

# **Rules Advisory Committee for Three Basin Rule Revision**

Meeting Objectives and Project Background

Water Quality Standards

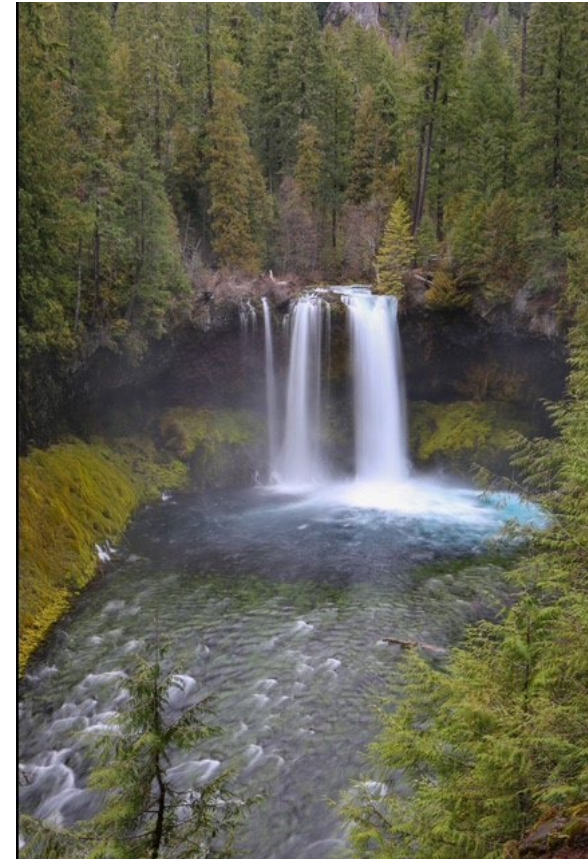
March 31, 2025

Virtual Zoom Meeting

# Meeting Objectives

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- Rulemaking objectives
- Background and context for this rulemaking
- Discuss proposed rule revisions
- Provide opportunity for initial feedback from RAC members



*Photo Courtesy of Eugene Water and Electric Board*

# Rulemaking Objectives and Scope

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- Implement EQC's November 2024 direction in response to Marion County's petition:

*“Revise the Three Basin Rule to allow NPDES permits in limited circumstances consistent with the stated objectives of the rule.”*

- Minor revision allowing DEQ to issue WPCF onsite permits without EQC approval.



