

## Chapter 9 – ENVIRONMENT AND HEALTH

Lane Manual is undergoing a modernization process; the renumbering reference and redline versions that follow were prepared at the time of conversion, and have not been updated as the chapter has been revised.

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## **Chapter 9**

### **ENVIRONMENT AND HEALTH**

#### **9.005 – RULES AND REGULATIONS FOR WATER SUPPLY SYSTEMS**

##### **9.005.100 – Authority.**

The following rules and regulations relating to water supply systems are hereby adopted pursuant to the authority granted in Chapter 9, Lane Code, and the Lane County Home Rule Charter. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

##### **9.005.105 – Scope.**

~~(1)~~**A.** These rules are applicable to water supply systems constructed after the effective date of this order and to extensions, modifications, alterations or repairs of any water supply system with 100 or less services.

~~(2)~~**B.** The water quality rules for water supply systems herein are minimum requirements. The standards and requirements, where not identified to specific types or classes of systems, apply to all water supply systems subject to these rules. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

##### **9.005.110 – Definitions.**

Approval or Approved. Approved in writing by the Director.

Community Water Supply Systems. A source of water and distribution system whether publicly or privately owned which serves more than one single residence or other users for the purpose of supplying water for drinking, culinary or household uses.

Class I community water supply system is a system which supplies water to more than 10 services.

Class II community water supply system is a system which supplies water to more than three, but not more than 10 services.

Class III community water supply system is a system which supplies water to two or three services.

Department. The Lane County Department of Health and Human Services.

Director. The Director of the Lane County Department of Health and Human Services.

Distribution System. The network of pipes used for the delivery of water from the source to the customer's system.

Individual Water System. A source of water and a distribution system which serves a single residence or user for the purpose of supplying water for drinking, culinary or household uses and which is not a public water supply system.

Person. Any individual, partnership, corporation, company, firm, institution, association, or any other public or private entity.

Public Health Hazard. A condition whereby there are sufficient types and amounts of biological, chemical or physical (including radiological) agents in the water that they are likely to cause human illness, disorders, or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes.

Public Water Supply System. A source of water and a distribution system whether publicly or privately owned, which serves a single user for the purpose of supplying water for drinking, culinary or household uses and where such water is provided for or is available for public consumption such as in the case of, but not limited to, a water source and distribution system serving a school, a farm labor camp, an

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industrial establishment, a recreational facility, a restaurant, a motel, a mobile home park, or a group care home, where such a facility is the sole user supplied.

Pump Installation Contractor. Any person, firm, or corporation engaged in the business of installing or repairing pumps and pumping equipment.

Service. The connection between the distribution system and one customer's system.

Source. The facilities used for the production of water. This includes, but is not limited to, a well.

Transmission Facility. The equipment and appurtenances which provide means of delivering water to the distribution system from the source facilities.

Water Supply Systems Contractor. Water treatment contractors and pump installation contractors as defined in LC 9.552.

Water Well Contractor. Any person, firm, or corporation engaged in the business of constructing water wells and licensed by the State of Oregon, as required by ORS 537.747 and 537.756. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

#### **9.005.115 – Licenses Required.**

No water supply system contractor shall perform any of the work as described in LC 9.550 through 9.560 without first obtaining a current license as required by LC 9.564 or ORS 537.747 and 537.756. *(Revised by Order No. 75-12-3-1, Effective 2.11.76)*

#### **9.005.120 – Application for License.**

~~(1)~~A. Applications for licenses issued hereunder shall be made upon blank forms prepared and made available by the Director. Licenses shall be renewed annually and applications shall include at minimum:

~~(a)~~1. Name and address of applicant; i.e., individual, partnership, corporation.

~~(b)~~2. Location of business and telephone number.

~~(c)~~3. Type of business and telephone number.

~~(d)~~4. A statement that the applicant has read and agrees to perform his or her work in accordance with applicable laws, rules and regulations of the State of Oregon and Lane County.

~~(2)~~B. Licenses issued pursuant to LC 9.564 are not transferable and shall expire on December 31 of each year. Licenses may be renewed without examination for an ensuing year by making application not later than 30 days before the expiration date and paying applicable fee. Such application shall have the effect of extending the validity of the current license until a new license is received or the applicant is notified by the Department that it has refused to renew applicant's license.

