



Drinking Water Advisory Committee
Meeting Minutes
April 17, 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

Michael Grimm, Special Districts Association of Oregon

Cheyenne Holliday, Water Consumers

Adam Jackson, Privately Owned Water Systems

Karen Lewotsky, Environmental Advocacy Groups

Chris MacQuarrie, Plumbers/Backflow Testers

Alternate Members Present

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

Members Absent

Jason Green, Chair, Oregon Association of Water Utilities

Beth Myers, Oregon Environmental Lab Association

Travis Tormanen, American Council of Engineering Companies of Oregon

Guests

Sarah Honious, City of Hillsboro

DWS Staff

Samina Panwar, Gregg Baird, Michelle Byrd, Adam DeSemples, Paula Rich, Kari Salis, Chantal Wikstrom

Welcome/Roll Call

Lacey Goeres-Priest took roll call. Attendees introduced themselves.

Agenda Check

No changes to the agenda. Because Jason Green cannot attend the meeting, the discussion about BMPs has been moved to the July meeting.

February Meeting Minutes and Action Items Review

Mike Grimm moved to approve the October minutes and Jessica Dorsey seconded. A vote was taken and minutes were unanimously approved.

Three Action Items from the February meeting have not been accomplished (see list at end of minutes). All others have been completed.

Member Update/Public Input

None.

ACTION ITEM: SHARE SLIDES OF PRESENTATIONS FROM THIS MEETING

Program Update and Discussion (Samina Panwhar)

Program updates

- Legislative updates
 - HB3293 of 2021: Best practices for community engagement around water projects. Should any groups represented on DWAC be invited to roundtables? Lacey (League of Oregon Cities), Mike (Oregon Association of Water Utilities and SDAO), and Sandra (League of Women Voters of Oregon) expressed interest. Nick wrote that CLEHS and CO may be interested. Cheyenne wrote that Verde is already participating in the roundtables.
 - **ACTION ITEM: Invite interested parties to roundtables for HB2393.**
- Federal rules and requirements: Topics will be covered in detail later in this meeting. No concerns anticipated regarding cyber security plan required by June 28.
- DWSRF/BIL and other federal funding
 - BIL-LSLR: Received LOI from five PWSs; plan to apply for funding (planning and inventory work) this summer.
 - Emerging Contaminants (EC) funding for small/disadvantaged communities: Will focus first on PFAS monitoring at all PWSs with populations fewer than 3,300 (902 PWSs with total 1036 entry point samples).

- Service line inventory update: About 8% of PWSs have submitted so far. Almost 100% of reported lines are nonlead. **ACTION ITEM: Sandra asked what size are the systems that asked for help?**
 - Summary of inventory data received on website at www.yourwater.Oregon.gov/servicelines.php

Program performance measures: Data graphs presented.

Program strategy: Upstream approach

- Small system issues: Met with Public Utility Commission regarding collaborating around regulatory matters.
- Monthly meetings with local public health administrators (LPHA) and Department of Agriculture partners who oversee small systems.
- New source water protection grant for land acquisition planning. **Question: What is the scope of assistance that the funds can be used for? E.g., can they be used to hire experts?** Criteria have been shared through GovDelivery, DWS will share again. **Action Item: share info again, specifically with Karen.**
- Effort to include capacity assessment with sanitary surveys has been postponed. Requires more discussion. Moving forward with other changes to sanitary survey forms first.

Mike Grimm reported on events in Washington D.C. Earmark funding withdrawn from SRF: Oregon proposed that the federal government put back \$3.5 billion. States are not allowed to use LSLR money for other purposes, but there is discussion about changing that.

PFAS Drinking Water Rule Overview (Gregg Baird)

Gregg explained what Per- and polyfluoroalkyl substances are and their health hazards. EPA has released final drinking water regulations for six PFAS chemicals. Oregon has two years to adopt the regulations and apply for primacy. PWSs have three years to complete initial monitoring and five years to comply with the rule. Previously collected data using EPA-approved methods (e.g., UCMR5) are acceptable.

- Gregg presented a summary table of MCLs and MCL goals and information about Hazard Index (HI) (tool to evaluate health risks of exposure to chemicals). Mike Grimm: There are legal issues about whether the HI approach can be used and the EPA will probably be challenged in court.
- Gregg went on to present monitoring requirements, compliance determinations, and treatment. There was general discussion about consecutive systems—they are not considered to have entry points. Lab tests are expensive – there is a plan to help small systems.
- EC Funding: Loans and grants from BIL-EC and EC-SDC (small disadvantaged community) can be used for treatment, to develop a new

source, or connect to another PWS and cover planning, design, and construction. Nineteen of the 24 systems eligible because of PFAS are interested in the funding.

