



Oregon

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Testimony for House Bill 2988

House Committee on Agriculture, Land Use, Natural Resources and Water

Co-Chair Ken Helm

Co-Chair Mark Owens

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Thank you for the opportunity to provide informational testimony on House Bill 2988, which directs the Oregon Water Resources Department to work with other state agencies and interested parties to reduce barriers and develop resources to support aquifer storage and recovery, and aquifer recharge. This testimony is provided as informational only; the department is not taking a position.

Background

Artificial Recharge (AR) and Aquifer Storage and Recovery (ASR) are two permitting pathways to store water in aquifers. These programs support opportunities to appropriate water in places and at times when it is plentiful and store it underground for later use at times when water availability is limited. The two programs were statutorily authorized in different eras to support differing needs, and while the goal of the two programs is similar, the programs differ in several aspects.

Artificial recharge (AR) statutes were adopted in 1961 to provide a process for appropriating water when it is available and storing it underground by injection through wells or infiltration at the land surface. A secondary groundwater authorization is required for recovery of the stored water through wells for beneficial uses, though this secondary step is not required if the AR projects are established to enhance recharge to aquifers. The quality of water appropriated for AR must meet anti-degradation standards with respect to the quality of groundwater in the proposed receiving aquifer. OWRD coordinates with the Department of Environmental Quality (DEQ) to define water quality criteria and sampling requirements. AR projects have been operating in Oregon since 1976, with more than 3 billion gallons stored annually with goals that include supporting water levels in over-appropriated aquifers and increasing summer-time groundwater discharge to bolster streamflow.

Aquifer Storage and Recovery (ASR) statutes were adopted in 1995 to provide a legal framework for storing water appropriated under existing water rights underground through injection wells. The program allows for recovering stored water later in time for the same beneficial use listed on the foundational water right and does not have aquifer restoration as a primary purpose. The quality of water stored with an ASR system must meet drinking water standards. OWRD coordinates with the Oregon Health Authority (OHA) and DEQ to define sampling requirements. ASR projects have been operating in Oregon since 1996, with more than 2 billion gallons stored in aquifers annually for municipal (predominantly) and irrigation purposes.

Once an AR or ASR project has demonstrated its effects on groundwater quantity and quality through a pilot testing process it may qualify for a permanent authorization of the project. To date, the department has issued 122 authorizations for ASR or AR. These include new applications, renewals, and modifications of limited licenses, and in a few cases issuance of permits. Limited licenses are time limited for up to five years, then expire and must be renewed (ASR) or replaced (AR) with a new application and

review process. All but one AR and ASR authorizations have been approved and there are approximately 30 currently authorized projects in Oregon.

Both AR and ASR programs require a rigorous initial project evaluation prior to issuing a pilot testing license, extensive water quality and water quantity monitoring during pilot testing, and annual analysis and reporting of pilot testing outcomes. Funding has been a significant challenge to meet the obligations under current rules and statutes, both for applicants and the department. The department (and recently Business Oregon) provides grants and loans to project proponents to support pilot testing AR and ASR projects, and uses general fund to provide technical coordination, licensing, and project evaluation.

In addition, the department has not had the resources to develop and pursue improvements to either program, as there are currently no staff solely dedicated to this work; this work is done by hydrogeologists in the department's Groundwater Section who act as case worker, technical reviewer and program manager on an ad-hoc basis.

What the Bill Does

This bill requires the department to consult with the Department of Environmental Quality, the Oregon Health Authority and other state agencies and interested parties to identify and reduce barriers to expanded aquifer recharge and aquifer storage and recovery and to develop technical assistance resources. The bill also requires a proposed schedule for enacting identified regulatory changes and a report to the Legislative Assembly on or before October 1, 2026, that identifies recommended policy, rule or statutory changes, technical assistance resources and needs as well as resources needed by state agencies and potential funding mechanisms. To implement the expectations of this bill, the Department anticipates needing expanded staff capacity.