

**Drinking Water Advisory Committee**  
Draft Meeting Minutes  
April 21, 2010  
Salem

Members Present

**Ed Butts**, Oregon Association of Water Utilities  
**Greg DeBlase**, Oregon Environmental Health Association  
**Bob Fuller**, American Council of Engineering Companies  
**Todd Heidgerken**, Large Water Systems  
**Gerry Meyer**, Conference of Local Health Officials  
**Beth Myers**, Oregon Environmental Lab Association  
**Renee Sloan**, Privately Owned Water Systems  
**Brian Stahl**, Pacific NW Section, American Water Works Association  
**Ann Younger**, League of Women Voters

Members Absent

**Mike Kurtz**, Special Districts Association of Oregon  
**Liz Redon**, Watershed Councils  
**Steven Weaver**, League of Oregon Cities

Guests

**David Barnett**, Oregon Business Development Department  
**Ron Doughten**, Department of Environmental Quality  
**Del Little**, Oregon Business Development Department  
**Jeremy McVeety**, Oregon Business Development Department  
**Jim Ruef**, Oregon Business Development Department  
**Mike Sheets**, City of Portland

Staff

<b>Deanna Conners</b>	<b>Roberto Reyes-Colon</b>
<b>Tony Fields</b>	<b>Gail Shibley</b>
<b>Dave Leland</b>	<b>Diane Weis</b>

**To Do:**

- Review Department of Environmental Quality's gray water recommendation: Committee

### **Welcome/Agenda Check/Roster Check:**

Brian Stahl welcomed the group and led introductions.

There are two new committee positions that are still vacant that need to be filled.

The roster was circulated for members to update information and check for accuracy.

### **January Meeting Minutes:**

Todd Heidgerken made motion to approve minutes, Gerry Meyer seconded. They were voted on and approved.

### **Member Concerns:**

Ann Younger reported that the April issue of National Geographic has a very good article on drinking water.

Beth Meyer asked about licensed water treatment installers. This is apparently a plumbing specialty license at Dept of Consumer and Business Services. Beth was concerned about her clients with individual wells that may want to install treatment systems to remove arsenic, and how they would know if or how to engage a water treatment installer to do the work. (DCBS does have a web lookup to verify individual's current licenses.)

### **Program Update:**

Legislature, 2010 recap and 2011 preview –

- The 2010 Backflow Assembly Repair Bill that identifies who can repair devices did not pass, and will likely be introduced again in the 2011 legislative session.
- The 2010 Senate Bill on radon resistance in new construction passed.
- The 2010 Senate Bill banning baby food formula containers from containing bisphenyl A did not pass.
- The 2011 legislative session may include the Backflow Bill again, the Drug Take Back Bill, and a Toxics Reduction Bill. There will be no drinking water bills going forward from the Department of Human Services.
- A Policy Option Package is in preparation by Public Health to increase environmental health program capacity statewide to address emerging environmental health issues beyond those addressed by current specific and categorical programs.

#### Budget Status/update –

- At one-third of the way through the biennium, the Drinking Water Program budget is one-third spent. On budget and on schedule!
- One-fifth of the program budget is General Fund which combined with fee revenues is a just sufficient amount to match the Federal Funds from EPA.
- All programs need to prepare a 25% reduction option list if a reduction is necessary.

#### Rule Adoption Status –

The drinking water final rule adoption was filed April 19 and everything from the 2009 legislative session is included (Arsenic in private wells and water system survey fee minor correction, for example). There were some comments received from labs at the rule hearing but there was not much controversy.

There is a temporary emergency rule being established to eliminate conflicts in language on certification revocation between the drinking water rules and the current administrative procedure rules.

#### Transition to Oregon Health Authority –

- Dr. Mel Kohn is now the official State Public Health Director and State Health Officer.
- There is an Oregon Health Policy Board within the Oregon Health Authority, appointed by the Governor and overseeing agency transition.
- Employees will stay in their jobs in existing locations.

