

AGENDA COVER MEMO

W99
03-3-12-3

AGENDA DATE: March 12, 2003
TO: Board of County Commissioners of Lane County, Oregon
DEPARTMENT: Public Works - Land Management Division
PRESENTED BY: Jeff Towery, Acting Manager
AGENDA ITEM TITLE: IN THE MATTER OF AMENDING CHAPTER 60 OF LANE MANUAL TO REVISE CERTAIN PUBLIC WORKS, LAND MANAGEMENT DIVISION - SUBSURFACE SANITATION PROGRAM CHARGES AND FEES (LM 60.852) TO BECOME EFFECTIVE APRIL 11, 2003.

I. MOTION

Move approval of the Board Order amending chapter 60 of Lane Manual to revise certain Public Works, Land Management Division – Subsurface Sanitation Program charges and fees (LM 60.852) to become effective April 11, 2003.

II. ISSUE OR PROBLEM

Shall Lane County increase fees in LMD to recover true costs of services provided?

III. DISCUSSION

A. Background

Program expenses, both personnel and materials and services, continue to increase. Fees charged to the applicants do not cover current costs. Even with some growth in permit activity, the subsidy provided to the program will increase in order to maintain the current level of service or reductions in staff and service will be required to balance program revenues and expenses. 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." The contract with the Oregon Dept of Environmental Quality (Attachment C, see page 3, #4), and the associated ORS 454.605 thru 454.780 indicate the Subsurface Sanitation Program should be financially self-supporting through permit fees and associated charges. ORS 454.745(2) states "Each local unit of government that has entered into an agreement with the Department of Environmental Quality under ORS 454.725 may establish a schedule of application fees for services rendered, permits, reports and variances. The fees shall be based on actual costs for efficiently conducted minimum services, as developed by the local unit of government. Notwithstanding the authority to adopt a schedule of fees, no contract provided for under ORS 454.725 shall be entered into or continued when the total amount of fees collected by the local unit of government exceeds the total cost of the program for providing the services rendered, permits, reports and variances issued under this section" (emphasis added).

The Subsurface Sanitation Program consists of 2.5 Sanitarians (Health and Human Services Environmental Health pays for one-half a Sanitarian), one Office Assistant, and one Manager. Personnel costs, which represent 74 percent of the program's expenses, have increased more than 8 percent over the past year. There has been no change in staffing level over that same period of time. In addition, materials and services costs have individually changed up or down, with the net effect being less than a 3 percent increase.

Permit activity, and the resultant revenues, have remained relatively flat. Sanitation fees were increased approximately 15 percent in FY00/01 to accommodate the addition of an Office Assistant and some minor housekeeping issues.

B. Analysis

The contract with the DEQ requires that each and every "contract county" remit \$40 for each permit issued. The monthly totals paid the State can be considered an indicator of the program's workload. Attachment D compares total annual surcharge paid by each county to that county's staff levels. It shows that the Lane County program generates more surcharge dollars per employee than any other contract county in the State. Attachment E is an Excel spreadsheet developed by the DEQ. It compares workload to necessary FTE Sanitarians. They provide the average number of hours required to process a permit application. By plugging in Lane County's permit activity for one year, the spreadsheet calculates the necessary number of FTE Sanitarians to adequately complete the necessary work. It suggests that Lane County is understaffed by one-half an FTE Sanitarian.

For FY 00/01 revenue for the Subsurface Sanitation Program exceeded expenses by \$29,084; for FY 01/02, expenses exceeded revenues by \$4,222. For FY 02/03, the Subsurface Sanitation Program is projected to lose \$40,000. In preparing the 02/03 budget, no fee increases or other corrective measures were adopted to address the projected shortfall. At the halfway point in 02/03 fiscal year, the actual revenue and expenses appear to be tracking fairly closely with the projection. Due to the projected shortfall in FY02/03, Finance & Audit Committee felt that implementing the new fee schedule immediately will mitigate the shortfall. When presented and approved by the Finance and Audit Committee on February 11, 2003, the fee increase proposal was ten (10) percent. Since that time, revisions to projected expenses have been received. Primarily these upward revisions have been in Information Services charges and Indirect charges for previously uncharged expenses for office space (it had been charged to the Planning Program). Even with the proposed 14 percent increase, the program is estimated to lose about \$8000 in FY03/04.

C. Alternatives/Options

1. Reduce Expenses - Both Attachment D and E indicate that the program is already staffed at the bare minimum; any additional reduction in staff levels would have an impact beyond the program's capability to process applications, and would have a significant negative impact on customer service, quality of work, and turn around time. Because the significant materials and services expenses (primarily overhead) are fixed for FY 03/04, only very modest savings can be realized through reductions to this portion of the budget.
2. Fee Increase - The proposed fee increase would maintain existing staffing levels in the Subsurface Sanitation Program, and bring expected revenues in line with expected expenses. Unless permit activity increases beyond that projected, no excess revenue is expected. The proposed fee increase is fourteen (14) percent overall, (see Attachment F).
3. Subsidize the Program - The continued utilization of other Division revenues (primarily building permit fees) could balance the program's budget. This raises concerns related to statutory requirements for the use of such revenues.

D. Implications

There are 36 counties in Oregon. DEQ operates the subsurface sanitation programs for fifteen of the 36 counties. Current DEQ fees exceed the proposed Lane County fees in every category, and average twenty three (23) percent higher than Lane County. No DEQ fee increases are proposed for the upcoming fiscal year. Compared to the remaining twenty-one (21) "contract counties", Lane County fees will rank approximately 7th highest out of 21. It will rank 22nd highest out of all 36 counties (Attachment G). Most other contract counties receive general fund support. Please note: These fees do not include the various surcharges that Lane County and other counties add to their permits.

E. Recommendations

Staff recommends approval of the attached fee schedule. The Finance & Audit Committee recommended approval of a 10% fee increase based on the budget information available at the time of their meeting.

F. Timing

Staff is recommending April 11, 2003 as the effective date of these fee increases.

V. IMPLEMENTATION/FOLLOW-UP

The base budget has been prepared. LMD will work with the county PIO to notify media and other stakeholders using a variety of methods including news releases and e-mail notification.

