

Drinking Water Advisory Committee

Meeting Minutes

October 16, 2024

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

Beth Myers, Oregon Environmental Lab Association

Craig Sheahan, American Council of Engineering Companies of Oregon

Members Absent

Chris MacQuarrie, Plumbers/Backflow Testers

Guests

Sarah Honious, City of Hillsboro

DWS Staff

Samina Panwar, Michelle Byrd, Brad Daniels, Casey Lyon, Paula Rich, Kari Salis

Welcome/Roll Call

Jason Green took roll call.

Agenda Check

Samina suggested adding a discussion about BMPs.

July Meeting Minutes and Action Items Review

There was a motion to approve the April minutes and the motion was seconded. A vote was taken and minutes were unanimously approved.

Elections were tabled.

Member Update/Public Input

Nick Alviani has taken a position with DWS so he resigned his position with DWAC. DWS has sent a request for nominations to the Conference of Local Health Officials. The Watershed Council seat is also vacant.

Program Update and Discussion (Samina Panwhar)

- 50 years of Safe Drinking Water Act
- Staffing and recruitment
- Federal funding
- Revising Disadvantaged Community (DAC) definition
 - The SDWA through DWSRF allows subsidies to DACs.
 - Working with EPA contractor. Definition will be finalized before end of 2025.
- Cybersecurity
 - OHA submitted Cyber Security Action Plan on June 28, 2024. Feedback from National Security Council and EPA expected soon.
 - EPA will inspect two water systems in Oregon.
 - Jason reported that OAWU received funding for a cybersecurity circuit rider. Position is for one year (starting November 1) and will be filled by a current staff OAWU staff member.
- Federal rules
 - LCRR: Inventories due today. 41% of systems have reported so far, but an increase is expected because of last-minute submissions.
 - Lead & Copper Rule Improvements (LCRI) announced October 8, 2024, effective October 2027. Educational webinars provided by EPA.
- U.S. Army Corps of Engineers' drawdown of reservoirs
 - Four water systems affected – high turbidity.
 - USACE has revised their implementation plan to shorten window of drawdown, but turbidity will still increase.
 - OHA meets regularly with USACE and Water Caucus.
 - Sweet Home and Albany declared state of emergency. Lebanon is also affected.
 - Samina showed a map of the affected area including City of Lowell) and discussed how the drawdown affects the cities.
- Program strategies
 - Samina reviewed capacity assessments, strengthening collaboration and coordination with partners, source water protection.

- Samina discussed efforts to make resources easier for PWSs to find and use.

2024 Rulemaking Final Review (Brad Daniels)

- Documents for review were provided to members before the meeting.
- Most changes are not substantive and don't affect the meaning of the rules. Many are for changes to formatting or to agree with language updates from OHA, such as the use of acronyms.
- Brad talked through and displayed a written summary of proposed rule amendments.
 - Discussion regarding the "water system customer [e.g., purchasing system] with treatment for pathogens can be regulated as a PWS." DWS doesn't know of any such systems, but this situation may occur in future. How does OHA discover them? For example, the branches of OHA that licenses hospitals and hotels visit the locations and will find out and tell DWS.
 - Discussion regarding 333-061-0020 (31) definition of a contaminant. Legally, a contaminant is not a health hazard unless it exceeds MCL. This change aligns with federal SDWA language. A member expressed concern that the definition is very broad and any harmless mineral or chemical in water will be considered a contaminant. Another member: In science, there is no good or bad connotation of a contaminant; it is just something in the water besides pure water.
 - Discussion regarding how to determine potential impact on racial equity. Public hearing and comments: OHA shares proposed rules with stakeholders to gather and consider their concerns and reaches out to particular groups depending on the rule in question. Data or research that could help DWS craft better forms is welcome. For some federal rules, EPA research is available (but this year DWS is not adding any such rules).
 - No fiscal impact expected from rule amendments.
 - Other perspectives, such as small business operators, are welcome.
- Rulemaking timeline
 - October 23: Written comments from members welcome by this date. Please send to all DWAC members, Samina, and Brad.
 - October 28: Notice of proposed rulemaking filed with Secretary of State. Public comment period begins.
 - November 19: Public hearing via Teams.
 - November 29: Public comment period ends. OHA considers comments and begins revising as necessary.
 - January 1: Final rules effective.

Service Line Inventories (Kari Salis)

Kari discussed the review and entry process for submitted inventories. Many inventories contained mistakes (e.g., incorrect spreadsheet used, number of reported service lines incompatible with size of community) that required follow up by state regulator. Those with minor discrepancies can still be considered submitted by the due date.

Data is available to the public through Data Online. Numbers are still subject to change as inventories are reviewed and finalized. The workload for staff has been high so there's a backlog.

Lead and Copper Rule Improvements (LCRI) (Kari Salis)

Service line replacement plans and baseline inventories due October 2027 (supersedes LCRR). Kari reviewed some notable differences in requirements from the initial inventories that were due today. EPA will be providing guidance for LCRI.

PWSs must develop list of all schools and childcare facilities by October 2027. Oregon's rules already cover public schools and licensed childcare facilities, so state can get waiver from this requirement. Private schools in Oregon are not regulated so they are subject to this sampling requirement (K-8 only). Current definition of private school: must be in building used primarily for education.

Kari summarized the many requirements for addressing lead service lines in LCRI. Because Oregon has no lead lines, they are mostly not applicable to Oregon.

There are 16 PWSs in Oregon that have exceeded the lead action level, but the reason is plumbing, not service lines. In addition, one PWS reported having lead service lines. OHA is looking into this claim. If true, the 1985 Oregon rule (lead lines must be replaced immediately) will be enforced.

Source Water Protection recognition and awards (Casey Lyon)

Casey described the drinking water source protection program. OHA works closely with DEQ (DEQ drinking water staff is funded by OHA-DWS).

- Priority has been to promote actions toward achieving substantial implementation – numbers have increased. EPA benchmark is achievement by 49% of Community systems; Oregon is at about 41%.
- Ongoing workshops on source water protection
- Grants available each year
- New map available online to public that shows examples of state-funded source water protection projects
- Link to source water protection data for each PWS in Data Online
- New: Drinking Water Source Protection Award for substantial implementation

Action items review (Lacey Goeres-Priest)

Carryover from July:

- Karen: Find out more about the unified approach to funding and send to Samina.
- 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) (question from Kim Ramsay)

New Action Items:

- Send written comments about rulemaking to all DWAC members, Samina, and Brad by October 23.
- Michelle or Samina: At next meeting, include a slide on data to be included in each CCR.
- Lacey: Set up a meeting for BMP workgroup to finalize BMPs. Review flowchart.

Closing Comments

Meeting adjourned at 1:30 p.m.

Next Meeting:

January 15, 10:00 a.m. to 1:30 p.m. Will probably be all remote, no in-person meeting (confirm with Jason)