

Onsite 2024 Meeting Minutes

Rulemaking Advisory Committee #4

Feb. 26, 2025 – 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)

Rulemaking advisory committee members

- Brian Rabe (Elkhorn Consulting)
- Todd Cleveland (Deschutes County)
- Kevin Riddle (Sweet Water Sanitation representing Oregon Onsite Wastewater Association)
- Sheryl Ervin (Infiltrator Water Technologies)
- Peggy Lynch (League of Women Voters of Oregon) - Joined meeting at 9:32 am
- Lucas Marshall (Clatsop County)
- Michelle Miranda (City of Eugene Representing League of Oregon Cities)
- Amy Pepper (City of Wilsonville Representing Association of Clean Water Agencies)

Public attendees

- Nancy Toth
- Jerry Linder
- Lindsey Reschke
- Claire K

Absent rulemaking advisory committee members

- Lisa Rogers (Casa of Oregon)
- Brock Nation (Oregon Association of Realtors)

Welcome (9 – 9:10 AM)

- Facilitator: Kyle Nelson
- Welcomed attendees, introduced the purpose of the meeting, and provided Zoom etiquette guidelines.
- Shared the importance of the fiscal impact statement in the rulemaking process.

Translations or other formats

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RAC 3 Meeting Minutes (9:10 – 9:20 AM)

- Facilitator: Kyle Nelson
- RAC members were given the opportunity offer edits to the RAC #3 meeting minutes
 - No changes were submitted, and the RAC #3 minutes were finalized.

Clarifying fiscal impact statement comments (9:20 – 9:30 AM)

- Facilitator: Sean Rochette
- Key points and discussion
 - Sean Rochette invites Sheryl Ervin to present her submitted statement to DEQ. In her statement, Sheryl outlines her concerns regarding the environmental justice and fiscal impacts associated with the current treatment standards not having a specific nitrogen standard. The current Treatment Standard 2 includes a nitrogen limit that also requires fecal disinfection, and Sheryl is concerned there could be additional costs associated with having to meet the full standard in situations where nitrate contamination is the primary concern at a site.
 - Sean Rochette responds that DEQ understands the specific concern here, but it would require creating new treatment standards that are outside the scope of this rulemaking. Since we are not changing these standards, I do not see any fiscal impacts at this point. A manufacturer could apply for a treatment standard 1 approval and still provide nitrogen reduction data to support use in areas of nitrate concern only where disinfection would not also be necessary. Some of our rule changes that we are proposing to make, include the ability of the agents to consider nitrogen reduction in sensitive areas.
 - Sheryl Ervin responds that she (infiltrator technologies) was denied because nitrogen reduction was needed but fecal coliform was not needed.
 - Sean Rochette responds that a future rulemaking could explore those options with maybe a nitrogen specific standard that is not tied to fecal coliform.
 - Brian Rabe adds that the fiscal impact statement would have addressed this 20 years ago when treatment standard 2 was developed in that rulemaking process.

Fiscal impact statement confirmation (9:20 – 9:25 AM)

- Facilitator: Kyle Nelson
- Kyle Nelson makes the statement “To summarize, we outlined the expected fiscal impacts of these rules, including potential costs and benefits. As RAC members, we are asking for your input to confirm the draft fiscal impact statement is accurate. Please let us know if you have any feedback regarding the fiscal impact statement, or if you believe it is accurate as written.”
 - No feedback was received from the RAC members.
 - There was a consensus that the fiscal impact statement accurately reflects the expected costs and benefits.

Additional discussion (9:25 – 9:45 AM)

- Initiated by Amy Pepper
- Key points and discussion
 - Amy Pepper asks why the RAC members did not have the final draft language for this meeting. She is concerned about signing off on this RAC process without knowing what language is going forward. She believes that it's best that final draft language should be shared with the RAC before it is released to the public.
 - After some discussion DEQ pulled up the current draft rules that incorporated feedback from last meeting went through the updates. The RAC had no further discussion on the topic.
 - Meeting Wrap: Sean Rochette concludes the committee is in agreement that the fiscal impact statement reflects the expect impacts of the rulemaking to the extent it can be determined. The next step will be finalizing the draft rules internally and with the help of

DOJ before we get those out to public comment. RAC members encouraged to review draft rules in public comment period and provide written comments.

Meeting Adjourned at 9:45 AM.