



# Oregon

Tina Kotek, Governor

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Deschutes County Board of Commissioners  
1300 NW Wall Street, Suite 200  
Bend, Oregon 97701

**RE: Meeting Proposal for County and DEQ staff to discuss future Septic Development and Variances, South Deschutes County**

Dear Commissioners:

For many years now the Department of Environmental Quality (DEQ) and Deschutes County have been working to address groundwater pollution concerns from septic systems in the South Deschutes County area. Groundwater in the Sunriver and La Pine area is vulnerable to nitrate contamination from septic systems and private wells are the primary drinking water source for most properties in this area.

The area was platted into many subdivisions back in the late 60's and early 70's before a comprehensive land use planning program was established. DEQ had previously worked with the County, the Department of Land Conservation and Development (DLCD), and the United States Geological Survey (USGS) to investigate groundwater pollution concerns in the South Deschutes County area.

Conditions documented from past investigations and outlined in USGS factsheet (attached) are still valid. Testing and research indicate most of the contamination in this region comes from septic systems. This means nutrients from septic systems are seeping into the area's porous, volcanic soil and the aquifer that is used as a primary drinking water source. Continued unrestricted development in the area will reach a tipping point that may be difficult or impossible to recover from due to groundwater contamination which will then require additional regulation and funding to address.

As outlined in a 2008 letter (attached), DEQ requested that the County, in coordination with DLCD establish areas in South Deschutes County that may be eligible for sewer systems. Eligibility would be based on a determination by DEQ that there was no practical alternative to a sewer system to abate the public health hazard. However, these previous efforts including a county code variance, variance repeal, and Statewide Planning Goal 11 exemption were unsuccessful.

DEQ previously determined that a variety of approaches were likely needed to properly manage wastewater pollutants and nitrate loading, including individual onsite wastewater treatment systems and various types of community sewer systems. In some locations, DEQ believes the use of various types of community sewer systems and/or drinking water systems may be a better long-term solution to human

health impacts, however, drinking water systems may not mitigate the effect on surface water or ecological impacts.

We recommend that County and DEQ staff meet and begin to discuss possible next steps to address the situation. Some items suggested include:

- Discuss current County process and DEQ variance process for approval of individual septic systems. Septic system site evaluation denial is commonly due to the depth to the seasonally high-water table. Oregon regulations require at least 24 inches below the ground surface to the water table, with a minimum 24-inch separation between the water table and the bottom of a septic system's sand filter. Meeting this regulation still doesn't ensure that there aren't impacts to groundwater from the systems.
- Discuss recent DEQ 2023 sampling of private residential wells that still indicate conditions are much the same as they were in the past with nitrate impacts to wells and the Deschutes River.
- Even with a septic design capable of producing high quality effluent, the treatment may not sufficiently minimize or eliminate nutrients and pathogens from the wastewater or future impacts to the aquifer system as outlined by a USGS model.
- Discuss whether a determination of "public health hazard" by DLCD and DEQ may be a precursor to sewer or water service to rural lands via a Goal 11 exemption.
- Convene a meeting with non-government organizations (NGO), non-profits, and 3<sup>rd</sup> party stakeholders on support of installation and funding of sanitary systems, water systems, Goal 11 exemptions or other alternatives. Does there need to be an informed choice between smart development and human health and ecological water quality impacts in South Deschutes County or can there be a balance?
- Some parcels are not suitable for septic systems. Discuss potential to address or use "red tag" lots using some type of purchase for buffering potential impacts. Explore future DEQ Water Quality Onsite rulemaking that could include additional treatment standards while considering other nitrate loading factor such as regional climate changes and density of developments.
- Discuss suggestions or modification of County rules to meet rule requirements.
- Outline options to manage existing monitoring wells installed during the LaPine Demonstration Project that require maintenance and/or abandonment.
- Discuss whether a determination of "area of concern" by DEQ may be a precursor to a declaration of a Groundwater Management Area (GWMA) by DEQ.

DEQ still believes that conditions in South Deschutes County are a potential public health and ecological impact issue. There may also be rural community impacts, funding and financing issues, environmental justice concerns and climate change implications that should be addressed. As outlined in previous communications, DEQ understands that there will be further aspects of this process that will

require additional work, refinement, clarification and coordination and we stand committed to helping Deschutes County and the citizens in South Deschutes County.

If you have any questions concerning this letter and to begin discussions on a joint meeting, please contact Sean Rochette, DEQ Onsite Manager at (541) 633-2036 or via email at Sean.Rochette@deq.oregon.gov.

Respectfully,

A handwritten signature in black ink, appearing to read 'SD', is positioned above the typed name and title.

Shannon Davis  
DEQ Deputy Director

ecc:

Todd Cleveland, Deschutes County  
Peter Gutowsky, Deschutes County Planning Director  
Sean Rochette, DEQ – Bend  
Greg Svelund, DEQ – Bend  
Ann Farris, DEQ – Bend  
Jennifer Wigal, DEQ – HQ

**Attachment(s):**

DEQ January 4, 2008, letter  
USGS 2007 factsheet