



Oregon
Kate Brown, Governor

Water Resources Department

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MEMORANDUM

TO: Water Resources Commission

FROM: Dwight French, Water Rights Services Administrator

SUBJECT: Agenda Item I, September 7, 2018
Water Resources Commission Meeting

Water Management and Conservation Plan Rulemaking Update

I. Introduction

During this agenda item, staff will brief the Commission on proposed rule amendments to OAR Chapter 690, Division 86 that are intended to accommodate the needs of smaller municipal water suppliers in the development of Water Management and Conservation Plans. This report is for informational purposes. Staff anticipate bringing proposed rules for the Commission to consider at its November 2018 meeting.

II. Background

OAR Chapter 690, Division 86 was adopted by the Commission in 1994 and subsequently revised in 2002. The Water Management and Conservation Plan (WMCP) program, as implemented through OAR Chapter 690, Division 86, has played an important role throughout the state to ensure responsible and efficient water management and planning. These rules, which apply to municipal water suppliers and certain agricultural water suppliers, have had little change since they were first developed.

Municipal water suppliers are encouraged to prepare a water management and conservation plan, but are not required to do so unless a plan is prescribed by a condition of a water right permit, permit extension, or other order or rule of the Commission. Since the rules were first adopted in 1994, the Department has received 298 WMCPs from 188 municipal water suppliers. In recent years, the Department has received feedback from numerous stakeholders that smaller municipal water suppliers often face financial and staffing hurdles during the development of a WMCP. The current rulemaking process is focused on creating a more feasible path for small municipal water suppliers to develop WMCPs.

III. Rulemaking Purpose and Process

OAR 690-086-0100 to 690-086-170 and 690-086-0900 to 690-086-0920 establish the guidelines and requirements for the preparation, submission, review, and approval of WMCPs for municipal water suppliers. For municipal water suppliers that serve a population of less than 1,000 people or have fewer than 300 service connections, these requirements may pose significant financial or staffing burdens, and may not be applicable or relevant. Additionally, the uniform requirements of the current rule may deter some small municipalities from preparing and submitting a WMCP, forgoing the benefits of developing certain aspects of the plan that may be advantageous to the supplier (i.e., water curtailment and/or water conservation plans).

The proposed amendments to the rule will allow small municipal water suppliers meeting certain requirements to submit a WMCP that requires a level of detail and analysis the Department has deemed appropriate for a small municipality. The information required will continue to ensure that water is being used responsibly, that emergency plans are in place, and that water rights and diversion amounts are fully understood by the supplier.

Miscellaneous sections of OAR 690-086-0100 to 690-086-170 and 690-086-0900 to 690-086-0920 are also proposed to be updated to more closely align with industry standards and to streamline certain processes.

The Department has established a Rules Advisory Committee to advise the Department on rule development. The RAC has met four times. The Department anticipates opening the public comment period on September 1, 2018, and plans to have a public hearing in Salem near the end of the month of September.

IV. Conclusion

The Department anticipates that the Commission will consider adoption of these amended rules during the Commission meeting in November 2018.

Attachments:

1. Division 86 Rules Advisory Committee Participants

Dwight French

503-986-0819

Participants in Water Management and Conservation Plan Rules Advisory Committee

Tracy Rutten	League of Oregon Cities
Jason Green	Oregon Association of Water Utilities
Lisa Brown	WaterWatch of Oregon
Jay MacPherson	OHA – Drinking Water Program
Kristel Griffith	City of Hillsboro / JWC
Adam Sussman	GSI Water Solutions, Inc.
Bill Ferber	KB Water Rights Consulting
Micah Olson	Small Utility Representative
Mark Landauer	Special Districts Association

