



**Drinking Water Advisory Committee**  
Meeting Minutes  
July 17, 2024  
Virtual (Teams) and In-Person

Members Present

**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  
**Beth Myers**, Oregon Environmental Lab Association  
**Craig Sheahan**, American Council of Engineering Companies of Oregon

Alternate Members Present

**Kim Ramsay**, Oregon Environmental Lab Association  
**Matt Johnson**, Oregon Association of Water Utilities

Members Absent

**Yone Akagi**, Large Water Systems  
**Chris MacQuarrie**, Plumbers/Backflow Testers  
**Karen Lewotsky**, Environmental Advocacy Groups

Guests

**Sarah Honious**, City of Hillsboro

DWS Staff

Samina Panwar, Michelle Byrd, Brad Daniels, Adam DeSempole, Paula Rich, Kari Salis

## **Welcome/Roll Call**

Jason Green took roll call and welcomed new member Craig Sheahan. Members introduced himself.

## **Agenda Check**

No changes to the agenda.

## **April Meeting Minutes and Action Items Review**

Mike Grimm moved to approve the April minutes and the motion was seconded. A vote was taken and minutes were unanimously approved.

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

## **Member Update/Public Input**

None.

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

- Legislative updates
  - HB3293 of 2021: Best practices for community engagement around water projects. Not planning to adopt rules this year and probably not next year. OWRD has started rulemaking process. An OHA representative is on the rule advisory committee. Public comment period runs through August 1, 2024. Water projects funded by state agencies will be required to include community engagement, e.g., offer information, solicit feedback and post-implementation assessment.
  - The BMPs are not intended to be or become rules. But the idea of having BMPs will be in the rules.
  - Rule about BMPs will not apply to federal agencies.
- Federal rules and requirements: Samina reviewed PFAS rule that Greg talked about at last meeting. EPA is being challenged on the MCL creation process, but OHA is going ahead with planning for implementation.
  - Overturn of Chevron Deference: Supreme Court overturned a 40-year-old ruling recently, so power to interpret laws now goes to courts rather than federal agencies. Example: EPA's requirement to include cybersecurity in sanitary surveys was a result of EPA's interpretation of the law. EPA would not be able to add the requirement now because of the overturned decision that results in limiting federal agencies' power.

- Service line inventory update: About 11.3% of PWSs have submitted so far. Almost 100% of reported lines are nonlead.
  - Kari clarified that the 30-day deadline begins on October 16, 2024, for public and consumer notifications.
- LSLR Funding
  - OHA is applying (this month) for about \$1 million funding, based on five letters of interest.
  - Future applications will depend on whether water systems are interested.
- Cyber Security Action Plan
  - Oregon DAS Cyber Security Services (CSS) office, with assistance from other agencies, completed a plan and submitted it by the deadline (June 28).
  - Only PWSs serving more than 3,300 were included as covered systems. Total of 121 systems identified.
  - CISA will offer self-assessment tools to the systems and, if there are gaps in the systems' security, will provide mitigation plans, resources, and potentially funding to close the gaps. PWS participation is voluntary.
  - Mike: What is the value to the PWS for participating? (There's a risk with sending information to an outside entity.) Samina: They can get assistance from experts, can access funding.
- *Disadvantaged Community* definition for DWSRF
  - Important for funding decisions.
  - Currently revising definition with EPA contractor assistance. Additional socio-economic factors being considered.
  - Opportunities for community to engage with decisions are forthcoming (e.g., virtual open house for PWSs, water users, public, everyone).
  - Mike pointed out that it would be important to consider portions of larger communities as disadvantaged communities. Utilities would support that view.
- Program performance measures:
  - Data graphs presented. Violations and noncompliance trends are generally downward.
  - OVS systems data show increase in violations because OVS rules have only recently been fully implemented and because there is no funding for OVS systems.