~~(3)~~C. When an applicant's license is to be refused, the applicant shall be notified in writing by certified mail that applicant has 10 days within which applicant may request an administrative hearing before the Director to show cause why the license should not be refused. The Director shall, upon receipt of such a request, schedule a hearing within 10 days and so notify the applicant of the time and place by certified mail. *(Revised by Order No. 77-9-7-2, Effective 9.7.77)*

#### **9.005.125 – Examination Required for License.**

Every applicant for water supply systems contractor's license shall submit to and pass a written examination applicable to applicant's discipline, such examination to be prescribed and prepared by the Director in conjunction with the standing technical subcommittee of the Environmental Sanitation Advisory Committee for domestic water supplies and held at such times as are necessary.

EXCEPTION: Any person who has engaged in the business of a water supply system contractor for a period of two years immediately prior to August 24, 1974 shall, upon application accompanied by required satisfactory proof that said person was so engaged, and operating under valid State or local licenses where required, and accompanied by payment of the required fees, be licensed as a water treatment contractor,



pump installation contractor or both without fulfilling the requirement that said person pass any examination as prescribed by the Lane Code and these rules. *(Revised by Order No. 77-9-7-2, Effective 9.7.77)*

**9.005.130 – License Application Fee.**

Application and annual renewal of a license as required by LC 9.564 for water treatment and pump installation contractors shall be accompanied by a fee of \$10.00. *(Revised by Order No. 77-9-7-2, Effective 9.7.77)*

**9.005.132 – Notification Required, Water Well Contractors or Property Owners.**

Notification of intent to construct a well shall be made to the Department prior to commencement of work by any water well contractor as described herein or the owner of the property upon which the well is to be placed. No water well contractor shall commence construction of a well prior to the notification required herein. Said notification shall be accompanied by:

- ~~(1)~~A. A \$20.00 filing fee.
- ~~(2)~~B. A legal description of the property by tax lot number.
- ~~(3)~~C. A plot plan indicating the location of the proposed well and the use for which it is intended.
- ~~(4)~~D. The name of the owner of the property for whom the work is being done.
- ~~(5)~~E. The approximate date drilling will commence.
- ~~(6)~~F. The contractor's name and Oregon State Contractor's license number. *(Revised by Order No. 81-1-21-17, Effective 1.21.81)*

**9.005.133 – Filing of Well Log.**

Within 30 days of the time of completion of the work described in LM 9.132 above, the water well contractor shall file with the State Department of Water Resources a copy of the log or a facsimile thereof. *(Revised by Order No. 81-1-21-17, Effective 1.21.81)*

**9.005.135 – Permits Required, Water Supply System Contractors.**

Prior to the commencement of any work, permits shall be obtained from the Department for each of the following:

- ~~(1)~~A. Construction of any water system.
- ~~(2)~~B. Construction repair or abandonment of any well.
- ~~(3)~~C. The first installation of any pump or pumping equipment in any well.
- ~~(4)~~D. Alteration and/or installation of water systems treatment equipment. *(Revised by Order No. 81-1-21-17, Effective 1.21.81)*

**9.005.140 – Permit Application Fees.**

Application for a permit to perform any of the work described in this subchapter, except abandonment of a well, shall be accompanied by a fee of \$20.00. Said fee of \$20.00 shall be waived on a water supply system where a filing fee has been made by a water well contractor or a water supply system contractor within the previous 12 months as required in LM 9.132 above. *(Revised by Order No. 81-1-21-17, Effective 1.21.81)*

**9.005.145 – Delegation of Authority.**

Authority is hereby delegated to any water well, water treatment or pump installation contractor licensed under LC 9.564 or ORS 537.747 and 537.756 to accept applications and fees and to issue water supply system permits required by LC 9.558. All fees collected and copies of permits issued shall be forwarded to the Department weekly. *(Revised by Order No. 81-1-21-17, Effective 1.21.81)*

**9.005.155 – Community and Public Applications.**

~~(1)~~**A.** All applications for construction of new systems shall include plans and specifications indicating:

~~(a)~~**1.** The source of the supply and quantity of water available, including well logs and other pertinent information (pump log).

~~(b)~~**2.** The transmission and distribution systems, with further information as to the amount of water proposed to be taken and transmitted.

~~(c)~~**3.** The drainage areas or location of groundwater from which the waters are to be derived.

