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Drinking Water Advisory Committee
Meeting Minutes
October 20, 2021
Microsoft Teams Meeting

Members Present

Dwayne Barnes, League of Oregon Cities
Greg DeBlase, Oregon Environmental Health Association
Michael Grimm, Special Districts Association of Oregon
Adam Jackson, Privately Owned Water Systems
Karen Lewotsky, Environmental Advocacy Groups
Beth Myers, Oregon Environmental Lab Association
Amelia Nestler, League of Women Voters of Oregon
Brian Rigwood, Pacific NW Section, American Water Works Association
Travis Tormanen, American Council of Engineering Companies-Oregon
Zach Roberts, Conference of Local Health Officials
Chris Wanner, Large Water Systems

Members Absent

Jason Green, Oregon Association of Water Utilities
Ray Johnson, Plumbers/Backflow Testers

Guests

Yona Akagi, Portland Water Bureau
Michelle Bilberry, Business Oregon
Kim Ramsay, Oregon Environmental Lab Association
Jon Unger, Business Oregon
Alyssa MacDonald, Hillsboro
Aaron Speakman, Dyer Partnership, representing Heceta Water PUD

Staff

Samina Panwhar

David Emme

Tony Fields

Kari Salis

Diane Weis

Welcome/Agenda Check:

Dwayne Barnes opened the meeting and served as meeting Chairman. There were no changes to the agenda.

July Meeting Minutes:

Meeting minutes were voted on and approved.

Member Update:

Beth Myers and Kim Ramsay, representing private labs, expressed concerns with OHA's decision to have the Department of Environmental Quality lab perform PFAS analyses related to the OHA DWS PFAS screening project which will sample roughly 150 small water systems for PFAS. They felt this is work that private labs should be doing. They also cited the prohibitive costs to get certification for PFAs and questioned why DEQ was able to do the sampling when they themselves are not certified. Concern among multiple committee members over what happens when the DEQ samples find PFAS in a quantifiable amount? How will DEQ handle public inquiries into explaining the sample results? Concern over sample results with a quantifiable number that comes from analysis at a non-certified lab. Comment about it would have been better to sample from natural water courses than from PWS intakes not to mention sort these issues out before charging ahead to do the sampling. Was there consideration of how small systems can address public facing questions ... no PIO capacity for most small community systems? Dave Emme explained that these are not regulatory samples, that there are no private labs in Oregon certified for PFAS analyses and that DEQ had intended to develop the lab method, is accredited by EPA for the PFAS method and was available as our Principle State lab for organics to do the analyses in-state. He further indicated that we had no intention of directing samples to a public lab once PFAS MCLs are adopted in the next several years and routine monitoring is required. Analyses related to the vast majority of routine monitoring will continue to be performed by private labs or water systems. DWS has procedures in place to respond in the event of detections that exceed Oregon Health Advisory Levels.

Chris Wanner and other members commented on after action discussion on the chlorine shortage incident. Dave Emme indicated there was an after action review of the incident is ongoing within OHA Public Health Division.

Chris Wanner also asked about the status of the pending Lead and Copper Rule Revisions and whether 1,4 Dioxane was on the radar. Dave Emme replied that EPA had a deadline for making a decision on the Lead and Copper Rule Revisions of December 16. He also noted that 1,4 Dioxane is recognized as an emerging contaminant and could look into it and say more at the next meeting.

Dwayne Barnes asked whether we could require water systems to be ORWARN members in the pending update to the Emergency Response rules. Dave Emme indicated it may not be allowed legally. Chris Wanner indicated no other State had mandated registration with their WARN.

SRF Program Update:

Heceta Water PUD SRF loan project. A memo from Business Oregon had been provided to members prior to the meeting describing the project. Michelle Bilberry reviewed the process and Business Oregon status of review. Aaron Speakman, representing Heceta, described the project briefly. After discussion and questions about water rates, the project was approved unanimously by members present.

Jon Unger provided an update on the overall SRF program. A program financial statement was provided to members prior to the meeting. He also described the significant investment in water infrastructure projects in Oregon using federal American Recovery Plan Act (ARPA) funds as allocated by HB5006. Project eligibility for these funds is consistent with SRF eligibility criteria, though the funds are administered by the Treasury Department not EPA. These projects will be managed by Business Oregon.

Loss of Pressure BMPs:

Dwayne Barnes and Kari Salis reviewed the current drafts of the loss of pressure and water main repair BMPs. Each BMP also includes a flowchart. Water systems participating in the workgroup feel they have completed their work and that OHA DWS should review the documents internally. Final documents will be presented for approval at the next DWAC meeting.

Program Update:

Proposed Rule Changes and Revisions –

Dave Emme discussed the general three step process for rulemaking, including review of rule concepts by the DWAC, review of pre-proposed rule language by DWAC and the formal rulemaking process steps of public comment, public hearing, response to comment and filing.

Dave Emme then reviewed the current status of the two pending rulemakings which are on a parallel path and timeline:

1. Updates to Emergency Response Planning to align with AWIA requirements. These updates also include unrelated other miscellaneous rule revisions.
2. Segregating Non-EPA or State Regulated system rules into a separate and streamlined set of rules.

These proposed rules were discussed conceptually at the October 2020 and January 2021 DWAC meeting. At the July 2021 meeting, Kari Salis gave a powerpoint presentation and reviewed the language and concept with each draft rule and identified particular areas where Committee comment was requested. After that meeting, several weeks were allotted for DWAC member written comments.

Dwayne Barnes asked members if there were comments on the proposed rules. Members indicated that it would be helpful to develop a template related to the AWIA portions of the ERP rule update. Dave Emme stated how the rule adoption process for the state's AWIA extensions and the very small system requirements were not handled well and did not allow time for the DWAC to openly discuss what was presented in the initial meeting. Dave pledged to run future rule adoption processes with DWAC in a more timely and transparent manner. Mike Grimm expressed concern that a ½ FTE position may not be sufficient to accomplish the work identified in the proposed rules for additional AWIA requirements and very small system requirements, and other members agreed. Grimm also commented that he and the SDAO members he represents are concerned about the source of the funding for the new work. Not supporting the use of existing fee revenue from SB 27 in 2019 for this this work or an increase in the fees on water systems to pay for this work. Mike Grimm thanked staff for process improvements to accommodate Committee member discussion and review.

PFAS –

About 150 community and non-transient/non-community systems will be sampled this fall, targeting smaller systems that haven't been previously sampled and that are near potential PFAS sources.

Adjournment:

Dwayne Barnes adjourned the meeting at 11:55am.

2022 Meeting Schedule:

January 19, 2022 – Conference Call/Virtual Meeting

April 20, 2022

July 20, 2022

October 19, 2022