

## 2015 Legislature authorizes increased drinking water fees, public hearings scheduled

by Dave Leland

The 2015 Legislature approved the Oregon Health Authority (OHA) budget for 2015–17 at the end of session in July. As part of that approved budget, the Legislature authorized the agency to increase all drinking water fees up to specified amounts effective January 1, 2016. These are fees for operator certification, backflow tester/specialist certification, plan review and water system inspections. The proposed fees increases will more than double the total fee revenue from \$1 million to \$2.2 million in 2015–17 (see fee revenue table on page 2).

The draft fee increase rule is posted on the Oregon Drinking Water Services website at <http://public.health.oregon.gov/HealthyEnvironments/DrinkingWater/Pages/index.aspx>. The draft rule shows the specific proposed increased fee amount compared to the current fee for each of the many fee types.

We have scheduled three public hearings on the proposed fee increases:

- September 22, 2015 – Bend, Deschutes County Services Building, 9-10:30 a.m.
- September 23, 2015 – Portland State Office Building, Room 1D, 2-3:30 p.m.
- September 29, 2015 – Springfield Public Library, 11 a.m.-12:30 p.m.

Written comments will be accepted through September 30, 2015.

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## Allowable continuing education unit topics for operators expanded

by Tony Fields

In response to requests from certified operators, Drinking Water Services is expanding the allowable types of water system operator training to meet continuing education unit (CEU) requirements. DWS is also starting a new process for reporting CEUs at renewal time and auditing CEUs reported.

CEUs for specialized operator training can now be available from the Oregon Environmental Services Advisory Council (OESAC) for the following categories:

- (A) **Technical capacity:** water treatment facilities construction and performance, source construction and protection, capacity, storage, pumping and distribution facility construction and protection, water distribution integrity/leakage and water quality issues related to public/user health.
- (B) **Managerial capacity:** water system operation, planning, system governance, development and implementation of system policies, professional support, record keeping, drinking water and related regulations to ensure protection of public health, communication and involvement with water users.
- (C) **Financial capacity:** adequacy of revenues to meet expenses, revenue sources, affordability of user charges, rate setting process, budgeting, production and use of

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Here are the key facts about the fee increase proposal:

- Fees were last raised in 1994, 2006 and 2008, respectively.
- Nine current staff members perform the fee-supported work; that work has been and will continue to be constant over time and no new positions were requested.
- New fees are designed to fully fund the existing fee-supported work through the next two biennial periods (through June 2019).
- Future fee increases after June 2019 will be more frequent and small (we will keep up going forward).
- Past promises are kept: Small water system operators do not pay for certifications; small systems pay half of the cost of inspections. These costs will continue to be paid from our available federal grant revenue.

In addition to the nine DWS staff members who carry out the fee-supported work, there are 31 other DWS staff who work on compliance and enforcement of Environmental Protection Agency drinking water standards, provide regulatory assistance to water suppliers, manage the revolving loan fund, and assess and protect sources of drinking water (see functional organization chart at top of page 3). Federal funds are the major source of revenue

for these functions. There has been no increase in that federal funding for many years, and an increase is unlikely in the current national budget environment. Costs for existing staff have increased over time. As a result, the total program has already declined from 43 to 40 staff positions in the past year, and future staff vacancies that occur will not be filled until overall revenue and expenditures come into balance.

OHA and the Legislature recognized that 1) drinking water fee-supported work is core and essential to public health, and 2) recovering the full cost of fee-supported work through fees alone is important to preserve the current level of service for that work. The Drinking Water Advisory Committee (DWAC) reviewed and commented on the fee increases on July 15. DWAC recommended OHA proceed with administrative rulemaking to adopt increased fees as authorized by the 2015 Legislature, to be effective January 1, 2016.

We understand increased fees add expense to the bottom line of public water suppliers and individuals statewide. We also believe the current program effort in certification, inspection and plan review is essential to help ensure the safety of public drinking water statewide. We look forward to your comment on the fee increases.

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**Needed fee revenue to fully support workload**