~~(d)~~**4.** The biological, chemical, (and radiological, if requested by the Department) and physical quality of the supply.

~~(e)~~**5.** Plans describing in detail the method of obtaining, treating, storing and transmitting the water.

~~(f)~~**6.** the number of services to be supplied.

~~(g)~~**7.** Documentation of legal requirements such as property ownership, property easements, water rights or the other State or local laws or regulations.

~~(2)~~**B.** Applications to extend or to provide any new or additional distribution, pumping, transmission, treatment or storage facilities for an existing community or public water supply system shall be accompanied by or indicate:

~~(a)~~**1.** Plans describing in detail the method of obtaining, treating, storing and transmitting the water.

~~(b)~~**2.** The additional services to be supplied.

~~(3)~~**C.** Application for any new source of water for an existing community, public or individual water supply system shall include:

~~(a)~~**1.** The source of the supply and quantity of water available, including well logs and other pertinent information.

~~(b)~~**2.** The drainage areas or location of groundwater from which the water is to be derived.

~~(c)~~**3.** The biological, chemical (and radiological, if requested by the Department) and physical quality of the supply. Individual systems require biological only unless otherwise requested by the Department.

~~(d)~~**4.** Plans describing in detail the method of obtaining, treating, storing and transmitting the water.

~~(4)~~**D.** Additional or revised plans: The Director, or Director's authorized representative, may, in connection with any application and plan submitted under LM 9.155(1)(2) and (3) above, require additional or revised plans and specifications to be submitted with such data as may be necessary to determine whether the proposal will be in compliance with the rules and regulations promulgated under Lane Code. Resubmission of plans and specifications may be required if construction has not been started within one year of issuance of the permit. *(Revised by Order No. 81-1-21-17, Effective 1.21.81)*

**9.005.160 – Application for Individual Water Supply Systems.**

~~(1)~~**A.** All applications for construction of new systems shall include plans and specifications indicating information on source and a copy of the well log certified by a water supply systems contractor that:

~~(a)~~**1.** Each well is capable of producing a sustained yield of five gallons per minute for a duration of not less than five hours of continuous pumping.

~~(b)~~**2.** If a well or wells produce less than five gallons per minute, but at least one gallon per minute, the plans must provide for an above-ground storage tank according to the following table:

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**GALLONS OF STORAGE NEEDED TO EQUAL FIVE**

<u>Gal/Min Well(s)</u>	<u>Hours Flow From Five Gal/Min Well(s)</u>	
	<u>Desired</u>	<u>Required</u>
4 to 5	2,000	
2 to 4	2,500	500
1 to 2	3,000	1,000

Required above-ground storage shall be reduced by the static water storage in the well below the static level.

~~(e)3.~~ Other sources of water (lakes, streams, creeks, branches, rivers, and springs) shall not be considered as suitable for individual water supply unless other acceptable sources are not available. If these sources are to be used, approval from the Director will be required.

~~(d)4.~~ A lot design providing a separation of at least 100 feet between a well and any sewage system, exceptions consistent with Department of Environmental Quality Standards may be approved by the Director.

~~(e)5.~~ Chemical analysis, if requested by the Department.

~~(2)B.~~ Well Construction Standards.

The water well contractor shall imprint his Oregon well contractor's license number and well identification number in the well casing. This number shall be placed in an unobscured location near the top of the casing and shall not be masked by the well seal or vent. A well log or facsimile thereof shall be filed with the Director within 30 days of completion of the well. All water wells must meet applicable State and Federal codes.

NOTE: Development of subdivisions with individual wells and individual sewage disposal systems on the same lot or parcel will be evaluated using the standards set forth in Lane Code Chapter 13. *(Revised by Order No. 77-6-22-32, Effective 6.22.77)*

**9.005.163 – Individual Water Quality Standards (Loan Reviews).**

Upon receipt of a proper application and appropriate fees as prescribed in 60.857, the Department shall inspect individual domestic water supply systems for compliance with Chapter 9 of Lane Manual, and indicate on said application whether or not the subject system meets the following minimum standards:

~~(1)A.~~ Construction: Construction standards for individual water supplies as described in this chapter;

~~(2)B.~~ Bacteriological: Absence of escherichia coli densities exceeding zero;

~~(3)C.~~ Arsenic: Concentrations of arsenic not exceeding 0.05 mg/L. *(Revised by Order No. 77-6-22-32, Effective 6.22.77)*

**9.005.165 – Application for Lane Code Chapter 13 Approvals.**

In conjunction with the requirements of Lane Code Chapter 13, Land Divisions, the Director shall be furnished with the following information as applicable:

~~(1)A.~~ A copy of the proposed division providing information as required in LC 13.080.

