



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

MEMORANDUM

TO: Water Resources Commission
FROM: Dwight French, Water Rights Services Administrator
SUBJECT: Agenda Item J, September 7, 2018
Water Resources Commission Meeting

Municipal Reclaimed Water Rulemaking Update

I. Introduction

During this agenda item, Commission members will be briefed on rulemaking underway to develop proposed new rules under Chapter 690, Division 87 – Municipal Reclaimed Water.

II. Background

ORS 537.131 and ORS 537.132 allow for the use of Municipal Reclaimed Water without a water right under certain circumstances, provided that the use is registered with the Department. More specifically, reclaimed water is water for municipal purposes that has been used and subsequently treated, and that as a result of such treatment, is suitable for another beneficial use without a water right permit, provided certain conditions are met. In addition, ORS 540.610(2)(h) provides protection from forfeiture for nonuse during the period of time when the water right holder uses reclaimed water pursuant to a registration in lieu of using water under an existing water right.

The Department, in partnership with Oregon Department of Environmental Quality (ODEQ) and Oregon Department of Fish and Wildlife (ODFW) has been working under the statutory framework to administer the Municipal Reclaimed Water program. To date, the Department has processed approximately one hundred registrations to use Reclaimed Water; however, the Department does not currently have rules related to the administration of this program.

III. Rulemaking Purpose and Process

ORS 537.132(6) requires the Water Resources Commission to adopt rules to implement the notice and preference provisions and impairment evaluations detailed in ORS 537.132. During the spring of 2017, the Department initiated a rulemaking process to adopt rules to clarify how

the Department will administer this program and to fulfill the statutory obligation to adopt rules as outlined above.

The Department established a Rules Advisory Committee (RAC) including representatives from ODEQ, Reclaimed Water Suppliers and users, as well as other interested stakeholders. A list of RAC members is included in Attachment 1. The RAC has met twice to provide input on the rules. Department staff anticipate that the public comment period will open in September or October of 2018.

Staff will brief the Commission on the process and policy issues associated with this rulemaking at the September meeting.

IV. Conclusion

The Department anticipates that the Commission will consider adoption of the proposed rules at the November 2018 or early 2019 Commission meeting.

Attachments:

1. Division 87 Rules Advisory Committee Participants

Dwight French
503-986-0819

Participants in Reclaimed Water Rules Advisory Committee

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| Pat Heins | Oregon Department of Environmental Quality |
| Zach Freed | The Nature Conservancy |
| Eldon Jossi | Gales Creek Farms and Tualatin SWCD |
| Jared Kinnear | Clean Water Services |
| Byron Smith | City of Hermiston |
| Beverly Bridgewater | West Extension Irrigation District |