- EPA’s PFAS rule website presents a lot of detailed information.
- EC-SDC sampling project: OHA-DWS is developing a plan to use some EC-SDC funding to sample for PFAS at all SRF-eligible small (serving <3,300) C and NTNC PWSs (total 902 PWSs).
- Kim suggested that the laboratories should attend the April 30 EPA webinar.
ACTION ITEM: Kim will send an invitation to them.

LCRR/LCRI Implementation and Planned Rule Revisions (Kari Salis)

Kari talked about the history of the Lead and Copper Rule Revisions (LCRR). Oregon did not adopt them. Entered into primacy extension instead. (She showed a slide of the Primacy Extension Agreement.) Only the inventory requirements (and service line replacement plan) and public notification requirement were added to OARs. Without primacy, Oregon has limited ability to enforce the rules.

Kari showed a table of actions that are either required per LCRR beginning 10/16/2024 or will be determined in the Lead and Copper Rule Improvements (LCRI). EPA changed the requirements for the service line replacement plan in the LCRI so OHA-DWS will probably remove the existing language about that in the OARs. Public notification to customers is required by November 15, 2024 (30 days after implementation date of October 16), and OHA-DWS will communicate that information to PWSs via a fact sheet that is being written. EPA will provide templates and guidance for public notification.

- Question: When does the 24-hour time frame for notification begin? EPA hasn’t clarified.
- Question: What about galvanized requiring replacement (GRRs) line with known lead lines upstream and GRRs with no documentation about lead? (In the inventory spreadsheet you can differentiate.) Regarding notification: Customers may find GRR category confusing or alarming and think they must replace lines. Clarification should be in the LCRI. Templates and suggested language would be helpful—OHA-DWS can create alternate language if EPA’s isn’t acceptable.
- Question: What is acceptable documentation for claiming no lead lines were ever upstream of a galvanized line? EPA hasn’t provided information yet.
- Question about disturbances: EPA should provide more information on disturbances—definition, etc.—in LCRI.

Notification requirement details will be determined in the LCRR. EPA sent memo to states recommending they encourage PWSs to comply with public notification requirements before the deadline of October 16, 2024.

Cybersecurity and Emergency Planning Updates (Chantal Wikstrom and Samina Panwhar)

White House requested a statewide cyber security action plan for water and wastewater systems by June 28. Guidance was included. Chantal showed OHA-DWS's draft plan. Meetings are scheduled with DEQ wastewater staff, Oregon Department of Emergency Management, and Cybersecurity & Infrastructure Security Agency (CISA) Region 10.

Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCI) new rulemaking published on April 4, public comments due June 3. It establishes mandatory reporting of cyber incidents (to CISA) for critical infrastructure.

- EPA/DWS Spill Response Workshop & Exercise
Planned for this fall in Umpqua or Santiam Basin. Hope to bring operators, county partners, and response agencies together. Chantal showed a draft agenda based on a previous EPA workshop and invited people to be on the planning committee. Mike noted that there is a statewide IRON exercise on the October 28–31.

Mike reported that Water Risk and Resilience Organization (WRRO) has House Resolution 7922. It's a proposed new cybersecurity organization, a partnership of private cybersecurity experts, utilities, and regulators.

Rule Revisions for 2024 – Process (Kari Salis)

Overview of DWS's process of determining which OARs need revision. A more formal discussion will take place at July DWAC meeting. DWAC serves as Rules Advisory Committee (RAC). Kari reviewed the process steps and showed a list of OARs that will be revised including OAR 333-061-0560, -0040, -0060, -0030, -0036, -0065, -0036, -0100, 0020. There may be more topics to address, but no major changes. **ACTION ITEM: Yone asked about repeat coliform samples — who needs to report that? Kim: Will accreditation be affected if result is not reported within 24 hours? Michelle: Will get clarification.**

Federal rule revisions for PFAS, LCRI, and CCR are anticipated. Dates unknown, but probably 2025.

Closing Comments

Meeting adjourned at about 1:20 p.m.

Next Meeting:

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

Action Items — Summary

Carryover from February:

- Everyone: On next meeting agenda, include discussion about BMPs (the ad hoc committee's original documents). Everyone should mark changes on their individual copies, send to Jason, and be prepared to discuss. (Jason sent four documents to each member on February 15.)
- Karen: Find out more about the unified approach to funding and send to Samina.
- Lacey: Can the legislative PWS map be updated to the DWS map presented earlier? (suggestion from Mike Martin)

New Action Items:

- Presenters: Share slides of presentations from this meeting.
- Everyone: Invite interested parties to roundtables for HB2393.
- DWS: Sandra asked what size are the systems that asked for help with service line inventory?
- DWS: Karen asked what is the scope of assistance that the new source water protection grant funds for land acquisition can be used for? E.g., can they be used to hire experts? Please provide criteria.
- Kim: Invite laboratories to April 30 EPA webinar.
- Michelle: Engage stakeholders in rule revision process. Specifically, ensure repeat coliform reporting rule clarifies who must report. Will accreditation be affected if result is not reported within 24 hours?