



Oregon Department of Environmental Quality

Written Comments

Onsite Wastewater Management Program 2025

Advisory Committee Meeting 1

This document is a compilation of written comments received in response to the Onsite Program 2024 Rulemaking Advisory Committee meeting held Dec. 3, 2024

Comments

Brian Rabe.....2

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From: Elkhorn Consulting
To: NELSON Kyle * DEQ; "Todd Cleveland"; "Kevin Riddle"; "Sheryl Ervin"; LYNCHOR Peggy; "Lucas Marshall"; "Lisa Rogers"; "Michelle Miranda - City of Eugene"; "Nicholas Peasley"
Cc: ROCHETTE Sean * DEQ; Onsite 2025 * DEQ
Subject: RE: Rulemaking Advisory Committee Meeting #1
Date: Monday, December 30, 2024 12:00:07 PM
Attachments: image001.png

Good Morning Everyone,

In preparation for the next RAC meeting, I would like to offer the following additional analysis, commentary, and suggested rule language for consideration.

The current rule language uses the word “proposed” for multi-family and commercial facilities. This implies new development or redevelopment. It makes sense that these situations would be required to connect to sewer, if deemed legally and physically available without consideration of cost. If the costs were too high, then the project would not occur. It is interesting to note that the most permissive language is for proposed developments of 5 single family dwellings or other developments with similar flows – the agent determines sewerage availability (without the burden of specific details – therefore, a purely subjective decision).

I could see similar criteria be applied for other “proposed” actions, such as a new single family dwelling on undeveloped land or redevelopment that would not otherwise qualify for an alteration or repair permit, or the addition of an ADU.

All of the examples I have been witness to, or heard of, have been for repairs for existing single family dwellings. I believe such a scenario is what prompted SB 931 and provided the funding for this rule making effort. I do not believe the current proposed changes to the rule language for this topic adequately addresses the concerns raised by SB 931. I suggest permissive language be added that would allow the agent to issue a repair permit for existing single family dwellings in the same manner as is done for any other single family dwelling outside of sewer areas. There may be rare circumstances where a repair permit is not reasonable, but in my 38 years in this field, I can count on one hand the number sites where a reasonable repair was not feasible for a previously permitted system. If public sewer is both legally and physically available and is cost-effective, then the homeowner should be able to make the choice (repair or connect).

Suggested rule language is shown underlined and in blue below.

(f) A sewerage system that can serve the proposed sewage flow is both legally and physically available, as described in paragraphs (A) and (B) of this subsection.
(A) Physical availability. A sewerage system is considered available if topographic or manmade features do not make connection physically impractical and one of the following

applies:

(i) For a [proposed](#) single family dwelling, [including new construction, alteration to expand an existing single family dwelling or add an ADU](#), or other establishment with a maximum

projected daily sewage flow not exceeding 899 gallons, the nearest sewerage connection point from the property to be served is within 300 feet.

(ii) For a proposed subdivision or group of two to five single family dwellings or other establishment with the equivalent projected daily sewage flow, the nearest sewerage connection point from the property to be served is not further than 200 feet multiplied by the number of dwellings or dwelling equivalents.

(iii) For proposed subdivisions or other developments with more than five single family dwellings or equivalent flows, the agent will determine sewerage availability.

[\(iv\) For an existing single family dwelling or other existing establishment with a maximum projected daily sewage flow not exceeding 899 gallons, the agent may issue a repair permit if a reasonable repair is possible. The property owner can base their decision as to whether to repair or connect to sewer based on financial and other considerations.](#)

(B) Legal availability. A sewerage system is deemed legally available if the system is not under a DEQ connection permit moratorium and the sewerage system owner is willing or obligated to provide sewer service.

Thanks,
Brian Rabe, CPSS, WWS
Elkhorn Consulting LLC