

# Three Basin Rule Update

DEQ Water Quality Program

Sept. 11-12, 2025, EQC Meeting  
Ashland, Oregon

# Outline

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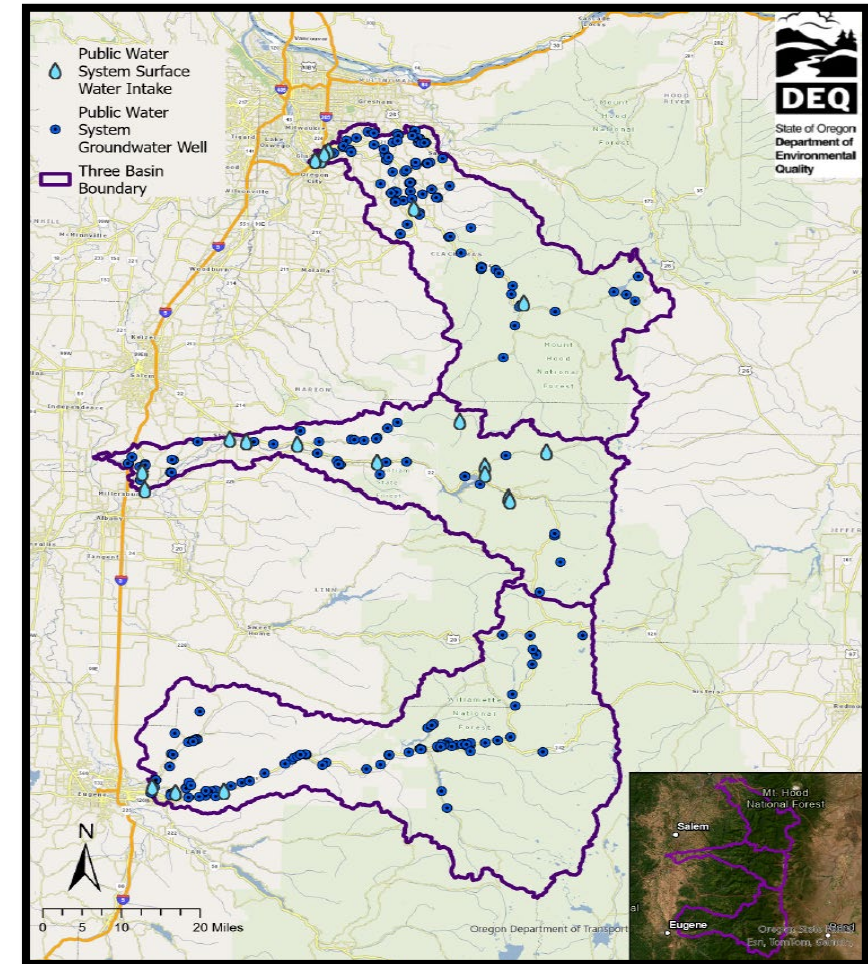
- Background
- Rulemaking Advisory Committee
- Options Considered
- Proposed Rule
- Rulemaking Status



*North Santiam River*

# Three Basin Rule

- Adopted in 1976; and revised in 1995
- Major Drinking Water Source
- Extra protections:
  - Clackamas
  - McKenzie
  - North Santiam
- No new NPDES permits
- Permit subsurface discharge or land application for new systems