~~(2)B.~~ Water supply test wells must be constructed in those areas judged least likely to produce a satisfactory water supply and must be arranged in a pattern to adequately represent the total area of the subdivision. The test well pattern must be approved with the Department prior to well construction. The location of each well must be indicated on a copy of the tentative plat.

~~(3)C.~~ Each test well shall be capable of producing a sustained yield of five gallons per minute for a duration of not less than five hours and this information shall be provided by pump or related equipment installing contractors. If less than five gallons per minute and more than two gallons per minute, the source could be acceptable if plans for above-ground storage are provided according to the following table:

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<u>Gal/Min Well(s)</u>	<u>GALLONS OF STORAGE NEEDED TO EQUAL FIVE</u> <u>Hours Flow From Five Gal/Min Well(s)</u>	
	<u>Desired</u>	<u>Required</u>
7 to 8	500	
6 to 7	1,000	
5 to 6	1,500	
4 to 5	2,000	
2 to 4	2,500	500

Required above-ground storage shall be reduced by the static water storage in the well below the static level.

~~(4)~~**D.** Chemical analysis of the water from each third test well is required. The results must meet USPHS drinking water standards and the applicable Oregon State Standards for Drinking Water (minimum one test).

~~(5)~~**E.** The responsible water well contractor and/or driller shall submit a copy of the completed well log, or other similar forms as required by the Director. Well logs must be received by the Director within 30 days from the completion date of the well.

~~(6)~~**F.** Parcel or lot design shall provide for a separation of at least 100 feet between a well and any sewage disposal system unless otherwise approved by the Director. In addition, all water supply systems must meet applicable State, Federal and local codes.

~~(7)~~**G.** If water use is in excess of those exempted uses in ORS 537.545, the owner must apply for water rights and obtain necessary permits to appropriate groundwater. *(Revised by Order No. 77-6-22-32, Effective 6.22.77)*

**9.005.170 – Certification of Community and Public Water Supplies.**

Notwithstanding the provisions of Lane Manual 9.105(1) above, every Class I, Class II, and Class III community water supply system with less than 101 services shall make an annual application for certification of the water system on forms furnished by the Department and each application shall be accompanied by:

~~(1)~~**A.** A fee of \$15.00, except for those facilities licensed by the Department.

~~(2)~~**B.** A statement certifying no unapproved changes requiring approval have been made in the system.

~~(3)~~**C.** A statement certifying the system is functioning in compliance with applicable State and County regulations. *(Revised by Order No. 76-12-15-11, Effective 12.15.76)*

**9.005.175 – Sampling and Inspection.**

~~(1)~~**A.** Every person or governmental agency operating a community or public water supply system shall collect samples of such water and submit them to an Oregon State Certified Laboratory for analysis according to the following table or more often, if deemed necessary, by the Director:

	<u>Bacteriological</u>	<u>Chemical</u>
Class II	Once every three months	Once every three years
Class III	Once every six months	Once every three years
Public	Once each six months	Once every three years

~~(2)~~**B.** These samples shall be submitted to a laboratory certified by the State Health Division to determine whether there is compliance with the biological quality standards as prescribed by APHA and

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the State of Oregon. The laboratory performing the analysis shall report the results of its analysis to the Director and to the person or governmental unit responsible for the operation for the water supply system.

~~(3)~~C. When the water from a community or public water supply system has been determined by analysis not to meet the quality standards established by these rules, or when the inspection or survey reveals that the water supply system fails to meet the requirements for design, construction, operation or maintenance for such water supply systems under the Lane Code, the Director shall take immediate action to notify the person or governmental unit to correct all sanitary defects, improve the operations, provide the necessary water treatment, or make any other changes or additions necessary in order to bring the water from the system, or systems, into compliance with the rules promulgated under the authority of the Lane Code. *(Revised by Order No. 75-12-3-1, Effective 2.11.76)*

### **9.005.180 – Appeals for Variance.**

Any appeal to the specifications or regulations as herein stated shall be made to the Director in writing submitting such evidence as may be deemed necessary to prove there will be adequate safeguards to public health and safety.