# Project Background and Context

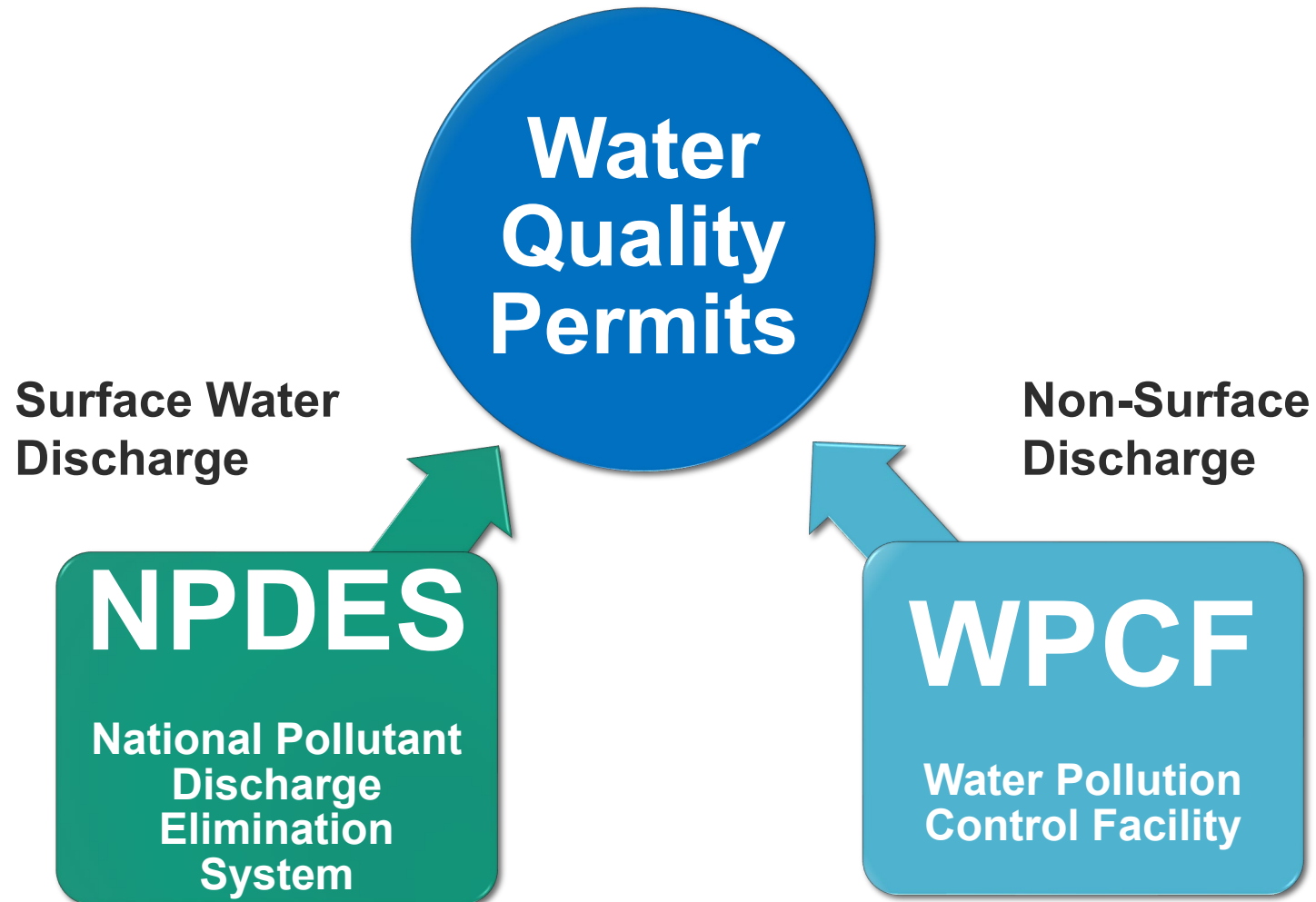


*Photo Courtesy of Marion County*

- Types of water quality permits
- Three Basin Rule
- Functional equivalency
- Marion County's petition
- Special state protection

# Types of Wastewater Permits

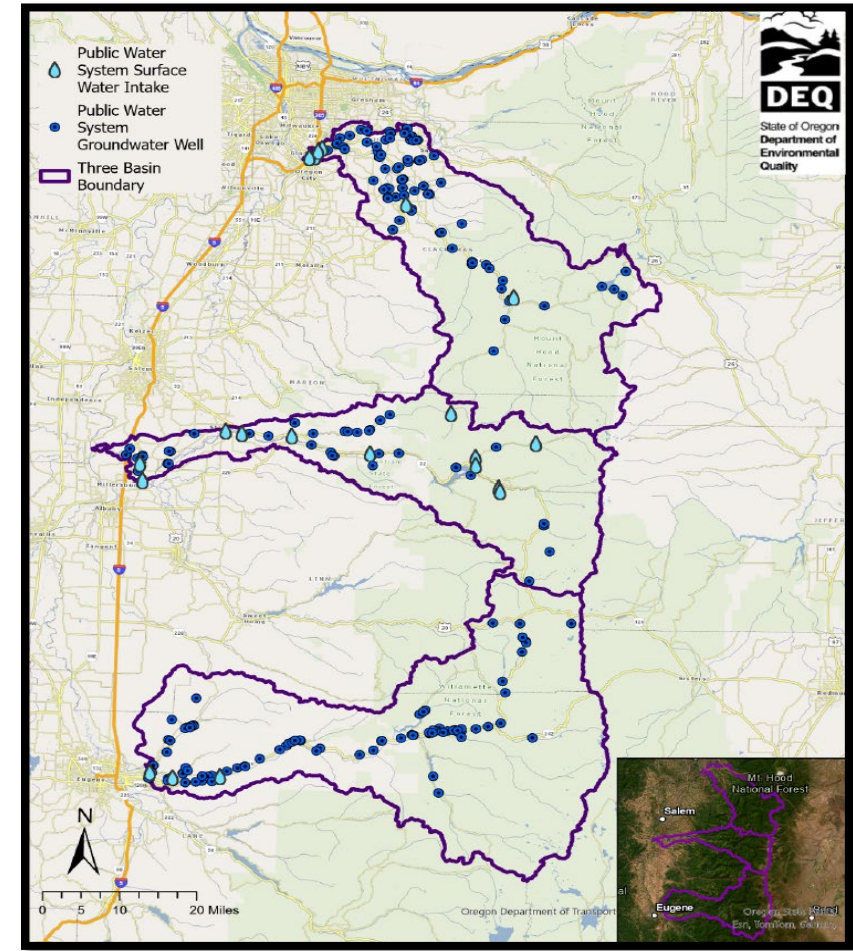
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# Three Basin Rule – Extra State Protection

- Adopted in 1976.
- Extra state protections for major drinking water sources: Clackamas, McKenzie and North Santiam basins.
- Prohibited “further” discharges in these basins.



