



February 8, 2024

Joint Committee on Transportation

Attn: Co-Chair McLain, Co-Chair Gorsek, Vice-Chairs and Committee Members

Hearing Room F (5:00 PM)

RE: Testimony in support of -4 amendments to SB 1566

Dear Co-Chair McLain, Co-Chair Gorsek, Vice-Chairs and Committee Members,

Deschutes County is in support of SB 1566 and the proposed -4 amendments. Specific to the -4 amendments it is important to note that for a variety of reasons, wastewater facilities are not mentioned in ORS 758 as they are not provided the same privileges as water, gas, electric or communication facilities to locate freely within public rights-of-way under the jurisdiction of a county.

Counties retain the ability to permit the location of wastewater facilities and charge fees under ORS 368.036, ORS 374.305, ORS 374.309, and ORS 374.315.

One reason wastewater facilities are regulated differently than other utilities is due to the physical and legal availability requirements of wastewater systems as established by the Oregon DEQ (OAR 340-071-0160 (4)). In certain scenarios, the proximity and availability of private wastewater systems can preclude the ability of property owners to obtain septic repair permits and essentially force a connection to a private sewer system. As such it is important for counties to retain regulatory controls over placement and extension of wastewater infrastructure in public rights-of-way to provide for orderly expansion of wastewater services (such as within an established sanitary district, municipalities, etc).

The -4 amendments remove reference to wastewater facilities from the fee authority request of SB1566 and remove any confusion that wastewater systems could be provided privileges not otherwise allowed with ORS 758.

Yours Truly,

Chris Doty, PE

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