the statewide on-site sewage disposal program, a surcharge for each activity, as set by Oregon Administrative Rule, shall be levied. Proceeds from surcharges shall be forwarded to the Department of Environmental Quality as negotiated in the memorandum of agreement (contract) between the	

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County and the Department. *(Revised by Order No. 01-4-4-6; Effective 7.1.01; 03-3-12-3, 4.11.03; 04-2-18-1, 7.1.04; 05-2-2-7, 7.1.05; 06-2-8-7, 7.1.06; 08-5-14-12, 7.1.08)*



# Proposed Rulemaking Announcement



State of Oregon  
Department of  
Environmental  
Quality

**Onsite Wastewater  
Management Program**  
165 East 7<sup>th</sup> Avenue  
Suite 100  
Eugene, OR 97401  
Phone: (541) 686-7838  
(800) 844-8467  
Fax: (541) 686-7551  
Contact: Randy Trox  
[trox.randall@deq.state.or.us](mailto:trox.randall@deq.state.or.us)  
[www.oregon.gov/DEQ/](http://www.oregon.gov/DEQ/)

*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  
ORS 454.745, 468.065 &  
468B.050

## 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 7<sup>th</sup> 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 7<sup>th</sup> Avenue, Suite 100, Eugene, Oregon 97401-3049.

## Attachment A (cont.)

Comments may be faxed to Randy Trox at 541-686-7551, or e-mailed to:  
[trox.randall@deq.state.or.us](mailto: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.