*Drinking Water Intakes in The Three Basins*

# Three Basin Rule – 1995 Revisions



- Certain general NPDES permits allowed.
- No NPDES permits for new facilities:
  - Industrial
  - Confined animal feeding operation
  - Domestic sewage treatment

# Three Basin Rule – 1995 Revisions (cont'd)

- Allows WPCF permits for sewage treatment facilities:
  - Protect groundwater
  - No measurable change in surface water quality.
  - EQC finds one of the following:
    - New facility provides a preferable means of treatment, or
    - Social and economic benefits outweigh possible environmental impacts



*Photo Courtesy of: Lane County*



# Maui Decision and Functional Equivalent Discharges

- Supreme Court:  
*Pollutant discharge to groundwater is 'functional equivalent' to direct surface water discharge.*
- Requires NPDES permit
- Current Three Basin Rule, “functional equivalent” discharge NOT allowed

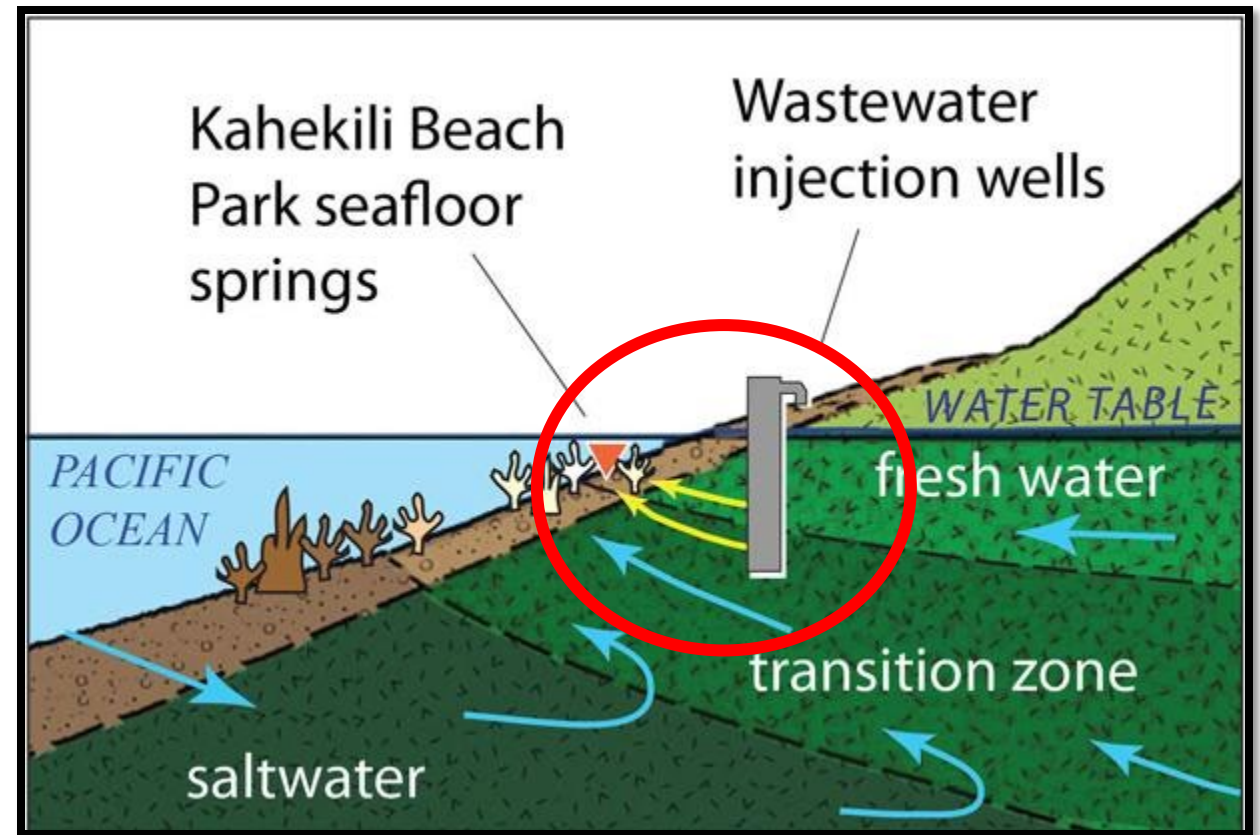
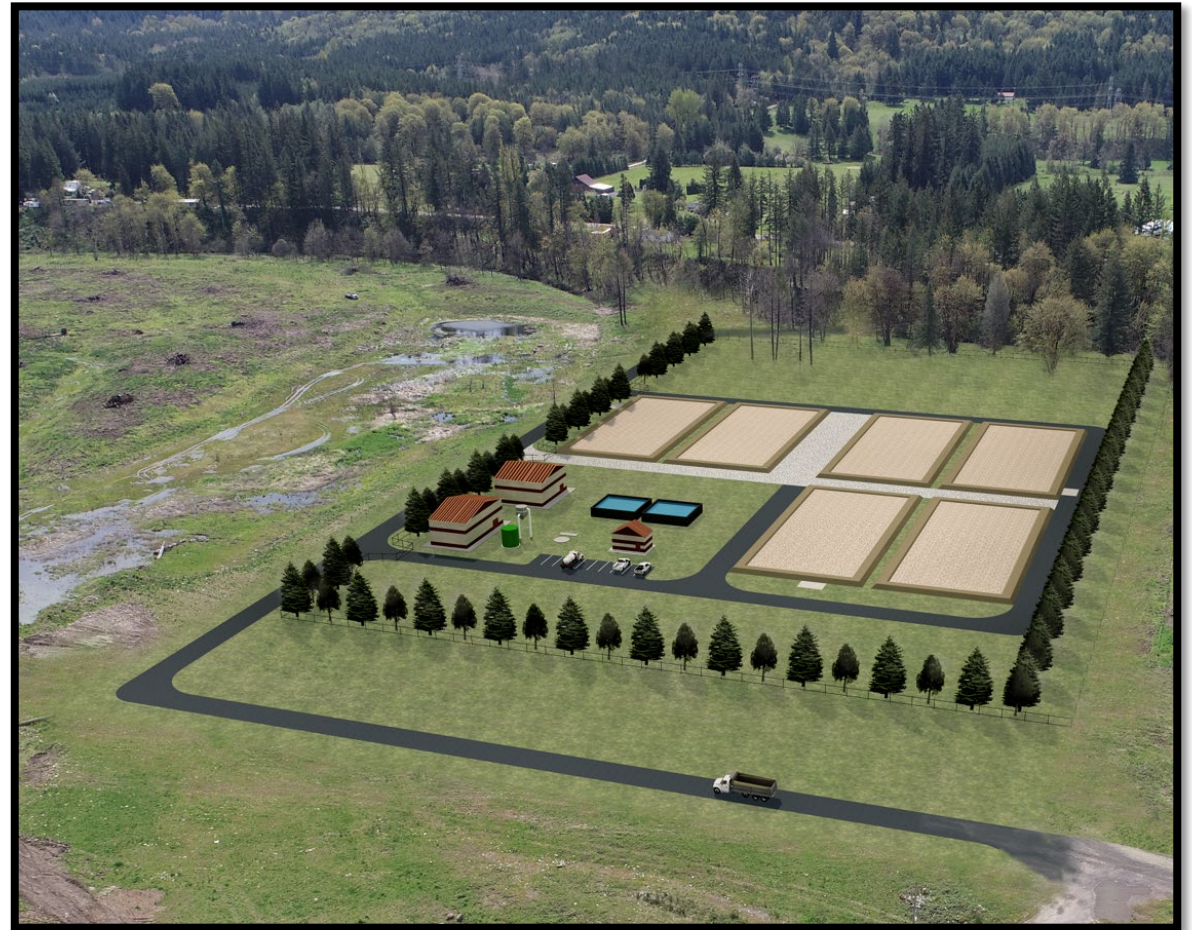


