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# **Drinking Water Services Program Update**

October 2019

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Oregon  
**Health**  
Authority

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# Presentation Overview

- Federal Updates
  - WIIN grant
  - AWIA provisions
  - Standards
  - Lead and Copper Rule Revisions
- State Program Updates
- Drinking Water Fees rulemaking
- State Water Vision
- Looking ahead to 2021

# Federal Updates

WIIN Act 2016 grants to States:

- **Small or Disadvantaged Communities:**
  - \$556,000 to be allocated to OR; 45% match required
  - Small (<10,000 served) or Disadvantaged communities eligible
  - Hope to fund 3-4 projects in 2020
  - Possibly including Warm Springs



# Federal Updates

## America's Water Infrastructure Act of 2018 (AWIA) Section 2013:



- Risk and Resilience Assessments, if serving >3,300
  - Certify completion to EPA by:
    - March 31, 2020 serving >100,000 **(5 systems)**
    - December 31, 2020, serving 50,000 to 100,000 **(12 systems)**
    - June 30, 2021, serving 3,300 to 50,000 **(101 systems)**
  - Review and Update every 5 years; recertify to EPA
  - Resources available on EPA Water Security website

# Federal Updates

## America's Water Infrastructure Act of 2018 (AWIA) Section 2018:



- Emergency Planning Community Right-to-Know Act revisions
  - Primacy agency (DWS) must promptly notify Community Water Systems of reportable EPCRA or CERCLA releases within their source water protection area
  - SERCs (State Fire Marshall) and LEPCs must make Haz Substance storage data available for facilities within the source water protection areas of Community Water Systems upon request.

# Federal Updates

## America's Water Infrastructure Act of 2018 (AWIA):

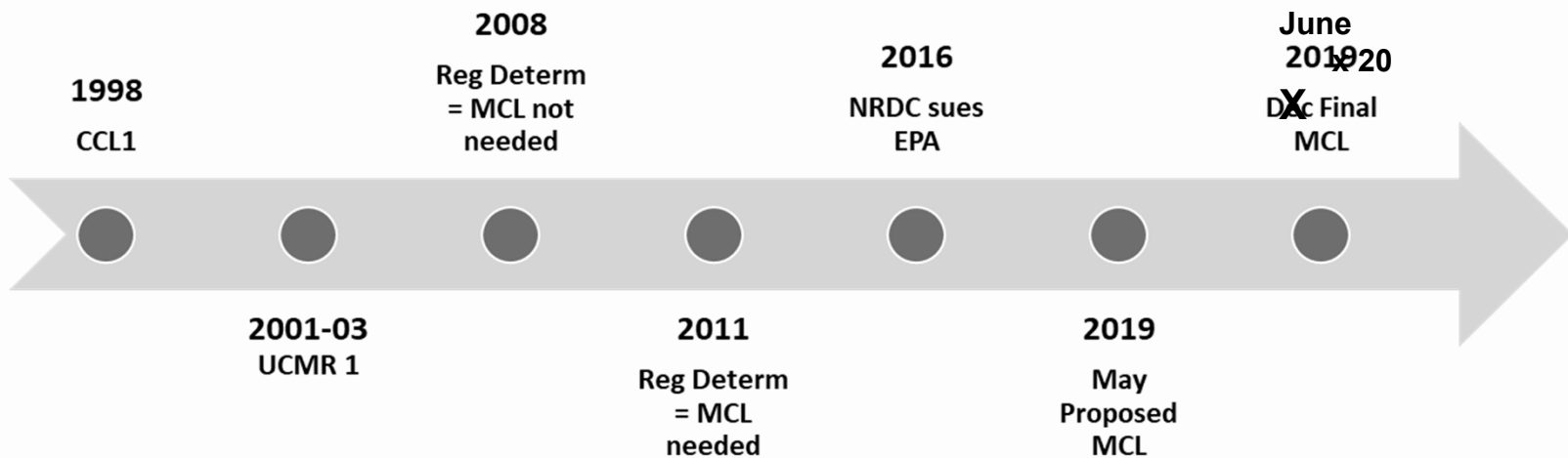


- Other provisions, proposed rules due by October 2020:
  - **Water Restructuring Rule.** Authority to require consolidation assessments of systems with repeated violations. Also, provisions allowing for contractual operation of failed systems, including liability protections.
  - **Consumer Confidence Reports.** Twice a year for larger systems serving more than 10,000.

