

Three Basin Rule Update

DEQ Water Quality Program

Dec. 2, 2025, EQC Meeting
Portland, Oregon

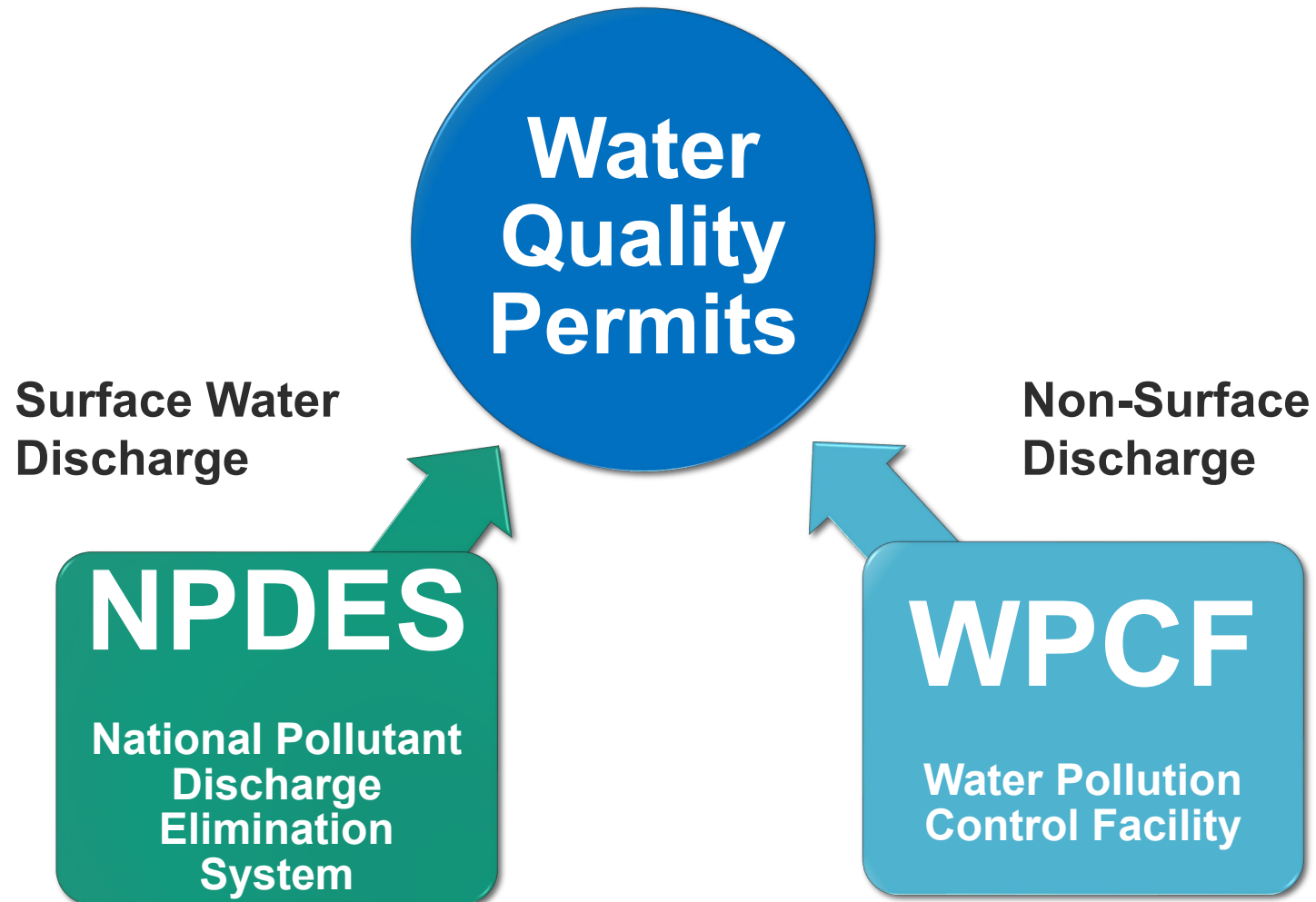
Outline

- Background
- Rulemaking Advisory Committee
- Options Considered
- Proposed Rule
- Public Comments



