



## **Drinking Water Advisory Committee**

Meeting Minutes

October 18, 2023

Virtual (Teams) and In-Person

### Members Present

**Yone Akagi**, Large Water Systems

**Sandra Bishop**, League of Women Voters of Oregon

**Greg DeBlase**, Oregon Environmental Health Association

**Jessica Dorsey**, Pacific NW Section, American Water Works Association

**Lacey Goeres-Priest**, Vice Chair, League of Oregon Cities

**Jason Green**, Chair, Oregon Association of Water Utilities

**Michael Grimm**, Special Districts Association of Oregon

**Cheyenne Holliday**, Water Consumers

**Adam Jackson**, Privately Owned Water Systems

**Karen Lewotsky**, Environmental Advocacy Groups

**Travis Tormanen**, American Council of Engineering Companies of Oregon

### Alternate Members Present

**Matt Johnson**, Oregon Association of Water Utilities

**Kim Ramsay (for Beth Myers)**, Oregon Environmental Lab Association

### Members Absent

**Beth Myers**, Oregon Environmental Lab Association

**Nick Alviani**, Conference of Local Health Officials

### Guests

**Sarah Honious**, City of Hillsboro

### DWS Staff

Samina Panwar, Adam DeSemples, Tony Fields, Casey Lyon, Paula Rich, Kari Salis, Diane Weis

### **Welcome/Roll Call**

Jason Green welcomed the group and roll call was taken. Attendees introduced themselves.

### **Agenda Check**

No changes to the agenda. Samina noted that in future she would share her talking points with members and they are welcome to add topics. Karen: A more detailed agenda would be helpful. Mike: Maybe the more important topics could be moved to the first part of the agenda.

**ACTION ITEM: Make next meeting's agenda more detailed and possibly move to the beginning the topics that are currently of most interest to the group.**

### **Nominations and Voting for Chair and Vice Chair**

Karen Lewotsky motioned to retain current Chair and Vice Chair (Jason and Lacey); seconded by Mike Grimm. Mike motioned that nominations be closed; seconded by Karen. Members voted unanimously to elect Jason Green as Chair and Lacey Goeres-Priest as Vice Chair. Later, to clarify the Vice Chair election, Mike motioned and Yone seconded Lacey as Vice Chair, and Lacey was elected unanimously as Vice Chair.

### **July Meeting Minutes**

Mike Grimm moved to approve the July minutes and Lacey Goeres-Priest seconded. A vote was taken and minutes were unanimously approved.

Vote-taking procedure: Because it's difficult to know who is saying "aye" in this meeting format and most votes are unanimously "aye," the Chair should be sure to ask for "nay" votes.

### **Member Update/Public Input**

DWAC member vacancy: plumbers and backflow testers. No replacement has come forward.

**ACTION ITEM: Tony will contact the Backflow/Cross Connection Advisory Board for an interested representative.**

### **Lead Service Line (LSL) Updates (Tony Fields)**

Technical assistance and training creation agreements signed on October 5. Kickoff meeting for technical assistance is October 19 and for training creation October 20. Website will be updated with contact information after the meetings. Technical outreach assignments will be focused first on disadvantaged systems, which can be identified on a dedicated GIS map layer. Assignments are divided evenly between the two vendors. When training materials are uploaded to website, DWS will announce via listserv.

A third vendor (out of state) will provide electronic portals and training for uploading data for water systems, along with some consumables (e.g., testing tools). This vendor had several edits to the contract and the Department of Justice was required to review it. Review completed October 16. DWS is now waiting for vendor's approval or nonapproval of the contract. Timeframe for finalizing is unknown. There is no other vendor in line for this type of contract. If the contract falls through, DWS will not offer the service.

Using an electronic portal is optional for water systems. They can complete the LSL inventory outside of that service, and some already have.

There will be no accreditation or certification for taking the technical training. It provides guidance for water systems on how to comply with the requirements of the LSL inventory.

Vendors: HBH Engineering Services (technical assistance) and Oregon Association of Water Utilities (technical assistance and training)

Communication to water systems: Dedicated web page with contact information, listserv email blasts, letters sent to Community (C) and Non-Transient Non-Community (NTNC) water systems

Mike Grimm expressed concern with the limited time remaining to complete the inventory. Water systems need to know the exact steps to take to reach the vendors and get assistance.

Lacey: How are systems prioritized? Tony: Water systems are free to reach out to their regulators, DWS, and/or the vendors for assistance. DWS and regulators will be watching for systems in need of assistance and can recommend that they contact vendors. In addition, vendors will be assigned C and NTNC systems that have been prioritized as small and disadvantaged. Vendors will prioritize other systems asking for assistance based on the list of small disadvantaged systems.