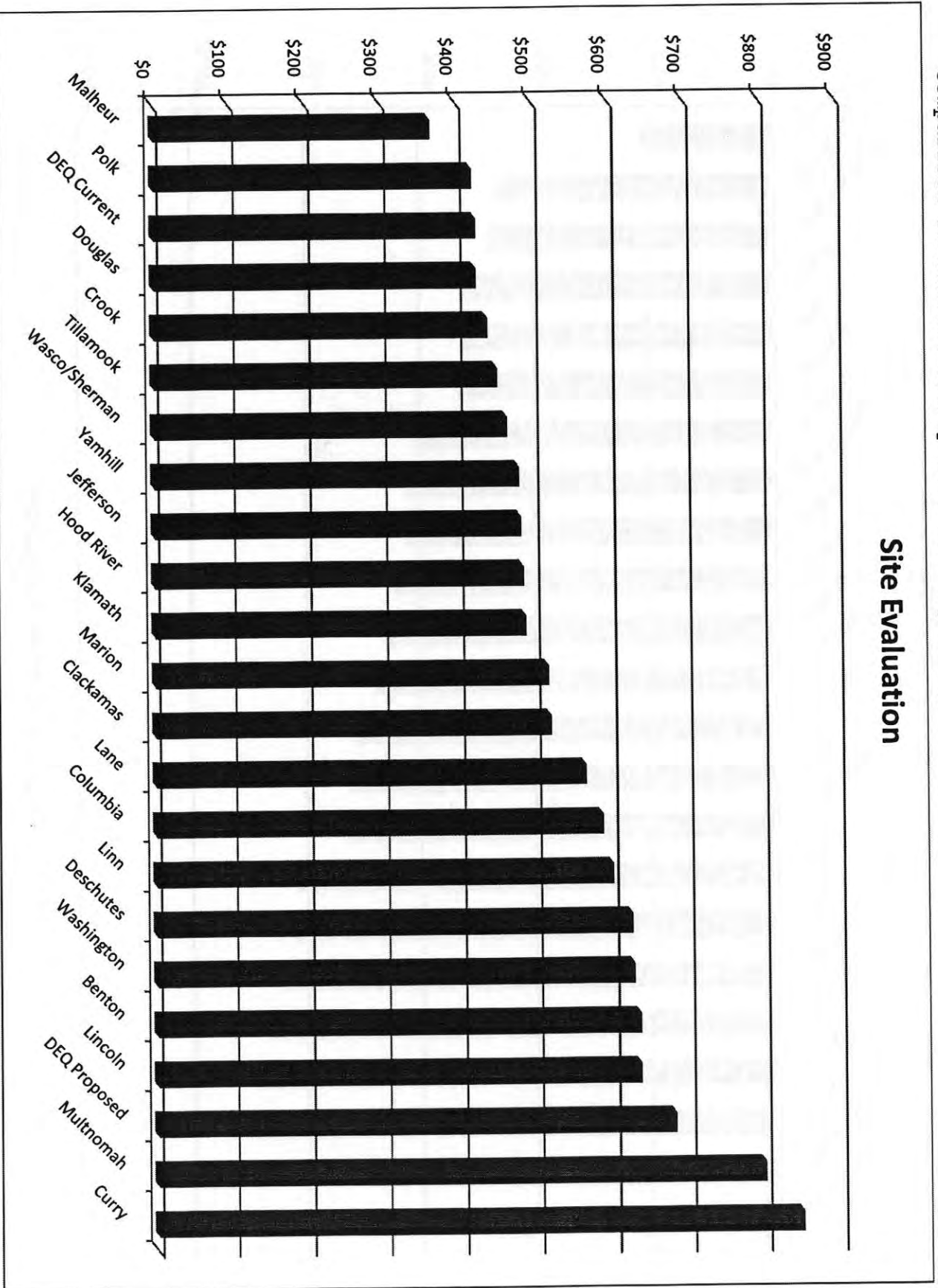
### Alternative formats/accommodations

*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.*

Attachment B

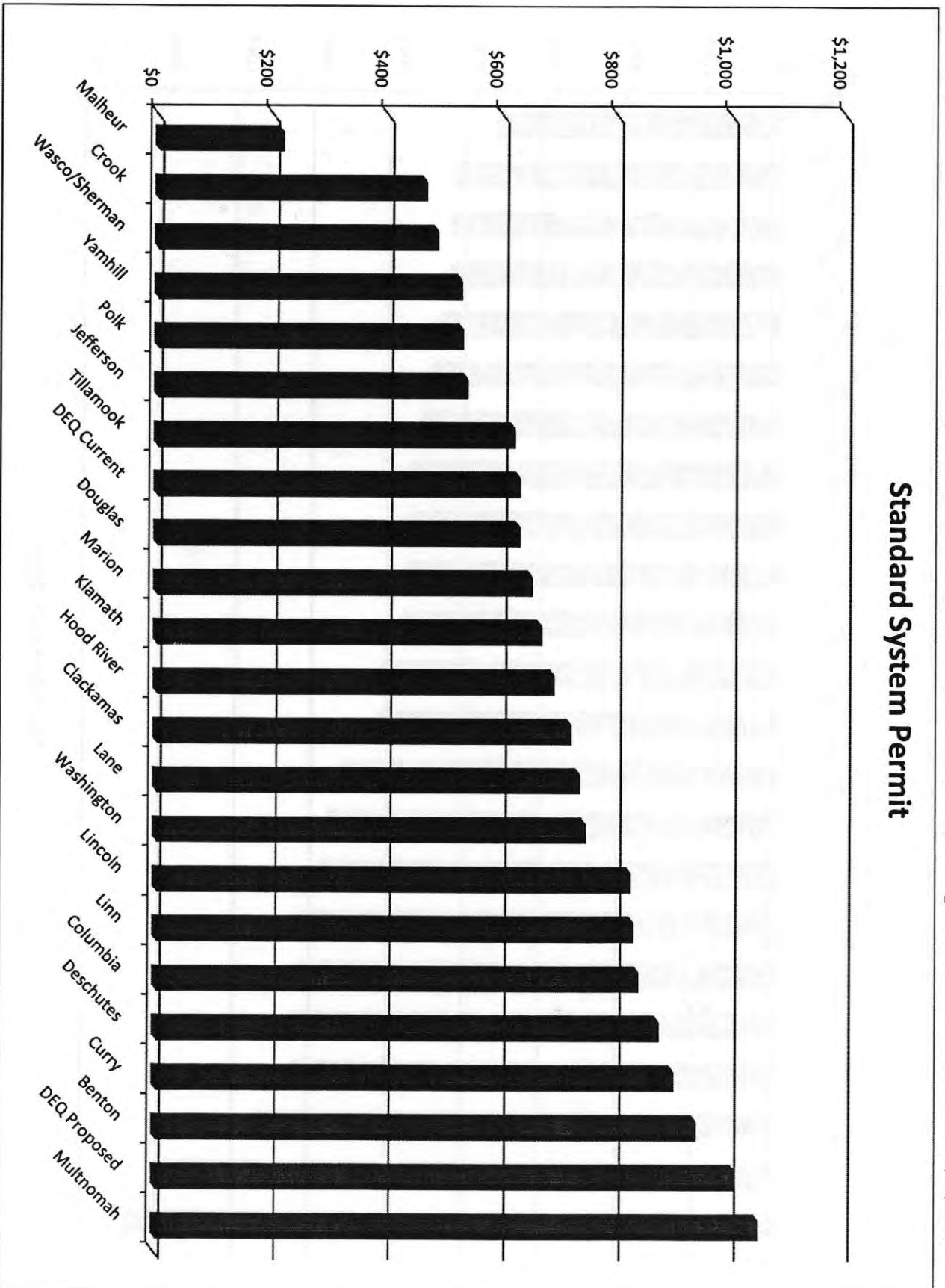
Comparison of current county fees to Oregon DEQ fees ("DEQ Proposed" = effective 1/1/11)