# Federal Updates

Proposed new **Perchlorate** standard 6/26/19 FR:

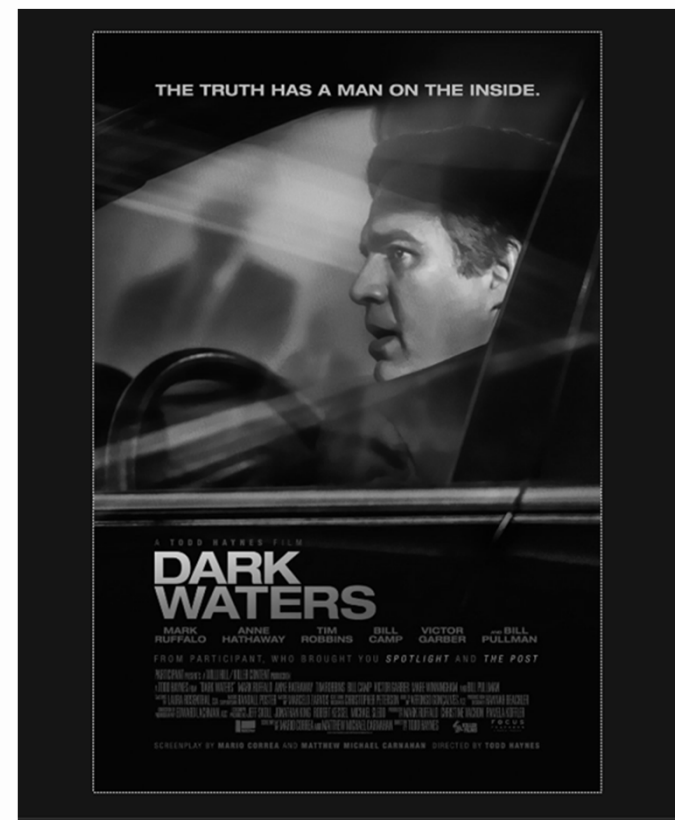
- Proposed MCL/MCLG of 56 ug/l
- EPA requested comment on alternatives
- OHA/DWS submitted comments
- Court deadline extended to June 19, 2020 for final rule



# Federal Updates

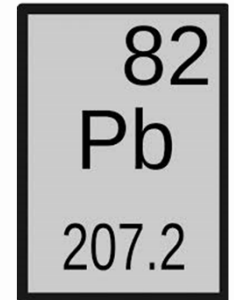
## Per and Polyfluoroalkyl Substances (PFAS)

- EPA Reg Determination by end of 2019
- Congress Defense bill amendments
  - Require EPA to promulgate MCL in 2yrs
  - Include PFAS in UCMR5
- State DEQ/OHA workgroup
  - Preparing public information
  - No UCMR3 detections
  - Fire training cleanup sites
  - Low level detections related to Nat Guard sites in 4 small PWSs in OR





# Federal Updates

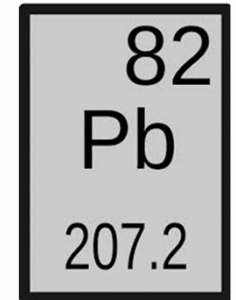


## Proposed Lead and Copper Rule Revisions

### Timeline:

- Proposed rule signed October 10, not yet published
- Public comments for 60 days from FR notice
- Final Rule expected in late 2020
  - Within 2 yrs States submit Primacy packages
  - Within 3 yrs :
    - Rule effective for most provisions
    - New Lead Service Line inventories due to State

