



# North Santiam Sewer Authority

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P.O. Box 256  
444 S 1st Ave  
Mill City, OR 97360

## **NSSA Board Meeting #95**

October 7, 2024, at 6:00 pm  
Mill City, City Hall

<https://us06web.zoom.us/j/86874219981>

Meeting ID: 868 7421 9981

- A. Roll Call and Declarations of Conflicts of Interest
- B. Announcements
- C. Public Comment

### **Old Business**

- D. Consent Agenda  
Approval of September 3<sup>rd</sup> Regular Board Meeting Minutes

### **New Business**

- E. Treasurer’s Report (Evans)
- F. Staff Report (Conroy)
- G. County Update (Einmo)
- H. Agency Updates (DEQ, Business Oregon, Regional Solutions Coordinator)

### **Upcoming Events**

Date	Event	Location
10/07/2024	NSSA Regular Board Meeting	Mill City, City Hall and Zoom
11/04/2024	NSSA Regular Board Meeting	Mill City, City Hall and Zoom



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**NSSA Board Meeting #94 Minutes**

September 3, 2024 at 6:00 PM

Mill City, City Hall and Zoom

Meeting called to order at 6:05 p.m.

**A. Roll Call and Declarations of Conflicts of Interest**

**Present:** Tim Kirsch, Chair, Mill City; Janet Zeyen-Hall, Secretary, Mill City; Ron Evans, Treasurer, Gates; Denny Nielsen, Detroit, Communications Chair

**Marion County:** Chris Einmo, Tsigereda Woldegiorgis

**DEQ:** Mary Camarata

**Keller Associates:** Peter Olsen

**COG Staff:** Laura Conroy, Deza'Rae Collins

**Absent:** Tony Morones, Idanha; Emily Scofield, Vice-Chair, Gates

No conflicts of interest were declared.

**B. Announcements:** None

**C. Public Comments:** None

**Old Business:**

**D.** Consent Agenda

**Motion to approve the Consent Agenda** by Nielsen, seconded by Scofield;  
Unanimous Motion passed.

**In favor:** All present. **Opposed:** None. **Abstained:** None.

**New Business:**

**E. Treasurer's Report (Evans)**

The treasurer provided a report outlining the financial transactions for July, with total expenditures amounting to \$3,925.18. It was confirmed that all invoices were paid, and nothing was outstanding.

A formal motion was proposed to approve a \$500 contribution towards airfare for Emily Scofield to attend the sewer symposium.

Motion to **approve a \$500 contribution towards airfare for Emily Scofield to attend the sewer symposium** was made by Evans, seconded by Nielsen.

Motion passed. **In favor:** Evans, Kirsch, Nielsen, and Zeyen-Hall.

**Opposed:** None. **Abstained:** None.

#### **F. Staff Report (Conroy) (see packet)**

In collaboration with DEQ, Marion County submitted a petition updating the Three-Basin rule on August 8. This process included the development of supporting materials such as a call to action and a legislative funding flyer. The materials can be found on the NSSA website, under the newly added section titled 'Three-Basin Rule', where you will find petition updates, FAQ's, call to action, etc. DEQ is also working on the opportunity to provide public comment, which will be added to the website when available. Additional public comment opportunities may arise after the EQC's final decision.

The board agreed to update the Google drive storage to 100 GB. The option to have a backup external hard drive is still being explored by the board.

A formal motion was proposed to approve the Three-Basin rule petition which is included in the board meeting packet.

Motion to **adopt a resolution in support of the three basin rule petition** was made by Evans, seconded by Scofield.

Motion passed. **In favor:** Evans, Kirsch, Nielsen, and Zeyen-Hall.

