

OREGON



WATER RESOURCES  
DEPARTMENT

# Rulemaking Update: Reclaimed Water in Oregon



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# History

- **1973 Oregon DOJ issued an opinion on a case involving Unified Sewage Agency (USA) in Washington County.**
- **USA wanted to move their point of discharge from the Tualatin River (tertiary treatment) to the Willamette River (secondary treatment).**
- **Downstream water rights would have been affected.**
- **DOJ ruled that downstream water users have a right to that water.**



# History

- This “prompted” the need for statutory authority from Oregon Water Resources Department (OWRD).
- 1991 – Passage of SB 204 (which later become Oregon Revised Statutes 537.131 and 537.132).
- 1995 – HB 2375, created a Task Force to review policy alternatives relating to reclaimed water use.

# History

- **1996 – Reclaimed water requirements (ORS 537.131 and 132) became effective.**
- **2016 – Oregon’s Integrated Water Resources Strategy recommendation M: Encourage additional water reuse.**
- **2016 – Oregon’s Drought Task force Recommendation H: Encourage additional water reuse.**



# Statutory Requirement

- **ORS 537.132(6) states “...the Water Resources Commission shall adopt rules to implement the notice and preference provisions and impairment evaluation standards of this section.”**
- **This new rule (Oregon Administrative Rule 690-087) will fulfill this requirement.**



# Reclaimed Water Defined

- **As defined by ORS 537.131:**
  - **“...water that has been used for municipal purposes and after such use has been treated in a treatment works (NPDES or WPCF), and that as a result is suitable for direct beneficial use that could not otherwise occur.”**
- **This restricts the rule to just municipal wastewater.**

- **Requires authorization by Oregon Department of Environmental Quality (ODEQ)**
  - Water Quality
  - Permit requirements
- **Requires consultation with Oregon Department of Fish and Wildlife (ODFW)**
  - Fish life and flows
- **Requires registration of reuse with OWRD**
  - Waters of the State



- **Provides exemption from OWRD permitting requirements:**
  - **No fee for registration.**
  - **Can be use in place of, or supplemental to, an existing water right.**
    - **If used in lieu of water right, that water right is protected from forfeiture for non-use.**
  - **Can provide revenue source or help municipality meet ODEQ permit requirements.**

- **Give downstream water right holders a preference and requires notification by OWRD if:**
  - **Wastewater has been discharged into natural watercourse for five (5) or more years;**
  - **The discharge represents more than 50% of the total average flow in any one calendar month; and**
  - **Downstream water users have a water right that may be affected by cessation of the discharge**



# OAR 690-087

- **Affected water right holders will have 90 days from the cessation of discharge by the municipality to notify OWRD that their water right has been affected.**
- **Does include option for municipality to provide the water by some other means than the natural watercourse.**

- **Requires registration of the use through OWRD by the user of the water.**
- **Registration must include a map showing place of use and source of water.**
- **The Registration must be signed by ODEQ.**
- **If two (2) or more entities are using municipal reclaimed water, they must submit separate registrations.**

- **All reclaimed water registrations are currently tracked in a database at the OWRD.**
- **A completeness review must be done within 60 days of receiving reclaimed water registration.**
  - **Review includes approval by the local Watermaster.**
- **Registrations must be renewed and updated when the ODEQ discharge permit is renewed or modified.**

# OAR 690-087

- **Requires record of estimated annual use of reclaimed water be maintained for a minimum of five (5) years.**
- **Use of reclaimed water must remain appurtenant to the premises or lands upon which is it used.**
- **Any changes from the original registration requires a revised registration and new approval letter from OWRD.**



# The Process

Applicant sends WW discharge permit application and registration of reclaimed water to ODEQ.

ODEQ consults with ODFW and approves the reclaimed water application by signing and dating it then sends it to OWRD.

OWRD staff evaluate the registration according to ORS 537.132/OAR 690-087 and coordinates with local watermaster to evaluate feasibility.

OWRD sends letter either approving or rejecting the registration.

Information about the reclaimed water use is entered into database including application, map, place of use and source.



# Current Status

- **Draft rule has been vetted through Rules Advisory Committee (RAC) process.**
- **Next steps:**
  - **Oregon Department of Justice final review.**
  - **Upon completion of review by DOJ, draft rule will be placed on Secretary of State's (SOS) Bulletin for public comment for 30 days.**
  - **Public hearing will be held 22 days after draft rule is placed on SOS bulletin.**





# Current Status

- **Anticipated approval by Water Resources Commission (WRC) in November, 2018.**
- **If WRC adopts the new rule:**
  - **OWRD must file the adopted rule with SOS; and**
  - **File with the Legislative Council within 10-days.**
- **Huzzah! OWRD will post newly approved rule on their website.**



# Other Water Reuse

- **ORS 537.141 (1)(i) and (6) allows for the reuse of groundwater for the following:**
  - **Confined Animal Feeding Operations (CAFO)**
  - **Industrial Reuse**

# Other Water Reuse

- **Requires the following in order to comply with ORS 537.141:**
  - **A groundwater right permitted through OWRD;**
  - **A wastewater discharge permit through either Oregon Department of Agriculture (ODA)(CAFO) or ODEQ (industrial reuse), and soon;**
  - **A completed registration form signed by either ODA or ODEQ submitted to OWRD.**
  - **There are currently no plans to create a new rule for this process.**



# Questions and Contact Information

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