

“Water Management and Conservation Plans and the New Division 86 Rules”

By Timothy Henkle, Water Resource Planner for Economic & Engineering Services

In the fall of 2002, the Oregon Water Resources Commission modified and adopted Oregon Administrative Rules 690-086 (“Division 86”) which substantially changed the way water suppliers are mandated to manage and conserve drinking water supplies. The changes to the Division 86 rule impacts most suppliers. This article provides a brief background of the rule development process and summarizes those pertinent sections of Division 86 as they relate to Water Management and Conservation Plans.

Background

Historically, water permit extension rules stipulated that municipal water suppliers may receive five year extensions to continue development of municipal permits. In 1997, the state Attorney General issued advice which recommended modification of these extension rules. In response, the Water Resources Department (WRD)—the department charged with administering Division 86—worked with a Community Water Supply Work Group to devise rules which incorporated the Attorney General’s advice. The final modified rules were adopted by the Commission in October 2002, including new requirements for Water Management and Conservation Plans (WMCPs) in Division 86.

Demystifying New Division 86 Rules

The new rule states that municipal permit extensions may be granted for the reasonable time necessary to complete water development or apply all the water to beneficial use. An approved permit extension will stipulate the submittal of a WMCP within 3 years if the supplier indicated on the permit extension application that the supplier anticipates initiation or expansion of the use of water above and beyond current authorized quantities.¹ Note that the requirement for a WMCP usually applies

only to water suppliers who serve water to a population of greater than 1,000.

Generally, a WMCP will be approved if it clearly justifies need and shows that the supplier will manage and conserve water in a responsible manner. Once WRD approves a WMCP, WRD can authorize either an instantaneous rate or monthly volume or both for a 20 year period of time or both. The authorized amount is called “green light water”. As in the past, WRD will return WMCPs for revision that do not meet the requirements.

Contents of a WMCP

A WMCP is a plan created by a water supplier documenting the supplier’s use, management, and conservation of drinking water resources. The four major elements of a WMCP are listed and briefly described below.

- Water supplier description—This element provides current information about the water supplier and the supplier’s system and sets the stage for the remaining three elements of the WMCP. Several of the required components include sources of water, service area description, maps, service population, and historic demand.
- Water conservation element—This element describes the water supplier’s past, current, and future water conservation measures (activities) among other related topics. Of primary interest to most water suppliers are the conservation measure requirements. Division 86 lists five measures which are required to be implemented by all water suppliers: full system metering, meter testing and maintenance, annual water audit, rate structure based at least in part on the quantity of water metered, and a public education program. In addition, a leak detection program and/or a leak repair program must be instituted if leakage rates reach defined limits.

In some cases, additional conservation measures must be addressed by a water supplier that meets defined population thresholds or has a source or sources of water in environmentally sensitive areas or water quality impaired water bodies. The requirement in Division 86 to

¹ There may be other instances when a supplier is required to submit a WMCP even though no additional water is requested.

address additional water conservation measures is satisfied when 1) a supplier incorporates the measure or, 2) a supplier gives due consideration to the feasibility and appropriateness of the measure, deems the measure infeasible and inappropriate, and provides justification for these findings in the WMCP.

For each applicable conservation measure, a benchmark is required. A benchmark is defined as an action a water supplier commits to performing and include a schedule for carrying out each water conservation measure.

- Water curtailment element—This element requires a water supplier to prepare a curtailment plan for use during water shortage emergencies. The plan must include stages of alert which trigger increasingly restrictive water use requirements, among other components.
- Water supplier element—This element should describe and support future water supply needs of the supplier. In addition, it also must include a request for additional water when additional water is needed to meet demands for the next 20 years. In some cases, water suppliers must analyze all potential sources of drinking water and must identify water conservation measures which will provide water at a cost equal to or less than any identified sources.

WMCP as a Plan

Much like a Water System Master Plan, the WMCP will direct future activities of the supplier. In fact, there are major similarities in content between the Water System Master Plan and WMCP and it is recommended water suppliers develop both plans simultaneously to save resources and also ensure coordination of these planning documents.

Once completed, a WMCP will need to be updated and submitted within 10 years or, if the supplier has a need to request use of additional “green light” water before that time, a revised plan is submitted earlier. The update needs approval by WRD. Also, every fifth year or earlier, a progress report is submitted to WRD indicating progress toward the full implementation of benchmarks, annual water

audit findings, water use analysis, and other items. This progress report will be used to assist WRD during the WMCP update approval process.

For detailed information about the new rules, access the League of Oregon Cities’ web site for a publication called “Water Management and Conservation Plans: A Guidebook for Oregon Municipal Water Suppliers”. The Guidebook offers direction on preparation of WMCPs, a summary of Division 86, tips to comply with the new rule, and two sample WMCPs, among other useful topics.

Timothy Henkle is a Water Resource Planner at EES, Inc. a consulting firm specializing in drinking water issues for water suppliers. Mr. Henkle was one of the authors of the WMCP Guidebook mentioned above. The Guidebook was written for the League of Oregon Cities, Special Districts Association of Oregon, and the Oregon Water Utilities Council.

Generally, water suppliers which serve a population over 7,500 people need to address the additional water conservation measures. Water suppliers which serve a population between 1,001 and 7,500 (inclusive) with a surface water source listed on the Department of Environmental Qualities’ 303(d) list or with a ground water source in a WRD decreed critical ground water area must also address the additional water conservation measures.