**Opposed:** None. **Abstained:** None.

#### **G. County Update (Einmo)**

No county update. Chris Einmo introduced Peter Olsen to update the board on the Gates sewer collection design and provided examples of the construction design layout. Specifically, the number of properties that utilize grinder pumps. South of the river used to have grinder pumps, now they do not, which is where the pump station is proposed to be located. Design maps outline the proposed collection site, location of previous grinder pumps, current grinder pump locations, main lines and county/city limits. Building cost estimates will be provided to the board throughout the process.

#### **H. Agency Updates (DEQ, Business Oregon, Regional Solutions):**

**DEQ:** Public comment opportunity is in process and being reviewed by internal staff. Mary will provide the public comment link when available. After the public comment period has closed, DEQ will review feedback, the petition then make a

decision.

**Business Oregon:** No updates.

**Regional Solutions:** No updates.

**Meeting Adjourned: 7:02p.m.**



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**NSSA TREASURY**

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# **NSSA TREASURY REPORT**

## **FOR**

## **SEPTEMBER 2024**

PREPARED BY:

Ronald V. Evans

NSSA Treasurer

[CityofGateswater@gmail.com](mailto:CityofGateswater@gmail.com)

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# NSSA TREASURY

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## NSSA TREASURY

### NSSA GENERAL LEDGER, FISCAL 24- 25

Date	Starting Balance	Deposits	Invoices Paid	Check #	Invoice #	Category	US Bank Balance	COMMENTS
June 30, 2024							\$52,550.29	June 30 ending balance
July 12, 2024	\$52,550.29		\$1,217.54	1045	PO-NSSA-12024-00		\$51,332.75	CIS 24 - 25 POLICY
July 12, 2024	\$51,332.75		\$2,182.38	1046	3344B		\$49,150.37	MWVCOG June billable
July 14, 2024	\$49,150.37		\$17.95				\$49,132.42	Single Point service
August 14, 2024	\$49,132.42		\$17.95				\$49,114.47	Single Point service
August 30, 2024	\$49,114.47		\$3,925.18	1047	3425		\$45,189.29	MWVCOG July billable
September 9, 2024	\$45,189.29	581.77					\$45,771.06	DEPOSIT FROM THE DITY OF GATES
September 9, 2024	\$45,771.06		\$1,081.77	1049			\$44,689.29	Emily Scofield, Airfare
September 12, 2024	\$44,689.29		\$3,801.14	1050	3472		\$40,888.15	MWVCOG Aug. billable
September 9, 2024	\$40,888.15		\$150.00	1048			\$40,738.15	Report in Lieu of Audit
September 15, 2024	\$40,738.15		\$17.95				\$40,720.20	Single Point service

### INVOICES RECEIVED IN SEPTEMBER

Invoice # 3472	MWVCOG	\$ 3,801.14	AUGUST BILLING
	Emily Schofield	\$ 1,081.77	Business expenses
	State of Oregon	\$ 150.00	Report in Lieu of audit
	Single point	\$ 17.95	services



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**Date:** October 4, 2024

**To:** NSSA Board

**From:** Laura Conroy, Project Manager and Budget Officer

**Subject:** September Staff Report

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## Introduction

This memo provides an overview of staff activities for September in support of the NSSA. Staff continued to prioritize efforts to update the three-basin rule with Marion County and other interested parties and advocate for funding for the completion of the Detroit/Idanha facility.

## Communications

COG staff is continuing coordinate communications with Marion County to inform interested parties about the need for a three-basin rule update. Most recently COG assisted in outreach to interested parties with government affairs staff from the county, COG, Grande Ronde tribe, and COG. Additionally COG hosted a presentation by the County and NSSA to the COG legislative committee to request support from COG's membership.

## Regulatory /Legislative Pathway Meetings

COG staff continue to coordinate with County staff, DEQ and interested parties in support of a petition to update the Three Basin Rule in response to the Supreme Court's *Maui* decision and draft EPA guidance to ensure the treatment facilities being designed and constructed can be permitted to operate.

