



## **Drinking Water Advisory Committee**

Meeting Minutes

October 21, 2015

Keizer

### Members Present

**Sarah Chaplen**, League of Women Voters of Oregon

**DJ Ezell**, Special Districts Association of Oregon

**Jenifer George**, Oregon Environmental Health Association

**Ray Johnson**, Plumbers/Backflow Testers

**Samantha Murray**, Environmental Advocacy Groups

**Beth Myers**, Oregon Environmental Lab Association

**Annette Pampush**, Conference of Local Health Officials

**Jason Pulley**, Large Water Systems

**Brian Rigwood**, Pacific NW Section, American Water Works Association

### Members Absent

**Ed Butts**, Oregon Association of Water Utilities

**Celeste Hari**, Privately Owned Water Systems

**Brian Stahl**, League of Oregon Cities

### Guests

**David Barnett**, Infrastructure Finance Authority

**Jeremy McVeety**, Infrastructure Finance Authority

**Ed Tabor**, Infrastructure Finance Authority

### Staff

Brad Daniels

Dave Leland

Adam DeSemples

Diane Weis

Tony Fields

**Welcome:**

Beth Myers welcomed the group and led introductions.

**July Meeting Minutes:**

Annette Pampush made motion to approve the minutes, Brian Rigwood seconded. They were voted on and approved.

**Status of Member Terms, Roster:**

A current roster was distributed.

Dave Leland asked that if anyone had any suggestions for a representative for the water consumers DWAC position to let him know. Still need a representative for the watershed council position.

**Chair/Vice Chair Elections:**

DJ Ezell volunteered to be chair. It was voted on and accepted.

Brian Rigwood was asked to be vice chair. Annette Pampush made motion to accept nomination, Ray Johnson seconded. It was voted on and accepted.

**Member Concerns:**

Ray Johnson was concerned because the May Cross Connection Advisory Board Meeting was canceled with no new meeting scheduled. Tony will talk with Mike Perry and Molly Keller, the Cross Connection Coordinators, to reschedule.

Jenifer George would like the drinking water survey report write-ups to be in an improved electronic format. Dave Leland suggested she talk direct with Kari Salis about survey form issues.

Dave Leland received a letter from City of Hillsboro stating that they are concerned about the EPA proposed health advisories on hazardous algae toxins.

Dave Leland reported that the Associated Press wrote an article on the Drinking Water State Revolving Fund and the Statesman Journal ran the article locally. SJ reported that Oregon has received \$250M since the beginning of the program with about 4% in unspent funds. The report stated that Oregon spends less of the fund on set asides than many other states including Washington and Idaho. Dave noted that data cited in the AP report is not current, and now many states are setting aside the maximum of 31% to run their programs.

DJ Ezell asked that students who complete community college water technology programs have that training count for the one year of experience needed to write the certification exam in Oregon. Tony Fields said this will now apply to Level 1 exams so that students can become certified right after graduation. He reminded the group that operators are still required to obtain CEUs but are not required to send in proof with their application, but provide it only when audited.

## **Program Update:**

Budget: 2013-15 actual, 2015-17 projection –

Dave Leland reviewed the budget, revenue and expenditures.

- 1) Federal Primacy grant funds cover the regulatory part of the program, 2) Federal DWSRF funds consist of four set-aside categories to fund specific allowable program functions, and 3) Other Funds are fees collected for the four fee-based activities. Since there is no longer any General Fund support for the program, state funding now comes from Medical Marijuana patient card revenue. Fees and the MM revenue provide the minimum matching funds required for the federal grants. Two-thirds of the budget is spent on OHA program staff, one-third supports partners.
- The program was approximately \$1.5M overspent in the 2013-15 biennium. Part of this will be met by committing all of the small amount of available general funds in the Center for Health Protection Administrators office. DWS will not fill any staff vacancies until revenues and expenditures come into balance. Until then, the program will continue to get smaller over time.
- Dave also reviewed the projected budget for the coming biennium. Remaining major revenue uncertainties include final action on fee increases, and final action on the FFY 16 federal budget.

Division, Center and leadership updates –

- Steve Wagner, Center for Health Protection Administrator, returned to Ohio. Jere High from Preparedness is Interim Administrator pending recruitment.
- The Medical Marijuana Program is hiring 30 new people to administer new responsibilities for producers and processors, laboratory testing of product, and temporary recreational sales at medical dispensaries. The Oregon Liquor Control Commission will get its permanent recreational sales program in about a year.
- Health Licensing has moved into the Center for Health Protection. It is a former independent agency that has 30 staff and some 18 boards and commissions.

2015 drought impacts on public water –

No major impacts so far. Some systems were affected by the drought when their water level went below intakes; other systems had rising salt levels. A number of systems implemented drought/conservation plans.

## **Rulemaking:**

Fee increase hearings report, recommended agency action –

There were three public hearings, very few attendees who testified, and a few submitted written comments. The draft Hearings Officer Report was emailed to the committee before the meeting and was also provided at the meeting.

The Committee members discussed the fee increases at some length. Dave reminded the committee that although he and staff conducted extensive outreach to stakeholder groups as well as newsletter articles, it is likely that there will be a lot of surprise when bills go out at the new fee levels in

January, since that is what happened last time fees were raised in the mid 2000s. Several alternative recommendations were discussed, including increasing fees in two smaller increments. Dave noted this was possible to do, since the legislature gave the program an approved maximum. Dave noted that the OHA is committed to both needed fee revenue increases and responsiveness to public comments. OHA is developing a process for including public health fees in the agency request budget every two years, so that future increases can be incremental.

**Annette Pampush made a motion that DWAC recommend to OHA that it proceed to adopt the full fee increases as proposed, Sarah Chaplen seconded. It was voted on and approved without dissent. The rules will go into effect January 1, 2016.**

Revised Total Coliform rule –

This rule is to adopt federal requirements. There will be a public hearing in Portland October 22 with final comments due October 29. The rules will go into effect April 1, 2016. The next issue of the Pipeline will be devoted solely to the new rules.

### **Revolving Fund Update:**

SRF Quarterly Report –

Repayments are being made, but the money is slow going back out to fund more projects.

Proposal for Expanded Eligibility –

The SRF program is receiving more funding as well as repayment monies so EPA requires this money to be spent on projects. In order to get funding to more water systems, broader types of projects need to be targeted. The primary focus will still be on health and compliance, but the project priority list will also include non-health projects, such as pipe replacement and “Green Projects”.

SFY2016 Annual Report –

The annual report is due end of November; will review with EPA week of February 22, 2016.

Combined Infrastructure PPL –

There are 31 projects on the list, nine are being applied towards the 2016 grant application. Public comment period ends November 13.

Drinking Water Source Protection LOI Applications –

Seven projects are recommended for funding totaling \$137,900. If 2015 funds become available one more project will receive funding. Public comment period ends November 5.

Sustainability Activities Pilot Program –

Fifteen projects are recommended for funding totaling \$277,345. Public comment ends October 21. The program will be converted to the Sustainable Infrastructure Planning Program starting with the 2016 grant.

2016 Meeting Schedule:

January 20, 2016 – Keizer (Budget, Fee Increase)

April 20, 2016 – Keizer

July 20, 2016 – Keizer

October 19, 2016 – Keizer