# Federal Updates



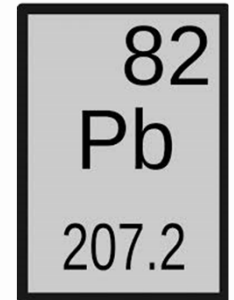
## Proposed Lead and Copper Rule Revisions

### Key Changes:

New Lead Trigger Level (TL) of 10ug/l

- TL is in addition to existing Action Level (AL) of 15 ug/l
- Water systems that exceed the TL but not the AL:
  - Corrosion Control Treatment (CCT) study if CCT not installed
  - Re-optimize if CCT is installed
  - No reduced tap sampling
  - Implement goal based Lead Service Line Replace program
  - Annual outreach to LSL customers

# Federal Updates



## Proposed Lead and Copper Rule Revisions

### Key Changes:

- Lead Service line inventory required within 3yrs, updated annually
- Revisions to tap sampling site criteria, sampling protocols
- Systems must “find and fix” for sample sites that exceed the AL
  - Systems must determine if a CCT “fix” is needed
  - Report to the State fixes that are out of their control, with documentation
- CWS must sample 20% of schools and child care facilities each year on a 5 year cycle. Existing State programs must be no less stringent

# State Program Updates

## Staffing updates

- **Technical Services Units:**

- Field Sanitarian/Emerg. Preparedness vacancy, recruitment underway
- New positions: 3 Natural Resource Specialists

- **Data Management, Compliance and Enforcement Unit:**

- Samina Panwhar, new Unit Manager
- New positions: Compliance Specialist, Research Analyst

- **Protection, Planning, Certification Unit:**

- Partner Services position filled recently



# State Program Updates

Some program goals/objectives:

- **Management**
  - Hire and train new staff
  - Support SOS program audit (temporarily on hold)
  - Support Legislative Workgroup on HABs
  - Consider potential Legislative Concepts for 2021
- **Data Management, Compliance and Enforcement**
  - Work with labs on electronic reporting of lab data
  - Support PHD Data Visualization initiative
  - Continue to refine enforcement priorities and process



# State Program Updates

Program goals/objectives:

- **Protection, Planning and Certification**
  - Continue work to streamline Op Cert program
  - Prepare for DWSRF Needs Survey
  - Pilot project to shift to electronic file records
  - Develop Small/Disadvantaged system grants program and Small System Equipment Assistance program
  
- **Technical Services**
  - Increase focus on emergency preparedness
  - Update Source Water Protection program to integrate emerging contaminants and emergency preparedness
  - Work with small systems to increase compliance, monitoring and reporting, prioritizing non-EPA surface water systems



# Drinking Water Fees

## Summary of Proposed Fee Rule:

- Implements SB27
- Repeals Sanitary Survey Fee
- Establishes Annual Water System Fee:
  - State Regulated (Non-EPA) systems \$75
  - Fees remain low for small systems:
    - Non-community systems \$150
    - Small community systems <1,000 people \$175
  - Builds on tiered structure of Sanitary Survey Fee
  - Treatment category is only that needed to meet standards or TT (excludes fluoridation only)
  - Wholesalers without distribution have same fee tiers as systems that Purchase only



# Drinking Water Fees

## Proposed Fee Rules:

### – Rulemaking Timeline:

- Oct 31. Close public comment
- Dec 2. Revise rules based on comments, prepare response
- Dec 20. File final rules with SOS
- April 15. Fee invoices mailed
- July 1. Annual fee payments due