V. ATTACHMENTS

Attachment A – Board order

Attachment B – Fee schedule

Attachment C – Contract between Lane County and Oregon DEQ

Attachment D – Comparison of surcharge fees paid to DEQ vs. staffing levels

Attachment E - DEQ work level vs. staffing level

Attachment F – Proposed fee increase

Attachment G – County Comparison of Sanitation Fees

ATTACHMENT A
Board Order

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 60
OF LANE MANUAL TO REVISE CERTAIN
DEPARTMENT OF PUBLIC WORKS, LAND
MANAGEMENT DIVISION, SUBSURFACE
SANITATION FEES (LM 60.852)
EFFECTIVE APRIL 11, 2003

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 sections:

REMOVE THESE SECTIONS

60.852
as located on pages 60-26 through 60-27
(a total of 2 pages)

INSERT THESE SECTIONS

60.852
as located on pages 60-26 through 60-27
(a total of 2 pages)

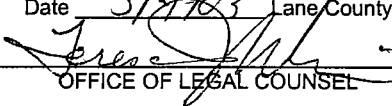
Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to revise certain Department of Public Works, Land Management Division, subsurface sanitation fees, effective April 11, 2003.

Adopted this _____ day of _____ 2003.

Peter Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 3/4/03 Lane County



OFFICE OF LEGAL COUNSEL

ATTACHMENT B

Fee Schedule

Complex.....	\$ 250.00
Simple.....	\$ 25.00
(14) Requests for Board Interpretation of Lane Code 16 Pursuant to LC 16.008.....	\$ 825.00

(Revised by Order No. 01-4-4-6, Effective 7.1.01)

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	\$ 416.00
Plus for each 500 gallons or part thereof above 1,000 gallons, for projected daily sewage flow up to 2,500 gallons	\$ 125.00
Single-Family Dwelling.....	\$ 416.00

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 Permits	
For first 1,000 gallons projected daily sewage flow:	
Standard on-site system	\$ 542.00
Alternative Systems:	
Aerobic System.....	\$ 542.00
Capping Fill.....	\$ 889.00
Cesspool.....	\$ 542.00
Disposal Trenches in Sapolite.....	\$ 542.00
Evapotranspiration-Absorption	\$ 542.00
Gray water waste disposal sump	\$ 251.00
Pressure distribution.....	\$ 770.00
Redundant	\$ 542.00
Sand Filter.....	\$ 969.00
Seepage Pit.....	\$ 542.00
Seepage Trench.....	\$ 542.00
Steep Slope.....	\$ 542.00
Tile Dewatering.....	\$ 770.00

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 \$100, 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	\$ 251.00
(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	\$ 29.00
(c)	Plan review for systems with projected sewage flows greater than 5,000 gallons per day shall be pursuant to OAR 340, Division 52.	
Permit Renewal.		
	If field visit required.....	\$ 234.00
	No field visit required	\$ 108.00
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	\$ 542.00
	Minor	\$ 228.00
Repair Permit		
Single Family Dwelling:		
	Major	\$ 194.00
	Minor	\$ 114.00
Commercial Facility. The appropriate fee identified in on-site sewage disposal system construction permits above.		
Authorization Notice		
	If field visit is required	\$ 331.00
	No field visit is required.....	\$ 113.00
Annual Evaluation of Alternative System (where required)		
		\$ 268.00
Annual Evaluation of Temporary or Hardship Mobile Home.....		
		\$ 160.00
Pumper Truck Inspection		
	First vehicle	\$ 91.00
	Each additional vehicle during same inspection	\$ 51.00
Existing System Evaluation Report.....		
		\$ 353.00
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		
		\$ 43.00
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)

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Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
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Complex.....	\$ 250.00
Simple.....	\$ 25.00
(14) Requests for Board Interpretation of Lane Code 16 Pursuant to LC 16.008.....	\$ 825.00

(Revised by Order No. 01-4-4-6, Effective 7.1.01)

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	\$416365.00
Plus for each 500 gallons or part thereof above 1,000 gallons, for projected daily sewage flow up to 2,500 gallons	\$125110.00
Single-Family Dwelling	\$416365.00

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 Permits	
For first 1,000 gallons projected daily sewage flow:	
Standard on-site system	\$ 542475.00
Alternative Systems:	
Aerobic System.....	\$ 542475.00
Capping Fill.....	\$ 889780.00
Cesspool.....	\$ 542475.00
Disposal Trenches in Saproliite.....	\$ 542475.00
Evapotranspiration-Absorption.....	\$ 542475.00
Gray water waste disposal sump	\$ 251220.00
Pressure distribution.....	\$ 770675.00
Redundant	\$ 542475.00
Sand Filter.....	\$ 969850.00
Seepage Pit.....	\$ 542475.00
Seepage Trench.....	\$ 542475.00
Steep Slope.....	\$ 542475.00
Tile Dewatering.....	\$ 770675.00

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 \$100, 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

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of 600 gallons but not more than 1,000 gallons projected daily sewage flow	\$251 220 .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	\$29 25 .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.		
Permit Renewal.		
If field visit required.....	\$234 205 .00	
No field visit required	\$108 95 .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	\$542 475 .00	
Minor.....	\$228 200 .00	
Repair Permit		
Single Family Dwelling:		
Major	\$194 170 .00	
Minor.....	\$114 100 .00	
Commercial Facility. The appropriate fee identified in on-site sewage disposal system construction permits above.		
Authorization Notice		
If field visit is required	\$331 290 .00	
No field visit is required.....	\$113 99 .00	
Annual Evaluation of Alternative System		
(where required)	\$268 235 .00	
Annual Evaluation of Temporary or Hardship		
Mobile Home.....	\$ 160.00	
Pumper Truck Inspection		
First vehicle	\$918 0 .00	
Each additional vehicle during same inspection	\$514 5 .00	
Existing System Evaluation Report.....	\$353 310 .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	\$433 8 .00	
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)

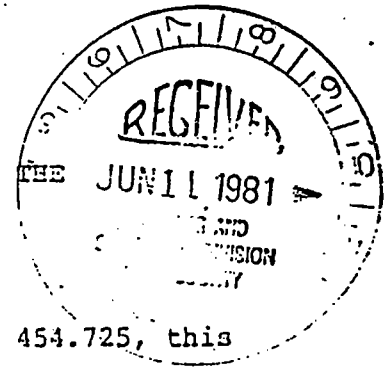
ATTACHMENT C

Contract between Lane County and Oregon DEQ

MEMORANDUM OF AGREEMENT

BETWEEN

THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE
COUNTY OF LANE



Pursuant to authority granted by Oregon Revised Statutes 454.725, this Memorandum of Agreement is made and entered into as of the 8TH day of JUNE, 1981, by and between the Department of Environmental Quality of the State of Oregon, acting by and through its Director, hereinafter called the "Department", and the County of Lane, acting by and through its _____, hereinafter called the "County". This Memorandum of Agreement supercedes one entered into by the same parties on February 23, 19 76.