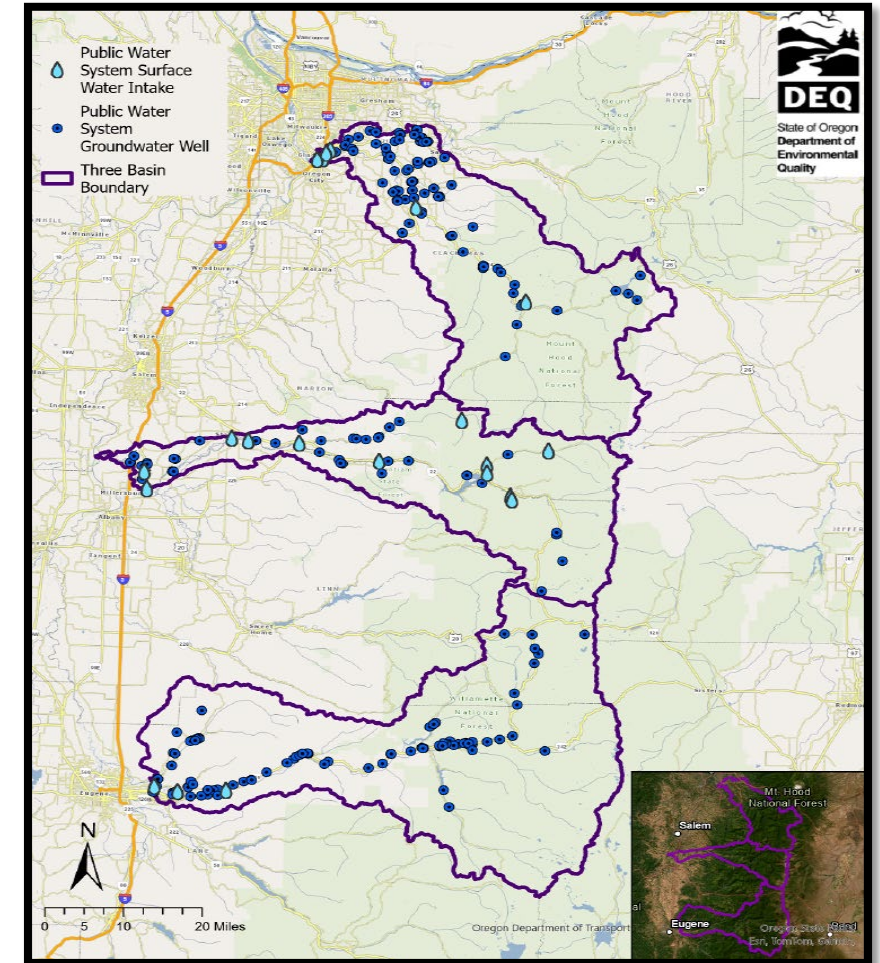
North Santiam River

Types of Wastewater Discharge Permits



Three Basin Rule

- Adopted in 1976; and revised in 1995
- Major Drinking Water Source
- Special protections:
 - Clackamas
 - McKenzie
 - North Santiam
- No new NPDES permits



Drinking Water Intakes in the Three Basins

Functional Equivalent of Surface Water Discharge

- *Maui* Decision
- Functional Equivalent of direct discharge
- Requires NPDES permit