COG continues to support staff level meetings between the County and downstream parties to discuss the need for a three basin update. The joint efforts of COG and County staff have resulted in letters of support for the petition from multiple interested parties including the Confederated Tribes of Grande Ronde, the City of Keizer, Representative Chavez-DeRemer, SEDCOR, COG, City of Salem, and others. COG has received copies of the letters of support from those named.



DEQ has stated that it will not publish or share letters of support it receives unless it is requested to do so pursuant to a public records request.

COG staff also worked with NSSA's legal counsel from Cable Huston to craft and submit comment (attached).

Simultaneously, conversations have restarted about a bill for the 2025 session that would create statutory authority for the development and permitting of domestic sewage treatment facilities in the three basins in the event an administrative rule change process is unsuccessful. A flyer which includes the funding request and statute change to allow a CWA permit for domestic municipal sewage facilities is in the packet.

### **Construction Funding**

COG staff continued to meet with county staff, business Oregon and the regional solutions team coordinator regarding other funding sources.

### **Detroit Commercial Septic Grants**

COG staff attended a meeting hosted by Regional Solutions Coordinator Beth Wytoski and attended by representatives from the City of Detroit and Marion County. Information about the permits needed for commercial septic systems was clarified. An action plan to work with property owners was established with emphasis on the importance of city leaders to assist property owners in moving forward with decision making to inform design of systems and permitting. A recording of the session is available from the City of Detroit.

### **Residential Septic Grants**

The deadline for applying for residential septic grants has been extended to November 1. All funds must be obligated by December 15, 2024.

# Protect Water. Build Communities. Support Sewer, Not Septic.



## Current Challenges

**Regulatory Prohibitions:** Currently, DEQ prohibits Clean Water Act discharge permits for municipal sewage treatment facilities in three Oregon river basins. DEQ issues these permits to other communities in the state.

**Funding Limitations:** The tourist influx in Detroit demands a robust sewer treatment system, costing approximately \$80 million. Given the small local population, securing sufficient funding through typical state loans or grants is challenging, necessitating legislative appropriation.

## Proposed Solutions

**Permit Issuance:** We need the Oregon legislature to pass a law directing DEQ to issue Clean Water Act permits for modern wastewater treatment facilities in the Three Basins. This will enable communities to upgrade from outdated septic systems.

**Funding Allocation:** We need the Oregon legislature to allocate funds to construct a municipal sewer system for Detroit and Idanha. With master planning and site investigations completed, \$80 million is needed to finalize the design and construction of the facility.

## **What is the North Santiam Canyon Wastewater Project?**

The North Santiam Canyon Wastewater Project is a plan to improve how wastewater is handled in the Gates, Mill City, Idanha, and Detroit communities. Instead of using septic systems, these communities will switch to a modern sewer system. This project is important for helping these communities recover and grow after the 2020 wildfires, and it also helps protect the environment and support the local economy.

## **How will the project impact water quality and aquatic species?**

The new wastewater treatment plant in Mill City will use advanced methods to clean the water before it goes back into the environment. It will use a multi-step system, including rapid infiltration basins and natural filtration through the ground before reaching the river. These steps will ensure high water quality and help protect local aquatic life.

## **Who is involved in rebuilding efforts for the North Santiam Canyon?**

Many local agencies are helping, including the four cities (Gates, Mill City, Idanha, and Detroit), the North Santiam Sewer Authority (NSSA) board, DEQ, Linn County, Marion County, Santiam Hospital, and downstream communities that use water from the North Santiam River.

## **What changes in federal law are affecting this project?**

Recent court cases are changing the rules and permitting processes for some types of wastewater treatment. In Oregon, the "Three Basin Rule" controls how treated wastewater can be released into groundwater and surface water in the North Santiam, McKenzie, and Clackamas River basins. These legal decisions mean the Three Basin Rule will need updates to allow projects like the North Santiam project to move forward.

