CROSS CONNECTION ADVISORY BOARD MINUTES

Fourteenth Public Meeting

Wednesday August 26, 2009
10:00 am to 12:00

Backflow Management Inc.
17752 NE San Rafael St
Portland OR 97230
503-255-1619
971-673-1220 Michael Perry

Board Members in Attendance
1. Chair Ray Johnson - City of The Dalles - (Water Suppliers)
2. Monica Anderson, PE, LEED - Balzhiser & Hubbard Engineers - (Engineers)
3. Mary Howell - Backflow Management Inc. - (Cross Connection Specialists)
4. Joe McNelly - City of Hillsboro - (Oregon Plumbing Inspectors)
5. Elmer Ostling - (Backflow Assembly Testers)
7. Steven West - Eugene Water & Electric Board - (Certified Instructors)
   Was represented by Designated Alternate Michael Briesemeister

Board Members Not in Attendance
1. Ronald Robertson - Union Local 290 - (Oregon Licensed Plumbers)
2. Vacant - (General Public)

Other Attendees & Staff
* Mike Briesemeister - EWEB See Above
* Jill Hoyenga - EWEB
* Arlo Langford - City of the Dalles
* Kate Mattimore - Backflow Management Inc.
* Ed Yancoskie - City of Hillsboro
* J. Michael Perry - CC/BP Coordinator

1. Call to Order / Welcome
Chair Ray Johnson called the meeting to order at 10:00 am. He welcomed all attendees. Thanks to BMI for hosting the meeting.

2. Introductions - Board Members and Attendees
The Board and other attendees introduced themselves. The Chair noted that there were seven Board Members present and that constitutes a quorum.

3. Additions to the Agenda
There were no additions.

4. Approval of May Minutes
The approval of the minutes for May 19, 2009 minutes was postponed because they were not on line or copies were not brought to today's meeting.

5. DHS Reports
a. Annual Summary Reports
By August 24th, 213 of 240 Annual Summary Reports for 2008 for Large Systems have been turned in and entered into the DWP system. This is 88%. There are 6 more turned in that need corrections before entry. The number of devices and tests are up, even without the last 6 systems. Tests reported are 217,880 for 2008 compared to 192,380 for 2007.

b. Testers and Specialists as of 8-24-2009:
   Testers only  828
   Specialists only 296
   Combinations 130
   This is 1,254 people certified, with about 30 more in limbo.

c. CCAB Alternates
There were no questions regarding the Designated Alternates that were approved at the May meeting. One form has been turned in. Steven West's Alternate is Michael Briesemeister who is representing Steven today. A copy of the blank form is attached.

d. Plumbing Board
Michael Perry reported on current issues and Legislative bills. These may be mainly for other parts of the Department of Consumer and Business Services, but they almost all interconnect.
   1. Studor v. State of Oregon. These three cases have been going on for several years and there will probably be another one in 2010 if their products are not approved in the 2010 Plumbing Code. These have been very expensive and the cases are mainly about details of deadlines and legal details and who pays the lawyers, rather than the merit or quality of the products.
   2. Adoption of 2010 Plumbing Codes.
   3. Combining Elevators and Boilers programs.
   4. Regulating construction taxes levied by school districts.
   5. SB 79 and energy conservation. This includes "energy scores", increasing commercial building's energy efficiency by 15 - 25% by 2012, and residential energy efficiency increase by 10 - 15% also by 2012.
   6. Creates another Energy Board.
   7. Oregon DEQ must adopt rules for grey water which will most likely require plumbing code changes. The Plumbing Codes adopted some rules for this in 2008.
   8. Limiting light pollution.
   9. Pilot project for training inspectors in rural areas.
   10. Carbon monoxide alarms requirements.

e. Landscape Contractors Board Ruling
The LCB has issued a formal ruling on a case where a licensed landscaper (with the proper license) who is also a Certified Tester allegedly damaged a residential underground irrigation system. He allegedly turned on the water to the sprinkler system and he did this so rapidly it caused a "water hammer" and this broke some sprinkler heads. The LCB ruled that this was not covered by his LCB license (and therefore bond and insurance) because it was done while testing and not repairing. They ruled that testing is not in a landscaper's scope of work, but that repairing is in their scope of work. The DWP is trying to have this fixed. If they do not change this, it could make the DWP change the rules to requiring a CCB license so that the entire scope of work is covered by bonds and insurance.

f. Board Term Completions and Renewals
January 31, 2009 will be the completion date for:
   Joe McNelly - Oregon Plumbing Inspectors
   Elmer Ostling - Oregon Backflow Assembly Testers
   Ronald Robertson - Oregon Licensed Plumbers
All three are welcome to serve another 3 years.

f. 2009 Annual Summary Reports
Suggestions for changes are welcomed by the next meeting so that they could be ready for printing.