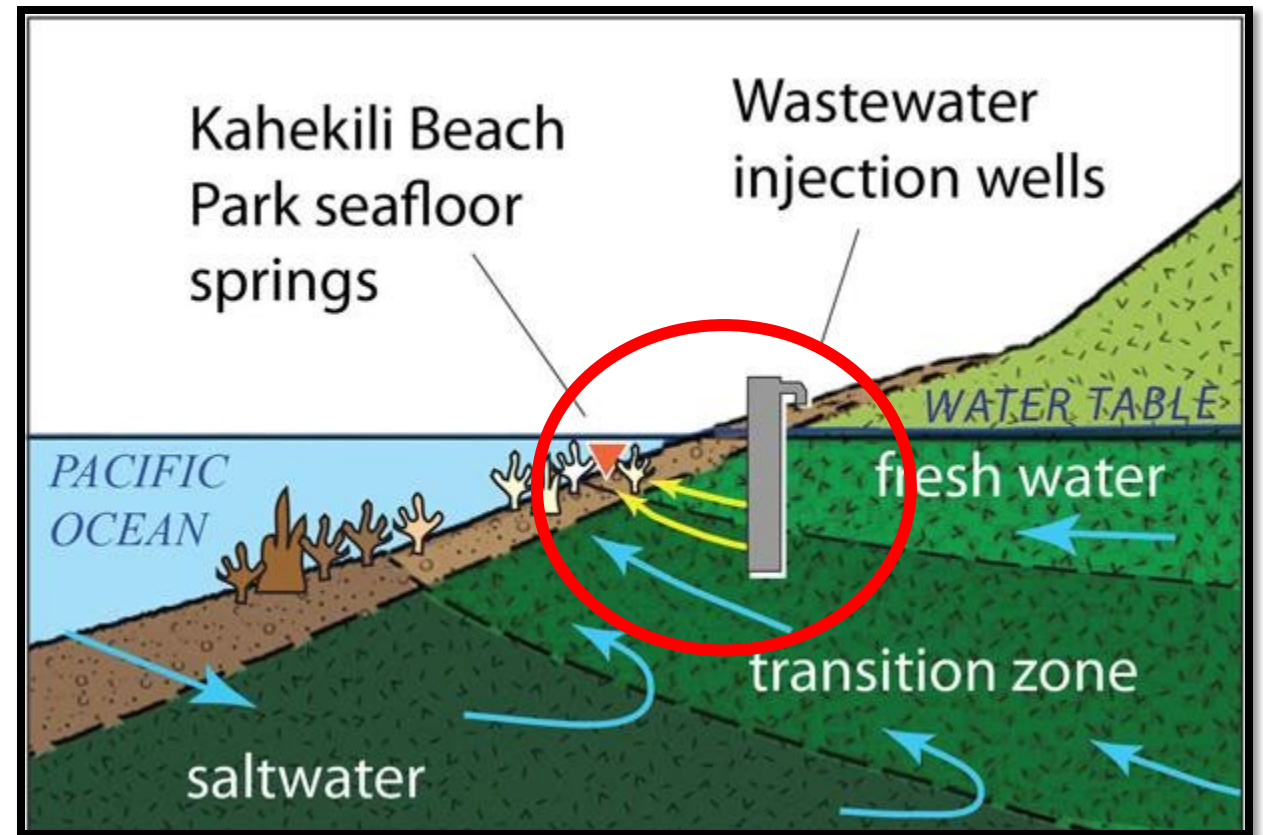
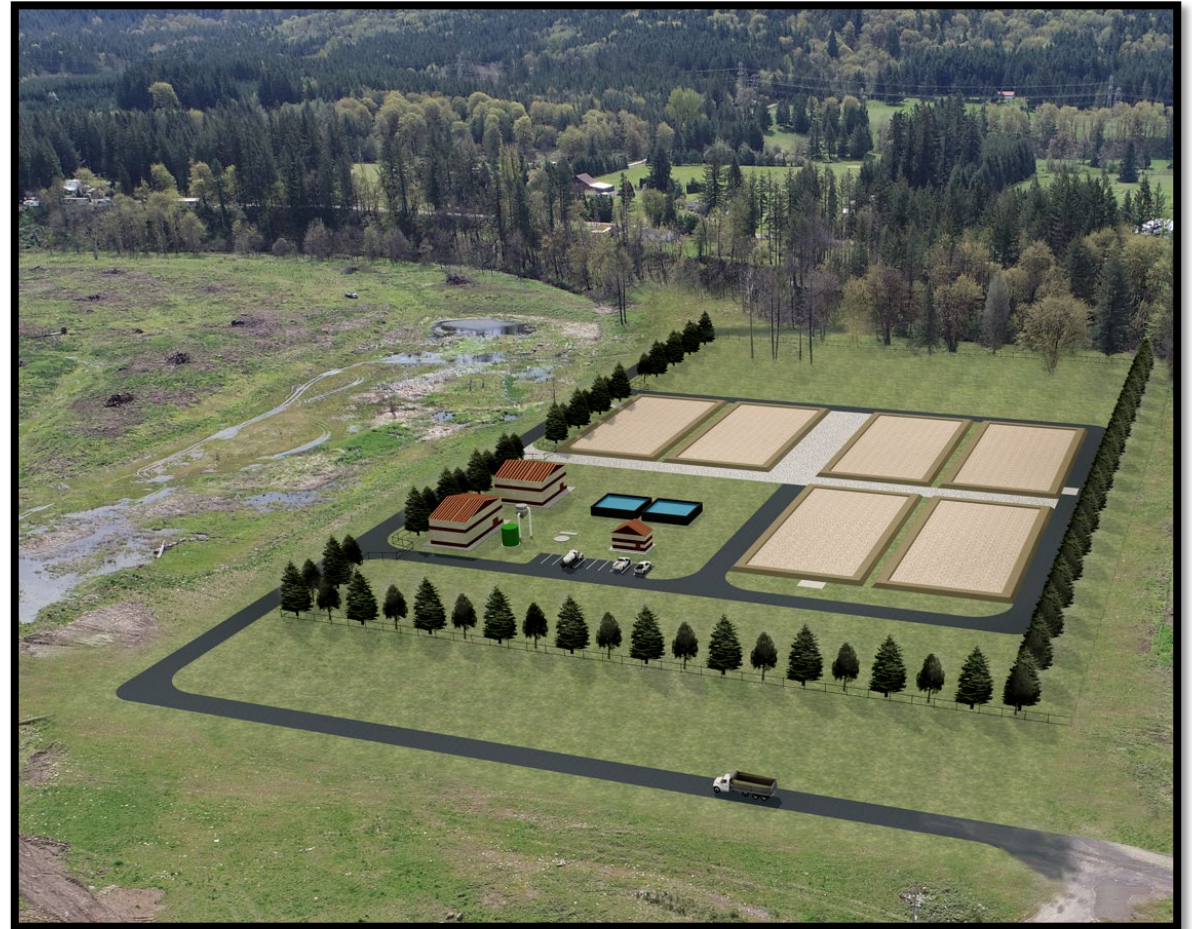


