

# Rules Advisory Committee for Three Basin Rule Revision

Introduction to Proposed Rule Revisions

Water Quality Standards

March 31, 2025

Virtual Zoom Meeting

# Presentation Objectives

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- Introduce proposed rule revisions
- Provide opportunity for initial feedback from RAC members
- Provide additional time for input





# Problem Statement

- *Maui* decision requires NPDES permit issuance for functional equivalent discharges.
- Current Three Basin Rule prevents new NPDES permit issuance for domestic sewage treatment.





# EQC Direction

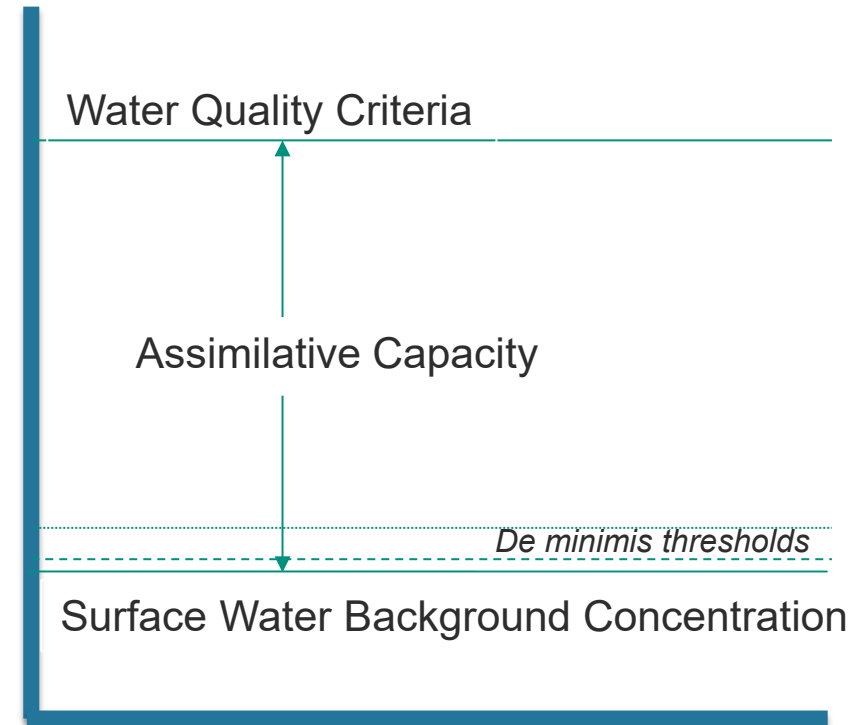
- EQC's direction to allow new NPDES permits.
- Continue to ensure the extra state protection above Tier 2



*Photo Courtesy of: Marion County*

# Oregon's Tier 2 Protection

- *De minimis degradation*
  - Less than 2.5% of assimilative capacity per discharge;
  - Less than 10% in combination with other discharges.
- DEQ cannot issue permit resulting in greater than *de minimis* degradation, unless DEQ or EQC concurs with Tier 2 review.



