



Drinking Water Advisory Committee
Meeting Minutes
February 20, 2024
Virtual (Teams) and In-Person

Members Present

Yone Akagi, Large Water Systems
Nick Alviani, Conference of Local Health Officials
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
Beth Myers, Oregon Environmental Lab Association
Travis Tormanen, American Council of Engineering Companies of Oregon

Alternate Members Present

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

Members Absent

None

Guests

Sarah Honious, City of Hillsboro
Michael Martin, League of Oregon Cities

DWS Staff

Samina Panwar, Michelle Byrd, Adam DeSemple, Paula Rich, Kari Salis, Chantal Wikstrom, Amy Word

Welcome/Roll Call

Lacey Goeres-Priest took roll call.

Agenda Check

No changes to the agenda.

October Meeting Minutes

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

Member Update/Public Input

A representative for plumbers and backflow testers has been identified (Chris MacQuarrie). He will join the next DWAC meeting.

Action Items from October Meeting

All accomplished except:

- Share final PFAS regulations with DWAC: not yet available.
- DWS to send out new revised BMPs along with notes about revision process: Jason emailed list to DWAC for comments last week and suggested making BMPs an agenda item for the next meeting. The process was interrupted by COVID and other factors. Mike noted that the intent of the BMP ad hoc committee was to create new BMPs that utilities could modify (to some extent) to fit their situations and were not rules, but management techniques. His organization has used it twice with success. DWAC should review the BMPs and invite comments from state staff and people they represent.
- **ACTION ITEM: On next meeting agenda, include discussion about BMPs (the ad hoc committee's original documents). Everyone should mark changes on their individual copies and be prepared to discuss. (Jason sent four documents to each member on February 15.)**
- **ACTION ITEM: Get Jason's flash drive with OAWU's draft LCRR Inventory presentation to Tony.**
- Jason emailed the latest drafts of the Best Management Practices to the workgroup.

Program Update and Discussion (Samina Panwhar)

Samina reviewed DWAC origin and purpose and encouraged DWAC members to submit agenda items.

DWS regulatory authority and structure

- Statewide map of public water systems
- DWS structure: Forty-one staff members in four units. Plan to add a fifth unit (Infrastructure Funding) and five additional staff.
- Karen asked whether DWS was collaborating with other state agencies regarding state funding. Samina: Business Oregon administers the DWSRF and BIL loans on behalf of DWS. DWS coordinates closely with BizOR. Karen: Spoke with Jeff Huntington, natural resources staff with the governor's office, who is thinking about a unified approach across agencies that are applying for funding. **ACTION ITEM: Karen — Find out more about the unified approach to funding and send to Samina.**

Program updates

- Recruitment
 - Michelle Byrd is permanent DMCE Unit Manager (CRM1)
 - Four BIL positions have been approved by legislature. Department of Administrative Services recommended CRM2 rather than CRM1, but legislature has not approved any CRM position.
 - New Research Analyst 2 position approved.
- Legislative updates
 - HB4128 Oregon Department of Administrative Services to conduct a study of water infrastructure needs.
 - HB3293 (from 2021) best practices for community engagement around water projects. DWS representative on workgroup. Lead agency is Oregon Water Resources Department (OWRD).
 - Question: Is there a threshold dollar amount associated with water projects that would make the best practices kick in? Kari: Only water projects that have been funded through a state agency are affected.
 - Question (Cheyenne): Are those water systems required to use the best practices? Kari: BMPs are still in the draft stage. Rule adoption process will begin in 2025 at the earliest. The bill language states something like, "agencies should require implementers of these water projects to consider these BMPs." Samina: Not every project will have to adopt all BMPs.
 - Mike: Special Districts Association of Oregon opposed this language (among others) in the bill: "...the bill authorizes the provider of the water projects support available to local organizations, local governments for the purpose of developing local community engagement plans for water projects." This makes the process for water projects more complex. Language is confusing.

