



Updating OAR Chapter 690, Division 10 to Conform to Statute – Processes related to critical groundwater area establishment

Purpose

The Oregon Water Resources Department's (Department) rules related to processes for establishing critical groundwater area (CGWA) designations and controls are out-of-date and inconsistent with current statutes. The Department is undertaking rulemaking to update the rules (Oregon Administrative Rules, Chapter 690, Division 10) in order to conform to the CGWA processes outlined in Oregon Revised Statutes 537.730 to 537.742.

Scope

These rules will address:

The amended Division 10 rules will provide a framework for establishing future CGWA designations and controls consistent with statute. The rules will primarily focus on updates to conform to statute and will cover:

- Relevant definitions;
- Required criteria for CGWA designations as specified by statute;
- CGWA rulemaking process requirements;
- Consultation processes with affected local government(s);
- CGWA rule content, filing, and review requirements as specified by statute;
- Notification processes for establishing corrective control provisions; and
- Contested case processes for corrective actions;
- Procedures for making changes to existing critical groundwater areas.

These rules will not address:

The amended Division 10 rules ***will not***:

- Create basin or subbasin specific CGWAs;
- Limit groundwater appropriation; or
- Implement corrective control provisions.

Once these rules are in place, future designations of basin or subbasin specific CGWAs will require a separate rulemaking process conducted in accordance with the provisions of these rules.

More information on next page...

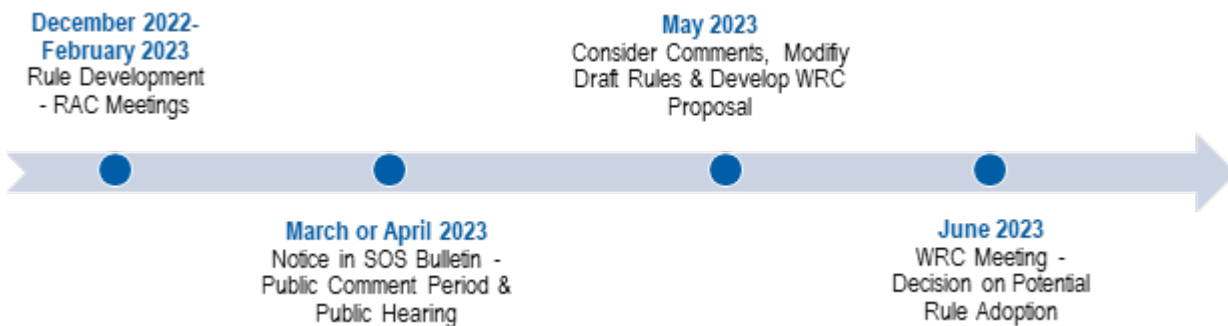
Public Comment Opportunities

There are several opportunities to participate in the development of these rules:

Oral or Written Comment at Rules Advisory Committee (RAC) Meetings – First RAC meeting will be held December 5, 2022, from 1 pm to 5 pm: Interested persons are invited to attend and observe the RAC proceedings. The last 30 minutes of the meeting is reserved for public comment and questions. Commenters will be limited to five minutes each (dependent on the number of commenters). Additional RAC meetings will be scheduled January 10, 2023, and February 2, 2023, also allowing 30 minutes for public comment and questions. Written comments will also be accepted during the RAC process from December to February and can be submitted to Kelly Meinz.

Public Comment Period and Hearing: Once the notice of the proposed rules is posted in the Secretary of State (SOS) Bulletin, the public comment is open and members of the public can submit written comments to the Department or provide oral comments at the scheduled Public Hearing.

Anticipated Rulemaking Timeline



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Or contact the Department's Rules Coordinator:

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