Site Evaluation



Attachment B (cont.)  
Comparison of current county fees to Oregon DEQ fees ("DEQ Proposed" = effective 1/1/11)

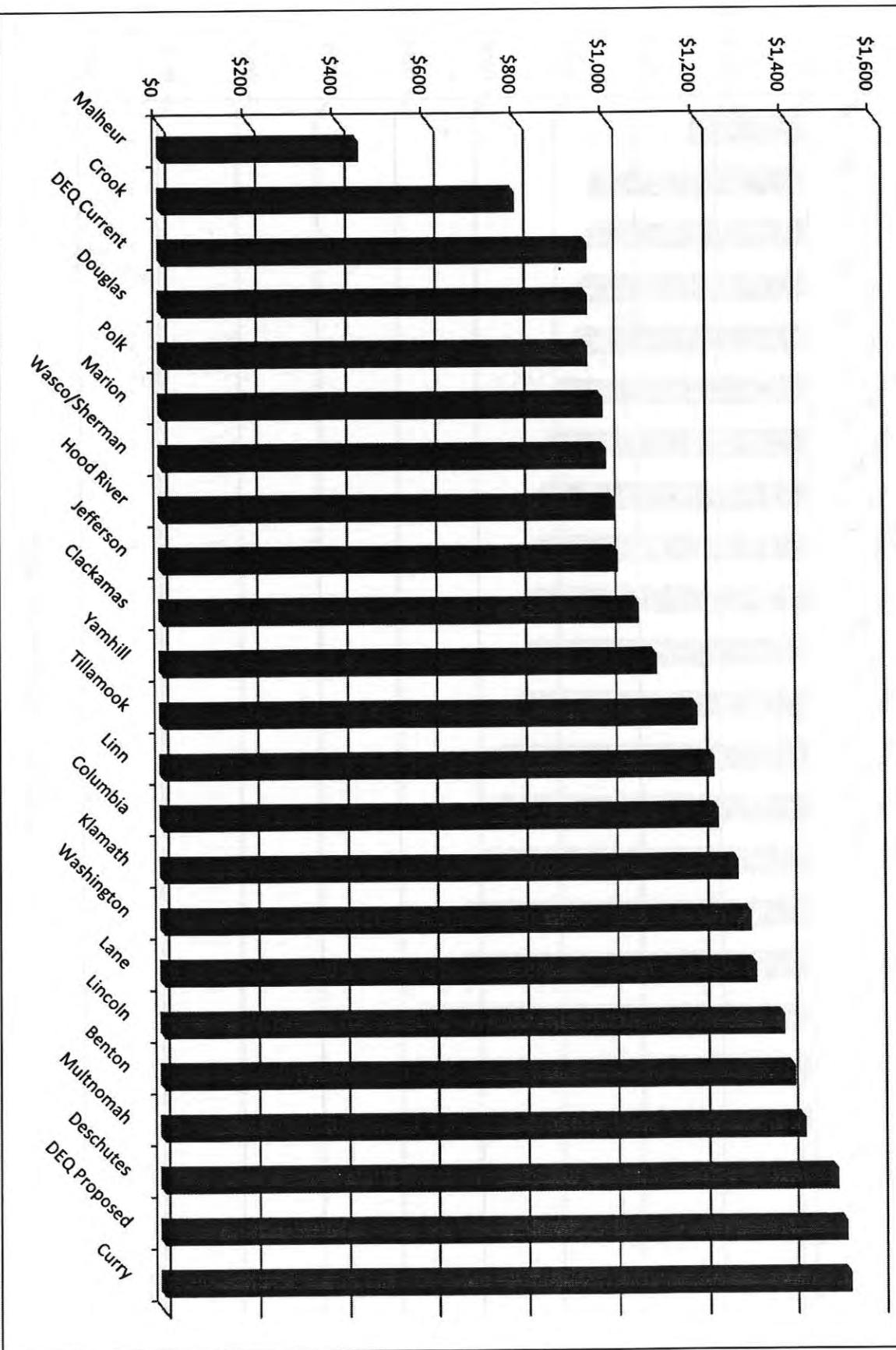
### Standard System Permit





Attachment B (cont.)  
