

## 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(Department) rules related to processes for establishing critical groundwater area (CGWA) designations and controls are out-of-date and inconsistent with current statutes.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.

#### *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:

- **Informational Session on Proposed Rulemaking** – December 16, 2021 from 1 PM to 3 PM: This meeting provides an opportunity for members of the public to learn more about the rulemaking process, discuss the proposed rules, and ask questions of Department staff.
- **Oral or Written Comment at Rules Advisory Committee (RAC) Meetings** – First RAC meeting will be held December 17, 2021 from 9:30 AM to 11:30 AM: 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 in January and February, 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 Breeze Potter.
- **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



## Interested in this Rulemaking?

To sign up for future updates related to this and other Department rulemakings, please visit:

<https://omls.oregon.gov/mailman/listinfo/owrd-rulemaking>.

For more information, please visit:

[www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/ProposedRulemaking.aspx](http://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/ProposedRulemaking.aspx)

Or contact the Department's Rules Coordinator:

Breeze Potter, (971) 720-0963, [breeze.k.potter@water.oregon.gov](mailto:breeze.k.potter@water.oregon.gov)