- Karen: HB 4128 has been amended. It passed out of committee unanimously. It's no longer about a study. Karen added the bill language to the Chat (The chat has been copied at the end of this document.)
- Michael Martin: In 4128, there is funding through BizOR for studying or updating the infrastructure community facilities inventory. The LOC will do their best to submit up-to-date information from their cities.
- **Michael Martin: ACTION ITEM: Can the legislative PWS map be updated to the DWS map presented earlier?**
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- Federal rules
 - PFAS final rule expected soon.
 - LCRR: Service line inventory work underway.
 - LCRI: DWS submitted comments on February 5. ASDWA prepares comments from all states. Oregon comments were generally consistent with ASDWA's, but we submitted additional comments on issues specific to Oregon.
 - UCMR5 monitoring results: Of 53 PWS that have sampled, six systems detected PFAS and four detected lithium. Gregg Baird, emerging contaminants specialist with DWS, provides information to the PWSs that have detections regarding health advisory levels, rules, and funding opportunities.
- DWSRF/BIL and other federal funding
 - Congressionally directed spending (earmarks) are concerning. Funding for water agencies is shrinking throughout the country.
 - BIL General Supplemental and BIL Emerging Contaminants: Second year FY23 applications submitted in December 2023.
 - BIL Lead Service Line Replacement: DWS declined funding for first two years. Not much interest from PWSs.
 - Sandra asked for explanation: This funding is a loan, not a grant. Lead was banned in Oregon in 1985 and lead lines were required to be replaced. So there are no known lead lines on the public side of water systems in Oregon. The LCRR inventory, not yet completed, will tell us about lead lines on the customer side (unlikely to find any).
 - EC funding for Small/Disadvantaged Communities (EC-SDC): working on application. Will include PFAS monitoring at all PWSs with a population fewer than 3,300. Monitoring will likely begin at the end of this year or early next year.

- WIN/SUDC: DWS will receive \$800,000 to support projects for small underserved disadvantaged communities.

Program performance measures

- General trend continues to be downward for violations (priority noncompliers).

Program goal: Upstream approach

- Recently created a small group to discuss and strategize the high-level goal for the program.
- Helping small systems helps larger systems.
- Problems: Systems are failing because of old infrastructure. Lack of operators for small systems.
- Upstream approach: Identify systems with technical, managerial, financial (TMF) capacity gaps *before* they fail or need emergency funding.
- More capacity assessment (CA) needed. Currently, CA is done only for new water systems and for systems seeking funding. DWS would like to assess *all* systems so that they can be directed to resources.
- One way might be to conduct CA during sanitary surveys, but surveys are done only every three or five years. Another idea is to do CA for systems targeted through violation data.
- Circuit riders provide CA to systems, primarily focused on technical needs. Systems can access other resources online, but DWS would like to expand resources and develop partnerships and collaborations with other stakeholders to address small system issues.
- Continue advocacy for state funding for OVS systems.
- Continue to focus on source water protection.

Capacity Assessment in Sanitary Surveys (Kari Salis)

Sanitary surveys currently focus on technical and operational aspects of water system. Questions can be incorporated into survey to help identify at-risk systems.

Why?

- Need to be more proactive.
- Assist systems before they reach a crisis.

Models:

- Arizona has an extensive CA tool that includes TMF.
- California SAFER program: Use data to categorize systems as failing, at-risk, etc., and display on an online dashboard. Source water protection and emergency preparedness information is included in SAFER.
- Chantal Wikstrom is leading the revision of survey forms to include CA. Foresee about 12 CA questions added to survey.

What factors might be used to define adequate or inadequate technical capacity?

- Rating system must be objective, measurable, and easy for many people to use consistently.
- Answers to current survey questions may imply answers to technical capacity questions, e.g., older well construction may mean a higher likelihood of failing infrastructure.
- First step of CA: Gather data from all systems and identify systems needing help.
- Second step: Capacity development (CD) — provide resources such as referral to circuit rider, other organizations, funding opportunities.
- Probably will be a middle step to the above – further assessment of systems likely to become noncompliers so they can be helped before failing.
- DWS staffing: Currently there is one 0.5 FTE staff who works on CD, focusing mostly on new systems and systems using SRF funds.
- Technical staff who do surveys could be part of the CA program.
- Adam Jackson offered help for designing CA. His expertise pertains to central Oregon.
- Kari explained three recent instances of systems failing. The three aspects of CA (TMF) are often linked and can't be thought of as isolated factors.

Financial capacity

- Adam DeSemples noted that when a system applies for a loan, they have to demonstrate that they have the capacity to repay the loan. It's a federal requirement.
- Adam Jackson: Many private systems are rate regulated by the PUC, so be cautious about recommending rate changes.