## **What is the Three Basin Rule, and why does it prohibit Clean Water Act permits in these basins?**

The Three Basin Rule is a law that regulates water quality in the Clackamas, McKenzie, and North Santiam Rivers. It does this by not allowing new permits. Places like city wastewater treatment plants, factories, and stormwater systems need permits to release water. The main goal of these permits is to keep the water safe and clean, protecting the environment and our health.

## **What steps are being taken to address these changes in regulations?**

Marion County has petitioned the DEQ to update the Three Basin Rule. These proposed changes will allow local wastewater treatment plants, like the one planned in Mill City, to discharge treated water with a federal permit. We also need the Oregon Legislature to pass legislation to allow the permits and allocate funding.



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October 4, 2024

*Via Electronic Delivery*  
*ThreeBasin.Petition2024@deq.oregon.gov*

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

RE: Petition to Amend OAR 340-041-0350 (Three Basin Rule)

Dear Mr. Borok:

The North Santiam Sewer Authority (NSSA) appreciates the opportunity to submit comments on Marion County's petition to amend the Three Basin Rule (OAR 340-041-0350) (Petition). As explained below, the Department of Environmental Quality (DEQ) should adopt the proposed amendments on an emergency basis pursuant to ORS 183.335(5) so that NSSA can move forward on the design and construction of new sewer infrastructure before the deadline to utilize the \$50 million in State funding allocated to these project runs out on December 31, 2026.

The Three Basin Rule should be amended pursuant to the Oregon Administrative Procedures Act because the current rule has a negative economic impact on the communities in the North Santiam Canyon, and because the intent of the current rule conflicts with federal law. *See* OAR 137-001-0070(2)(a) and (d). Thus, NSSA strongly supports the Petition because amendments to the current Three Basin Rule are essential to ensuring that State and local communities can continue to maintain the water quality of the North Santiam, Clackamas, and McKenzie rivers while allowing for local communities in these areas to grow and thrive, and specifically for the communities in the North Santiam Canyon to continue their recovery from devastating wildfire damage in 2020.



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Due to the United States Supreme Court's decision in *County of Maui v. Hawaii Wildlife Fund*, 140 S. Ct. 1462 (2020) (*Maui*), and subsequent guidance document issued by the United States Environmental Protection Agency (USEPA) and the Oregon Department of Environmental Quality (DEQ), the current provisions of the Three Basin Rule represent a barrier to the permitting of new and existing water treatment plants in the areas subject to the rule. Indeed, we face the grave possibility that the combined effect of *Maui* and the current Three Basin Rule will prevent the construction of *any* new community water collection systems in the North Santiam Canyon, where such facilities should be required instead of relying on widespread use of septic systems. The proposed changes to the rule will allow DEQ to regulate effluent from local sewer systems through federal permitting requirements in accordance with the *Maui* decision, and these federal requirements will allow DEQ to regulate water quality to a higher standard in comparison to the current rules.

The changes to the rule are important to local communities in the North Santiam Canyon that need to manage and treat wastewater in these areas, and in turn, to allow these communities to continue to grow and thrive, contributing to their economic vitality and environmental health. This is particularly critical for communities in the North Santiam Canyon who are in the process of rebuilding after suffering the devastation brought by the Beachie Creek and Lionshead wildfires in 2020 which destroyed large portions of the cities of Mill City, Gates, Detroit, and Idanha.

Recognizing the need to rebuild these communities, the State Legislature provided a historic, once in a generation investment of \$50 million in American Rescue Plan Act funding for construction of a new sewer system to support the communities to recover that must be constructed by December 31, 2026. This investment will be squandered unless the agency aligns its rules with federal law because the risk to construct a facility that is questionably permissible is too high to move forward without more regulatory certainty.

For these reasons, and those set forth in greater detail, NSSA urges DEQ to adopt the proposed amendments to the Three Basin Rule.