Image: USGS, public domain

Context for Marion County's Petition

- New wastewater treatment facility for Mill City and Gates
- 2020 wildfire impact
- Functional equivalent of a direct discharge to the river



Proposed Treatment System - Source: Marion County

EQC Direction for Rulemaking

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

Rulemaking Advisory Committee

Committee Members	Government Advisors
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

Proposed Rule for Public Comment

- Allows NPDES permit only for:
 - New domestic sewage facilities
 - Functional equivalent discharges
- General support from the Rulemaking Advisory Committee



Additional Options Considered

- Direct discharge to surface water if needed
- Mass load increase for existing NPDES permits



Photo courtesy of Marion County

Protecting Water Quality

- No measurable lowering of water quality
- More stringent than other basins
- Protect groundwater quality
- Protect beneficial uses
- Technology improvement



Photo courtesy of Eugene Water and Electric Board

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 Septic Permits



- No EQC action for repairing/ replacing existing systems that require new WPCF-Onsite permit

Public Engagement and Public Comment

- Public comment period open Aug. 12 through Sept. 21
- Public hearing on Sept. 15.
- DEQ received 16 comments



Comments in support of proposed rule

- Majority of comments support the rule as proposed
- Support no mass load increase and no new direct discharges
- Support revisions related to on-site program

