



## HB 2169 Expanding Water Reuse in Oregon

***A Key to Tapping an Underutilized Water Resource to Augment Water Supplies, Save Water Instream, Solve Water Quality Challenges, and Create Resiliency***

### Oregon's Policies Recognize the Importance of Beneficial Water Reuse...

Current State policies direct state agencies to support and encourage use of treated recycled wastewater for domestic, agricultural, industrial, recreational, and other beneficial purposes in a manner that protects public health and the environment. These policies recognize that “the use of recycled water for beneficial purposes will **improve water quality** by reducing discharge of treated effluent to surface waters, **reduce the demand on drinking water sources** for uses not requiring potable water, and may **conserve stream flows by reducing withdrawal** for out-of-stream use.” (OAR 055-0007)

Past legislative action (Senate Bill 820 enacted in 2003) directed DEQ to collaborate with stakeholders and report on urban wastewater reuse opportunities and challenges. This led to the Governor's Executive Order (EO) 05-04 in 2005, which set out to:

- Promote policies and programs to encourage and support water reuse;
- Work together to overcome institutional and regulatory barriers and funding constraints;
- Ensure protection of public health and the environment;
- Encourage public acceptance of water reuse; and
- Help this state meet its overall water needs.



EO 05-04 also required state agencies to coordinate outreach efforts and hold annual meetings to align activities with the order's goals. DEQ efforts to implement the SB 820 directives languished due to lack of dedicated funding and agency resources.

### Oregon's Water Reuse Goals Have Not Been Realized...

Oregon communities have struggled to implement reuse projects under the state's current regulatory framework. Oregon's permitting requirements have not evolved like other states' requirements have where drought has driven increased recycled water goals. Oregon's rules and permitting guidance do not address the full range of beneficial project types, and wastewater utilities have found the regulatory process to be difficult, overburdensome, and sometimes too complex and costly, to navigate. This has deterred resource constrained utilities from pursuing recycled water projects that can have multiple environmental, community, and economic benefits in addition to water quality compliance. At the same time, publicly owned treatment facilities face new or increased permit requirements for which beneficial reuse of treated wastewater can provide great multi-benefit sustainable solutions.

***Timely state action is needed to evolve Oregon's regulatory framework so wastewater utilities can access an environmentally protective permitting path that is less onerous, costly, and complex, and that opens up a broader range of project opportunities.***

## **The 2023 Oregon Legislature Took Meaningful First Steps...**

While DEQ endeavored to work with stakeholders to evaluate state regulations over the past several years, progress languished for lack of dedicated resources and staffing. In 2023, the Oregon legislature enacted HB 2010, which funded and mandated a renewed effort to implement the State's longstanding water reuse goals. HB 2010 directed Oregon DEQ, in consultation with the Oregon Department of Water Resources (WRD) and other stakeholders, to address regulatory barriers and develop technical assistance resources to support new and expanded beneficial reuse/recycling and land application of reclaimed wastewater in Oregon. The bill authorized limited duration positions for DEQ and WRD to accomplish the following:

- Characterize recycled water and beneficial land application project types that are priorities to support water quality, water supply or use, and habitat or ecosystem needs in this state;
- Identify regulatory and other impediments to expanding water reuse and beneficial land application;
- Identify environmentally protective approaches successfully employed by other states with robust water reuse programs that may be applicable to Oregon;
- Identify potential regulatory changes, including but not limited to changes to internal guidance, administrative rules, or statutes needed to remove impediments, and propose an implementation schedule for enacting proposed changes; and
- Develop technical assistance guidance, or other resources, for local jurisdictions and industries to seek permitting and development of recycled water and other beneficial land application programs.

## **HB 2169 is Needed to Implement Recommended Changes, Increase State Agency Collaboration, and Implement the Statewide Program...**

DEQ's September 15, 2024 progress report to the legislature on the HB2010 elements reflected that, while progress has been made, the work will not be completed by the end of the 23-25 biennium. The work to develop recommended regulatory changes, coordinate with stakeholders and other state agencies, develop guidance, and develop technical assistance and informational resources will require extension of resources, and funding needs to be made permanent for DEQ to fully implement a statewide recycled water program that achieves the state's policy objectives. Without extension of the necessary funding beyond the 23-25 biennium, the investment, progress, and momentum DEQ and stakeholders have mustered to date will be lost or will continue to languish.

Legislative action is requested to fund and direct DEQ and WRD as follows:

- Complete the elements of HB2010 (section 22)
- Implement Oregon Administrative Rule change processes
- Identify recommended statutory changes for consideration by stakeholders and the legislature
- Support pilot projects and studies to fill identified science/data gaps
- Engage in necessary EPA approval processes
- Develop new internal permitting guidance documents
- Develop user friendly guidance documents and resources
- Fund the DEQ Water Reuse Program Developer (NRS4) position on a permanent basis
- Fund the WRD Water Reuse coordinator (.5 FTE) on a permanent basis

- Establish a collaborative state interagency framework for ongoing Recycled Water Program implementation and education
- Allocate funds to DEQ to enable other state agencies, such as ODFW and OHA, to participate in an interagency water reuse development team

**Now is the time for Oregon to expand opportunities for recycled water and beneficial land application projects as part of the solution to water, climate, infrastructure affordability, and economic challenges.**

**Beneficial water reuse projects will help Oregon address water challenges...**

- **Adaptation and resiliency in the face of growing climate change impacts:** When used to maintain riparian areas, wetlands, and other green spaces, beneficial application of treated wastewater can support community efforts to adapt and become resilient to climate change impacts and can help sustain declining or stressed habitats. It can support community defenses against flooding and wildfires. Developing these approaches to water quality permit requirements also can avoid the addition of “grey infrastructure” projects like mechanical cooling and nutrient removal facilities that exacerbate greenhouse gas emissions, energy consumption, and chemical usage.
- **Improve water quality:** Recycling and other beneficial application of treated wastewater can produce the best mix of environmental, social, and economic benefits for addressing numerous water quality challenges of growing concern, such as temperature and nutrients.
- **Reliable source in the face of drought:** Recycled water applications can help mitigate extended drought conditions, supporting agricultural or municipal irrigation and industrial process needs and leaving water in-stream for fish and other purposes.
- **Offset depletion of surface and ground water:** Recycled water can be used to offset consumptive uses of surface water and ground waters, which are under increasing pressure due to growth and climate change.
- **Affordability and sustainability of water utility services:** Recycled water projects match the appropriate level of treatment to the end uses which can save money, chemicals, and energy and minimize negative environmental impacts. This can help maintain stable utility rates.



**HB 2169 will enable state agencies and cities to pursue Oregon’s reuse goals!**