Comparison of current county fees to Oregon DEQ fees ("DEQ Proposed" = effective 1/1/11)

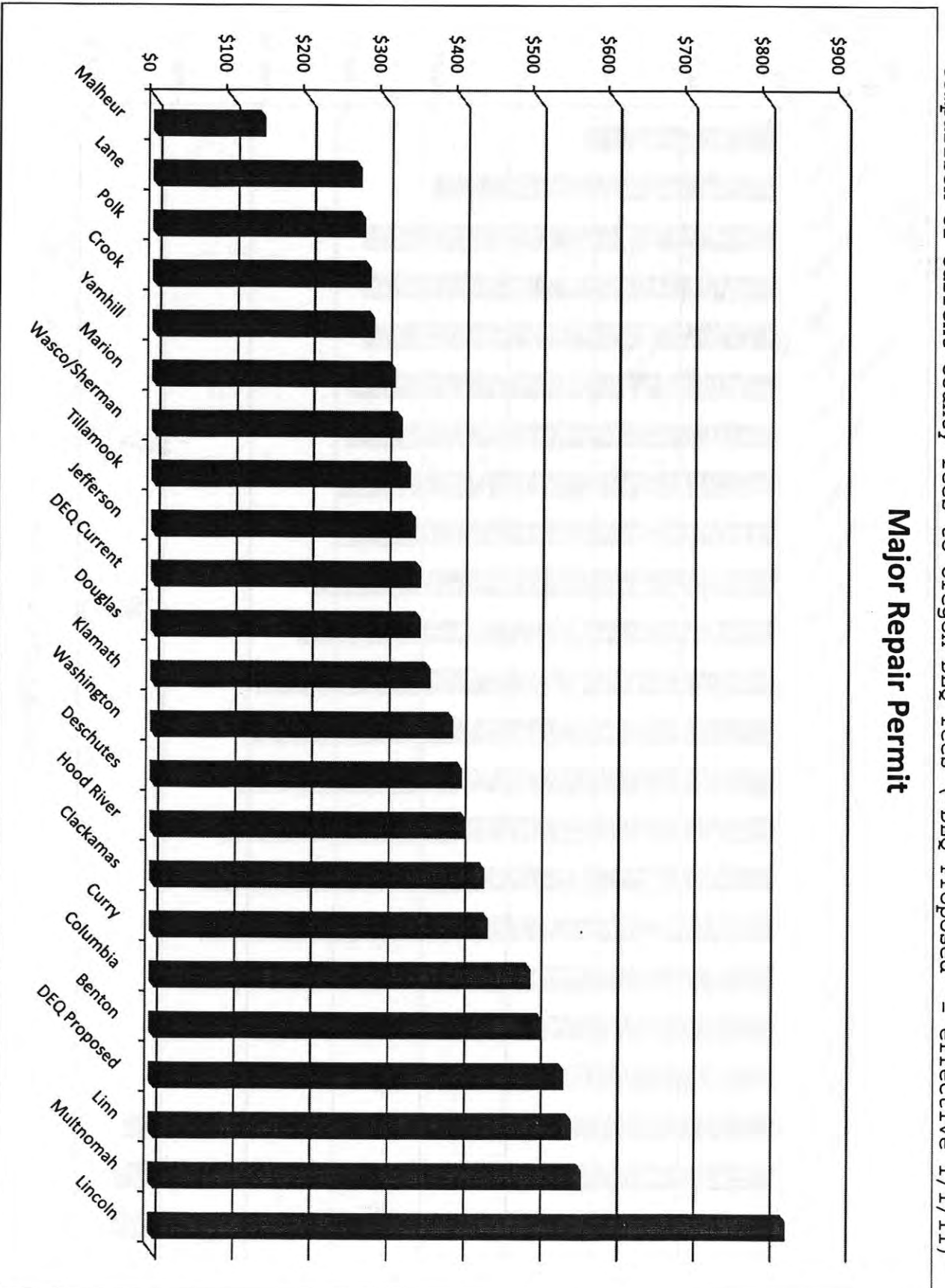
### Sand Filter Permit



Attachment B (cont.)