A copy of the appeal shall be sent to the Water Advisory Technical Subcommittee. The Director shall decide the merits of the evidence and notify the petitioner and the Water Advisory Technical Subcommittee of the Decision within 30 days of receipt of said appeal. If the appeal is denied, an appeal may be made to the Board. *(Revised by Order No. 75-12-3-1, Effective 2.11.76)*

## **9.010 – RULES FOR HEARINGS FOR PERMIT, LICENSE AND CERTIFICATE DENIAL, SUSPENSION OR REVOCATION FOR TRAVELERS ACCOMMODATIONS, RECREATION PARKS, PUBLIC SWIMMING POOLS AND BATHHOUSES, RESTAURANTS, COMMISSARIES, MOBILE UNITS AND VENDING MACHINES**

### **9.010.200 – Purpose and Scope.**

The following rules for hearings are applicable in all contested cases involving the enforcement of those rules and regulations of the Oregon State Health Division adopted in LC 9.210. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

### **9.010.205 – Definitions.**

For the purposes of this subchapter, the following words and phrases shall mean:

Contested Case. A contested case exists whenever:

- ~~(1)~~A. The County has discretion to suspend or revoke a right or privilege of a person, or
- ~~(2)~~B. There is a proceeding regarding a certificate, license or permit to pursue a commercial activity, or
- ~~(3)~~C. There is a proceeding in which the County elects to grant a hearing in accordance with contested case requirements.

County. The Lane County Health and Human Services Department.

Director. The Director of the Lane County Health and Human Services Department or said Director's delegated representative. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

### **9.010.210 – Notice of Opportunity for Hearing; Service.**

- ~~(1)~~A. The County shall give notice to all parties in a contested case. The notice shall include:
  - ~~(a)~~1. A statement of the party's right to a hearing, or a statement of the time and place of the hearing.
  - ~~(b)~~2. A statement of the authority and jurisdiction under which the hearing is to be held.
  - ~~(c)~~3. A reference to the particular sections of the statutes and rules involved.

~~(d)~~4. A short and plain statement of the matters asserted or charged.  
~~(e)~~5. A statement that the party may be represented by counsel at the hearing.  
~~(f)~~6. A statement that if the party desires a hearing, the County must be notified within a specified number of days from the date of mailing of notice.

~~(2)~~B. The number of days within which the County must be notified that the party desires a hearing shall be as follows:

~~(a)~~1. Within 20 days of the date of mailing of notice, or,  
~~(b)~~2. When the County refuses to issue a license required to pursue a commercial activity, as required by the County, and if the refusal is based on grounds other than the results of a test or inspection, the County shall grant the person requesting the license 60 days from notification of the refusal to request a hearing.

~~(3)~~C. The notice shall be served personally or by registered or certified mail. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

**9.010.220 – Immediate Danger to Public Health or Safety.**

~~(1)~~A. If the County finds there is a serious danger to the public health or safety, it may suspend or refuse to renew a license immediately.

~~(2)~~B. The County shall give notice to the party upon immediate suspension or refusal to renew a license. The notice shall include:

~~(a)~~1. A statement of the party's right to a hearing.  
~~(b)~~2. A statement of the authority and jurisdiction under which the hearing is to be held.  
~~(c)~~3. A reference to the particular sections of the statutes and rules involved.  
~~(d)~~4. A short and plain statement of the matters asserted or charged.  
~~(e)~~5. A statement that the party may be represented by counsel at the hearing.  
~~(f)~~6. A statement that if the party demands a hearing the County must be notified within 90 days of date of the notice.

~~(g)~~7. A statement giving the reason or reasons for the immediate action.  
~~(h)~~8. The effective date of the suspension or refusal to renew the license.

~~(3)~~C. The notice shall be served personally or by registered or certified mail. *(Revised by Order No. 76-5-5-8; Effective 6.9.76)*

**9.010.225 – Orders When No Hearing Requested or Failure to Appear.**

~~(1)~~A. When a party has been given an opportunity and fails to request a hearing within a specified time or having requested a hearing and fails to appear at the specified time and place, the County shall enter an order which supports the County action.

