Significant Deficiency and Unmet Rule Requirements

Proposed Changes to Oregon Administrative Rules, Survey Forms and Letters

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OHA-DWS

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Background

EPA required States to issue violations and enforce uncorrected significant deficiencies.

- Currently over 1500 unresolved deficiencies.
- DWS has not been issuing violations for uncorrected deficiencies
- DWS compelled to review and align significant deficiency

Unresolved Deficiencies

Regulating Agency:	All regulating agencies
County:	All counties
Search Options:	Overdue deficiencies only. Oregon very small systems excluded.
Results:	1518 unresolved deficiencies found for 474 systems

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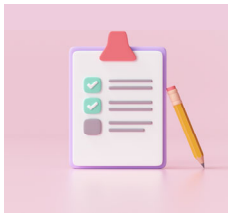
What? Why? How?



What to Determine?

DWS Focus – Pathway to contamination and Treatment Performance

EPA Requirements - Elements

Workload Capacity for Formal Enforcement

Why propose rule changes?

Fewer unresolved significant deficiencies = Less violations going through formal enforcement

Time to write, propose, approve rules with partner/public feedback.

How to review?

A work group was formed to review

Rules – OAR 333-061

Forms – Survey Forms and Letters

Processes – Issuing Violations / Enforcement

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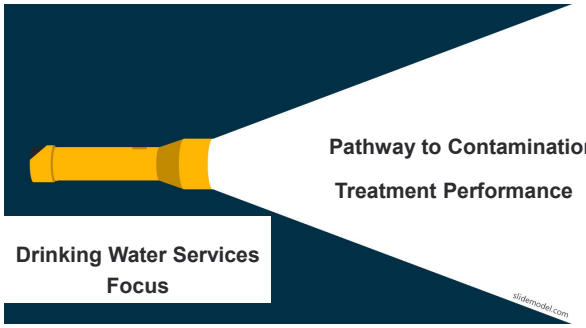
Significant Deficiency



- "Significant Deficiency" means a defect in design, operation, or maintenance, or a malfunction of the source(s), treatment, storage, or distribution system that has been determined to cause or have the potential for causing the introduction of contamination into the water delivered to consumers.

OHA-DWS Determining Factors and Focus

Direct pathway to contamination or treatment performance.

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Significant Deficiency and Unmet Rule Requirements

Significant Deficiency	Example
Direct pathway to contamination	Screens
Treatment performance	Turbidity standards / CT

Unmet Rule Requirement	Example
Risk	An unmet rule with risk but not direct pathway
Construction Standard	Raw Water Sample Tap - 0050
Treatment Requirements	Non-NSF Chemicals
Documentation	Operations and Maintenance Manual

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8 Elements of EPA Sanitary Survey Framework

Source	**Pumps**
Treatment	**Monitoring and Reporting**
Distribution System	**Operator Compliance**
Finished Water Storage	**Management and Operation**

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Construction Standards and Exemptions

- ORS 448.131(5) Nothing in this section authorizes the authority to require alterations of existing facilities unless alterations are necessary to insure safe drinking water. [1981 c.749 §6; 2009 c.595 §840]
- OAR 333-061-0050 (b) Facilities at public water systems must comply with the construction standards in place at the time the facility was constructed or installed for use at a public water system. A public water system shall not be required to undertake alterations to existing facilities, unless the standard is listed as a significant deficiency as prescribed in OAR 333-061-0076(4) or if MCLs are being exceeded.

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☐ Source Deficiencies and Unmet Rule Requirements:

Well Construction:
- ☐ ● Sanitary seal and casing not watertight
- ☐ ○ Does not meet setbacks from hazards
- ☐ ○ Wellhead not protected from flooding
- ☐ ○ No raw water sample tap
- ☐ ○ No treated sample tap (if applicable)
- ☐ ● No screen on existing well vent

Spring/Other GW Source:
- ☐ ● Spring box construction does not exclude surface water
- ☐ ● Spring box not impervious durable material
- ☐ ● Spring box hatch/entry not watertight
- ☐ ● No screened overflow
- ☐ ○ Does not meet setbacks from hazards
- ☐ ○ No raw water sample tap
- ☐ ○ No treated sample tap (if applicable)

☐ Treatment Deficiencies and Unmet Rule Requirements:

Surface Water Treatment:
- ☐ ● Turbidity standards not met
- ☐ ○ Turbidimeters not calibrated per manufacturer or at least quarterly
- ☐ ● Incorrect location for turbidity monitoring
- ☐ ○ If serving > 3,300 people no alarm or auto plant shut off for low chlorine residual
- ☐ ● Bypass around required treatment
- ☐ ○ Conventional or direct filtration: No alarm or plant shut off for high turbidity
- ☐ ○ Conventional filtration: Settled water not measured daily
- ☐ ○ Conventional or direct filtration: Turbidity profile not conducted on individual filters at least quarterly
- ☐ ● Cartridge filtration: Filters not changed according to mfg. rec. pressure differential
- ☐ ○ Cartridge filtration: No pressure gauges before and after cartridge filter
- ☐ ● Membrane filtration: Direct integrity testing does not meet requirements
- ☐ ○ Membrane filtration: Operations and maintenance manual does not include diagnostic/repair plan
- ☐ ○ Membrane filtration: Turbidimeter not present on each unit

