

OREGON



WATER RESOURCES
DEPARTMENT

Annual Five-Year Rule Review 2023

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The purpose of the review

[ORS 183.405](#) of the Oregon Administrative Procedures Act requires that agencies review newly adopted rules within five years after adoption. This document conducts the 2023 five-year review that looks back at the rules adopted in 2018.

Legal requirements

The statute requires agencies to review new rules to determine whether:

- The rule had the intended effect
- The agency over- or underestimated the rule's anticipated fiscal impact
- Subsequent changes in the law required the agency to amend or repeal the rule
- There is a continued need for the rule

Agencies are only required to use available information to conduct this review.

If the agency appointed an advisory committee in developing the rule, the agency must provide the committee members a copy of the review.

Exemptions

Rules are exempt from this review if they:

- Consist only of the repeal of or an amendment to an existing rule
- Are adopted to implement court orders or to settle civil proceedings
- Only adopt federal laws or rules by reference
- Implement legislatively approved fee changes
- Only correct omissions or errors

Distribution of the review

OWRD's Agency Rules Coordinator:

- Provides a copy of this review to OWRD's Leadership Team
- Provides a copy of this review to rules advisory committee members
- Posts a copy of the review on OWRD's rulemaking website
- Preserves a copy of the review in OWRD's electronic rulemaking archives
- Submits a copy to the Oregon Secretary of State

Rules subject to 2023 review

Division 86 Water Management and Conservation Plans

Adopted date: November 15, 2018

Rule numbers: 690-086-0300, 690-086-0320, 690-086-0325, 690-086-0330, 690-086-0340, 690-086-0350, 690-086-0360, 690-086-0370

Reviewer: Margo Mashkovskaya (Rules Coordinator) and Danielle Gonzalez (Policy Section Manager)

Rule Summary

This rulemaking adopted the following rules to OAR 690, division 86:

690-086-0300 This section allows Small Municipal Water Suppliers to submit an Alternate Municipal Water Management and Conservation Plan (WMCP) under OAR 690-690-0320 to -0370 instead of a Municipal WMCP OAR 690-086-0120 to -0170, if certain eligibility criteria are met.

690-086-0320 Identifies general provisions for Small Municipal Water Suppliers to submit Alternate Municipal Water Management and Conservation Plans under OAR 690-690-0320 to -0370, including procedures for benchmarks, progress reports, and public engagement.

690-086-0325 Identifies elements required in an Alternate Municipal Water Management and Conservation Plan for a Small Municipal Supplier submitting under OAR 690-690-0320 to 0370.

690-086-0330 Specifies findings the Department must make in approving a water management and conservation plan for a Small Municipal Supplier submitting under OAR 690-690-0320 to 0370.

690-086-0340 Specifies elements describing the water supply system that must be included in an Alternate Municipal Water Management and Conservation Plan for a Small Municipal Supplier submitting under OAR 690-690-0320 to 0370.

690-086-0350 Specifies elements related to water conservation that must be included in an Alternate Municipal Water Management and Conservation Plan for a Small Municipal Supplier submitting under OAR 690-690-0320 to 0370.

690-086-0360 Specifies water curtailment elements that must be included in an Alternate Municipal Water Management and Conservation Plan for a Small Municipal Supplier submitting under OAR 690-690-0320 to -0370.

690-086-0370 Specifies water supply demand elements that must be included in an Alternate Municipal Water Management and Conservation Plan for a Small Municipal Supplier submitting under OAR 690-690-0320 to 0370.

Was a Rules Advisory Committee used?

Yes.

Did the rule achieve the intended effect?

Yes.

Did the agency over- or underestimate the rule's fiscal impact?

OWRD accurately anticipated the fiscal impact of the rules for state agencies, local governments, members of the public, and small businesses.

Do subsequent changes in the law require the agency to amend or repeal the rule?

No.

Is there a continued need for the rule?

Yes, these rules administer and regulate the alternative municipal water management and conservation plans program for small municipal water suppliers. Alternate plans for small municipalities have been used infrequently but serve an important purpose by providing an easier alternative WMCP path for small municipal water suppliers.