Discussion

Mike Grimm suggested working with other groups, e.g., OAWU, to spread out the workload of CA for 2500 systems. He noted the importance of using the CA to identify red flags that could immediately alert DWS to help a system before they fail. But that work seems like too much for one organization to handle.

Nick Alviani noted that the California SAFER slide mentioned *safe, adequate and affordable* water. He asked whether OHA considers those factors in CA. What factors does OHA look at currently for CA?

Kari: Currently, new systems are asked five or six CA questions. Most new systems are TNC so they have fewer requirements to operate. When applying for SRF funds, there are many more questions. A number of questions between those two is the goal. SRF questions are technical and managerial; BizOR handles financial component.

Samina: By addressing technical and managerial capacity, we address safety (compliance) and adequate amounts of water. We can't address financial capacity as California does. California has adopted affordable water as a human right, Oregon hasn't. OHA is looking at other states' CA for ideas. It's important that water systems don't feel like CA is just more work or pressure that the state imposes on them; it should feel like assistance.

Mike Grimm: A couple years ago, I suggested a question such as "when was the last time the system had a rate study when a system applies for funds. If not within the last three or so years, then that's a red flag for potential problems.

Kari: Maybe it's easier if we present a list of potential CA questions and ask for feedback.

Mike Grimm: Engineers always want to run to solutions to get results now. This isn't one of those situations. A strategic plan that is a collaboration among regulators, agency, utilities, and other entities is ideal. Big as well as small systems have problems. Example is Jackson, Mississippi. Once you have a strategic plan (5-, 10-, or even 20-year plan), you can use effective utility management (EUM). The goal is to create self-sustaining water systems.

Another member noted that for systems not required to have a master plan, the CA could function as a de facto master plan. If the system is in good shape, maybe check in with them again in a few years. If not in good shape, then with every survey you check on that "master plan."

Jason: It's very challenging to work with very small systems. They are run by volunteers. A system might receive help from circuit riders one year, but the next year the volunteer staff is all different with different levels of competency. Training is the only way to ensure a measure of consistency.

Nick Alviani: Maybe offer a training in TMF capacity training for small systems. They could create documentation what would roll over to the next operator and provide consistency. Might be better received as a nonregulatory requirement. Online classes have proven to be popular. Maybe provide templates for capacity forms. Offer certificate for completing program.

Jason: Small system operators are driven by regulatory letters and compliance issues to take classes. To add a regulatory requirement, the legislature would have to change OARs.

Mike Grimm: So collaboration with other entities will be essential for small systems. They can't operate now as they did years ago. Radical change is necessary. Focus on the big picture, then work your way down.

General discussion ensued about how small system operators are too busy with their own lives to do more than what is absolutely necessary for the water system.

Service line update and discussion (Amy Word)

To date, have received 75 inventories. Of those, 22 had minor issues and two had major mistakes (they did not list all connections) that needed corrections. Amy helped them with corrections. She also let all PWSs know that their inventories had been received and reviewed. She expects many more in October. So far, PWSs seem to have been conscientious about submitting good data. Common issues:

- PDFs rather than Excel files were submitted.
- Methodology tab not completed.

Some systems asked about the fines if they did not comply. In one system, some homeowners wanted to submit their line data individually, rather than with the PWS data, to the state. So far, none have put their maps online.

Systems do not have to submit a replacement plan with the inventory.

Kari: As the due dates nears, DWS will evaluate how to best allocate resources to review each inventory. Because of the increased number of submissions, we probably won't be able to review as thoroughly as Amy is right now. If systems submit to the vendor 120Water, there might be a more formal acknowledgment.

OHA is not required to review the submitted inventories. Oregon doesn't have primacy over LCRR.

Jason noted that the OAWU Annual Conference is in March. DWS and OAWU will share a table. HBH and 120Water will be there so it's an opportunity to talk with those vendors about LSL inventory.

Proposed Lead and Copper Rule Improvements (LCRI) highlights and DWS comments (Kari Salis)

Kari presented a brief history of the LCR and LCRR. In OHA's comments about LCRI, OHA focused on topics of particular concern to Oregon. Much of the proposed rule applies to states with known lead service lines.

- Proposed action level (AL) for lead is 10 ppb.