Disinfection Deficiencies:
- ☐ ● Free chlorine residual not maintained
- ☐ ● Unable to demonstrate minimum CTs are met
- ☐ ○ DPD/EPA approved method not used
- ☐ ○ Chlorine not measured & recorded
- ☐ ○ No means to adequately determine flow rate on contact chamber effluent line
- ☐ ○ Failure to calculate CT values correctly
- ☐ ○ pH, temperature, and chlorine residual not measured daily at first user
- ☐ ○ No means to adequately determine disinfection contact time under peak flow and minimum storage conditions

UV Disinfection:
- ☐ ○ Lamp sleeve not cleaned
- ☐ ○ Lamp not replaced per manufacturer
- ☐ ● No intensity sensor with alarm or shut-off

Other Treatment:
- ☐ ○ Non-NSF approved chemicals
- ☐ ○ Corrosion control parameters not met

☐ Distribution System Unmet Rule Requirements:
- ☐ ○ System pressure < 20 psi

Cross Connection:
- ☐ ○ No ordinance or enabling authority (CWS)
- ☐ ○ Annual Summary Report not issued (CWS)
- ☐ ○ Testing records not current (CWS, NTNC, TNC)
- ☐ ○ No Cross Connection Control Specialist (CWS ≥ 300 connections)

☐ Finished Water Storage Deficiencies:
- ☐ ● Roof and access hatch not watertight or adequately secured
- ☐ ● No flap valve, screen, or equivalent on drain
- ☐ ● No screened vent

☐ Monitoring Deficiencies and Unmet Rule Requirements:
- ☐ ○ Monitoring not current
- ☐ ● Unaddressed MCL violations or LCR AL exceedances
- ☐ ○ No Coliform Sampling Plan

☐ Management & Operations Unmet Rule Requirements:
- ☐ ○ No operations and maintenance manual
- ☐ ○ Emergency response plan not completed (CWS, NTNC)
- ☐ ○ Major modifications not approved (plan review)
- ☐ ○ Master plan not current (≥ 300 connections)
- ☐ ○ Annual CCR not distributed (CWS)
- ☐ ○ PNC or out of compliance with AO
- ☐ ○ Public notice not issued as required

Operator Certification:
- ☐ ○ No certified operator at required level
- ☐ ○ No protocol for under certified operator

☐ Other:
- ☐ ● Other situations presenting a public health risk, as determined by the Authority

Current Deficiency List / Proposed Deficiency List

Added to 0076

Removed from 0076

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Proposed Significant Deficiency List

Category	Significant Deficiency	Category	Significant Deficiency
Source	Sanitary seal and casing not watertight	Treatment	Free chlorine residual not maintained - if disinfecting
Source	No screen on existing well vent	Treatment	Bypass around required treatment
Source - Spring	Springbox not impervious durable material	Treatment (UV)	No intensity sensor with alarm or shut-off
Source - Spring	Surface water not excluded	Pumps	No cut-off switch if upstream pressure drops below 20 psi (in distribution)
Source - Spring	No watertight access hatch/entry	Distribution	20 PSI not maintained at all time
Source - Spring	No screened overflow	Operator Certification	No DRC at required level
Storage	No screened vent	Monitoring	MCL violations not addressed
Storage	No flap valve, screen, or equivalent on overflow	Management	Overdue on compliance schedule
Storage	Hatch not locked	Other	Other situations presenting an immediate public health risk, as determined by the Authority
Storage	Roof and hatch not watertight;		

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Proposed New Rules

Propose new rules in 2025 to go into effect Jan 2026

Oregon Administrative Rule	Proposed Change
333-061-0032 – Treatment Techniques and Performance Standards (6)(e) (C)	Update language on "eliminate source of fecal contamination".
333-061-0036 - Sampling And Analtyical Requirments (E) 5(b)(A)(v) 5(b)(G)	Adding Alarm/shut off for low chlorine for PWS population greater than 3,300 Conventional or Direct Filtration – High Turbidity call out Cartridge – Pressure Differential/pressure gauges
333-061-0076 Sanitary Surveys (a)-(k)	Change violation to Unmet Rule Requirements Add rule to Significant Deficiencies Remove noted Significant Deficiencies

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Summary

- DWS is required by EPA to issue violations for uncorrected significant deficiencies, starting in 2026.
- A work group was created to address. uncorrected significant deficiencies and enforcement.
- DWS will propose rules in 2025 to go into effect 2026.
- DWS will update Survey forms and Letters to be available for use for 2026.

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Questions?

Comment on Proposed Rules?

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or

Your DWS Regulator

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