Deschutes County Board of Commissioners
Proposed Rule for Onsite Wastewater Treatment Systems

As has been widely publicized, Deschutes County has been working on a program to protect water resources, including drinking water and rivers, in the southern portion of the County through an ordinance known as the "Local Rule." It is called the Local Rule because it is being applied by the County (local) government, rather than by the State, which actually has jurisdiction over drinking water protection. The Local Rule ordinance, if adopted by the Board of Commissioners, would require residents to take steps to reduce groundwater pollution such as connecting to sewer or upgrading their septic systems.

Frequently Asked Questions

Q What exactly is the problem we're trying to address?

A The problem is that standard septic systems – even properly functioning septic systems – discharge nitrates into the groundwater and, ultimately, the rivers of Deschutes County. According to scientific studies conducted by the Oregon Department of Environmental Quality (DEQ) and the U.S. Geological Survey, nitrates in the groundwater will eventually exceed safe drinking water standards if nothing is done to address the problem. The DEQ has already issued a statement of an existing health hazard in South County based on these scientific studies.

Q Is the science valid?

A Yes, experts in the science of water distribution and circulation, as well as experts in groundwater modeling from around the nation and Oregon, have reviewed the science and say there is a developing groundwater pollution problem and a solution is needed to fix it.

Q Is there a problem with the drinking water in South County now?

A No. Most people are drinking water that is not polluted because it fell as rain or snow 20 or 30 years before development began in the region. Because groundwater moves slowly, most of the pollution from development has not yet reached the depths tapped by most drinking water wells. However, the pollution currently in the upper (younger) sections of the aquifer is moving down and through the aquifer and is starting to show up in some wells. Well sampling has shown that between 5% and 8% of drinking water wells produce water with higher than normal nitrate levels, although those concentrations are still below state and federal safe drinking water standards. The percentage of contaminated wells will only increase over time if nothing is done to address the problem today.

Q How are people on fixed incomes going to afford upgrades their septic systems?

A Deschutes County is working with a citizen advisory committee to create financial assistance programs to help offset the cost of upgrading systems. The assistance could take the form of grants or loans. The County has assets worth an estimated $35 million that will be available over time and used to help solve the problem. The County expects to use the funds for homeowners with the greatest financial need,

but no decisions will be made about how the money will be distributed until after the advisory committee makes its recommendations.

Q Are sewers an option instead of septic upgrades?

A Yes. In fact, just about anything that meets the nitrate-reduction requirements of the Local Rule would be a viable option. As far as sewers are concerned, there are existing State rules that govern the creation or expansion of sewer systems in rural areas of Oregon. These rules guide property owners through the land use and sewer district formation process.

Q How can the County help interested property owners get sewers?

A The County will help people with land use and sewer district formation issues. For instance, the County compiled information about land use and district formation processes and made it available on the Internet. The County cannot provide consultant services like legal, engineering or financial planning. Interested neighborhoods need to produce financial, design and installation plans that support the establishment of the sewer district and create community support for the proposal. The County will coordinate with the Department of Land Conservation and Development (DLCD) and the DEQ to meet with people interested in the sewer option.

Q Do septic systems treat for pharmaceuticals, bacteria and viruses?

A Yes, soil in drain fields or below sand filters provides one of the best treatments available for pharmaceuticals, bacteria and viruses. A study completed by the U.S. Geological Survey in Deschutes County found that most pharmaceuticals and microscopic organisms are removed after treatment by one foot of unsaturated soil. The farther wastewater travels through unsaturated soil, the more household contaminants are removed. Existing standards help protect water resources because DEQ rules require two feet of unsaturated soil between the bottom of the drain field and groundwater.

Q Why isn't the Local Rule proposed Countywide?

A South Deschutes County is unique in that it has a very shallow aquifer with individual wells below thousands of lots that were created in the '60s and '70s. It is critical to protect this drinking water resource for the future. The soil and shallow aquifer conditions South of Sunriver do not exist to this degree anywhere else in the County.

Q Why doesn't the proposed Local Rule apply only to new construction and leave existing houses alone?

A New construction will be required to use the best available nitrate-reducing systems (or to use some other nitrate-reducing option). As a result, new construction will contribute next to nothing to the groundwater pollution problem. The pollution is being created by existing septic systems -- including properly functioning septic systems – so even if no new development ever occurred in southern Deschutes County, action would still have to be taken to ensure groundwater protection.

For more information, please visit: www.deschutes.org/cdd/gpp/ .