### **1. The NSSA and the Need For Community Wastewater Projects in the North Santiam Canyon**



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Over the last twenty-five years, the communities located in the North Santiam Canyon – Mill City, Gates, Detroit and Idanha – have experienced economic distress caused by a sharp decline in economic activity in the region. A reduction of employment in the timber industry has had a profound impact on the ability of local governments in the region to provide essential services to their citizens, most notably, reliable community wastewater systems that can handle the existing population and have capacity to sustain economic recovery and growth in the area. The lack of community facilities and ability to maintain public infrastructure prevents prospective businesses from locating in the region, and it is forcing residents to move toward larger population centers or commute farther to work.

NSSA was formed in May 2020 as an independent intergovernmental entity under Oregon law, comprised of representatives of the North Santiam Canyon cities of Mill City, Gates, Detroit, and Idanha. The North Santiam Canyon cities have shared interests in the vitality of the region and health of the North Santiam River watershed, and therefore formed the NSSA to address the collective need for a Canyon wastewater solution.

Three of these communities (Detroit, Gates and Idanha) currently rely on individual septic systems, while Mill City maintains a Septic Tank Effluent Pumping (STEP) sewer system. The individual systems used in Detroit, Gates and Idanha are frequently located on small lots that are not large enough to handle a typical sewer system. Worse, many of these systems are beyond their expected functional life (25 years), and, according to one DEQ study, at least a third of the septic systems in the region are in failure.

The Beachie Creek and Lionshead fires in 2020 heavily impacted the communities in the region. The wildfires caused substantial structural destruction and water infrastructure damage in the North Santiam Canyon. At last count, 720 structures were destroyed throughout Marion County and the fire spread into Linn County destroying 193 structures. The wildfires and the mass destruction created additional pressure to obtain permits for septic repairs or new septic systems for recovering business owners and residents. The permitting challenge and costs to repair or replace septic systems will likely stall the recovery process for many in the region.



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Although Mill City operates an existing community sanitary sewer system, the collection and treatment systems were mostly built over 30 years ago (1992). While some components of the treatment system were replaced in 2009, Mill City has identified numerous urgent and immediate needs to maintain the system and anticipates significant investments necessary to increase capacity in its systems to handle projected growth in the region.

Under these conditions, the North Santiam Watershed is at risk of widespread toxic septic system failures, and the four Canyon communities are limited in their capacity for business, housing, and industry development. The 2020 Labor Day wildfires, which severely impacted the economy and infrastructure of much of the Canyon, increased the urgency for a wastewater solution.

Accordingly, NSSA is currently pursuing two wastewater projects to address water quality needs and promote long-term economic growth in the Canyon, including a joint sewer system between Mill City and Gates (Mill City Expansion Project). NSSA is partnering with Marion County, Mill City, and the City of Gates for the design and construction of a community sewer system, which would route the wastewater to the new treatment facility in Mill City. Wastewater flows from the two communities would meet at a new mechanical treatment plant, replacing the current wastewater treatment facility located in Mill City. Treated effluent at the proposed mechanical treatment plant will be disposed of via a new rapid infiltration basin.

NSSA is also working towards developing new wastewater solutions for the communities of Detroit and Idanha. NSSA envisions the design and construction of a system that would collect wastewater flows in Detroit and convey them to Idanha via a regional lift station and force main. Wastewater flows collected from Idanha would combine with the flows from Detroit at an advanced mechanical wastewater treatment plant, and treat effluent at an off-site property. The future installation of this publicly-maintained sewer system will greatly reduce the risk of contamination by septic system failures to the North Santiam River. This capital improvement will promote the long-term health of the watershed and protect water quality for downstream users.