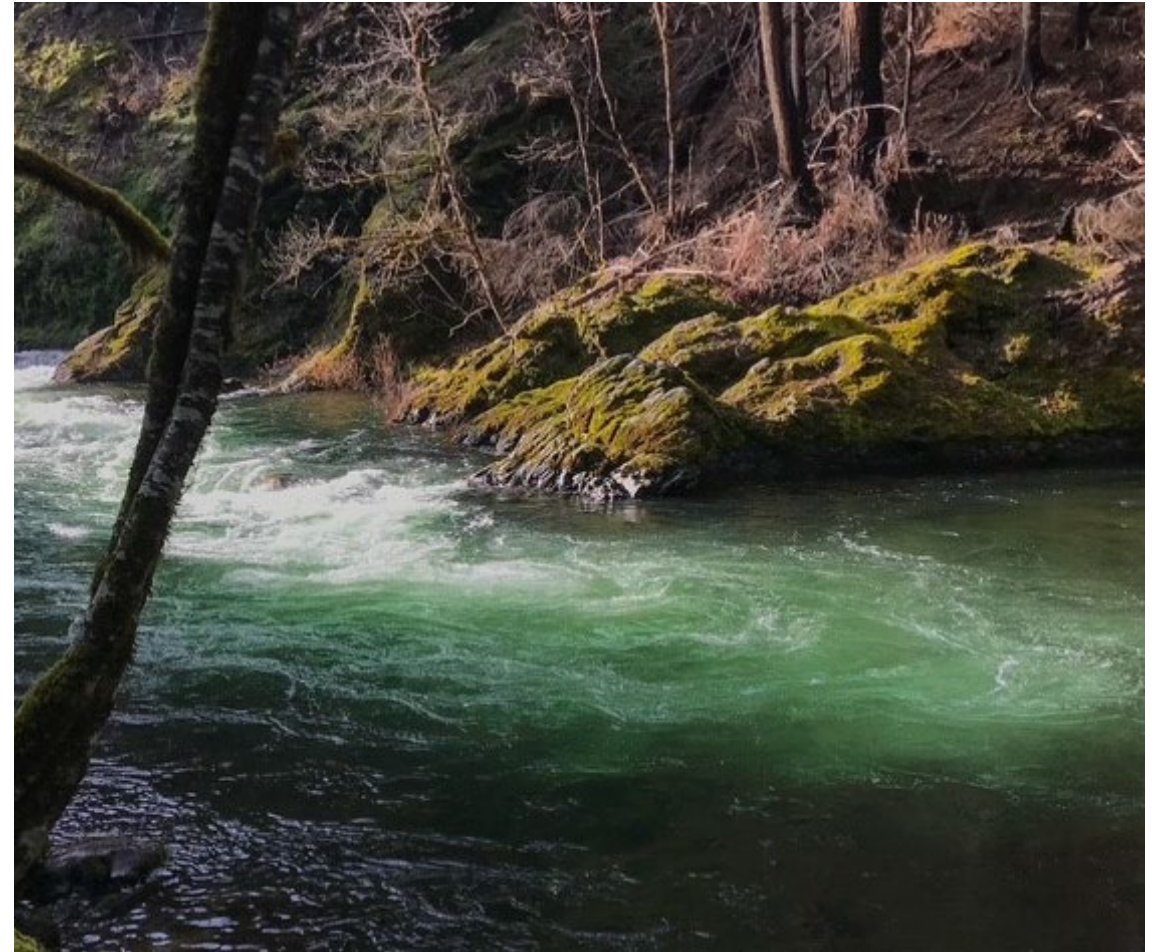


Photo courtesy of Eugene Water and Electric Board

General concerns with proposed rule

- Commenters asserted:
 - Proposed rule should allow existing facilities to obtain increased pollutant load
 - Proposed rule will lessen current protections
 - Current rule is not at odds with *Maui* decision



Photo courtesy of Eugene Water and Electric Board

Specific concerns with proposed rule

- Commenters asserted:
 - Accommodation for social and economic development is loophole
 - Rule should require facility to monitor and control emerging contaminants of concern
 - Proposed rule allows further degradation to impaired waters



Response to Comments

- DEQ appreciates commenters input and active engagement
- Staff carefully evaluated each comment
- DEQ determined the draft rule is reasonable as proposed



Photo courtesy of Marion County

Proposed Motion Language

“I move that the Environmental Quality Commission adopt the proposed rule amendments in Attachment A as part of chapter 340 of the Oregon Administrative Rules.”

Title VI and Alternative Formats

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities.

Visit DEQ's [Civil Rights and Environmental Justice page](#).

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)

Contact: 800-452-4011 | TTY: 711 | deqinfo@deq.state.or.us