WITNESSETH:

WHEREAS, the Department and the County are mutually desirous of maintaining a high quality environment and of cooperating with each other for that purpose; and

WHEREAS, the laws of the State of Oregon specify that any person may request an evaluation report on any proposed on-site (subsurface or alternative) sewage disposal system for a single lot, partitioning or subdivision, or on any proposed repair, alteration or extension to an existing on-site sewage disposal system or part thereof; and

WHEREAS, the laws of the State of Oregon specify that no person, without first obtaining a permit therefor, shall construct an on-site sewage disposal system or part thereof, or without first obtaining a Certificate of Satisfactory Completion, shall operate or use an on-site sewage disposal system or part thereof; and

WHEREAS, in order to provide service to applicants as close to home as possible and utilize effectively and efficiently the resources of the Department and County:

NOW THEREFORE, the Department and County agree as follows:

1. The County shall maintain adequate personnel and resources to, and shall, receive and process applications for evaluation reports and permits for all on-site sewage disposal systems proposed for construction, alteration, repair, or connection within the County in accordance with the provisions of ORS 454.605 through ORS 454.780, and OAR 340-71-100 to 71-600, as now or hereafter amended, utilizing procedures approved by the Department. The Department shall maintain adequate personnel and resources to carry out its commitments under this contract. The Department shall supply the County with copies of each revision of the rules and all administrative forms required by the Department, copies of internal management directives, procedural memoranda and recommended administrative forms. The County may print additional copies or order them from the Department at cost.
2. Designated County personnel shall serve as the Agent of the Department, except where the involvement of Department staff is expressly specified in Environmental Quality Commission (hereinafter called "EQC") rules or this Agreement. The Department shall upon request provide interpretive assistance to the County. ~~Any unresolved differences of interpretation of EQC rules or this Agreement between the County and the Department shall be transmitted to the Director of the Department whose decision shall be final.~~

3. The Department shall issue evaluation reports and permits for experimental systems. The County shall assist applicants for experimental systems and shall assist the Department upon request in evaluation of experimental systems applications. As negotiated outside the scope of this agreement, the County shall assist the Department in monitoring experimental systems.

4. The County shall adopt fee schedules in accordance with ORS 454.745, not to exceed costs for efficiently conducted minimum services. All fees for services provided by the County for on-site systems shall be collected by and shall remain with the County to defray program expenses. All fees for services provided by the Department shall be collected and retained by the Department, to defray program expenses.

In the event the legislature, in the Department's budget process, approves a surcharge for certain on-site systems activities, the County shall collect that surcharge in accordance with the Department's fee surcharge schedule and forward to the Department quarterly.

5. The County shall collect from applicants the required fees pursuant to the County's fee schedule. The County shall keep a complete and accurate record of activities performed and of the fees collected, and quarterly, by the 15th of the succeeding month shall forward to the Department a copy of the record on forms provided by the Department.

6. If the County becomes unable to perform the responsibilities set forth in this Memorandum of Agreement, and the Department assumes all or a portion of these responsibilities, all or an appropriate proportion, as determined between the County and the Department, of the fees collected shall be forwarded to the Department quarterly.
7. Following the receipt of a completed evaluation report application and specified fee, the County shall conduct a site evaluation and issue a report, pursuant to ORS 454-655(6) and 454.755(1)(b) and (3) and OAR 340-71-150, as now or hereafter amended.
8. Following the receipt of a completed application for a permit, the County shall determine if the proposed construction will be in accordance with the rules of the EQC. The County shall issue a permit only if it finds that the proposed construction will be in accordance with the rules of the EQC.
9. The County, following receipt of notification from a permit holder that construction has commenced, shall inspect it in accordance with rules of the EQC.
10. The County shall accept and process applications for evaluations reports on the adequacy of sewage disposal methods for proposed and existing subdivisions within its jurisdiction, and shall prepare such evaluation reports pursuant to ORS 454.755(1)(c) and 92.090(5)(c). The reports shall be made on forms provided by the Department.

11. The County shall evaluate and prepare a report on existing on-site sewage disposal systems in response to appropriate applications for Authorization Notices, pursuant to OAR 340-71-205, as now or hereafter amended.

12. The County shall cooperate with and assist the Department in enforcing compliance with the provisions of ORS 454.605 through ORS 454.755. The County shall require that within the County, no person shall construct, alter, repair, extend or connect an on-site sewage disposal system without first obtaining a permit from the County and no person shall operate a new, altered, repaired, extended or reconnected on-site sewage disposal system without first obtaining a Certificate of Satisfactory Completion or an Authorization Notice, as appropriate, except that existing systems for which a permit is issued to repair, alter or extend may be allowed to operate pending receipt of the Certificate. Whenever a complaint is received or there are reasonable grounds for believing that any on-site sewage disposal system or part thereof is being constructed, operated or maintained in violation of any EQC rule, the County shall make an inspection. The County shall notify each violator verbally and/or in writing of the violation and shall use its best efforts to persuade the violator to make corrections. After the above actions have been exhausted by the County and if the violator has not complied, the County shall transmit the entire file and evidence of the violation to the appropriate regional office of the Department. After acceptance of the referral the Department shall conduct an on-site investigation as deemed necessary by the Department and provide appropriate written notification within 30 days. The County shall cooperate in assisting the Department in reinforcing the local effort with formal and legal enforcement action

by making all inspections, reports, hand delivery of notices and other actions which are requested by the Department.

For clarification, the Department will accept enforcement referrals for installer violations, improper construction methods or materials, and failure of existing systems. The Department will not accept enforcement referrals for situations which also violate local land use, planning, zoning, and/or building ordinances until such violations have been resolved by the County.