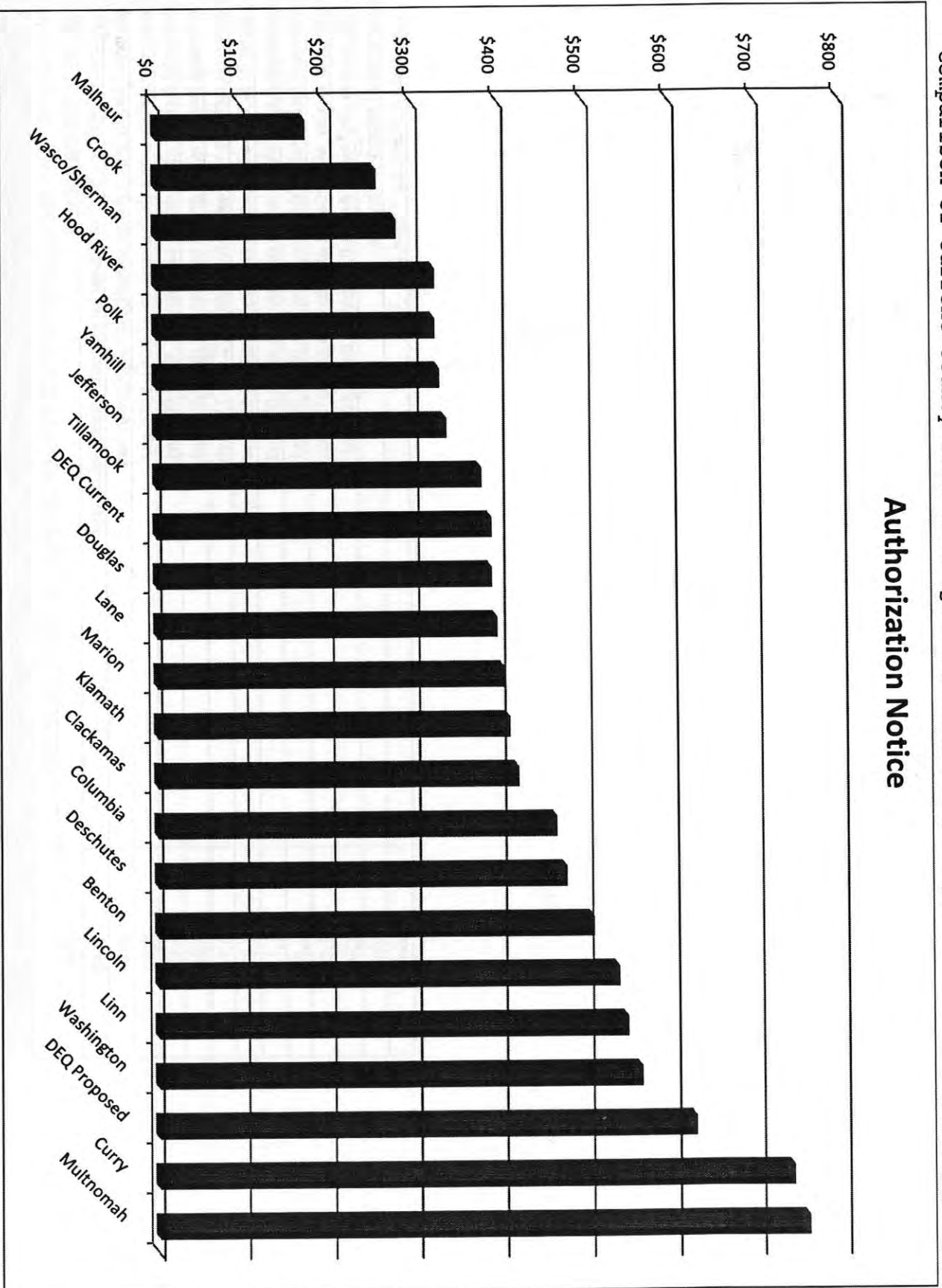
Comparison of current county fees to Oregon DEQ fees ("DEQ Proposed" = effective 1/1/11)

