



# **Rulemaking: Division 86 Water Management and Conservation Plans**

**Oregon Water Resources Commission  
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## WATER MANAGEMENT AND CONSERVATION PLANS

*OAR DIVISION 690, CHAPTER 86*

A Guidebook for Oregon Municipal Water Suppliers  
March 2015 (2<sup>nd</sup> Edition)



- **Implements statewide water resource management policy**
- **Outlines criteria for approval of Water Management and Conservation Plans (WMCP)**
- **Helps ensure responsible water use**
- **WMCPs required by condition of:**
  - **New Water Use Permit;**
  - **Permit Extension of Time; or**
  - **Previous WMCP approval.**

## Challenges for small municipal water suppliers:

- **Staffing issues**
- **Financial hurdles**
- **Difficult to meet existing “one size fits all” requirements**
  - **Certain aspects not applicable or relevant**
  - **No flexibility**
  - **Often deters small suppliers**

# Overview of Division 86 Rule Changes

## A balanced rulemaking approach:

- **More feasible path for suppliers with less ability to meet WMCP requirements**
- **Allows flexibility; maintains fundamental objectives of the program**
- **More small suppliers actively participating in implementing a conservation program**

# Rulemaking Process

- **Rules Advisory Committee (RAC) formed summer 2017**
- **Notice of rulemaking:**
  - **Published in Sept. 2018 Oregon Bulletin**
  - **Sent electronically to Department's listserv & other parties**
- **Public hearing held in Salem – Sept. 24, 2018**
- **Public comment period closed – Oct. 4, 2018**

## Current provisions of Div. 86 are:

- **Municipal WMCPs**
  - OAR 690-086-0100 through 690-086-0170
- **Agricultural WMCPs**
  - OAR 690-086-0220 through 690-086-0270

## Proposing additional provisions for Small Municipal Water Suppliers:

- **Alternate Municipal WMCPs**
  - OAR 690-086-0300 through 690-086-0370

## Alternate WMCP qualification criteria:

- **Serve a population < 1000 or have < 300 service connections**
- **Maximum daily demand or instantaneous rate has not exceeded:**
  - **2 million gallons per day (mgd); or**
  - **3.0 cubic feet per second (cfs).**
- **Not requesting to expand or initiate diversion under an extended permit**

# Overview of Division 86 Rule Changes

**Under an Alternate Municipal WMCP, the proposed rules provide:**

- **Department support in meeting certain requirements**
- **Reduced complexity / more flexibility**
  - **To meet conservation and curtailment requirements**
- **Streamlined water supply element requirements**
  - **Reflects limited potential for growth**

## Other proposed changes to Division 86:

- **Amend existing Municipal WMCP rules for:**
  - **Alignment with industry water conservation standards**
- **Streamline existing rules for approval and enforcement of all WMCPs to:**
  - **Align with the Administrative Procedures Act framework**

# Public Comments

## **Two commenters provided comments during the Public Comment Period, including:**

- **A request for reduced timeframe to evaluate rule effectiveness;**
- **A suggestion that the proposed rules should make conservation requirements more robust; and**
- **Discussion of other objectives outside the scope of this rulemaking.**

**The Department responded to all comments received**

# Modification to Public Hearing Draft

**Changes made to the public comment draft of the rules to develop the final proposed rules, include:**

- **Grammar and numbering corrections**
- **Restoration of introductory sentence in the Enforcement Section (OAR 690-086-0920)**
- **Reduction of time period to review implementation and effectiveness of rules from 10 years to 5 years**

## Alternatives

- 1. Adopt final proposed amended rules OAR Chapter 690, Division 86, as contained in Attachment 1.**
- 2. Modify and adopt proposed amended rules OAR Chapter 690, Division 86.**
- 3. Direct Department staff to do further work on the rules and return to a future Commission meeting.**

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Thank you