



Drinking Water Advisory Committee
Meeting Minutes
April 19, 2023
Virtual (Teams) and In-Person

Members Present

Greg DeBlase, Oregon Environmental Health Association

Lacey Goeres-Priest, Vice Chair, League of Oregon Cities

Jason Green, Chair, Oregon Association of Water Utilities

Michael Grimm, Special Districts Association of Oregon

Cheyenne Holliday, Water Consumers

Adam Jackson, Privately Owned Water Systems

Jessica Dorsey, Pacific NW Section, American Water Works Association

Beth Myers, Oregon Environmental Lab Association

Travis Tormanen, American Council of Engineering Companies-Oregon

Kim Gupta, Large Water Systems

Members Absent

Amelia Nestler, League of Women Voters of Oregon

Karen Lewotsky, Environmental Advocacy Groups

Chris MacQuarrie, Plumbers/Backflow Testers

Zach Roberts, Conference of Local Health Officials

Guests

Nicole Bailey, Business Oregon

Jon Unger, Business Oregon

Matt Johnson, Oregon Association of Water Utilities

Kim Ramsay, Oregon Environmental Lab Association

Sarah Honious, city of Hillsboro

Shanna Bailey, Business Oregon

DWS Staff

Adam DeSemple

Samina Panwar

Michelle Byrd

Welcome/Roll Call

Jason Green welcomed the group and roll call was taken.

Agenda Check

Suggestions for additional discussions: PFAS and LCRR, which will be included in the DWS program update.

January Meeting Minutes

Beth Meyers made motion to approve the January minutes, Mike Grimm seconded. They were voted on and approved.

Member Update/Public Input

Beth Meyer reported that testing in the LUBGWMA (Lower Umatilla Basin Groundwater Management Area) for Nitrate is being done using test strips, which measure NO₃ but they are comparing results to a standard of 10 ppm as N. they should be using 50 ppm as NO₃. Need to watch units! Kari will mention this to the Environmental Public Health program.

Revolving Fund Update

Requests for Supplemental BIL funding over \$6M – Pendleton (\$6.9M, distribution to resolve low pressure areas) and Umatilla (\$6M) to consolidate Power City, a system that does not have safe drinking water. Jason Green expressed confusion over why DWAC is approving projects since DWAC has no authority. Samina clarified that DWAC can provide recommendations. Tony provided background that the SRF total allocation used to be much lower so if a large percentage of the annual fund went to one system, DWS wanted DWAC input on whether that was reasonable. Since SRF program has changed so much over time, need to rethink how and what we ask of DWAC. Perhaps more asking for comments or feedback rather than approval. Challenge is to refine more specifically what DWS wants comments on – not individual projects but rather process of how funds are distributed and ensuring it is done equitably. Cheyenne commented that DWAC should comment on larger projects (> \$6M), focus more on overall process. Opportunities for deeper involvement: process, equity, decision-making.

Beth Meyers made a motion to support the Pendleton project, Mike Grimm seconded the motion. Beth Meyer made a motion to support funding the Umatilla

project, Mike Grimm seconded the support. Both votes were unanimous. All DWAC in favor of supports funding these projects.

A question was asked about congressionally directed spending (CDS). Adam discussed the Needs survey results. Oregon used to receive 1.32% of national award. For 2023-2026, Oregon's new percentage is 1.5%. BIL-LSL remains at 1%. Award is smaller due to CDS, and even with a higher percentage, SRF allotment is still lower (about half). BIL funds and set-asides are expected to make up this difference, but will be challenging. This is a big concern for all states, particularly what will happen when BIL is done in 5 years. States are providing feedback to Congress about this issue. Mike Grimm and Jessica Dorsey fly to DC to discuss this issue with Congress, may not be a solution to this. Adam provided context that SRF programs were concerned about WIFIA, and Congress heard those concerns and adjusted the program. Feedback is important, consequences are significant.

Adam noted that BIL is changing state drinking water programs permanently. DWS needs funding to be stable to make our program sustainable.

Action item: add to next meeting agenda to further flush out a higher threshold for projects as well as other topics. Jason will form an ad-hoc committee to discuss in the meantime.

Program Update

Samina introduced herself as this is her first meeting as DWS Section Manager. She previously served as the Data Management unit manager. She has a background in engineering and groundwater remediation and research of drinking water quality.

Samina stated her hope that this and future meetings are collaborative and provide plenty of time for discussion and feedback. Topics:

- New positions and recruitment. Awaiting legislative approval. Maybe in Spring but might be Fall 2023. Michelle Byrd is interim DMCE unit manager, recruitment will start soon. Also new Research Analyst position to hire outside of BIL.
- Legislative update.
 - HB2813 – source water protection focused on land acquisition, \$5M per biennium. Oregon Watershed Enhancement Board will lead the effort with OHA support per latest amendment. Passed out of committee, needs appropriation. Will look to willing land sales, not imminent domain.

- HB3321- OAWU to conduct study of capacity and vulnerability of community groundwater systems serving less than 3300 population, \$2.5M and also establish a training center for small systems. Also passed, seeking funding.
- BIL. see above.
- CCR proposed rules. Requires systems >10,000 to publish a CCR twice per year. Some changes to corrosion control and lead information including LSLs, translations. to be finalized by April 2025. Matt Johnson made a comment about having OHA provide mandatory language in various languages in current rule. **Action item:** OHA will provide information about new rules via email to DWAC.
- Cybersecurity. EPA provided interpretation of existing rules that states need to review cybersecurity and include gaps as significant deficiencies and state must require correction. Public comment on guidance is open until May 31, 2023. States have concerns, but state programs will need to figure out a way to address cybersecurity. First step is to determine which systems use Operational technology.
 - How DWS is informing systems about this – gov delivery, website. Smaller systems may not know and likely lack capacity to deal with this.
 - Co-regulation process promoted by AWWA: state agencies and 3rd parties. Kevin Moreley at AWWA is contact.
 - Concerns about public disclosure of information. Can be exempt, but state still needs to develop separate processes (transparent vs sensitive).
 - Concerns about consistency of assessment content. Needs to be statewide standard – DWS will likely use EPA checklist. Kim Ramsey and Mike Grimm expressed concerns that there will be many gaps and lack of funding to resolve. Mike G proposed checking that PWS have policies for certain aspects of cybersecurity. Takes away from real public health issues.
 - CISA has offered to conduct assessments. DWS is working on data management.
 - SRF offers up to \$20,000 for Sustainable Infrastructure Planning Projects (SIPP) which includes cybersecurity. CISA and EPA have funding to conduct the assessment. This would be a large expense even for a large utility.
 - Clarification that this applies to anyone with remote access or control. Will CISA determine who is eligible.
 - Questions remain, DWS will continue to provide updates.
- Service line inventory
- PFAS proposed rules

Closing comments:

Meeting length – 2 hours is rushed. Should extend to allow more time for discussion. Jason and DWS will discuss. Future meetings should involve IT to assist with audio and cameras.

Next Meeting

July 19, 2023 – In person/virtual meeting