

# Meeting Minutes

## Onsite 2025 Advisory Committee Meeting #1



### Dec. 3, 2024 – Zoom

This rulemaking advisory committee meeting was convened to address sewer availability and ADU issues prompted by bills enacted by the 2023 Legislature, and to generally modernize, clarify and improve onsite program rule language, including enhancing environmental protection in high-risk areas.

## Meeting minutes

### DEQ attendees

- Kyle Nelson (Onsite Rulemaking Specialist)
- Corby Eden (Program Analyst)
- Sean Rochette (Onsite Wastewater Program Manager)
- Randy Trox (Onsite Program Coordinator)
- Kiley Clamons (Training & Natural Disaster Preparedness Specialist)
- Antony Vorobyov (Public Affairs Specialist)

### Rulemaking advisory committee members

- Brian Rabe (Elkhorn Consulting)
- Todd Cleveland (Deschutes County)
- Kevin Riddle (Sweet Water Sanitation)
- Sheryl Ervin (Infiltrator Water Technologies)
- Peggy Lynch (League of Women Voters of Oregon)
- Lucas Marshall (Clatsop County)
- Nicholas Peasley (Oregon Association of Realtors)
- Lisa Rogers (Casa of Oregon)
- Michelle Miranda (City of Eugene Representing League of Oregon Cities)
- Amy Pepper (City of Wilsonville)

### Public attendees

- Chris Chiola
- Jeanne Allen
- Justin Green
- CD 150

### Translations or other formats

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## **Welcome and Introductions (1 p.m. - 1:20 p.m.)**

- Facilitator: Kyle Nelson and Corby Eden
- Welcome attendees; introduced the purpose of the meeting and provided Zoom etiquette guidelines.
- Briefly outlined the topics for discussion:
  - Sewer Availability
  - Accessory Dwelling Units (ADUs)
- Introductions of DEQ staff presenters.
- RAC members introduced themselves, sharing names, affiliations, and relevant expertise.

## **Program Overview (1:20 p.m. – 1:30 p.m.)**

- Presenter: Sean Rochette
- Provided a PowerPoint overview of the DEQ Onsite Program

## **Meeting Overview (1:30 p.m. – 1:45 p.m.)**

- Facilitator: Kyle Nelson
- Provided an agenda overview:
  - 1:45 p.m. – 2:40 p.m.: Presentation and discussion on sewer availability.
  - 2:40 p.m. – 2:45 p.m.: Break.
  - 2:45 p.m. – 3:45 p.m.: Presentation and discussion on ADUs.
  - 3:45 p.m. – 4 p.m.: Public testimony and meeting wrap-up.
- Explained the RAC process and expectations for input.

## **Sewer Availability (1:45 p.m. – 2:40 p.m.)**

- Presenter: Randy Trox
  - Introduced proposed rule changes related to sewer availability.
  - Open group discussion: RAC members provided feedback, asked questions, and suggested improvements.
- Key points made by RAC
  - Situations arise when connecting to sewer is close to property and desired and it is not available. And sometimes staying on a septic system is desired and it is not an option – they must connect to sewer. It is a complex issue and every case is different.
  - Community Sewers can have their own environmental footprint and not always the best option compared to a septic repair. Combined sewer overflows due to inflow & infiltration can impair water quality. However, not connecting to sewer can limit additional housing.
  - Distance to sewer in the rule is not telling the whole story. Many communities in the state have their own physical availability, such as Springfield with 160 feet according to committee member Michelle Miranda. Todd Cleveland, committee member stated that in Bend it is available when it is in front of the property. Why have any distance to determine physical availability? Eliminate that and the city or sewer district can determine where it is available and when they must connect.
  - Legal availability: the question was raised regarding the term 'willing' in the rule. If the provider is a private developer, can they charge whatever fee they want to connect someone because they are willing?
  - Sometimes public sewer is on private property with a recorded easement, forcing people to connect to that sewer may lower the property value. Maybe that sewer is not 'available'?
  - Many coastal communities have treatment plants that are at capacity and not allowing additional connections to the system, so sewer is never available in those areas.
  - Many times, the cost of connecting to sewer came up as a challenge. Having resources available to help pay that cost would be helpful.