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### 2. *Maui* and the Three Basin Rule Currently Prevent the Permitting on New or Expanded Wastewater Facilities in the Basins

According to the current terms of the Three Basin Rule, DEQ cannot permit any new or increased wastewater discharge that would require a National Pollutant Discharge Elimination System (NPDES) permit for direct or indirect discharges to surface water in the Clackamas, McKenzie and the North Santiam River basins. *See* OAR 340-041-0350(8)(a). Under existing Oregon law, wastewater treatment plants, such as the existing Mill City treatment plant, may discharge wastewater to groundwater pursuant to a Water Pollution Control Facility (WPCF) permit issued by the Oregon Department of Environmental Quality (ODEQ). Indeed, infiltration of wastewater via rapid infiltration basins is likely the only feasible method of wastewater in the North Santiam Canyon because of the Three Basin Rule’s prohibition on new or increased discharges of wastewater to the waters of the North Santiam Subbasin. *See* OAR 340-041-0350(1)(c).

In *County of Maui v. Hawaii Wildlife Fund*, 140 S. Ct. 1462 (2020) (*Maui*), the U.S. Supreme Court held that discharges of wastewater that originate at a “point source” and eventually discharge to a water of the United States through groundwater require a NPDES permit if the discharge, at the time it reaches surface water, is the “functional equivalent” of a direct discharge to surface water. The Supreme Court noted several factors that are relevant in determining whether a discharge of pollutants through groundwater is a “functional equivalent” of a direct discharge from the point source into navigable waters, and stated that time and distance are the most important factors in most cases. *See Maui* at 1476-77.

Prior to the *Maui* decision, most states, including Oregon, did not require a NPDES Permit for most discharges of wastewater to groundwater, even if those discharges eventually migrated through groundwater to surface waters. Rather, and as noted above, DEQ regulated the injection of wastewater into groundwater via the WPCF program, which included provisions and requirements that served to protect water quality. Indeed, the Three Basin Rule allowed for the permitting of wastewater facilities under the WPCF program provided that “there will be no measurable change in the water quality of the surface water that would be potentially affected by the proposed facility.” OAR 340-041-0350(8)(c)(A).





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After *Maui*, DEQ can no longer issue WPCF permits for discharges to groundwater without determining if those discharges migrate and discharge to surface waters, and, if so, determining that those discharges are not the “functional equivalent” of a discharge from a point source. If it concludes that the discharge is the “functional equivalent”, then it must regulate the discharge through the NPDES program.

Because of the Three Basin Rule’s prohibition on new NPDES permits in the North Santiam Subbasin, the Supreme Court’s decision in *Maui* has created a predicament that will prevent the permitting of NSSA’s Mill City Expansion Project and other projects that were considered in compliance with the Three Basins Rule when it was first adopted. That is, DEQ will likely conclude that the wastewater that will be discharged from the new treatment plant to a rapid infiltration basin (pursuant to a WPCF permit) that ultimately discharges to the North Santiam River is the “functional equivalent” of a point source discharge of a pollutant to the river (see below). As such, NSSA would then be required pursuant to *Maui* to obtain a NPDES permit that DEQ is prohibited from issuing under the Three Basin Rule. *See* OAR 137-001-0070(2)(d) (agencies should consider “the extent to which the existing rule overlaps, duplicates, or conflicts with other state or federal rules and with local government regulations” when reviewing petitions to amend a current rule). Thus, it is crucial that DEQ narrowly amend the Three Basin Rule to allow NPDES permits for rapid infiltration basins where there are protections in place that will adequately treat wastewater and not cause impairments to water quality.

The proposed Mill City Expansion Project is designed so that wastewater from the new treatment plant would be injected into groundwater in a manner that is nearly identical to those deemed by the Supreme Court in *Maui* as the “functional equivalent” of a discharge to a water of the United States requiring a NPDES permit. This is particularly true with respect to the time and distance parameters, which were identified by the Supreme Court as the most relevant factors in a “functional equivalent” analysis.

In *Maui*, the County of Maui injected wastewater into rapid infiltration wells. The effluent then traveled approximately about a half mile, through groundwater, and discharged to the Pacific Ocean. A study conducted by the Hawaii Department of Health determined that 64% of the wastewater injected into the wells made its way through the subsurface and discharged into the



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ocean, and that 50% of that amount entered the ocean within 300 days from discharge to the wells.