~~(2)~~B. The order supporting the County action shall set forth the material on which the action is based or the material shall be attached to and made a part of the order. *(Revised by Order No. 76-5-5-8, Effective 6.9.76)*

**9.010.230 – Subpoenas, Depositions.**

~~(1)~~A. The County shall issue subpoenas in hearing on contested cases upon a showing of need, general relevancy and within the reasonable scope of the proceedings.

~~(2)~~B. An interested party may petition the County for an order that the testimony of a material witness be taken by deposition. Fees and mileage are to be paid as determined by applicable statutes. *(Revised by Order No. 76-5-5-8, Effective 6.9.76)*

**9.010.235 – Hearing.**

~~(1)~~A. The hearing shall be conducted by and shall be under the control of the Director.



~~(2)~~**B.** At the discretion of the Director, the hearing shall be conducted in the following manner:

~~(a)~~**1.** Statement and evidence of the County in support of its action.

~~(b)~~**2.** Statement and evidence of affected person disputing the County action.

~~(c)~~**3.** Rebuttal testimony.

~~(3)~~**C.** Testimony shall be taken upon oath or affirmation of the witness from whom received. The Director shall administer oaths or affirmations to witnesses.

~~(4)~~**D.** The Director and the affected parties and the County or its attorneys shall have the right to question or examine or cross-examine any witnesses.

~~(5)~~**E.** The hearing may be continued with recesses as determined by the Director.

~~(6)~~**F.** The Director may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial matter.

~~(7)~~**G.** Exhibits shall be marked and the markings shall identify the person offering the exhibits. The exhibits shall be preserved by the County as part of the record of the proceedings.

~~(8)~~**H.** A verbatim oral, written or mechanical record shall be made of all motions, rulings and testimony. The record need not be transcribed unless requested for purposes of rehearing or court review. The County may charge the party requesting transcription the cost of a copy of transcription, unless the party files an appropriate affidavit of indigency. *(Revised by Order No. 76-5-5-8, Effective 6.9.76)*

#### **9.010.240 – Record.**

The record in a contested case shall include:

~~(1)~~**A.** All pleadings, motions and intermediate rulings.

~~(2)~~**B.** Evidence received or considered.

~~(3)~~**C.** Stipulations.

~~(4)~~**D.** A statement of matters officially noticed.

~~(5)~~**E.** Questions and offers of proof, objections and rulings thereon.

~~(6)~~**F.** Proposed findings and exceptions.

~~(7)~~**G.** Any proposed, intermediate or final order. *(Revised by Order No. 76-5-5-8, Effective 6.9.76)*

#### **9.010.245 – Evidentiary Rules.**

~~(1)~~**A.** Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.

~~(2)~~**B.** Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

~~(3)~~**C.** All offered evidence, not objected to, will be received by the Director subject to said Director's power to exclude irrelevant, immaterial or unduly repetitious matter.

~~(4)~~**D.** Evidence objected to may be received by the Director with rulings on its admissibility or exclusion to be made at a time a final order is issued. *(Revised by Order No. 76-5-5-8, Effective 6.9.76)*

#### **9.010.250 – Final Orders, Notification.**

~~(1)~~**A.** Final orders on contested cases shall be made by the Director, be in writing and include the following:

~~(a)~~**1.** Rulings on admissibility of offered evidence.

~~(b)~~**2.** Findings of fact - those matters which either agreed as fact or which, when disputed, are determined by the fact finder, on substantial evidence, to be a fact over contentions to the contrary.

~~(c)~~**3.** Conclusions of law - applications of the controlling law to the facts found and the legal results arising therefrom.

~~(d)~~**4.** Order - the action taken by the County as a result of the findings of fact and conclusions of law.

~~(2)~~**B.** Parties to contested cases and their attorneys of record shall be served a copy of the final order. Parties shall be notified of their right to judicial review of the order. *(Revised by Order No. 76-5-5-8, Effective 6.9.76)*

#### **9.010.255 – Reconsideration, Rehearing.**

~~(1)~~**A.** A party may file a petition for reconsideration or rehearing on a final order with the County within 60 days after the order is served.

~~(2)~~**B.** The petition shall set forth the specific ground or grounds for requesting the reconsideration or rehearing. The petition may be supported by a written argument.

~~(3)~~**C.** The County may grant a reconsideration petition if sufficient reason therefor is made to appear. The rehearing may be limited by the County to specific matters.

~~(4)~~**D.** If a rehearing is held, an amended order shall be entered.