## **Break (2:40 p.m. – 2:45 p.m.)**

## Accessory Dwelling Units (2:45 p.m. – 3:50 p.m.)

- Presenter: Kiley Clamons
  - Introduced proposed rule changes related to ADUs.
  - Open group discussion: RAC members provided insights on ADU development, challenges, and opportunities.
- Key points made by RAC
  - Sheryl Ervin commented on “contained permanent cooking” being a vague term. She highlighted the potential of people finding loopholes in the rule.
  - Sheryl Ervin asked what would happen if the structure is over 900 square feet of usable area.
  - Amy Pepper stated the ADU definition may be not clear and challenging to implement. She asked for guidance or fact sheets on expectations for property division.
  - Peggy Lynch asked how we can address cities that do not have sewer systems.
  - Nicholas Peasley and Peggy Lynch highlighted the difference between the DEQ definition of ADU’s and city definitions of ADU’s. How should the public react to the definition discrepancies?
  - Brian Rabe asked for clarification for the value in column 1 of Table 2. How it relates to the section that allows for parcels created before 1973.
  - Amy Pepper chat question: “My question is related to sizing criteria: was there any discussion about connecting flows to number of plumbing fixtures rather than bedrooms?”
  - Todd Cleveland stated Deschutes County is already using 300 gallons per day for ADU’s, which he believes is an adequate minimum sizing. It is conservative enough to allow for expansion in the future, like a one bedroom ADU expanding to a two bedroom ADU. He has conversations about this type of thing every day.
  - Todd Cleveland likes the idea of having a minimum sizing because it provides consistency across the state.
  - Sheryl Ervin stated the number of fixtures can significantly oversize the system. This does not function as intended. She uses the example of a wet bar in a basement.
  - Sheryl Ervin noted that NSF NR 245 Certifications for ATTs have a minimum design flow above 300 gallons per day (per unit), so ATTs may not be warranted if used for ADUs on standalone systems.
  - Lucas Marshall and Kevin Riddle highlighted the interest in ADUs and how they interact with ATTs and bottomless sand filters. These requirements would push property owners to need a designer for their system.
  - Nicholas Peasley said subsection 5(d) does not do what we’re intending. He suggested changing the language to “as a result of adversely impacting the functioning of the system”.
  - Peggy Lynch SB 391 requires a 2-acre lot.
  - Todd Cleveland advocated for a site evaluation to be the first step for an ADU applicant instead of an Authorization Notice to connect to the existing septic system serving the primary dwelling for the following reasons:
    - Connecting an ADU to an existing system serving a single-family dwelling is not feasible in most situations, since most systems were not designed to serve two dwellings, so a construction-installation permit is the most likely pathway for ADUs.
    - A new site evaluation is needed for a construction-installation permit because until now, a second dwelling on a property has never been considered, so all existing site evaluations have not considered a second dwelling.
    - To apply for an Authorization Notice, the applicant must submit a set of plans before the septic is even considered, so plans end up needing to be revised, which is an added cost to the applicant.
    - The fee for Authorizations does not support the work that needs to be done to evaluate whether an ADU is feasible for the site and for fee-funded programs, it’s not cost effective. Site evaluation and construction-installation permit fees better fund the work that is needed.

### **Public Testimony and Wrap-Up (3:50 p.m. – 4 p.m.)**

- Facilitator: Kyle Nelson
  - Invited public attendees to share comments.
  - Remaining time used for open RAC member discussion.
- Noted the next RAC meeting scheduled for Jan. 14, 2025, 1 p.m. – 4 p.m., with further details to be sent in advance.

### **Meeting Adjourned at 3:55 p.m.**

#### **Action Items:**

- DEQ to refine draft rules based on feedback received.
- RAC members to review meeting materials for the next session.
- DEQ to circulate a formal notice for the January meeting.