### Major Repair Permit



Attachment B (cont.)  
Comparison of current county fees to Oregon DEQ fees ("DEQ Proposed" = effective 1/1/11)

### Authorization Notice



340-071-0140: Onsite System Fee Schedule

**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	\$680
Single family dwelling - Each additional lot evaluated during initial visit	\$680
Commercial facility with a design capacity of 1,000 gpd or less	\$680
Commercial facility with a design capacity of 1,001-1,500 gpd	\$856
Commercial facility with a design capacity of 1,501-2,000 gpd	\$1,032
Commercial facility with a design capacity of 2,001-2,500 gpd	\$1,208
Commercial facility s with a design capacity of 2,501-3,000 gpd	\$1,384
Commercial facility with a design capacity of 3,001-3,500 gpd	\$1,560
Commercial facility with a design capacity of 3,501-4,000 gpd	\$1,736
Commercial facility with a design capacity of 4,001-4,500 gpd	\$1,912
Commercial facility with a design capacity of 4,501-5,000 gpd	\$2,088
Commercial facility with a design flow greater than 5,000 gpd	\$2,304
Site Evaluation Report Review fee	\$640
Existing System Evaluation Report fee	\$640



Attachment C (cont.)

Table 9B - Permitting Fees - WPCOF Permits not subject to WPCOF permit. Effective January 4, 2010 to January 2, 2011									
		Gray water waste disposal sumps	Holding tanks	Standard subsurface, Absorption trenches in saprolite, Evapotranspiration-absorption, Redundant, Seepage trench, Steep slope	Alternative treatment technologies, Capping fill, Pressurized distribution, Tile dewatering	Recirculating gravel filter, Sand filter (commercial or residential),	Plan Review fees for commercial facility systems.		
<b>Construction-Installation Permit fees.</b>									
For systems with a design capacity of less than 600 gpd		\$364	\$702	\$819	\$1,027	\$1,235	\$0		
For systems with a design capacity of 600 gpd but not more than 1,000 gpd		\$364	\$702	\$819	\$1,027	\$1,235	\$299		
For systems with a design capacity of 1,001-1,500 gpd		\$442	\$780	\$897	\$1,105	\$1,313	\$351		
For systems with a design capacity of 1,501-2,000 gpd		\$520	\$858	\$975	\$1,183	\$1,391	\$403		
For systems with a design capacity of 2,001-2,500 gpd		\$598	\$936	\$1,053	\$1,261	\$1,469	\$455		
Reinspection fee		\$100							
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		\$52							

Attachment C (cont.)

Table 9B: Permitting fees for systems not subject to WPCF permits. Effective January 3, 2011

		Gray water waste disposal sumps	Holding tanks	Standard subsurface, Absorption trenches in sapsrolite, Evapotranspiration-absorption, Redundant, Seepage trench, Steep slope	Alternative treatment technologies, Capping fill, Pressurized distribution, Tile dewatering	Recirculating gravel filter, Sand filter (commercial or residential),	Plan Review fees for commercial facility systems.
<b>Construction-Installation Permit fees.</b>							
For systems with a design capacity of less than 600 gpd		\$448	\$864	\$1,008	\$1,235	\$1,520	\$0
For systems with a design capacity of 600 gpd but not more than 1,000 gpd		\$448	\$864	\$1,008	\$1,235	\$1,520	\$368
For systems with a design capacity of 1,001-1,500 gpd		\$544	\$960	\$1,104	\$1,313	\$1,660	\$432
For systems with a design capacity of 1,501-2,000 gpd		\$640	\$1,056	\$1,200	\$1,391	\$1,712	\$496
For systems with a design capacity of 2,001-2,500 gpd		\$736	\$1,152	\$1,296	\$1,469	\$1,808	\$560
Reinspection fee							
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						

Attachment C (cont.)