New Initial Certification Application Forms & Files On Line
All the forms for the Cross Connection/Backflow Prevention Program are date sensitive and need to be updated to the correct dates yearly or every two years. The Initial Applications for 2009 thru 2011 forms were due by June 30, 2009. The entire Drinking Water Program Data base is in SDWIS. SDWIS is provided by a subcontractor of the national EPA. They have made several changes and updates since the DWP version that is currently in use was adopted. DWP's version was going into a situation where it would no longer be supported. This required DWP to do a major update in 2009. Although most of the CC/BP Program's data is not in the SDWIS areas with major changes, they were warned to avoid changes that may have to be redone from scratch. The initial date for final conversion was July 1, 2009; it has not happened yet. CC/BP's forms will be changed or updated as soon as possible after final conversion. The Initial Application's main change is just getting more contact information to avoid losing track of individuals. No changes are planned for the ASR other than the year. These problems are also delaying anything I have on our web site. These include updated Tester Lists, CCAB Minutes and meeting notices.

h. 2009-2011 Renewals
There are many areas that could be improved on Renewals but Michael Perry has not had time to organize a list or look for solutions. The majority of major concerns would require too much time and money. These areas also could be minimized by Tester/Specialist knowledge. The schools are doing a good job of teaching, there are just a lot of paperwork details. More later...

6. Old Business
   a. 2009 Oregon Legislature
A report on the device repair issue was given by Ray Johnson and other members and guests. The initial plan of having a bill introduced by a member of the legislature did not reach the floor. A "gut and stuff" was done on another bill and it did not pass on a floor vote. The lobbyist and a member of the legislature hope to reintroduce this at the special session in 2010. If the economy has improved by this time, they are hopeful of passage of this bill.

b. DWAC - Drinking Water Advisory Committee
For the next legislative session it is hoped to get DWAC's approval and have them help to pass the Tester legislation.

c. Approval of new Programs and Instructors
From the May CCAB meeting, the Board requested the DWP's data that they used for the last approval of a Tester Course and the approval of their employee as an Instructor. The Board is concerned that existing rules be followed and enforced for the integrity of the Cross Connection/Backflow Prevention Program.

There is an ongoing concern about the approval of this new Program for teaching Backflow Assembly Testers and their employee's approval as an Instructor for this course. The approval was made before the current Cross Connection/Backflow Prevention Coordinator was hired. A previous CC/BP Coordinator and the Manager of the Protection / Planning / Certification Unit, at that time, were involved in making the decision. The course was approved after it was given to a former employee of Environmental Public Health who was involved in this industry for many years. He said the program outline and materials were very good. The CCAB is aware of this national program and feel it would be acceptable if it was taught based on The Foundation's methodology and information. They felt that they should have been asked for a recommendation on this Tester Program before it was approved.
In regard to the qualifications and knowledge of the Tester Instructor; the DWP also sought input from people not in the CCAB and determined he was qualified. The Board is aware of this person's qualifications and knowledge and would have been satisfied as long as he taught The Foundation's methodology and information. Their concern included the fact that this individual did not have to co-teach two courses and be recommended by the supervising teacher. This co-teaching also requires prior written notification (333-061-0074 (6) (b) (C) and (D)). They felt that they should have been asked for a recommendation here also. The DWP felt that there could have been a conflict of interest since this recommendation would have been from business competitors. The DWP felt that his over twenty years in the industry and his teaching in many states qualified him to teach in Oregon.

The Board was still not satisfied with the DWP's actions and intends to write the DWP to express their concerns for future decisions and the value of their time and effort.

7. New Business
   a. Priority List
      A Priority List was constructed by the Board about February 3, 2006. Michael Perry is also writing one for the DWP. They will try to coordinate these two lists at the next Board Meeting and try to address the same priorities in the same order.

8. Correspondence - None

9. Public Comment - None

10. Adjournment was at 12:15 pm

Future Meeting Dates:
* November 18, 2009 (Wednesday) Portland State Office Building Room 710 10:30 am
* February 17, 2009 (Wednesday) Portland State Office Building Room 612 10:00 am
* May 19, 2009 (Wednesday) Portland State Office Building Room 612 10:00 am
Cross Connection Advisory Board
Alternate Form

Date:____________________

Board Member:__________________________________________

Representing:__________________________________________ (Board position not employer.)

I propose _________________________________________ to be my Alternate if I am not able to attend a Cross Connection Advisory Board meeting. This Alternate will have all the powers of the Board Member, including the right to vote. This Alternate will be granted this position one meeting at a time. The Board Member will notify the CCAB Chairperson or the Cross Connection/Backflow Prevention Coordinator in advance. The Board Member may change their Alternate. Board Members may choose to not have an alternate.

Please forward this to the CC/BP Coordinator to be on file.

________________________________________
Alternate:

________________________________________
Employer:

Brief Resume:
(Attach an existing document if it is more convenient.)