- Sample site plan required.
- 90th percentile calculation unchanged if no lead service lines.
- Optimized corrosion control (OCCT) required as in LCR.
- Water quality parameter (WQP) – proposed federal rule is not as stringent as current Oregon rule.
- LCRI: initial inventory due October 16, 2024.
- Baseline inventory due three years after final.
 - Addresses needed on all service lines.
 - Records must be reviewed for connector material.
- If LSL, GRR or unknown lines, must update annually.
- Nonlead service lines must be validated within 7 years of baseline inventory due date.
 - Similar to Oregon’s statistical method (similar to Michigan). TBD whether EPA will accept as verification.
- Lead service line and GRR replacement
 - Replacement plan due 3 years after final.
 - Mandatory replacement of LSLs and GRR in 10 years.
 - PWSs must make reasonable attempt for consent to replace customer service lines.
 - Oregon comments: If there are no LSL or GRRs because of lack of documentation, PWS should not be required to replace lines, or OHA needs to make only one contact regarding replacement.
 - Oregon, unlike other states, put the LCRR line replacement requirements in the OARs, but with the proposed new rule those requirements are obsolete. So OHA plans to delete that part of the OAR.
- If 90th percentile is >10 ppb
 - If system is over the AL, must offer free home sample.
 - Any result >10 ppb, PWS must notify consumer within 3 business days. Must also include copper result.
 - Oregon comment: retain 30-day notification requirement.
 - For systems <3300, no press release needed, only one extra activity.
 - PWS must offer to sample any home with LSL, GRR, or unknown service line.
- Individual samples >10 ppb
 - Test WQPs within 5 days if >10,000, 14 days if <10,000.
 - Site assessment within 30 days.
 - Adjustment of recommendation regarding corrosion control to state within 6 months.
- Consumer notification

- PWS must notify customer of LSL, GRR, or unknown 30 days after inventory completion.
- Required when there are disturbances (e.g., construction) near LSL, GRR or unknown lines. (Definition of *near* is unknown at this time.)
- Question about data collected during 1985 era about lead service lines. Kari gave brief history (Kurt Putnam was OHA staff then). Operator knowledge was accepted as evidence. DWS does not know where to find hard copies of that information.
- Tap sampling requirements: EPA seems to have created two categories of GRR — GRR with documentation and GRR without documentation. DWS and ASDWA comment: Copper pipes with lead solder are higher priority than GRR due to lack of documentation in a PWS with no other lead.
- Schools and childcare facilities: Proposed rule includes one-round sampling for lead at both public and private facilities. Oregon currently includes only public facilities, every six years. Comment: How are private schools defined? DOE cannot track private schools. Oregon public facilities will probably qualify for a waiver. Schools do the testing and submit results to the DOE. OHA doesn't see them. Results are posted online so students' families can see them.
- OHA-DWS comments on proposed rule (generally concur with ASDWA comments):
 - Do not require replacement of GRRs due to lack of documentation, if no history of lead use in PWS.
 - Or consider a requirement to notify the customer one time instead of four if GRR due to lack of documentation only and no other know lead.
 - Clarify how the nonlead verification would work when a predictive model/statistical approach is already used by the state.
 - Concur with 10 ppb action level.
 - Allow point-of-use devices when the PWS has control over all plumbing and taps.
 - Public notification – retain 30-day timeframe.
 - Clarify definition of a private school. Consider a student limit or below a certain number be optional.
 - Lead in schools: State flexibility in how results are provided to public.
 - Connectors in service line inventory should be optional. (Can require much more effort to evaluate.)
 - Efforts should be made to make notification of service line material part of real estate transactions.
- ASDWA comments of proposed rule:

- Estimate that states would need 71% of available staff to fully implement.
- Concern about EPA’s messaging implying that full removal of LSLs will eliminate the risk of lead exposure from drinking water. (Lead can still be in water in absence of LSLs.)
- Service line inventory:
 - Addition of connectors should be optional.
 - Allow state discretion for location identifiers vs. street addresses.
- Compliance monitoring
 - Phased approach regarding new tap sample site plans.
 - 90th percentile should be based on highest sample results regardless of tier.
 - Invalidation criteria should include maximum stagnation time.
 - Copper pipe with lead solder often has more lead than GRR, which should be reflected in tiering structure.
 - Make pipe-loop corrosion control studies optional.
 - Limit POU reliance to systems in control of all taps or 100% buy-in from the community.
 - Streamline notification dates. Remove translation assistance from condition of Primacy for public notification.
 - Agree with new action level of 10 pbb.