Lacey: Would like to ensure that messaging (to consumers) is consistent among DWS and other organizations. Kari: DWS's communications are for water suppliers, not consumers. But DWS could review your communications to consumers and advise. DWS has FAQs that might provide some language to use for consumer messaging.

**ACTION ITEM: Send Lead Service Line FAQs to Lacey and others.**

The first deadline is for *initial* data that are due to DWS on October 16. EPA deadline is later. There will probably be many “Unknown” lines in the initial data. The LSL inventory requirement is not a one-time task; Unknowns need to be determined and removed if lead. The goal is to eventually have no Unknowns.

Kari: Regarding galvanized requiring replacement (GRR), language has not changed. Documentation still needed for a galvanized line not to be GRR. Mike: This issue may be discussed at the AWWA meeting next week—at their last meeting they talked about suing EPA over the requirement for documentation.

### **Best Management Practices (BMPs) review (Kari Salis)**

DWAC subcommittee was created years ago to review and revise BMPs. The last draft revision created by DWS was unsatisfactory with water utilities. A few years have gone by. A DWS staff member is now comparing the DWS draft with the DWAC draft. Current BMP committee members: Jason, Mike, Yone, Lacey.

Jason: The DWS draft contained some additions and edits that had not been approved by DWAC. DWAC members thought there was too much about rules rather than BMPs in the document. Mike: The DWAC draft worked well in one real-life situation.

**ACTION ITEM: DWS to send out new revised BMPs along with notes about revision process.**

**ACTION ITEM: Yone: Reactivate the Sharepoint website and share the documents on it.**

### **Funding (Adam DeSemple)**

No formal presentation today. Questions and comments invited.

### **Program Update (Samina Panwhar)**

- Recruitment: Four positions supporting Bipartisan Infrastructure Law (BIL) approved, including the program’s first Fiscal Analyst; recruitment for Compliance and Regulatory Manager 1 (DMCE Unit Manager) and Research Analyst 3 underway
- Regulations: PFAS final regulations regarding maximum contaminant levels (MCLs) and hazard index will come out by the end of 2023. After that, states have two years to develop regulations. AWWA estimates that 4,000–5,000 systems nationwide will have to install treatment to meet regulations. Oregon has emerging contaminants (EC) grants available. Kari described the process of developing regulations, which typically takes a calendar year or more. The two-year deadline will be challenging. **ACTION ITEM: Share final PFAS regulations with DWAC.**
- Cybersecurity: On October 12, 2023, EPA withdrew the memorandum requiring cybersecurity assessment in sanitary surveys, but BMPs encouraged.

Mike: People didn't understand that the memorandum was an interpretation of an existing rule. Water utilities would appreciate support for the co-regulatory approach, which has broad support in Congress.

- Consumer Confidence Report (CCR) rule revisions: Probably finalized by March 2024; applicable to CCRs delivered in 2025.
- Lead and Copper Rule Improvement (LCRI): Under review; likely will be released in November 2023.

**ACTION ITEM: Send LCRI to DWAC members as soon as possible after publication so comments may be submitted and share key points at next DWAC meeting. Develop template to send to customers.**

- DWSRF
  - Congressional directed funding (earmarks) continues to be concerning because SRF funding has diminished over the last few years. When BIL funding expires it will be difficult to keep up support for Capacity Development program.
  - Applications for second year of BIL General Supplemental, LSLR, and EC are in development. DWS declined LSLR first year funding (no projects), but DWS is reaching out through various avenues to encourage projects for the second year. PWSs may use the funds for inventory development as well as line replacement.
  - EC grants for small disadvantaged communities (SDC) funded for five years.
  - Have received a couple of grants in the past for small disadvantaged underserved communities (communities with histories of noncompliance) such as tribal systems. DWS hopes to apply for more funding — four projects identified.
- Program performance measures: Samina showed data for Community systems with health-based violations, priority noncompliers more than six months for EPA systems and Oregon Very Small (OVS)(non-EPA). Since January 1, 2022, overall trends are downward. OVS systems still have a large number of noncompliers; they do not qualify for EPA funding for technical help. DWS is considering ways to address issues in OVS systems. This data is available in Data Online; DWS staff can show interested people how to access.
- Program goal: Upstream approach —proactively address potential issues before they become problems, as other public health programs do. Two ideas:
  - Include capacity assessment (CA) in sanitary surveys. Now CA is addressed only when a system is created and when a system applies for funding. Question: Would this change move DWS from health-based monitoring to a more regulatory/governing position? Is DWS overstepping the boundaries of their purpose? Samina: CA is just information collecting for the purpose of identifying gaps and helping water systems and is not regulatory. It may help DWS collaborate with other

