

Drinking Water Source Protection Grant Program

Rulemaking Advisory Committee
Meeting 2

February 9, 2024 | 9 am – 12 pm



OREGON
WATERSHED
ENHANCEMENT BOARD



Agenda

Welcome and Introductions | 9:00 – 9:15

Bond Funding | 9:15 – 9:45

Draft rule language discussion | 9:45 – 10:30

Break | 10:30 – 10:45

Draft Rule Language Discussion | 10:45 – 11:30

Break | 11:30 – 11:35

Public Comment | 11:35 – 11:50

Next Steps and Conclude | 11:50 -12:00

Eligibility: Applicants

Community eligibility per HB 2010:

“Requirements that eligible water suppliers serve **rural communities**, communities experiencing lower incomes or communities that are at or below a specified population level.”

“Rural Communities” as defined in ORS 270.005: means an unincorporated community that consists primarily of permanent residential dwellings but also has at least two other land uses that provide commercial, industrial or public uses to the community, the surrounding rural area or persons traveling through the area.

Eligibility: Applicants

Community eligibility per HB 2010:

“Requirements that eligible water suppliers serve rural communities, **communities experiencing lower incomes** or communities that are at or below a specified population level.”

“Low-income communities”: many definitions for this, but generally accepted that communities at or below 80% of the statewide median income are considered low income. Per U.S. Census, Oregon median household income is \$76,632. Using this definition, low-income communities include those that have median household incomes at or below \$61,305.

Eligibility: Applicants

Community eligibility per HB 2010:

“Requirements that eligible water suppliers serve rural communities, communities experiencing lower incomes or **communities that are at or below a specified population level.**”

Population threshold:

10,000 population threshold was discussed, but some concerns this would exclude fringe communities.

Other RAC ideas:

- Population threshold + information about geographic location and economic profile of community

Eligibility: Applicants

- 1) Water suppliers as defined in ORS 448.115.
- 2) Eligible water suppliers must serve at least one of the following communities:
 - a) Rural communities as defined in ORS 270.005
 - b) Communities at or below 80% of the statewide median income
 - c) Communities that are at or below 15,000 population
- 3) Eligible water suppliers may form partnerships with eligible holders as defined in ORS 271.715.

Proposed Draft Language

Eligibility: Properties

Types of property per HB 2012: “a program to provide grants to water suppliers to protect, restore or enhance sources of drinking water”

Eligibility: Properties

1) Groundwater and surface water

“Groundwater” as defined in ORS 537.515: “any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands, flows, percolates or otherwise moves.

“Surface water” definition for RAC discussion

2) Property solely within an identified source water area?

3) Identified well-head protection area?

- Eligible properties for Drinking Water Source Protection Grants are lands where the acquisition will result in the protection, restoration or enhancement of those lands and will benefit a source of drinking water used by the water supplier.
- This may include source surface water areas and ground water areas.

Eligibility: Systems

Per HB 2010 “water system” has the meaning given in ORS 448.115. Rules to include eligibility criteria for **eligible water system types**

**448.115(13):
“water system”
means a system for
the provision of
water for human
consumption
through pipes or
other constructed
conveyances**

Eligibility: Systems

Further define?

- 1) Public Water Systems in OAR 333-061-0020
- 2) Tribal systems
- 3) Public vs. privately owned systems

Eligibility: Systems

OAR 333-061-0020

"Public Water System" means a system for the provision to the public of piped water for human consumption, if such system has more than three service connections, or supplies water to a public or commercial establishment that operates a total of at least 60 days per year, and that is used by 10 or more individuals per day. Public water system also means a system for the provision to the public of water through constructed conveyances other than pipes to at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days of the year. A public water system is either a "Community Water System," a "Transient Non-Community Water System," a "NTNC Water System" or an "Oregon Very Small Water System."

- **"Community Water System"** means a public water system that has 15 or more service connections used by year-round residents, or that regularly serves 25 or more year-round residents.
- **"Non-Transient Non-Community Water System"** or "NTNC" means a public water system that regularly serves at least 25 of the same persons over 6 months per year.
- **"Transient Non-Community Water System"** or "TNC" means a public water system that serves a transient population of 25 or more persons.
- **"Oregon Very Small Water System"** means a public water system, which serves 4 to 14 service connections or that serves commercial or public premises which are used by 10 to 24 people at least 60 days per year.