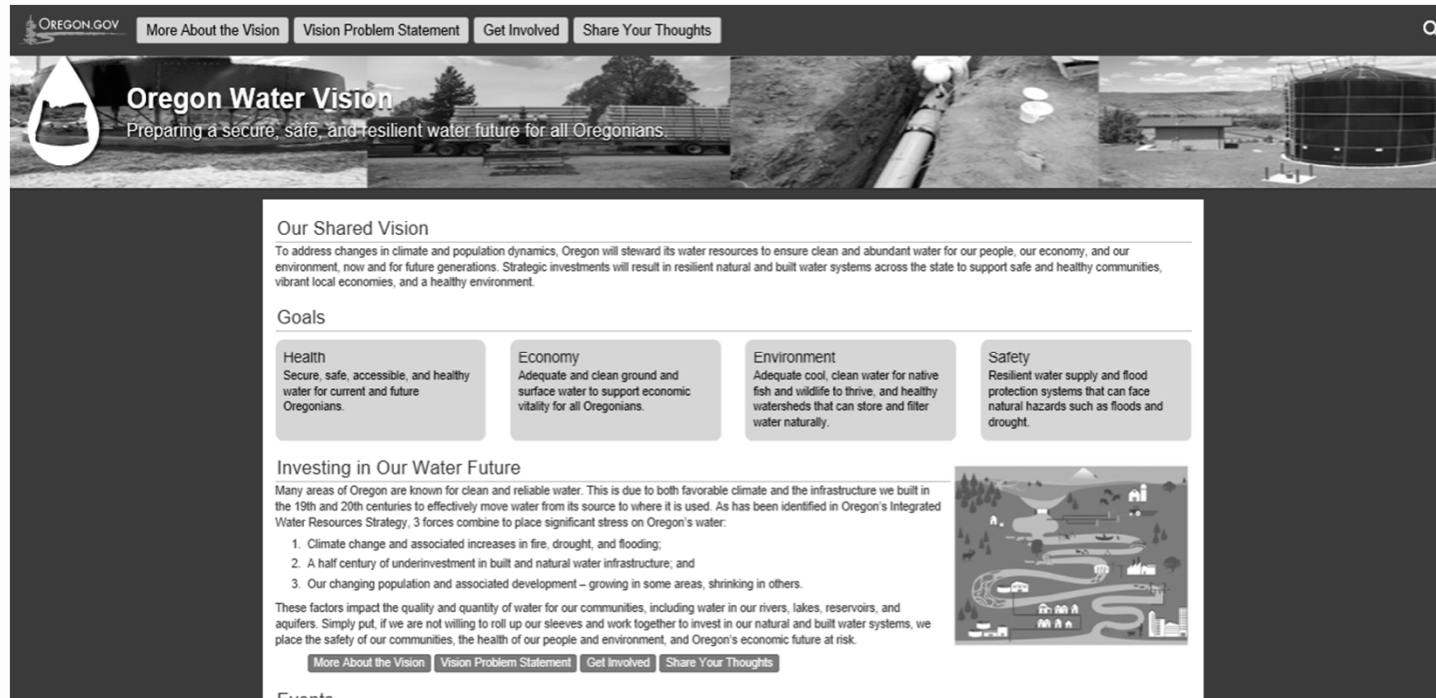
### – LPHA Allocation Timeline:

- Winter 2020. Work on revising funding allocation table
- Spring 2020. Prepare any amendments to the PE50 and FAA
- Increased revenue allocation starting July 1





# Oregon Water Vision planning



Register for a Community Conversation, to be held at the following locations:

**Tillamook:** October 23, 12pm-5pm; **Bend:** October 25, 9am-2pm; **Ontario:** October 28, 9am-2pm; **La Grande:** October 29, 9am-2pm; **Albany:** October 30, 9am-2pm; **Medford/Central Point:** November 7, 10am-3pm; Zoom Virtual Meeting: November 13 and 15, 12pm-2pm

