Drinking Water Services
Program Update

October 2019

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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 \((5 \text{ systems})\)
    - December 31, 2020, serving 50,000 to 100,000 \((12 \text{ systems})\)
    - June 30, 2021, serving 3,300 to 50,000 \((101 \text{ systems})\)
  - 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
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
Working together to keep drinking water safe for Oregonians.

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