organizations such as OAWU. Systems are not required to participate. A DWS workgroup is revising sanitary survey forms for other reasons, so it's a good opportunity to add a brief CA. Kari: The OAR do include CA for water systems. Mike: Systems will want clarification on purpose of data, who will have access, etc. Some systems are already suspicious of OHA intentions and CA will only increase it. Efficient utility management strategies will address CA issues. Kari: The systems most in need of help with CA are small systems that do not tend to educate themselves about ways to improve. CA could provide a way to identify systems that need help; DWS could proactively ask a circuit rider to reach out so that potential problems are addressed quickly.

### **Source Water Protection Update (Casey Lyon)**

- Updated source water assessment (SWA) reports (updates to reports written 1999-2005): Have completed about 75%.
- Substantial implementation: Difficult to get small systems to implement source water protection. Data show small increases since 2018. About 39% of Community systems in Oregon have substantially implemented. EPA goal is 49% by 2026.
  - Incentives such as Outstanding Performer certificates are being considered. Ideas from DWAC welcome.
  - Small systems outreach: DEQ staff are visiting smaller systems to discuss and encourage them to implement source protection and provide information about grants. (See the annual report on DEQ website.)
- Protection workshops: Series of half-day workshops have been popular. Land conservation and acquisition has recently been a focus; grants available for that purpose.
- Emergency response/resilience: Recent rule change requires Community system >3300 population to address potential contaminant sources in their Emergency Response Plan. OHA/DEQ are planning resiliency workshops.
- Emerging contaminants: Ongoing work with DEQ. Harmful algae blooms (HABs) susceptibility list ongoing.
- Protection grants: 80 projects completed to date for 100 systems, \$2.1 million awarded.
- Possible new program: Grants for <\$5,000, administered by DWS alone. For specific projects such as well abandonment, spill response kits. The new financial analyst position might devote a small percentage of their time to grant administration.

- Karen: Grant and loan programs for natural infrastructure values often claim other benefits to the community (recreation, mental health — example: walking trails around wastewater plant.) This may improve likelihood of funding.

### **Discussion and feedback:**

- Jason relayed a request from circuit rider: Clarify plan review for process of changing membrane filter or changing solution of sodium hypochlorite. Kari: Replacing membrane filter with an equivalent one is considered a minor change, so plan review not necessary. Only major changes require plan review. Changing only the % solution of sodium hypochlorite is minor. Changing from bulk to on-site generated, for example, would be major.
- Jason: OAWU is trying to put together a two-year apprenticeship program in drinking water or wastewater industries. Needs to be approved by state Dept. of Labor. If state does not approve, they would try the federal program, which is not as comprehensive. Support needed—maybe letters from OHA and DEQ. **Tony Fields offered to lead OHA efforts to provide support for the program (ACTION ITEM).**

### **Action Items and Next Steps**

- Make next meeting's agenda more detailed and possibly move the topics of most interest to the group to the beginning.
- Tony: Contact the Backflow/Cross Connection Advisory Board about nominating a representative to serve on DWAC.
- Send to DWAC Lead Service Line FAQs.
- Send to DWAC new revised BMPs along with notes about revision process.
- Yone: Reactivate the BMP Sharepoint website and share the documents on it.
- Send to DWAC final PFAS regulations when available.
- Send LCRI to DWAC as soon as possible after publication so comments may be submitted, and share key points at next DWAC meeting. Develop template to send to customers.
- Tony: Lead OHA efforts to provide support for the drinking water/wastewater apprenticeship program.
- Samina and Casey: Send today's presentations to DWAC members

### **Closing Comments**

More in-person attendance is encouraged.

Meeting adjourned at 12:52 p.m.

**Next Meeting:**

January 17, 10:00 a.m. to 1:30 p.m. Same format, same meeting room.

**Action Items — Summary**

**Samina:** Make next meeting's agenda more detailed and possibly move to the beginning the topics that are currently of most interest to the group.

**Samina/Kari:** Share final PFAS regulations with DWAC.

**Samina/Kari:** Send LCRI to DWAC members as soon as possible after publication so comments may be submitted and share key points at next DWAC meeting. Develop template to send to customers.

**Kari:** Send Lead Service Line FAQs to Lacey and others.

**Kari:** DWS to send out new revised BMPs along with notes about revision process.

**Tony:** Contact the Backflow/Cross Connection Advisory Board for an interested representative.

**Tony:** Lead OHA efforts to provide support for the program.

**Yone:** Reactivate the Best Management Practices Sharepoint website and share the documents on it.