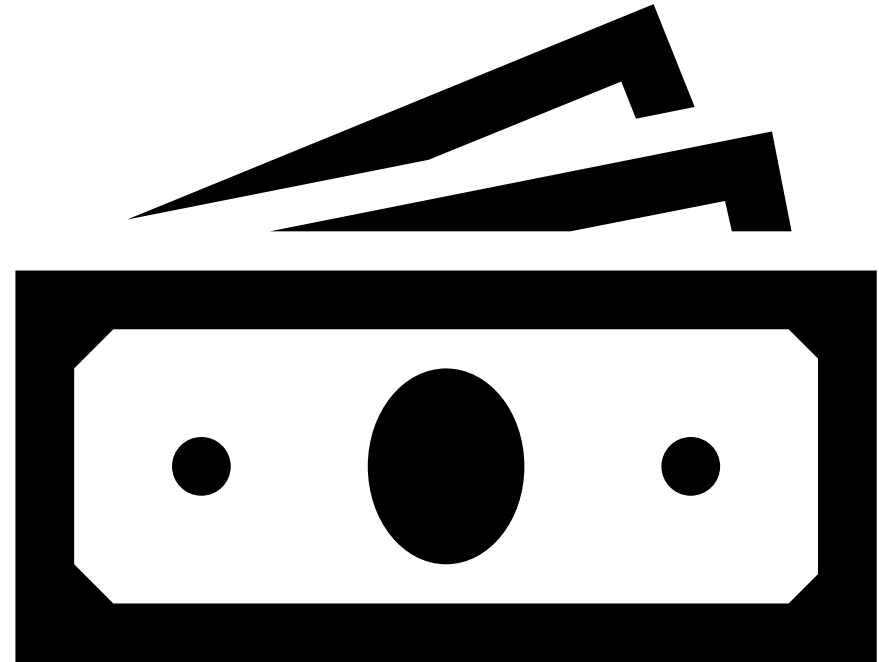
# *De minimis* Degradation – Tier 2

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- Water quality criteria = 3 mg/l; background concentration = 1 mg/l.
- Assimilative capacity (AC):  $3 \text{ mg/l} - 1 \text{ mg/l} = 2 \text{ mg/l}$
- Facility can add 2.5% of AC:  $1 \text{ mg/l} + .025 * 2 \text{ mg/l} = 1.05 \text{ mg/l}$ .
- If greater than this threshold, applicant required to develop socioeconomic review.

# Tier 2 Review – Beyond *de minimis*

- How will its discharge's impact on environment compare to economic benefits of facility?
- Are there options that have less impact on water quality that are infeasible?
- EPA Interim Economic Guidance and Financial Capability Assessment guidance.
- Requires DEQ or EQC concurrence.





# Other State Tier 2.5 Policies

- Two approaches:
  - Narrative: issue permits with no degradation
  - Quantitative: Issue permits with “no measurable” or “no detectable degradation.”
- Combination of approaches.
- Allow permits for important social and economic development.



*Photo Courtesy of: Eugene Water and Electric Board*



# DEQ's Proposed Approach

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- Allow NPDES permit for new or existing domestic wastewater discharges if:
  - There is no measurable lowering of water quality:
    - **Narrative:** No net reduction in water quality from the sewage disposal currently in place; or
    - **Quantitative:** Permit limits will result in no more than 1% of assimilative capacity after fully mixing with the receiving water; or 2.5% in combination with other discharges; and
  - All groundwater protection requirements are met.

# No Measurable Lowering of Water Quality

- Impact of discharge on surface water quality is less than current treatment.
- For each pollutant in its discharge.
- DEQ must concur.



# Use of Assimilative Capacity

- More protective in Three Basin Rule than for Tier 2 protection.

	Tier 2	Three Basin Rule
Per discharge	2.5% of assimilative capacity	1% of assimilative capacity
Cumulative	10% of assimilative capacity	2.5% of assimilative capacity



# *De minimis* Degradation - Proposed Rule

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- Water quality criteria = 3 mg/l; background concentration = 1 mg/l.
- Assimilative capacity (AC):  $3 \text{ mg/l} - 1 \text{ mg/l} = 2 \text{ mg/l}$
- Facility can add 1% of AC:  $1 \text{ mg/l} + .01 * 2 \text{ mg/l} = 1.02 \text{ mg/l}$ . (compare to 1.05 mg/l for Tier 2 Protection)
- If greater than this threshold, applicant required to develop socioeconomic review.

# Groundwater Protection Requirements

- Mirror the current language – No change
- No degradation to groundwater
- Set discharge limits to background concentrations in groundwater



*Photo Courtesy of: Marion County*

# Socioeconomic Review

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- Similar to Tier 2 Review but with lower threshold
- If lowering of water quality is more than allowed 1% use of assimilative capacity:
  - Applicant can do an analysis to demonstrate that social and economic benefits outweigh possible environmental impacts.
  - DEQ or EQC must concur with the analysis to issue the permit or require additional treatment to ensure “no measurable lowering.”



# Rationale for Proposed Approach

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- Keep the extra protection.
- Greater protection than Tier 2.
- Create a pathway to replace old onsite systems with updated facility.
- Transparent process –
  - Documentation needed during permit development that meets rule; including socioeconomic analysis, if needed.
  - Public comment period and public hearing required, as with any permit.

# Questions for Clarification?

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*Photo Courtesy of Clackamas Water Providers*

# Discussion

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- Input on DEQ's proposed rule?
- **If you are not prepared to provide input/feedback today, please email [aron.borok@deq.oregon.gov](mailto:aron.borok@deq.oregon.gov) by April 13.**



# Follow-up and Next Steps

- Doodle poll members for 2<sup>nd</sup> and 3<sup>rd</sup> RAC meetings
- Meeting summary sent to committee members for review
- Meeting summary and presentations posted to DEQ's rulemaking webpage



*Photo Courtesy of Eugene Water and Electric Board*

# Title VI and alternative formats

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