Given engineering, topography and land use restraints, it is likely impossible for NSSA to identify and procure land that is suitable for rapid infiltration given the combined restraints of *Maui* and the current Three Basin Rule. To date, the sites identified by NSSA for disposal that are technically feasible from an engineering standpoint are located approximately one quarter of a mile from surface waters. Given that the facility in *Maui* was only a half mile from the Pacific Ocean, these sites are too close to surface water, and discharges of wastewater from groundwater to surface water would almost definitely be determined a “functional equivalent” because of the “time and distance” factors stressed by the Supreme Court.

For these reasons, NSSA cannot move forward on these critical infrastructure projects unless DEQ adopts the Petition to amend the Three Basin Rule.

### **3. The Proposed Amendments Will *Improve* Water Quality in the North Santiam Basin**

As noted above, the North Santiam Canyon’s current wastewater infrastructure is insufficient to protect the water resources of the North Santiam Watershed from widespread septic system failures. The water from this watershed serves more than 225,000 residents daily, many of which are down stream and outside the watershed such as the City of Salem. Despite the intent of the Three Basin Rule to protect watersheds and downstream water supplies, the outdated, inadequate and failing wastewater treatment systems currently employed in the North Santiam Basin are more likely to contribute to the degradation of these ecosystems than a permitted wastewater collection and treatment system.

NSSA’s proposed infrastructure products are therefore consistent with the intent of the Three Basin Rule: by improving the region’s wastewater collection and treatment systems, water quality will improve compared to the current baseline. Sewage collected in Mill City will receive more enhanced treatment than it currently receives at the new treatment facility, and sewage from Gates will be treated at a treatment facility for the first time. Similarly, eventually moving



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the communities of Detroit and Idanha off of their current septic systems and putting them into a collected and treated system will result in drastic improvements in water quality in that region.

Moreover, the proposed amendments to the Three Basin Rule include several new provisions that will act as safeguards to protect surface waters from discharges from groundwater. Proposed Sections 7(a) through 7(g) of the revised Three Basin Rule will ensure that (amongst other requirements):

- best practices are maintained at new treatment facilities (Section 7(b));
- new treatment facilities treat the wastewater discharge to equivalent to secondary treatment standards or higher (Section 7(c));
- new groundwater discharges “preserve or improve the existing high-quality water for municipal water supplies, recreation, and preservation of aquatic life in the” three basins (Section 7((e)); and
- groundwater discharges are located a sufficient distance from the Clackamas River, the upper McKenzie River and the North Santiam River to provide reasonable additional protection *above and beyond that required by the NPDES Permit* (Section 7(g)).

Accordingly, the proposed revisions to the Three Basin Rule will not result in any impairments to the protected watersheds through the permitting of new or expanded wastewater treatment facilities. Rather, these amendments will further the original goal of the Three Basin Rule by enhancing water quality – while also allowing for the revitalization of the North Santiam Canyon.

### Conclusion

As set forth above, NSSA firmly believes that the proposed amendments to the crucial to the rebuilding and future growth of the communities of the North Santiam Canyon. Currently, the combined effect of *Maui* and the Three Basin Rule’s prohibition on the issuance of NPDES permits in the North Santiam Basin creates a complete barrier to expanding and improving wastewater collection in the Canyon. Without these improvements, the NSSA communities may continue to decline in population and prosperity, and water quality will continue to be harmed by failing and inadequate infrastructure in the communities. For these reasons, the NSSA strongly urges DEQ to grant Marion County’s Petition and amend the Three Basin Rule on an emergency



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basis pursuant to ORS 183.335(5) so that NSSA can move forward on critical infrastructure projects before the State funding for these projects evaporates.

Thank you for your consideration of these comments.

Tim Kirsch  
Chair, North Santiam Sewer Authority