In the event future legislation provides for County administration of enforcement activities, this agreement may be amended to reflect negotiated county enforcement options.

13. The County shall maintain documentation of noncompliance of persons performing Sewage Disposal Services and shall transmit said documentation to the Department.
14. The County shall inspect upon request of the Department or Licensee, pumping equipment of persons licensed, or proposed to be licensed, to perform Sewage Disposal Services under ORS 454.695, and engaged, or to be engaged, in pumping out septic tanks, other treatment facilities or nonwater-carried waste disposal facilities.
15. The County and the Department shall negotiate appropriate Rural Area zoning designations, pursuant to EOC rules for County administration of rural area variances.

If in the negotiations the County does not to the Director's satisfaction:

- a. Designate appropriate rural areas or
- b. Have available manpower or staff meeting minimum educational and experience standards to conduct the program;

then the Rural Areas variance program will not be an option for the County.

16. The County shall assist those making application and upon request by the Department shall review and make recommendation on applications for variances from the on-site sewage disposal rules, and shall participate in inspections and hearings as requested by the Department.

If the Department grants the variance, the County shall issue the permit and shall conduct the construction completion inspection and issue the Certificate of Satisfactory Completion. The Department shall reimburse the County on a quarterly basis the fee for a construction permit contained in OAR 340-71-140 per granted variance to assist the County with defraying County costs in performing the duties required by these provisions.

17. Program entry level personnel hired by the County after July 1, 1981, ~~to perform services under this contract shall meet the minimum educational qualifications for the State of Oregon, Personnel Division classification "Waste Management Specialist" No. CG400; except those personnel employed to do pre-cover inspections only shall meet minimum qualifications agreed to by the Department and the County.~~

In the event the County is unable to hire personnel with the qualifications of Waste Management Specialist, the Director may authorize hiring of someone who qualifies for registration as a Sanitarian or Sanitarian Trainee under ORS 700, if the County provides a training program to qualify that person for Waste Management Specialist.

18. The County shall notify persons whose application for a site evaluation or construction permit has been denied of the opportunity for Department review of the denial, provided the denial was not based on local land use, zoning, planning, or building ordinances.

Following receipt of a completed application for review, the Department shall conduct the review within 30 days.

19. The Department shall provide required training programs to include at least one (1) annual field workshop in each region of the state; one (1) annual program conference for all personnel in the state to give opportunity to learn from each other and hear from selected speakers; other training programs the Department determines to be necessary.

All County program personnel shall attend the annual field workshop and at least one person shall attend the annual program conference.

In addition, the Department shall seek to assure independent training opportunities are available for program personnel to include geology and soils courses at Oregon State University and other institutions of higher learning. The Department encourages the County to establish a budget, to assist County employes in acquiring the above training.

20. The Department shall provide the following program support services to counties, upon request:

- a. Rule interpretation.
- b. System Plan Review.
- c. Technical assistance.

21. The Department shall perform County program evaluations and provide reports as follows:

- a. Periodically - annually, during the month of January the Department's Regional Office shall conduct a program evaluation and provide Lane County with a written report within 30 days. In the event significant improvements or program modifications are needed to comply with Oregon Administrative Rules, Chapter 340, Division 71 or this memorandum of agreement, the County shall provide a written response within 30 days upon notification from the Department and provide a time schedule to implement such improvements or modifications.
- b. Formal program audit on a biennial basis.

22. The Department shall evaluate materials used in on-site systems within the State of Oregon, and provide a list of approved materials to the County.

23. Except for those activities delegated below to the County under OAR 340-71-120, as now or hereafter amended, the Department shall accept and process applications for large systems site evaluations

and construction permits for sites within the County. The following activities involving large systems are hereby delegated to the County:

- a. OAR 340-71-120 (1)(b) ; Site evaluations, permit issuance and inspections for systems of 2501 - 5000 gallons
- b. OAR 340-71-120 (1)(c) ; Periodic inspections for systems of 5001 gallons or larger

24. The Department and County shall cooperate in sanitary surveys intended to document and eliminate health hazards caused by failing on-site systems. During the annual program evaluation, problem areas shall be evaluated and ranked. If manpower allows, priority surveys shall be scheduled.

25. The Department shall license sewage disposal service applicants and provide to the County a list of licensees on an annual basis. The annual list shall be updated by addendum quarterly.

26. The Department of Environmental Management within Lane County is designated as the Agent for purposes of administering the provisions of this Agreement.

This Memorandum of Agreement may be modified only by written agreement signed by both parties or it may be terminated by either party upon 30 day written notice to the other party; provided, however, that if either party shall default in the performance of this Memorandum of Agreement, the other party may terminate it upon written notice thereof being given to the defaulting party.

DEPARTMENT OF ENVIRONMENTAL QUALITY
State of Oregon

COUNTY OF Lane

By William N. Young
Director

By George E. Morgan

General Administrative Officer

Date 6-8-81

Date MAY 28 1981

XL41 (1)

APPROVED AS TO FORM
DATE 5/27/81 by party
[Signature]
OFFICE OF LEGAL COUNSEL

ATTACHMENT D

Comparison of surcharge fees paid to DEQ vs. staffing levels

DEQ Surcharge vs staff levels

Department of Environmental Quality
 Sewage Surcharges Received for Fiscal Year 2002
 JULY 2001 through JUNE 2002