Mike Grimm: There are more comments from other organizations (AWWA) concerned that the LCRI requirements will affect affordability for all water systems. AWWA is concerned that some elements of the LCRI violate the Safe Drinking Water Act. Mike read from the extensive report from AWWA about the illegal and unfeasible aspects of the proposed rule.

Emergency response/cyber security (Chantal Wikstrom)

Chantal reported on Iranian terrorist-group attacks on American water systems and the potential effects of cyber attacks.

- Example: In Pennsylvania, booster station was hacked but had an alarm and the operator switched to manual operation.

OAR requires some cybersecurity measures. DWS is not required to assess PWSs cybersecurity preparedness. How can we improve cybersecurity rules? Questions for DWAC:

- How are water systems addressing cybersecurity?
- What are barriers to addressing cybersecurity issues?
- How can we improve cybersecurity for smaller water systems?

Currently use CISA and EPA as primary resources.

DWAC member comment: It's a technical issue, not educational. How complex are the CISA's and EPA's assessments? Updating passwords and software policy are simple reminders, but CISA assessments are probably more technical. Is that a barrier?

Chantal: CISA self-assessment is user-friendly. The in-person assessments are more in depth.

Jason: At the OAWU Conferences they will have speakers regarding cybersecurity, will address the third question above.

Adam Jackson: For smaller systems, maintaining off-site backups of PLC, SCADA, and other software is very important.

Mike Grimm: Operators need to know how to run their systems manually.

Samina: One goal is to encourage systems to access the free cybersecurity resources.

General discussion:

- Congress should eventually create funding and regulations for water system cybersecurity. Large water organizations have been working with Congress, especially since the large Iranian attack mentioned earlier. China is considered a threat to the whole infrastructure.

- Education efforts so far have included CISA and ORWARN trainings. But we still don't have much for the very small systems. To increase awareness of the issue, OHA-DWS offers basic information to systems via the ePipeline newsletter but relies on CISA, etc., for more technical advice. DWS website offers a guidance document and links to other resources and trainings.

Closing Comments

Next agenda include:

- Capacity assessment
- RFP release for the smaller operator contract
- Upcoming rule changes
- BMPs

Meeting adjourned at about 1:30 p.m.

Next Meeting:

April 17, 10:00 a.m. to 1:30 p.m. Same format, same location.

Action Items — Summary

- **On next meeting agenda, include discussion about BMPs (the ad hoc committee’s original documents). Everyone should mark changes on their individual copies and be prepared to discuss. (Jason sent four documents to each member on February 15.)**
- **Get Jason’s flash drive with OAWU’s draft LCRR Inventory presentation to Tony.**
- **Karen — Find out more about the unified approach to funding and send to Samina.**
- **Can the legislative PWS map be updated to the DWS map presented earlier?**

**Karen wrote this in the Chat regarding HB 4128:

This is the version the committee passed to Ways and Means

Digest: The Act would give money to cities to produce water infrastructure for new houses in this state. The Act would give money to a state agency to carry out a law related to water wells. The Act would tell a state agency to create updated information about infrastructure in this state. (Flesch Readability Score: 61.8). Digest: Tells a state agency to conduct a study of water equipment in this state. (Flesch Readability Score: 65.7). Û **Appropriates moneys from the General Fund to the Oregon Business Development Department for deposit in the Special Public Works Fund. The department must distribute specific amounts of moneys in the fund to listed cities for the purpose of producing water and wastewater infrastructure to support new residential housing in this state. Appropriates moneys from the General Fund to the Water Resources Department for deposit in the Water Well Abandonment, Repair and Replacement Fund to carry out purposes authorized by the fund. Requires the Oregon Business Development Department to update the Oregon Infrastructure and Community Facilities Inventory. Appropriates moneys from the General Fund to the Oregon Business Development Department to carry out the update. Requires the Oregon Department of Administrative Services to study water infrastructure needs in this state and submit a report to the Legislative Assembly no later than September 15, 2025. Û Sunsets January 2, 2026. Û.**

VIDEO LINKS (will expire 60 days from meeting date)

- [Drinking Water Advisory Committee Meeting-20240220_100425-Meeting Recording.mp4](#)
- [Drinking Water Advisory Committee Meeting-20240220_111914-Meeting Recording.mp4](#)
- [Drinking Water Advisory Committee Meeting-20240220_121743-Meeting Recording.mp4](#)