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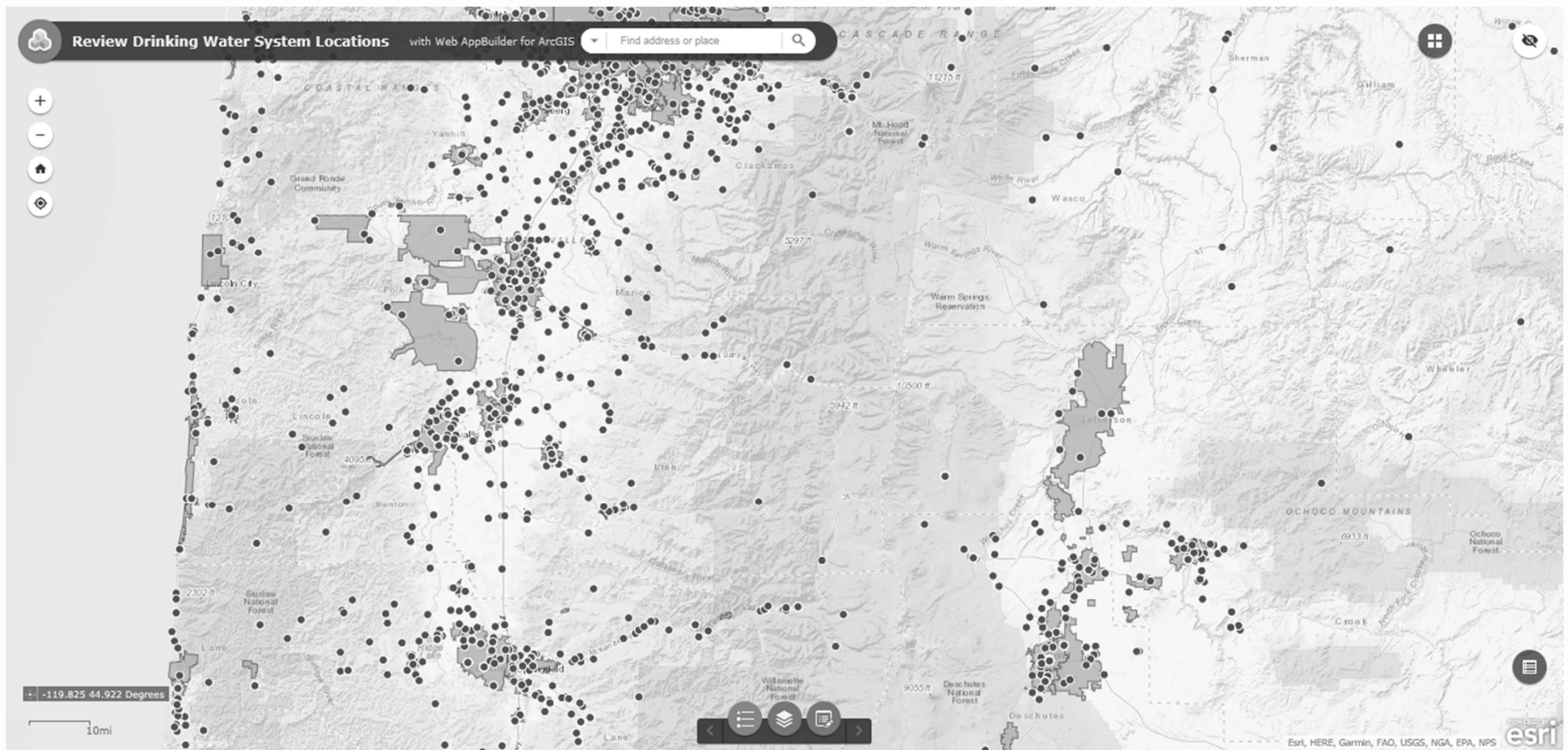
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# Preliminary ideas for 2021



- Improved Consolidation Incentives?
  - We can best Protect Public Health with incentivized access to capable, well-operated public water systems
  - Financial, institutional and cultural barriers to consolidation for both small systems and larger acquiring systems
- Update Program Authorities
  - Explicit order authority, update civil penalties and injunction authority, PN for emerging contaminants
  - Align statutory authorities with new AWIA provisions related to water restructuring assessments

# Preliminary ideas for 2021



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Working together to  
keep drinking water  
safe for Oregonians.

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