*Drinking Water Intakes in The Three Basins*



# Maui Decision and Functional Equivalent Discharges

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

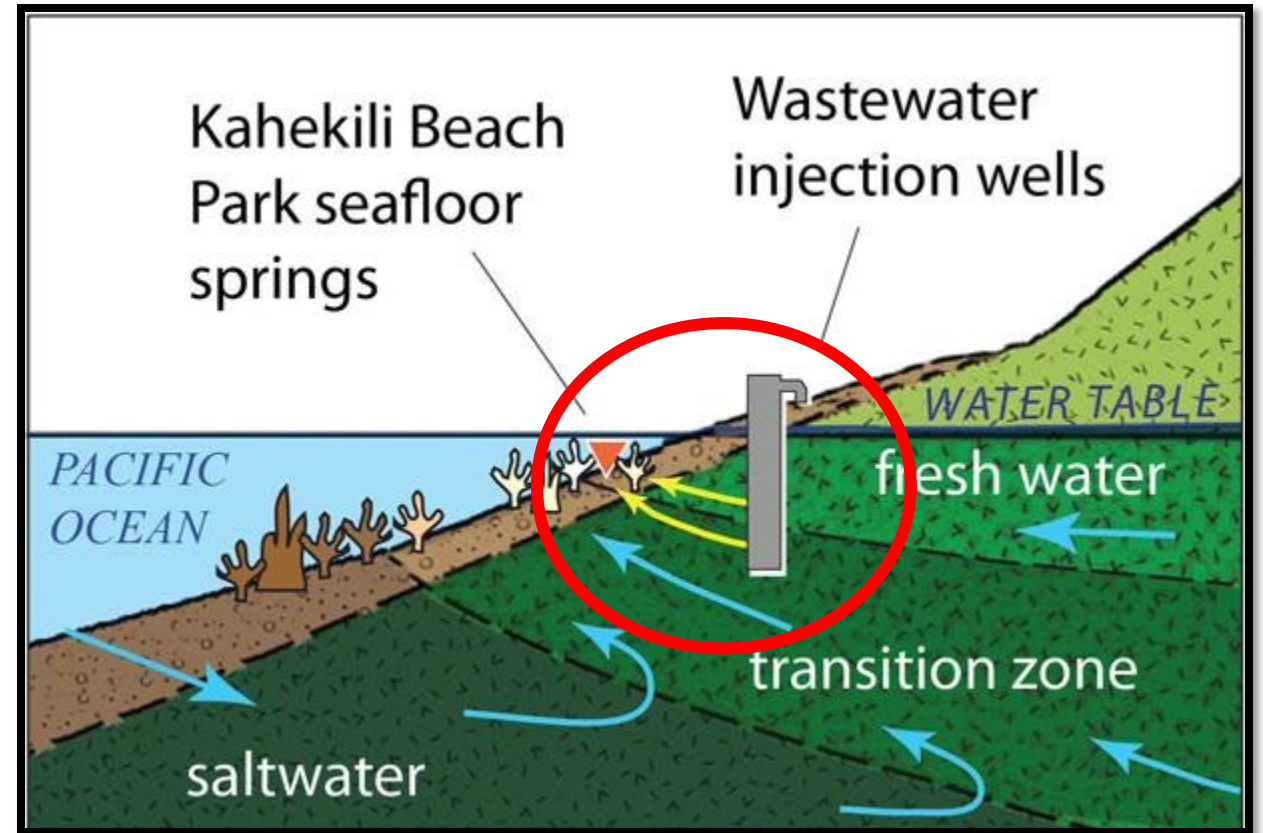


Image: USGS, public domain

# EQC Direction for Rulemaking

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- Allow DEQ to issue NPDES permits for new sewage treatment plant discharging to groundwater
- EQC direction: “Revise Three Basin Rule to allow NPDES permits in limited circumstances consistent with the objectives of the rule.”

# Rulemaking Advisory Committee

<b>Committee Members</b>	<b>Government Advisors</b>
City of Salem	Oregon Department of Agriculture
City of Sandy	Oregon Department of Fish and Wildlife
Oregon Association of Clean Water Agencies	Oregon Department of Water Resources
Clackamas River Basin Council	Oregon Health Authority
Clackamas Water Providers	U.S. Environmental Protection Agency
Oregon Onsite Wastewater Association	
Confederated Tribes of Grand Ronde	
Eugene Water and Electric Board	
Lane County	
Marion County	
Willamette Riverkeeper (NEDC)	
Oregon Association of Water Utilities	
Oregon Business and Industry	

# Rulemaking Advisory Committee Meetings

- Three meetings plus permitting basics seminar
- Input on rule concepts and fiscal impact statement



*Photo courtesy of Eugene Water and Electric Board*



# Functional Equivalency

- Proposed rule allows NPDES permit in three basins for:
  - Existing or new domestic sewage facilities
  - Only for functional equivalent discharges
- General support from RAC





# Protecting Water Quality

- “No measurable lowering of water quality”
- Groundwater attenuation and GW protection requirements
- Typical NPDES permit conditions
- Technological improvements



*Photo courtesy of Eugene Water and Electric Board*

# Additional Options Considered

- Direct discharge if needed to protect drinking water or aquatic life
- Mass load increase for existing NPDES permits