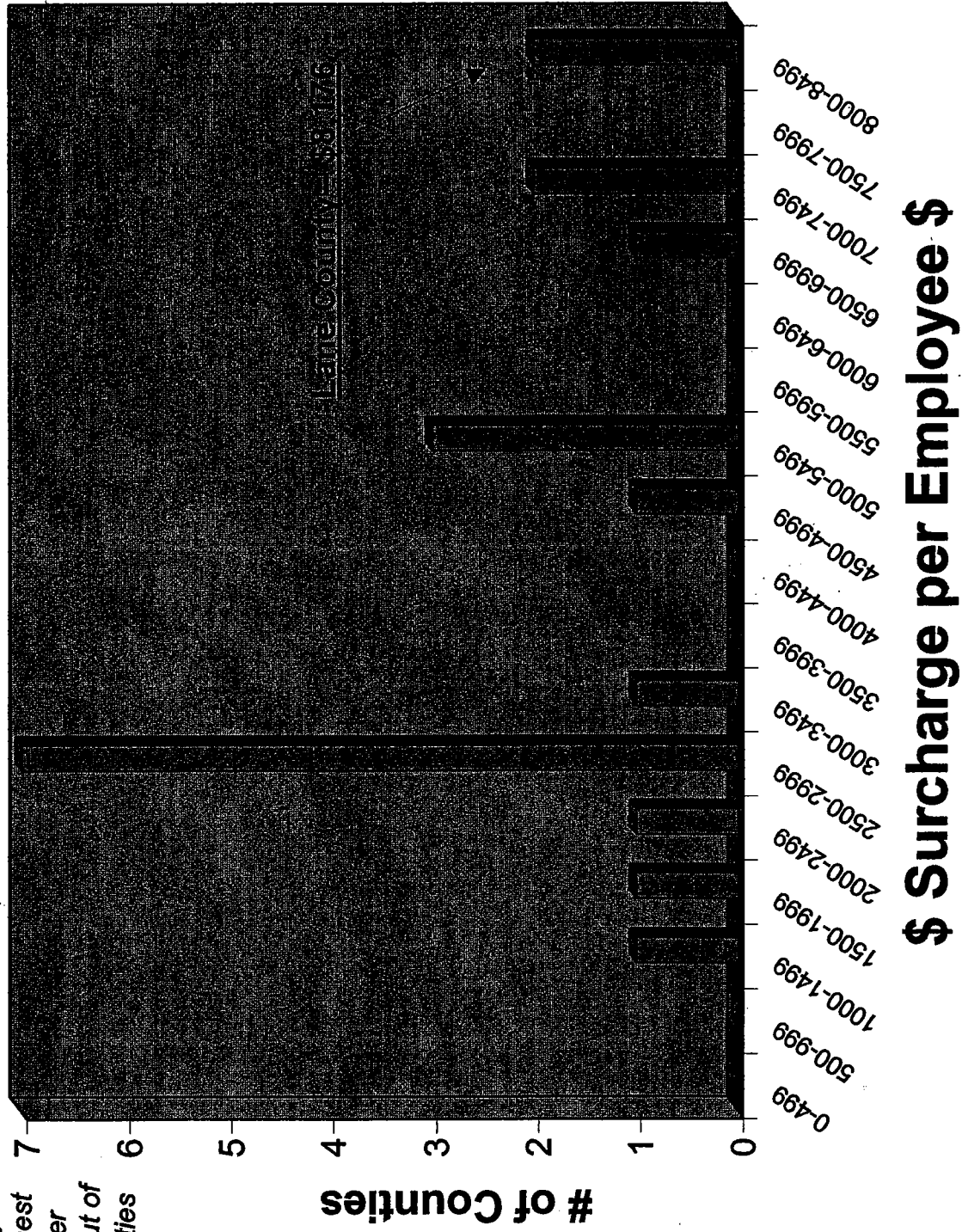
COUNTY	TOTAL	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June
Benton	9,400	1,040	1,040	1,040	560	560	560	506	507	507	1,027	1,027	1,026
Clackamas	36,560	3,600	4,480	3,120	3,920	2,360	1,800	2,160	1,840	2,480	3,960	3,440	3,400
Columbia	15,040	1,640	1,560	1,400	1,400	720	680	1,160	1,400	1,240	1,200	1,200	1,440
Crook	14,560	1,307	1,307	1,306	653	653	654	1,320	1,320	1,320	1,573	1,573	1,574
Curry	8,280	920	560	680	1,240	480	200	480	560	760	800	1,080	520
Deschutes	56,680	5,480	5,440	4,640	3,960	3,600	1,520	2,520	2,800	5,520	6,920	6,640	7,640
Hood River	4,760	680	520	120	240	160	200	160	80	480	840	640	640
Jackson	28,400	2,120	2,960	1,840	2,800	1,880	1,400	1,920	2,280	1,920	3,280	3,160	2,840
Jefferson	10,040	680	1,000	840	800	560	440	600	720	1,000	1,280	960	1,160
Klamath	20,680	1,800	1,680	1,840	1,920	1,280	400	920	1,040	1,160	2,400	3,720	2,520
Lane	36,790	3,670	4,910	3,760	3,040	1,830	2,600	2,050	2,490	2,630	3,430	3,110	3,270
Lincoln	13,960	1,480	1,160	1,320	1,320	400	640	760	840	1,120	1,240	1,280	2,400
Linn	14,440	1,853	1,853	1,854	773	773	774	667	667	666	1,520	1,520	1,520
Malheur	6,400	520	800	520	400	440	320	480	440	920	480	360	720
Marion	22,040	2,320	2,520	1,440	1,120	1,120	1,480	1,920	1,240	1,440	2,720	2,760	1,960
Multnomah	8,440	920	1,160	600	400	520	280	760	560	520	640	1,040	1,040
Polk	8,640	920	960	880	680	520	200	600	280	640	1,040	1,120	800
Tillamook	9,920	1,227	1,227	1,226	573	573	574	640	640	640	867	867	866
Wasco/Sherman	5,000	480	600	440	320	80	120	240	240	480	960	200	840
Washington	11,920	1,120	1,000	1,040	920	840	600	1,080	1,040	920	720	1,360	1,280
Yamhill	16,040	1,240	2,520	1,320	1,160	1,240	600	800	520	1,160	1,520	1,960	2,000
TOTAL	357,990	35,017	39,257	31,226	28,199	20,589	16,042	21,743	21,504	27,523	38,417	39,017	39,456