## 2024 Proposed Rule Changes (Brad Daniels)

- Brad provided a summary of the proposed rule amendments for DWS's 2024 rulemaking. He highlighted the substantive changes, although there are also many proposed changes regarding grammar, semantics, and removing or modifying confusing or redundant text.
- After the meeting (on July 19), Brad sent two emails to members that summarized his talk and included a detailed description of changes to tables, and he attached the draft rule text and updated tables. These documents provide DWAC members the opportunity to study the proposed rule changes and potentially engage in a robust, informed discussion in the future.  
**(ACTION ITEM: Mike requested that Brad include a rough timeline of the rule process.)**
- Highlights:
  - Discussion regarding clarification to OAR 333-061-0010(3): Purchasing customers of wholesale water suppliers will be regulated as public water systems when treatment exists for pathogens such as *Legionella* and *Cryptosporidium*. Currently this situation does not exist in Oregon. DWS would potentially be responsible for regulating the PWS. *Legionella* is regulated for PWSs, but is not required to be monitored. If a system is treating for *Giardia*, bacteria and viruses, *Legionella* is also getting treated.
  - A series of rule changes ensures that OHA has clear authority to enforce MCLs and impose penalties. Oregon DOJ recommended this clarification. Currently, an argument could be made that a PWS is not required to pay a penalty for violating an MCL. (Samina described the steps DWS takes for encouraging compliance—there are several steps before civil penalty is assessed.)
- At the October DWAC meeting the final rule language may be reviewed. There are some other required documents that will be final at that time. There will be a public comment period from late October through November. Probably the public meeting will be held virtually only. Sandra Bishop recommended holding an in-person meeting too. The process will be finished by the end of the year and the rules will be effective on January 1, 2025.
- Brad went over changes to tables in the rules. The Secretary of State's office considers tables to be different from rule texts. The rules as they appear on OHA's website are formatted to be more readable. The changes to tables are mostly just formatting changes.
- Discussion about special samples. OHA may request to see results of special samples, but there is no automatic reporting requirement.

- Discussion about requirement for a contact person and information for each PWS and difficulties getting that information.
- Kari explained the development of the rules for OVS water systems. OHA requires monitoring for nitrate, but not treatment. Public notice is required. OHA cannot offer funding to OVSs for treatment infrastructure. Rules may change if funding becomes available.
- Discussion about disadvantaged communities and the different standards for them. Jason: Health standards should be the same for all communities.

### **BMP Discussion (Jason Green)**

- Ad hoc committee consisted of Jason (Chair), Mike, Dwayne, Yone, Brian, Kari. The BMPs have been shared with DWAC members via email, but this is the first time the BMPs are to be discussed at a DWAC meeting. Because there isn't enough time at this meeting, Jason asked members to read the BMPs and be prepared to discuss at the next meeting. **ACTION ITEM: Put BMP discussion in next meeting agenda, toward beginning of meeting.**
- OAWU has been unofficially sharing the BMPs and has seen them used successfully. Mike described a large main break at West Slope in August 2022 when he used the BMPs as a process to address the situation. It worked very well. OHA-DWS has added some details to the BMPs since then.
- The flow charts are not meant as rules, but as simple, straightforward guidance (scripts) operators and others can follow in an emergency to avoid creating a public health issue. They still need to notify OHA when appropriate.
- **ACTION ITEM: Reconvene the committee to go over BMPs again. Include Lacey. Kari has some suggestions. DWAC members should review and send comments to Jason, Mike, Lacey, Kari and Yone. (Example: Check math for bleach solution.)**

### **Consumer Confidence Reports (CCR) Revised Rule (Michelle Byrd)**

Michelle explained what CCRs are and why the rule is changing. The rule supports the right-to-know provision in the SDWA. New rule effective June 24, 2024. Readability, clarity, and accuracy are improved. Delivery is more frequent (systems serving more than 10,000 will provide a CCR twice per year) and delivery methods updated (e.g., QR code on a postcard is acceptable). Assistance with translation services improved.

- Questions about the second (December 31) report. If the July 1 report includes data from the previous calendar year, would the December 31 report would be identical except for any needed corrections or updates on

the previous year's data? **ACTION ITEM: Michelle, clarify what data is included in each report.**

- EPA website states something like: The second report is identical to the first unless the system has violations of the national primary drinking water regulations (MCLs, lead above a specific level).
- A DWAC member stated that Oregon may alter the language of the CFR when the rule is substantively equivalent, so OHA might be able to clarify the two-report rule in the OARs.
- Mike suggests that OHA create a template so all systems have consistent reports. Michelle suggested that a template should allow flexibility for customization by water systems. Translation would be easier with a template. **ACTION ITEM: Michelle, explore possibilities of creation of template.**

Water systems must meet the new requirements beginning January 1, 2027. States will begin to report compliance monitoring data to EPA annually beginning around May 24, 2027.

### **Closing Comments**

Meeting adjourned at about 1:45 p.m.

### **Next Meeting:**

October 16, 10:00 a.m. to 1:30 p.m. Same format, same location.

### **Action Items — Summary**

Carryover from April:

- 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)
- 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? (negative test results)

New Action Items:

- Presenters: Share slides of presentations from this meeting. Brad – include a rough timeline of the rules process. (Brad and Samina have done this.)
- All DWAC members: Review rule changes and send comments to Brad and be prepared to discuss at October meeting.

- Samina: Put BMP discussion in next meeting agenda, toward beginning of meeting.
- BMP Committee (Jason): Reconvene the committee to go over BMPs again before the October meeting. Include Lacey. Kari has some suggestions.
- All DWAC members: Review BMPs and send comments to Jason, Mike, Lacey, Kari and Yone. (Example: Check math for bleach solution.)
- Michelle: Clarify what data is included in each CCR report.
- Michelle: Explore possibilities of creation of CCR template.