Image: USGS, public domain

# Context for Marion County's Petition

- Desire for economic development
- American Rescue Plan Act funding deadlines for a new treatment plant
- Likely functional equivalent discharge



*Proposed Treatment System – Photo Courtesy of Marion County*

# Marion County's Rulemaking Petition

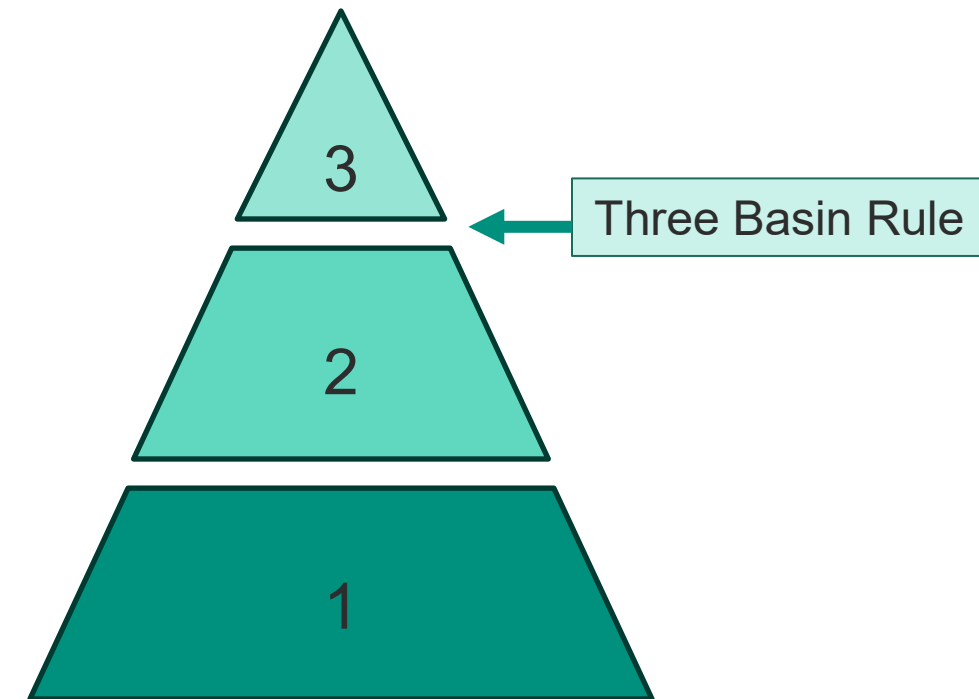
- Submitted August 2024
- Revise Three Basin Rule to allow DEQ to issue NPDES permits for new sewage treatment plant discharging to groundwater.
- EQC directed DEQ to revise the Three Basin Rule.





# 3-Basin Rules vs. DEQ's Three Tiers of Protection

- **Tier 3.** (*Outstanding resource waters*) No permitted discharges.
- **Tier 2.** (*High quality waters*) Minimal degradation, except for important socioeconomic development.
- **Tier 1.** (*Existing use*) Meet water quality standards.

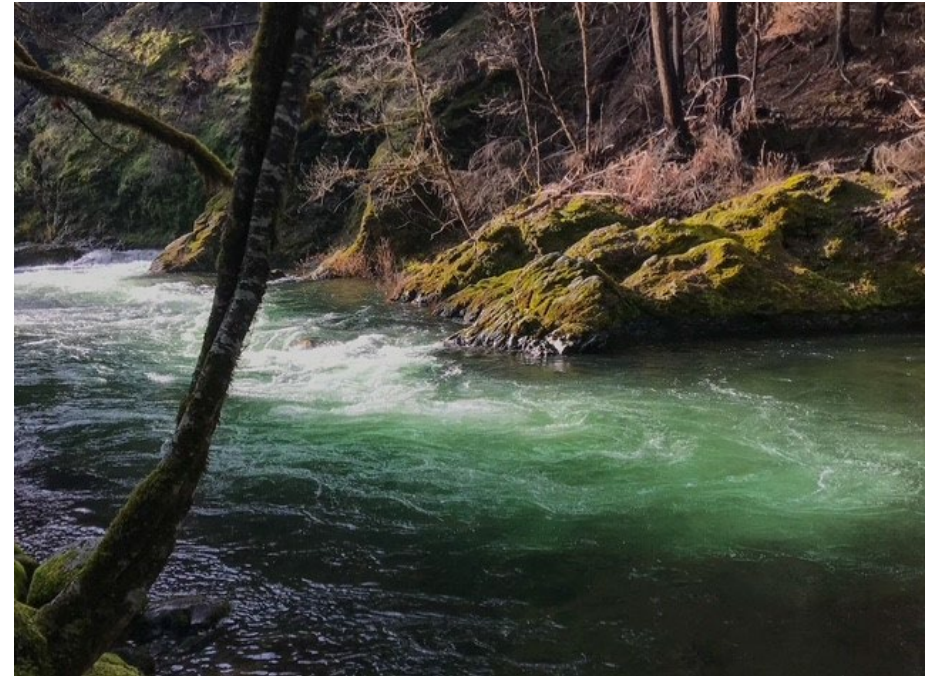




# Extra State Protection is Similar to Tier 2.5

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- Level of protection above Tier 2.
- Other states Tier 2.5 policies vary.
- Oregon does not have explicit Tier 2.5 policy.



*Photo Courtesy of Eugene Water and Electric Board*

# Protecting High Quality Water

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- “Framework to maintain a minimum level of water quality protection and, where water quality exceeds that minimum level of protection, balance water quality protection with the opportunity for important community growth.”



# Questions?

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*Photo Courtesy of Eugene Water and Electric Board*

# Title VI and alternative formats

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