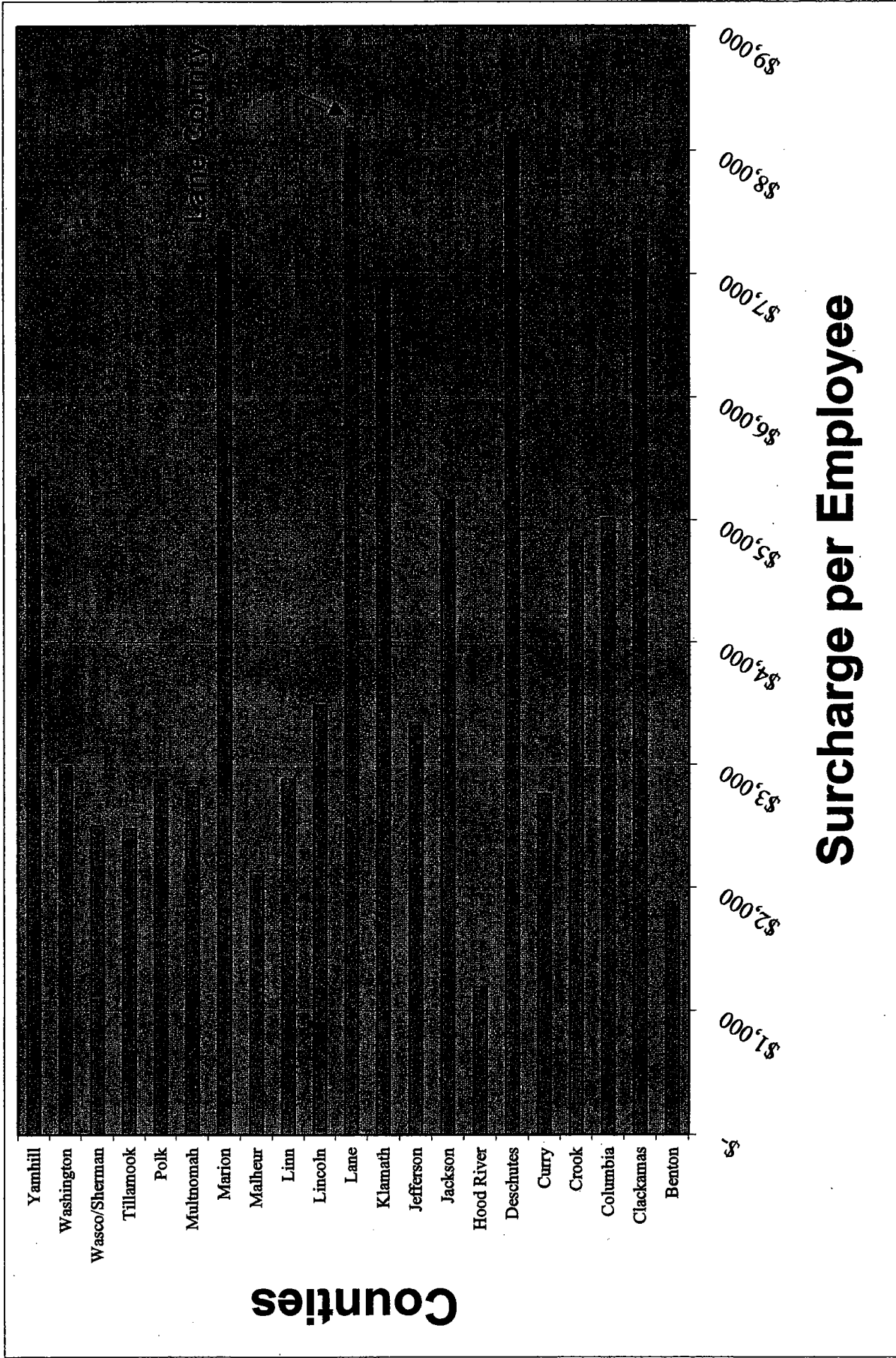
NWR-contract	81,880	8,507	9,427	7,386	7,213	5,013	3,934	5,800	5,480	5,800	7,387	7,907	8,026
WR-contract	157,990	15,563	18,483	14,134	12,693	8,803	8,454	9,703	9,384	10,843	16,577	17,017	16,336
ER-contract	118,120	10,947	11,347	9,706	8,293	6,773	3,654	6,240	6,640	10,880	14,453	14,093	15,094
Total check	357,990	35,017	39,257	31,226	28,199	20,589	16,042	21,743	21,504	27,523	38,417	39,017	39,456
NWR-Warrenton	10,840	1,120	1,120	1,320	560	440	320	520	360	840	2,000	1,240	1,000
WR-Roseburg	22,480	3,160	3,480	2,520	1,760	1,120	680	720	1,120	1,800	2,880	2,880	3,240
WR-Grants Pass	28,040	2,640	2,560	2,600	1,920	1,880	1,040	1,560	2,680	2,840	2,360	2,720	3,240
WR-Coos Bay	14,480	1,160	1,600	1,240	1,400	520	400	1,040	960	840	1,160	1,640	2,520
ER-Baker City	9,240	1,120	1,360	720	1,600	720	240	320	480	1,000	1,680	1,680	1,680
ER-Bend	6,800	720	1,160	960	760	760	240	200	320	680	1,000	1,000	1,000
ER-Pendleton	11,920	1,440	2,760	1,080	1,520	1,040	520	720	760	600	1,480	1,480	1,480
DEQ TOTAL	\$103,800	\$11,360	\$14,040	\$10,440	\$9,520	\$6,480	\$3,440	\$5,080	\$6,680	\$8,600	\$9,680	\$8,480	\$10,000
TOTAL ALL SURCHAR	\$461,790	\$127,771	\$53,297	\$41,666	\$37,719	\$27,069	\$19,482	\$26,823	\$28,184	\$36,123	\$48,097	\$47,497	\$49,456

Total Surcharge Data

<u>COUNTY</u>	<u>TOTAL</u>	<u>Total Emp.</u>	<u>Per Employee</u>	<u>Range</u>	<u>Frequency</u>
Benton	\$ 9,400	5	\$	0-499	0
Clackamas	\$ 36,560	5	\$	500-999	0
Columbia	\$ 15,040	3	\$	1000-1499	1
Crook	\$ 14,560	3	\$	1500-1999	1
Curry	\$ 8,280	3	\$	2000-2499	1
Deschutes	\$ 56,680	7	\$	2500-2999	7
Hood River	\$ 4,760	4	\$	3000-3499	1
Jackson	\$ 28,400	5.5	\$	3500-3999	0
Jefferson	\$ 10,040	3	\$	4000-4499	0
Klamath	\$ 20,680	3	\$	4500-4999	1
Lane	\$ 36,790	4.5	\$	5000-5499	3
Lincoln	\$ 13,960	4	\$	5500-5999	0
Linn	\$ 14,440	5	\$	6000-6499	0
Malheur	\$ 6,400	3	\$	6500-6999	1
Marion	\$ 22,040	3	\$	7000-7499	2
Multnomah	\$ 8,440	3	\$	7500-7999	0
Polk	\$ 8,640	3	\$	8000-8499	2
Tillamook	\$ 9,920	4	\$		
Wasco/Sherman	\$ 5,000	2	\$		
Washington	\$ 11,920	4	\$		
Yamhill	\$ 16,040	3	\$		

Lane County has the highest surcharge per employee out of the 21 counties in Oregon.





