OREGON



WATER RESOURCES D E P A R T M E N T

Rulemaking Update: Reclaimed Water in Oregon

O R E G O N

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- 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.





- 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.





- 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 <u>total average</u> <u>flow</u> in any <u>one calendar month; and</u>
 - Downstream water users have a water right that may be affected by cessation of the discharge





- 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.

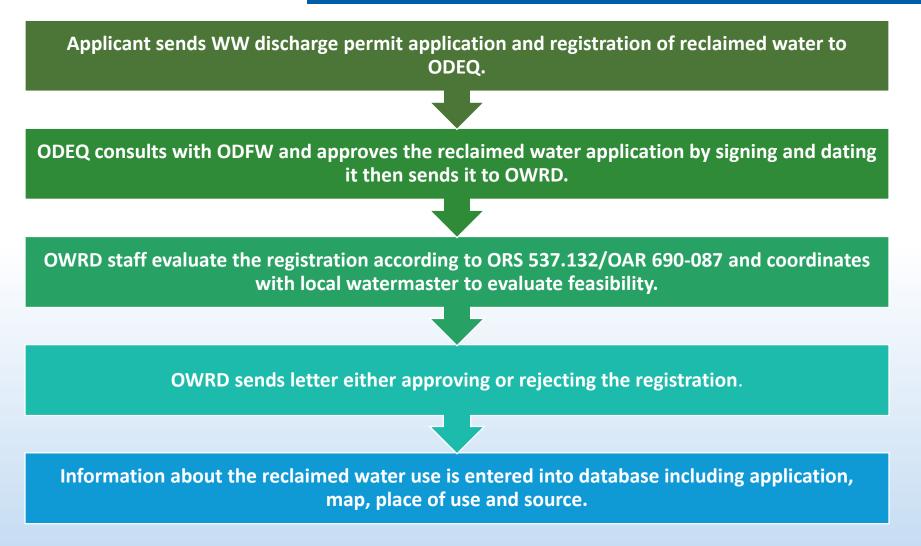




- Requires record of estimated annual use of reclaimed water be maintained for a minimum of five (5) years.
- Use of reclaimed water must remain appurtenant to the premises or lands upon which is it used.
- Any changes from the original registration requires a revised registration and new approval letter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



The Process





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.





- 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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