#### Recap of Association of State Drinking Water Administrators winter meeting –

- Stimulus funding – All states met the Feb. 17<sup>th</sup> deadline for communities to have their vendor contracts executed and the project tracking is now proceeding. One of the stimulus requirements is that 20% of the statewide funding needs to be for “Green Projects”. This will now be required in the general State Revolving Fund base program.
- National Enforcement Response Policy – EPA is moving from the current emphasis on “Significant non-compliers” to a new system of point values for violations to prioritize compliance assurance activities among water systems.
- Primacy program review results –The three-year review was performed last December. A selection of water system files and the rules were reviewed to see if compliance was determined correctly and if there was appropriate follow through. The advice and recommendations given will be prioritized for implementation in the program.

### **Revolving Fund Update:**

ARRA deadline met! – The February 17<sup>th</sup> deadline for sending the list of projects receiving loans that got their vendor contract signed to EPA was met. 100% of Oregon projects met the deadline!

DWSRF/ARRA update –

- Davis Bacon reports are being sent to Oregon Business Development Department.
- A water system with an emergency situation puts them at the top of the funding list. The rules state that only an office administrator can declare a system as having an emergency situation.
- When ARRA money is paid back, it goes into the base program to fund loans.
- There is still a lot of activity in the loan program, both with the ARRA program and the base program.

2010 SRF application and new federal requirement – The 2010 loan fund base program has some new requirements:

- 20% of the loan goes towards Green Projects.
- An additional 30% of the funds need to be a subsidy, such as principal forgiveness.

The Letter of Interest will include these new requirements, and workshops will also cover this new information.

Secretary of State Audit results – SRF financial statements were reviewed and followed through their process. Everything is in order!

### **Gray water rule development update:**

Ron Doughten with the Department of Environmental Quality in the Water Reuse program reported on the history of gray water in Oregon and the current efforts to develop gray water rules.

In the late 1970s, Oregon's On-Site Experimental Systems Program reviewed alternative gray water disposal systems. The study concluded that standard septic systems were the most practical and economical method for gray water disposal; however, the use of a reduced size septic field for gray water only systems was allowed in the onsite rules (OAR 340-071). In 2003, the legislature directed to look at water reuse in urban environments. Although gray water was identified as possible water reuse opportunity, the Water Reuse Task Force concluded that more research was needed on the treatment standards for gray water and practical application of gray water in urban environments. In 2009, HB 2080 updated the

definition of gray water and established the beneficial use of gray water outside a structure (external) as a water conservation method. Internal gray water is addressed by the Oregon Plumbing Code. HB 2080 directs the Environmental Quality Commission to adopt rules for the treatment, disposal, or reuse of gray water and to consider the recommendations of an advisory committee.

Department of Environmental Quality's Advisory Committee is represented by diverse organizations from all areas of the state. The committee is tasked with providing DEQ with recommendations on the treatment and use of gray water. DEQ will consider these recommendations when writing gray water rules.

The use of gray water is "green", but questions remain as to its safety. The quality of gray water varies and depends on its source. Although it is not as contaminated as wastewater, gray water can contain high concentrations of bacteria, organic carbon (BOD), and suspended solids. No public health incidents have been associated with gray water use; however, connecting a public health incident with gray water use would be difficult to pinpoint.

The average North American household generates approximately 90 gallons of gray water per day. The cost of installing a gray water treatment system and using gray water would not likely be recouped through water savings alone; people would do it for the environment, not for saving money.

Deanna Conners is a toxicologist in the Department of Human Services. She discussed her recent activities reviewing the peer-reviewed literature on gray water for DEQ's advisory committee. She commented that there are limited data available, that microbial pathogens are the most highly studied health hazard and that many of the health risks potentially associated with gray water use can be effectively controlled by preventing exposures to the water such as in limiting the use of aerosols during irrigation.

Deanna also mentioned that her and other committee members are currently reviewing regulations promulgated by other states for the use of gray water outdoors. One rather common state rule is to require setbacks from drinking water wells.

A remaining question is program administration. Although DEQ will be the lead regulatory agency, permitting and oversight could be delegated to local city or county jurisdictions, such as with the onsite program.

Department of Environmental Quality will write draft gray water rules, which will be available to the Drinking Water Advisory Committee for review and comment during the Public Comment period.

**Next Meetings:**

July 21, 2010 - Public Utility Commission (Program Update, Legislative Update, Budget Status, SRF Update, Brenda Bateman from Water Resources Department, Oregon Health Authority Organization Chart, SNC List Point System, Primacy Review, Gray Water Update, Operator Certification DRC)

October 20, 2010 - Public Utility Commission