~~(5)~~**E.** If the County does not act on the petition within the 60th day following the date the petition was filed, the petition shall be deemed denied. *(Revised by Order No. 76-5-5-8, Effective 6.9.76)*

### **9.015 – COMMUNICABLE DISEASE**

#### **9.015.500 – Communicable Disease Response and Control.**

Lane County recognizes that while the diagnosis and treatment of disease is considered the general responsibility of the private medical community, the County has an obligation to prevent the spread of disease that is considered a public health hazard. The Health and Human Services Department is authorized to take whatever action it deems necessary when a communicable disease outbreak is a threat to the public health. The following policies are hereby adopted for providing treatment and medication for control of communicable disease in Lane County, consistent with the applicable provisions of the Oregon Revised Statutes and under the authority of the Lane County Home Rule Charter:

~~(1)~~**A.** Provision of immunizations to the general public in order to reduce the number and severity of communicable disease outbreaks, including influenza immunizations.

~~(2)~~**B.** Diagnosis and treatment, including provision of medications, for gonorrhea, chlamydia, syphilis, or other communicable diseases for which the Centers for Disease Control and Prevention (CDC) or the Oregon Health Authority (OHA) directs the Department to monitor, report on, and provide treatment for.

~~(3)~~**C.** Identification, referral and treatment including for active or infectious tuberculosis including routine exams, X-rays, lab work and medications ordered by the primary medical Doctor or Health Officer.

~~(4)~~**D.** Provision of tuberculin testing for high-risk individuals and population groups; and make such tests available to others for a charge.

~~(5)~~**E.** Provision of gamma globulin for close associates of infectious hepatitis cases.

~~(6)~~**F.** Provision of Public Health Division technical services to school districts, while recognizing that individual communicable disease cases and outbreaks among school children are the responsibility of the school districts, in accordance with OAR Chapter 333.

~~(7)~~**G.** Investigation of outbreaks of communicable diseases in healthcare facilities, including hospitals, ambulatory surgery centers, dialysis centers, birthing centers and community-based care centers (nursing homes, assisted living, residential care and foster homes) by Public Health Division. The Division will follow the State protocol as set forth in OAR Chapter 333 with respect to these investigations, as well as those protocols related to foodborne illnesses, gastroenteritis and respiratory outbreaks.

~~(8)~~**H.** When an outbreak becomes a threat to the community as a whole, the Department has the responsibility to divert staff members and mobilize other community resources to address the threat. Suspected cases will be referred to the private medical care systems. However, if, the Department determines that a patient presents a communicable disease risk to the community and may not receive



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appropriate medications due to the patient's inability to pay, the Department may supply biologicals, vaccines, or medications appropriate to the condition being controlled. Except in an extreme emergency designated by the County Board of Health, the County will not provide mass treatment services for the community at large. In addition, the County may activate the Incident Command System, in response to a danger to public health that threatens to overwhelm County resources. *(Revised by Order No. 93-3-31-7, Effective 3.31.93; 03-3-12-5, 3.12.03; 18-05-08-01, 5.08.18)*

## 9.020 – SEWAGE FACILITIES MANAGEMENT REGULATIONS

### 9.020.800 – Review of Submissions.

All submissions required for approval of sewage facilities management corporations shall be submitted to the Director of the Department of Health and Human Services, or his or her designee. The Director, or his or her designee, shall make a recommendation to the Board regarding approval of the management corporation. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

### 9.020.805 – Fees.

The following fees are established for administration of the sewage facilities management regulations.

~~(1)~~A. Submittal Review Fee.

~~(a)~~1. 20 lots or less..... \$300.00

~~(b)~~2. 21 to 40 lots..... \$ 5.00/additional lot

~~(c)~~3. Additional lots..... \$ 2.50/additional lot

~~(2)~~B. Annual Review Fee.