Counties

ATTACHMENT E
DEQ work level vs. staffing level



State of Oregon - NWR
Department of Environmental Quality
On-Site Program

Estimated Time for DEQ Activities for Lane County
FY 01/02

TYPE OF ACTIVITY	Time/App. (hours)	Number of Applications	Total Time (hours)
SITE EVALUATION REPORTS			
First Lot	3.3	198	653
Additional Lots	1.9		0
Second Visit	2.3		0
Commercial (flow >1,000 gpd)	3.3	3	10
CONSTRUCTION-INSTALLATION PERMITS			
Standard Systems with pre-visit	4.4	30	132
Standard Systems without pre-visit	2.7	137	370
Capping Fill Systems	6.8	2	14
Pressure Distribution Systems	6.8	34	231
Sand Filter Systems	6.8	31	211
Other Alternative Systems	4.4	20	88
Alteration Permits			
Major - with field visit	4.3	23	99
Minor - without field visit	2.2	23	51
Repair Permits:			
Single Family (Major)	7.7	112	862
Single Family (Minor)	3.3	36	119
Commercial (Major)	7.7	0	0
Commercial (Minor)	3.3	0	0
Permit Renewal/Transfer/Reinstate:			
With field visit	3.5	0	0
No field visit	1.0	4	4
AUTHORIZATION NOTICES:			
With field visit	4.6	229	1,053
No field visit	1.5	41	62
PLAN REVIEWS			
EXIST SYSTEM EVALUATIONS	4.6	1	5
PUMPER TRUCK INSPECTIONS	0.5	5	3
ANNUAL INSPECTIONS	3.3	0	0
OTHER:			
TOTALS			
		929	3,967
TOTAL ADJUSTED HOURS			
			6,103
TOTAL FIELD FTE			
			3

ATTACHMENT F
Proposed fee increase

EFFECT OF PROPOSED FEE INCREASE IN FY03/04

Activity	total 01/02 actions	proposed 03/04 actions	Current DEQ fee	Current proposed Lane fee	proposed rev as-is	Proposed Lane fee (14% increase)	proposed rev w/ 14% fee inc.
Site Evaluation							
Commercial	3		450	\$365		\$416	
Res	198	260	450	\$365	\$94,900	\$416	\$108,186
Installation permit	0						
Alteration	46	31	470	\$337	\$10,447	\$384	\$11,910
Exist syst eval rpt	1	0	400	\$310	\$0	\$353	\$0
Cap	2	3	990	\$780	\$2,340	\$889	\$2,668
BSF	9	5	990	\$850	\$4,250	\$969	\$4,845
Pres	25	16	990	\$675	\$10,800	\$770	\$12,312
PSB	9	13	990	\$675	\$8,775	\$770	\$10,004
RED	3	3	665	\$475	\$1,425	\$542	\$1,625
SAPR	4	5	665	\$475	\$2,375	\$542	\$2,708
Seep	1	2	665	\$475	\$950	\$542	\$1,083
Sand	31	23	990	\$850	\$19,550	\$969	\$22,287
STD	89	52	665	\$475	\$24,700	\$542	\$28,158
STD2	78	107	665	\$475	\$50,825	\$542	\$57,941
RENEWAL	4	2	250	\$95	\$190	\$108	\$217
Steep slope	0		665	\$475	\$0	\$542	\$0
Repair-Major	112	131	360	\$170	\$22,270	\$194	\$25,388
Repair-Minor	36	39	165	\$100	\$3,900	\$114	\$4,446
Auth- no site visit	41	38	100	\$99	\$3,762	\$113	\$4,289
Auth- w/ site visit	229	252	400	\$290	\$73,080	\$331	\$83,311
Referrals on BP's	597	597		\$38	\$22,686	\$43	\$25,862
TOTAL	1518	1579			\$357,225		\$407,237

Bruce Mower \$42,643
 As-Built Research \$10,000
 DEQ Surcharge \$39,000
 Subtotal \$91,643
Grand Total Revenue \$498,880