Table 9C. Other permitting fees for systems not subject to WPCB permits Effective January 4, 2010 to January 2, 2011			
		Field Visit required	No Field Visit required
Minor Alteration Permit	\$215		
Major Alteration Permit	\$449		
Minor Repair Permit - Single Family Dwelling	\$215		
Major Repair Permit - Single Family Dwelling	\$449		
Minor Repair Permit - Commercial Facility	\$377		
Major Repair Permit - Commercial Facility	\$819 or the applicable fee in Table 9B, whichever is lower.		
Permit Denial Review	\$352		\$124
Permit Transfer, Reinstatement, or Renewal		\$423	
Authorization Notice		\$507	\$130
Authorization Notice Denial Review	\$640		
Renewal of hardship authorization for temporary dwelling		\$330	\$100
Alternative system inspection - Holding tanks	\$312		
Alternative system inspection - Other alternative systems listed in Table 9B	\$429		
Annual report evaluation - Holding tanks	\$25		
Annual report evaluation - Commercial sand filters, recirculating gravel filters, and alternative treatment technology	\$50		
Variance from onsite system rules	\$2,080		

Attachment C (cont.)

**Table 9C. Other permitting fees for systems not subject to WPCO permits Effective January 3, 2011**

		Field Visit required	No Field Visit required
Minor Alteration Permit	\$264		
Major Alteration Permit	\$552		
Minor Repair Permit - Single Family Dwelling	\$256		
Major Repair Permit - Single Family Dwelling	\$535		
Minor Repair Permit - Commercial Facility	\$464		
Major Repair Permit - Commercial Facility	\$1,008 or the applicable fee in Table 9B, whichever is lower.		
Permit Denial Review	\$352		
Permit Transfer, Reinstatement, or Renewal		\$520	\$152
Authorization Notice		\$624	\$160
Authorization Notice Denial Review	\$640		
Renewal of hardship authorization for temporary dwelling		\$330	\$100
Alternative system inspection - Holding tanks	\$384		
Alternative system inspection - Other alternative systems listed in Table 9B	\$528		
Annual report evaluation - Holding tanks	\$30		
Annual report evaluation - Commercial sand filters, recirculating gravel filters, and alternative treatment technology	\$60		
Variance from onsite system rules	\$2,080		

Table 9D. WRC Permit Fees

		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.	Plan Review fee.	Annual Compliance Determination fee.
New application		\$65	\$518	\$2,592		
Permit renewal (involving request for effluent limit modifications)		\$65	\$259	\$1,296		
Permit renewal (without request for effluent limit modifications)		\$65	\$130	\$648		
Permit modification (involving increase in effluent limitations)		\$65	\$259	\$1,296		
Permit modification (not involving an increase in effluent limits)		\$65	\$194	\$648		
For commercial facilities with a design capacity less than 600 gpd					\$0	
For commercial facilities with a design capacity of 600 - 1,000 gpd					\$248	
For commercial facilities with a design capacity of 1,001 - 1,500 gpd					\$292	
For commercial facilities with a design capacity of 1,501 - 2,000 gpd					\$335	
For commercial facilities with a design capacity of 2,001 - 2,500 gpd					\$378	
For commercial facilities with a design capacity of 2,501 - 3,000 gpd					\$443	
For commercial facilities with a design capacity of 3,001 - 3,500 gpd					\$486	
For commercial facilities with a design capacity of 3,501 - 4,000 gpd					\$529	
For commercial facilities with a design capacity of 4,001 - 4,500 gpd					\$572	
For commercial facilities with a design capacity of 4,501 - 5,000 gpd					\$616	
For commercial facilities with a design capacity greater than 5,000 gpd					\$648	
Single family dwelling					\$130	
Onsite sewage lagoon with no discharge						\$778
Treatment Standard I or better systems with design capacities less than 2,500 gpd						\$324
Treatment Standard I or better systems with design capacities of 2,501 - 20,000 gpd						\$648
Holding tanks, if owners do not comply with subparagraph (vi) of this section						\$259
Holding tanks, if by the date specified by the department, the owner submits written certification to the department that the holding tank has been operated the previous calendar year in full compliance with the permit and that the previous year's service						\$27
Other systems with design capacities less than 20,000 gpd						\$324
Other systems with design capacities greater than 20,000 gpd						\$648
Site Evaluation Confirmation		\$420				



Attachment C (cont.)

Table 9B: Sewage, Disposal Service License and Truck Inspection Fees	
New 3-year business license	\$355 per year
Renewal of business license	\$320 per year
Transfer of or amendments to license	\$200
Reinstatement of suspended license	\$250
Pumper truck inspections - First vehicle, each inspection	\$100
Pumper truck inspections - Each additional vehicle, each inspection	\$50

Table 9B: Other Fees	
Innovative or Alternative Technology or Material Review	\$1,600
Material Plan Review	\$480
Department surcharge.	\$60