



Fact Sheet

Petition to Revise the Three Basin Rule

The Oregon Department of Environmental Quality's Environmental Quality Commission received a rulemaking petition to revise the Three Basin Rule. The Three Basin Rule provides additional protections beyond those usually provided by water quality standards in three watersheds that are major drinking water sources – the Clackamas, the North Santiam and the McKenzie. The Three Basin Rule prohibits new or expanded discharges to these three basins except subsurface discharges with no subsurface connection to surface waters.

Why the petition?

Marion County received federal funding to develop and build a new wastewater treatment plant to serve a number of communities along the North Santiam River. The proposed discharge from the proposed wastewater treatment plant may have a subsurface connection to the river and would require a new permit, which is not currently allowed under the Three Basin Rule.

Marion County's petition proposes changes to this rule that would allow DEQ to issue new permits to new publicly owned treatment plants discharging to groundwater as long as the discharge meets certain requirements.

Next steps on the petition

The first step when the commission receives a petition is DEQ opens a public comment period to allow for comments on the proposed revisions in the petition. DEQ will take these comments into consideration and develop a staff report and recommendation to the commission. Then, the commission will hear the information in a public meeting. At that time, the commission may accept the petition and direct DEQ to undergo rulemaking based on the proposed rules, deny the petition, or deny the petition and direct DEQ to take a different action.

To meet the 90-day timeline, the commission will hear the petition at its meeting currently scheduled for Nov. 21-22, 2024. If the commission directs DEQ to begin rulemaking, DEQ will convene a fiscal advisory committee to develop rules and will provide a second opportunity for public comment.

What does the commission consider?

In reviewing the petition, the commission will consider the following as [described in statute](#):

Translation or other formats

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- Facts and arguments provided by the petitioner showing the reasons for and effects of amendment of the rule;
- Propositions of law asserted by the petitioner;
- Options for achieving the existing rule's substantive goals while reducing the negative economic impact on businesses;
- The continued need for the rule;
- The nature of complaints or comments received concerning the rule from the public;
- The complexity of the rule;
- The extent to which the rule overlaps, duplicates or conflicts with other state rules or federal regulations and, to the extent feasible, with local government regulations;
- The degree to which technology, economic conditions or other factors have changed in the subject area affected by the rule; and
- The statutory citation or legal basis for the rule.

Submitting comments on the petition

You may submit your comments by email to ThreeBasin.Petition2024@deq.oregon.gov or by mail to:

Aron Borok
Oregon Department of Environmental Quality
700 NE Multnomah St., Suite 600
Portland, OR 97232

DEQ is requesting comments on whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses. **Submit your comment no later than 5 p.m. on Oct. 6, 2024.** DEQ will summarize comments in a written report to the EQC. All comments submitted in accordance with this notice become part of the public record.

In accordance with ORS183.390(2) and OAR 137-001-0070(1)(a), DEQ specifically requests public comment on whether options exist to achieve the rules' substantive goals with less negative economic impact on businesses.

Where can I get more information?

View the petition for rulemaking on the [Three Basin Rule Petition web page](#). If you have any questions, contact Aron Borok at aron.borok@deq.oregon.gov or 503-229-5050; or Mary Camarata at mary.camarata@deq.oregon.gov or 541-687-7435.

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