*Photo courtesy of Marion County*



# Potential Fiscal Impacts



*Photo courtesy of Marion County*

- Non-functional equivalent options more expensive or infeasible
- Allows development while protecting water quality
- Minor increases to compliance costs due to sampling, fees and modeling

# Streamline Onsite Permits

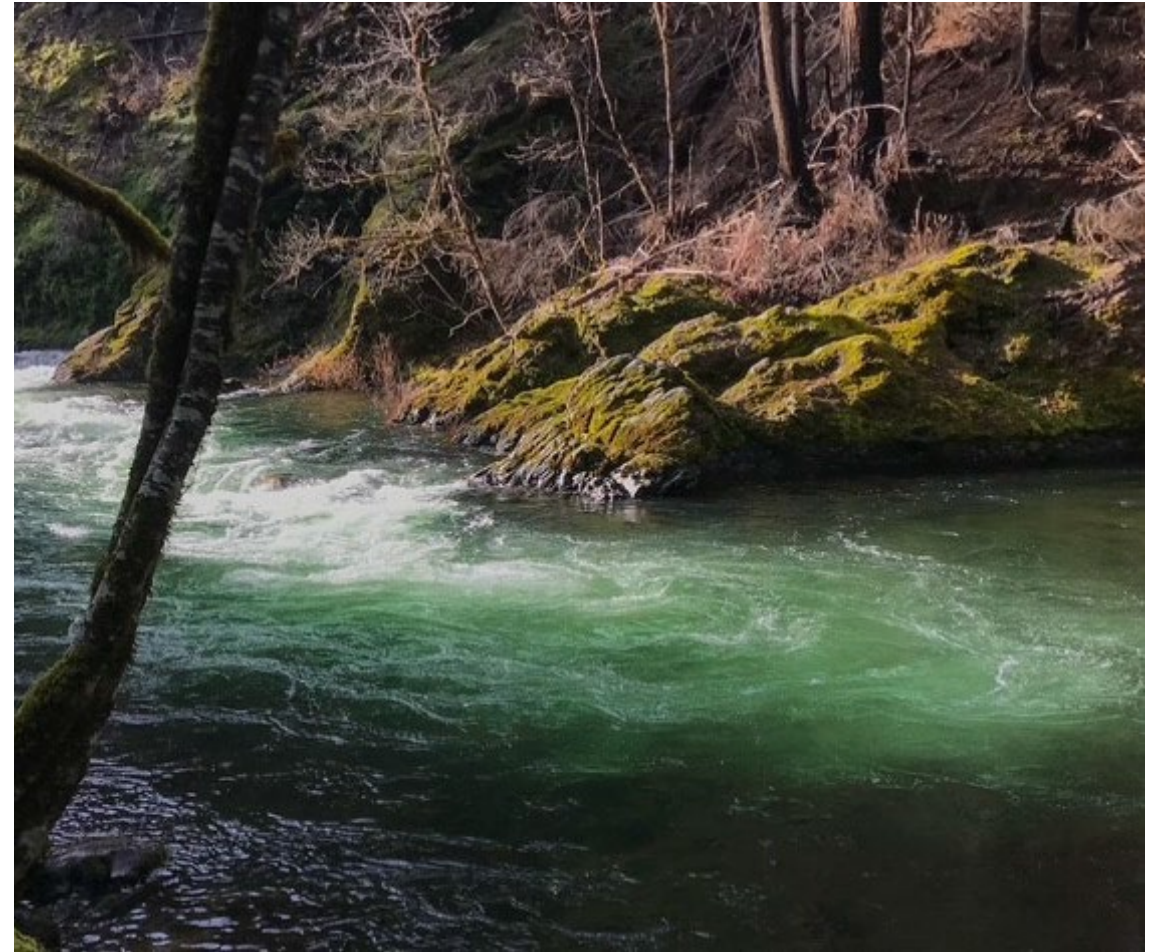


- Streamline the process for issuing permits
- Not requiring EQC action for repairing or replacing existing systems



# Rulemaking Status

- Comment period open until Sept. 21, 2025
- November 2025 EQC action item



*Photo courtesy of Eugene Water and Electric Board*

# Questions and Discussion

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*Photo Courtesy of Eugene Water and Electric Board*

# Title VI and Alternative Formats

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