



Fact Sheet

Drinking Water and High Water Quality Rivers – Three Basin Rule Protection

Introduction

The September 2020 fires resulted in unprecedented loss of homes, businesses, and public and private infrastructure in several communities, including in the North Santiam Canyon and McKenzie Valley communities. As rebuilding takes place there are regulations for onsite septic and wastewater treatment systems to protect the drinking water and high-quality water sources of the North Santiam and the McKenzie Rivers. These rivers along with the Clackamas River are protected by the state's Three Basin Rule.

Three Basin Rule

The Environmental Quality Commission adopted the Three Basin Rule to preserve and improve the existing high-quality water for municipal water supplies, recreational uses and aquatic life by prohibiting new or increased wastewater discharges. This rule applies to new wastewater quality permits as well as modification to existing permits that result in an increased discharge of treated wastewater to the North Santiam, McKenzie and Clackamas rivers either directly, such as through a pipe, or indirectly, such as through groundwater to surface water. The Commission is DEQ's policy and rulemaking board. [See [Oregon Administrative Rule 340-041-0350](#) The Three Basin Rule: Clackamas, McKenzie (above RM 15) & the North Santiam.]

Domestic Sewage Treatment Systems

The Three Basin Rule places limits on pollution discharges in the North Santiam, McKenzie and Clackamas basins.

- No new or increased wastewater discharges are allowed that would require a National Pollutant Discharge Elimination System, or a NPDES, permit for direct or indirect discharges to surface water.
- There are exceptions for:
 - Small onsite septic systems.
 - Confined animal feeding operations that do not discharge directly or indirectly to surface water.
 - Land application of biosolid and reclaimed or recycled wastewater.
 - Construction stormwater runoff.
 - Other insignificant discharges to surface water.

DEQ can only consider a Water Pollution Control Facility, or WPCF, permit application for disposal of treated wastewater to the land. Groundwater studies and monitoring may be needed prior to submission of a WPCF application to demonstrate that groundwater is not impacted above regulatory standards by direct or indirect discharge from disposal of treated wastewater.

Onsite Septic Systems

If a home has been destroyed or the onsite system damaged by wildfire then the onsite system needs to be inspected by a DEQ or county-certified provider prior to use. After the ash and debris removal has been completed, and before the building permit for the residence can be issued, the owner will need to submit an **authorization notice** form to have the onsite system inspected to the local DEQ office or county where the property is located. If repairs, replacement or new systems are necessary, installation of new septic tanks and absorption fields, also known as drainfields, will need to be permitted by DEQ or the county.

If engineering plans are needed for repairs, replacement or new systems with flows greater than 600 gallons per day, the plans must be prepared and stamped by a registered professional engineer, registered environmental health specialist or registered wastewater specialist in Oregon. The engineering plans and plan review fee must be submitted for approval to the local DEQ office or county. Also, application material submitted to DEQ will require a land use compatibility statement, or LUCS, from the county or city where the site is located. The LUCS form can be found at <https://www.oregon.gov/deq/FilterDocs/onsitelucs.pdf>.

The Three Basin Rule adds regulatory requirements for onsite septic systems similar to wastewater treatment systems. Small domestic onsite systems with sewage flows less than 5,000 gallons per day are exempt from these additional requirements. Domestic onsite systems with sewage flows of 5,000 gallons per day or greater must comply with the Three Basin Rule.

To approve a WPCF permit for a new or expanded onsite system with sewage flows greater than 5,000 gallons per day, DEQ and the commission must find that:

- There is no discharge to surface water;
- The new treatment system or facility will protect groundwater including a groundwater monitoring plan, treated wastewater concentration limits and plans to restore conditions if groundwater quality is adversely affected; and
- That the new treatment system or facility improves protection relative to the current treatment system. The permitting process can take up to two years and there is no guarantee that the proposed permit will be approved by the commission.

Alternate formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.