~~(a)~~1. 40 lots or less..... \$100.00

~~(b)~~2. Each additional 20 lots or portion thereof..... \$25.00 *(Revised by Order No. 93-3-31-7,*

*Effective 3.31.93)*

## 9.025 – LANE COUNTY BOARD OF HEALTH AND LOCAL PUBLIC HEALTH AUTHORITY

### 9.025.900 – Local Public Health Authority and Board of Health

The Board of County Commissioners (Board) acts as the governing body for the Local Public Health Authority and as Board of Health in Lane County pursuant to ORS 431. The purpose of these rules is to set forth general procedures for adopting policies, rules and ordinances and not to establish authority or extent of authority to act on any particular issue. Nothing in these rules shall be construed to interfere with the Board of Health's or Local Public Health Authority's use of emergency procedures which are required by law or which they deem necessary to meet a public health need; or to amend, limit, or interfere with the ability of county officers, agents or employees to act in emergencies or address incidents, or otherwise meet their legal obligations. *(Revised by Order 10-9-15-1, Effective 9.15.10)*

### 9.025.901 – Procedures of Local Public Health Authority and Ordinances

Pursuant to statute, county government is the Local Public Health Authority. It submits a countywide annual public health plan for state approval, manages local public health services, administers public health programs, and is responsible for enforcing and administering public health laws including its own rules. In addition, in order to meet its responsibilities, the Public Health Authority uses the Board of Health to adopt policies and rules to implement duties of the Lane County Department of Health and Human Services (Department).

~~(1)~~A. The Board, acting on its own behalf and as the Board of Health has responsibility to adopt, amend and repeal public health ordinances, unless otherwise provided by specific law. The regular County

ordinance process shall be used with the Board acting on its own behalf to approve codification in Lane Code and any modifications after the Board of Health acts. There may be joint meetings and a hearing.

~~(2)~~**B.** For rules which are not ordinances, the Board, acting as the Local Public Health Authority will follow its regular procedures for adopting, amending and repealing rules in Lane Manual. Rules may include, but are not limited to, those designed to facilitate administration and implementation of its public health ordinances, or programs or to administer or enforce other existing state public health laws or rules.

~~(3)~~**C.** Nothing in this procedure is intended to prevent the Board or local Public Health Authority from adopting ordinances permissible under the law and as they determine appropriate under county procedures. *(Revised by Order No. 09-03-31-5, Effective 4.15.09; 10-9-15-1, 9.15.10)*

### **9.025.902 – Procedures of Board of Health**

The Board of Health has authority to adopt fees for public health services provided by the county. It has the authority to adopt general policies and rules to implement Department responsibilities so that the Local Public Health Authority work can be completed. The Department's responsibilities include performance of its duties and functions set forth in public health statutes and state rules and performing, or arranging for performance of the activities included in the annual public health plan. Depending upon specific provisions, the Department's responsibilities may include to assist with administering and enforcing existing public health laws including local public health ordinances, and rules of the Local Public Health Authority and Oregon Health Authority (and those of Oregon Department of Human Services until Oregon Health Authority assumes full duties).

The Board, acting as the Board of Health will use the following procedures:

~~(1)~~**A.** Ordinances shall be adopted pursuant to LM 9.901(1).

~~(2)~~**B.** Policies may be adopted by resolution or order, and fees by order, using the County's regular processes. Approved fees shall be published in Lane Manual. Policies being considered shall include information or findings concerning the public health interest and identifying the duty(ies) of the Department which are the subject of the policy.

~~(3)~~**C.** For rules that are not ordinances, the regular County process for adopting and for publishing in Lane Manual will be used. Policies may be adopted at the same time as adoption of rules. The same information or findings in (1) should be included in joint policies/rules, in addition to the proposed rules.

~~(4)~~**D.** Nothing in these procedures prohibits the Board of Health from conducting a public hearing before adopting rules or policies, but such a hearing is not required.

~~(5)~~**E.** The Board acting as the Board of Health may act to amend or repeal its policies, rules or fees by order using the county's regular process.

~~(6)~~**F.** There may be joint meetings. The Board acting as of the Local Public Health Authority may decide to consider the adoption of a rule which, in part, specifies duties of the Department. The Board, acting as the Board of Health may also wish to consider the rule as to implementation by the Department. A joint meeting may be held, and any public hearing may also be jointly conducted; however, the decisions shall be made separately.

~~(7)~~**G.** In the event that a proposal for annexation is adopted under ORS 222.860 alleging a danger to public health, the Board of Health will, within a reasonable time not exceeding 90 days, hold a public hearing to consider evidence and take public testimony regarding the allegations set forth in the proposal. Based upon the evidence and testimony received, and the Board's knowledge of the existing conditions, the Board will verify whether or not the conditions alleged in the proposal to be causing a danger to public health exist. *(Revised by Order No. 10-9-15-1, Effective 9.15.10; 12-08-29-01, 8.29.12)*