ATTACHMENT G
County comparison of Sanitation fees

County Comparison of Sanitation Fees - December 2001

DESCRIPTION	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	CURRENT DEC \$	AVG FEE	PROPOSED FEE
NEW SITE EVALUATIONS:																								
RESIDENTIAL																								
Site Evaluation - 1st lot	\$450	\$446	\$335	\$370	\$410	\$390	\$260	\$475	\$300	\$350	\$365	\$335	\$410	\$220	\$400	\$450	\$260	\$335	\$340	\$450	\$335	\$425	\$369	\$402
Site Evaluation - each add'l	\$450	\$350	\$335	\$370	\$410	\$255	\$145	\$475	\$205	\$215	\$365	\$335	\$410	\$220	\$300	\$300	\$195	\$335	\$340	\$360	\$335	\$425	\$325	\$402
COMMERCIAL FACILITY SYSTEMS																								
For 1st 1,000 gallons projected daily sewage flow	\$450	\$446	\$335	\$370	\$410	\$390	\$260	\$475	\$300	\$350	\$365	\$335	\$410	\$220	\$400	\$450	\$260	\$335	\$450	\$450	\$335	\$425	\$374	\$402
For each 500 gallon or part thereof above 1,000 gal	\$110	\$163	\$120	\$120	\$110	\$120	\$100	\$100	\$90	\$104	\$110	\$110	\$110	\$110	\$100	\$110	\$95	\$90	\$150	\$110	\$90	\$110	\$111	\$121
CONSTRUCTION-INSTALLATION PERMITS:																								
Standard On-Site System																								
Alternative Systems	\$665	\$658	\$455	\$400	\$625	\$535	\$245	\$490	\$365	\$480	\$475	\$460	\$625	\$130	\$500	\$665	\$270	\$460	\$350	\$545	\$350	\$630	\$472	\$523
Pressure Distribution	\$990	\$810	\$680	\$505	\$950	\$795	\$245	\$635	\$525	\$480	\$675	\$460	\$950	\$130	\$700	\$990	\$540	\$690	\$610	\$990	\$480	\$950	\$672	\$743
Capping Fill	\$990	\$810	\$705	\$600	\$960	\$825	\$248	\$635	\$650	\$740	\$780	\$710	\$950	\$180	\$700	\$990	\$540	\$710	\$610	\$920	\$600	\$950	\$709	\$858
Disposal Trenches in Saprolite	\$665	\$638	\$455	\$625	\$625	\$625	\$245	\$490	\$600	\$917	\$650	\$460	\$625	\$130	\$500	\$990	\$270	\$460	\$460	\$545	\$350	\$630	\$486	\$523
Sand Filter	\$990	\$969	\$870	\$675	\$1,100	\$990	\$245	\$905	\$800	\$917	\$850	\$880	\$950	\$280	\$800	\$990	\$805	\$880	\$960	\$990	\$990	\$720	\$950	\$832
Tile Dewatering	\$990	\$810	\$680	\$525	\$950	\$795	\$245	\$685	\$525	\$480	\$675	\$460	\$950	\$130	\$700	\$990	\$540	\$690	\$950	\$990	\$480	\$950	\$650	\$743
All Pumps or Siphons		\$25		\$25	\$40										\$40	\$40	\$40	\$25	\$40	\$40	\$40	\$40	\$35	\$0
ALTERATIONS																								
Major Alteration	\$650	\$644	\$445	\$300	\$610	\$525	\$70	\$440	\$285	\$470	\$475	\$450	\$610	\$120	\$345	\$650	\$270	\$345	\$260	\$545	\$350	\$345	\$418	\$523
Minor Alteration	\$360	\$287	\$125	\$75	\$250	\$225	\$35	\$295	\$285	\$470	\$200	\$125	\$360	\$120	\$165	\$290	\$90	\$95	\$100	\$290	\$75	\$165	\$204	\$220
PERMIT RENEWAL:																								
Field visit required	\$360	\$290	\$240	\$255	\$360	\$170	\$70	\$250	\$150	\$251	\$205	\$240	\$360	\$50	\$300	\$400	\$250	\$325	\$210	\$300	\$240	\$325	\$255	\$226
Field visit not required	\$100	\$99	\$65	\$255	\$60	\$100	\$70	\$100	\$95	\$90	\$95	\$85	\$100	\$15	\$95	\$100	\$90	\$95	\$60	\$100	\$85	\$95	\$94	\$105
REPAIR PERMIT:																								
Major Repair	\$360	\$366	\$240	\$165	\$115	\$285	\$70	\$685	\$115	\$256	\$170	\$255	\$360	\$85	\$300	\$380	\$175	\$245	\$200	\$260	\$160	\$345	\$251	\$187
Minor Repair	\$165	\$163	\$125	\$100	\$85	\$145	\$35	\$295	\$75	\$132	\$100	\$125	\$175		\$125	\$165	\$90	\$125	\$40	\$160	\$75	\$165	\$127	\$110
REINSPECTION FEE:																								
Permits	\$235	\$62	\$100	\$100	\$25	\$120		\$70	\$100	\$100			\$235	\$55	\$55	\$235	\$115	\$140		\$235		\$235	\$135	
PLAN REVIEW FEE:																								
600 - 1,000 gallons	\$230	\$227	\$230	\$195		\$185			\$165		\$220		\$230		\$200	\$230	\$235	\$165		\$230	\$100	\$230	\$205	\$242
Over 1,000 gallon -	\$40	\$41	\$40	\$55		\$32			\$25		\$25		\$40		\$25	\$40	\$40	\$25		\$40	\$25	\$40	\$36	\$28
<i>Protected flow for each 500 gallon or part thereof</i>																								
AUTHORIZATION:																								
If field visit is required	\$360	\$325	\$280	\$200	\$360	\$320	\$70	\$300	\$200	\$293	\$290	\$255	\$360	\$110	\$300	\$400	\$260	\$280	\$210	\$400	\$225	\$390	\$281	\$319
If field visit is not required	\$100		\$90	\$90	\$60	\$105		\$105	\$90	\$95	\$99	\$90	\$100	\$25	\$100	\$100	\$90	\$90	\$60	\$100	\$85	\$100	\$89	\$109
EXISTING SYSTEM:																								
Evaluation	\$360	\$325	\$280	\$200	\$360	\$320	\$70	\$300	\$200	\$298	\$310	\$285	\$360	\$110	\$300	\$400	\$260	\$280	\$160	\$400	\$225	\$400	\$282	\$341
ANNUAL EVALUATIONS:																								
Alternative Systems (sand filters)	\$200		\$215	\$145	\$290	\$170			\$175		\$235				\$300	\$300	\$175	\$235	\$170	\$245	\$160	\$330	\$217	\$259
Temporary or Hardship Manufactured Homes	\$200		\$280	\$200	\$360	\$170		\$300	\$175		\$160				\$300	\$330	\$65	\$235	\$110	\$245	\$100	\$330	\$223	\$176
SEWAGE DISPOSAL SERVICE:																								
Pump Truck Inspection - 1st	\$120	\$98	\$120	\$80	\$120	\$120	\$75	\$120	\$80	\$83	\$80	\$80	\$120	\$40	\$100	\$120	\$85	\$80	\$100	\$90	\$80	\$100	\$95	\$88
Pump Truck Inspection - each additional	\$60	\$49	\$60	\$45	\$60	\$60	\$75	\$60	\$45	\$67	\$45	\$45	\$60	\$30	\$50	\$60	\$60	\$45	\$60	\$50	\$45	\$50	\$53	\$50
DEQ SURCHARGE																								
Surcharge	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40

- 11 = Lane County
 12 = Lincoln County
 13 = Linn County
 14 = Malheur County
 15 = Marion County
 16 = Multnomah County
 17 = Polk County
 18 = Tillamook County
 19 = Wasco/Sherman County
 20 = Washington County
 21 = Yamhill County