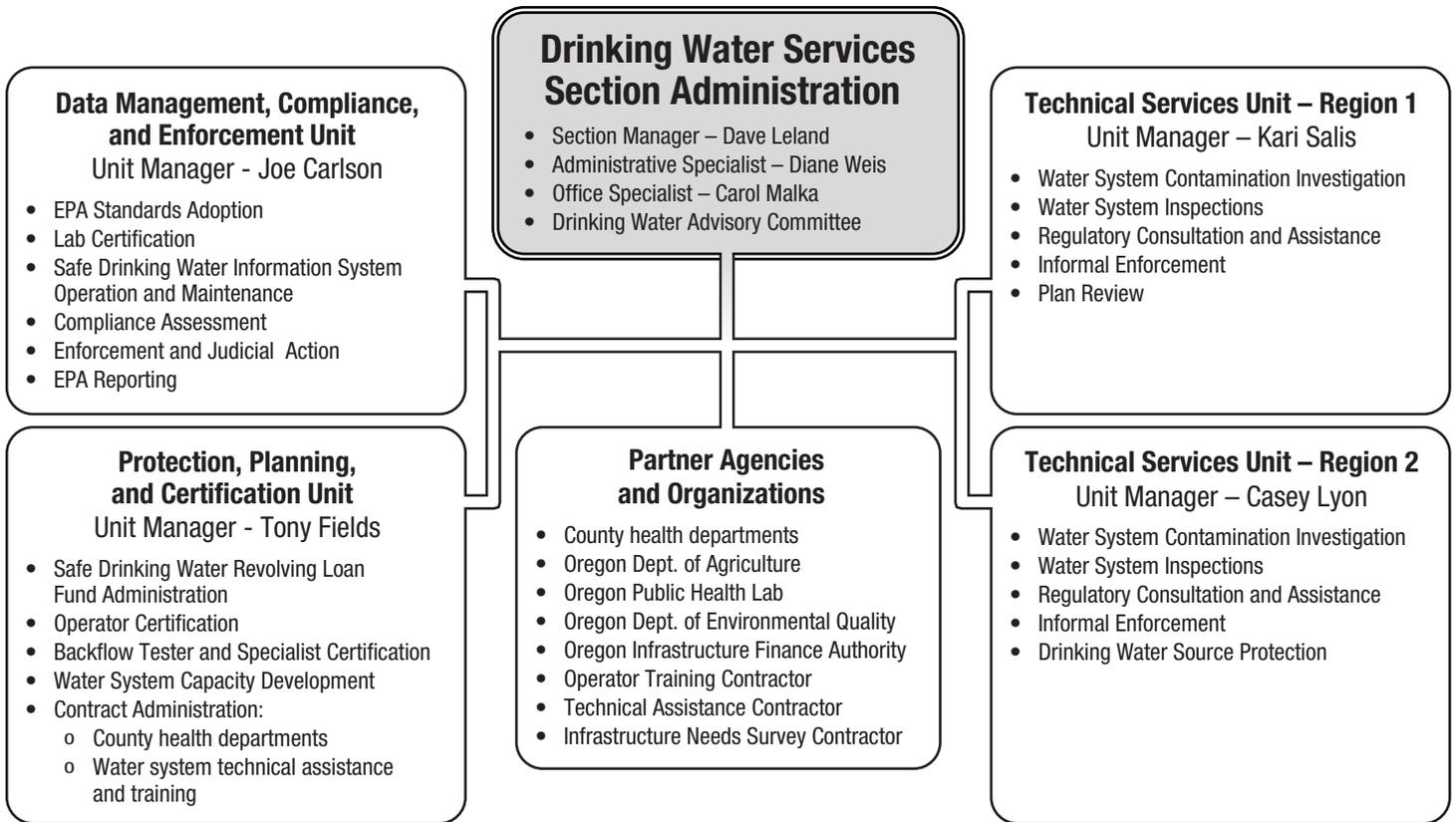
Fee type	Work-load (FTE)	Current fee revenue (2013-15)	Fee revenue needed (2015-17) 18 months	Fee revenue needed (2017-19) 24 months	Percent revenue increase over current
Operator certification	1.8	\$260,070	\$407,618	\$543,491	110%
Backflow tester and specialist certification	1.8	\$252,220	\$414,445	\$552,593	120%
Water system survey inspections	3.4	\$351,165	\$877,913	\$1,170,551	230%
Plan review	2.2	\$122,535	\$536,099	\$714,799	480%

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## Drinking Water Services Section

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a capital improvement plan, periodic financial audits, bond ratings, debt and borrowing.

OESAC will use the Association of Boards of Certification (ABC) Need-to-Know criteria for treatment and distribution exams when determining whether a specific training is eligible to receive CEUs. A minimum of 80 percent (16 hours or 1.6 CEUs) of the training each certified operator takes within each certification period must meet the requirements outlined in the criteria. The remaining 20 percent (4 hours or 0.4 CEUs) can be discretionary, and may include any general training, including topics not included in the criteria. Operators are encouraged to work with their supervisors to select training that meets the specific needs of their water systems as well as their own professional development goals.

For specific information regarding acceptable types of training, refer to the ABC Need-to-Know Criteria for Distribution and Water Treatment Operators, which are located on the Operator Certification Website: <http://public.health.oregon.gov/HealthyEnvironments/DrinkingWater/OperatorCertification/Levels1-4/Pages/renewal.aspx>

### Review and validation of CEUs for renewals

Effective January 1, 2016, DWS will begin a new CEU reporting process to improve renewal efficiency. Applicants for renewal must sign an affidavit indicating they have obtained the required number of CEUs within the preceding certification

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period as required, and list the specific classes or trainings they attended. Operators must maintain their own records of their training in order to provide proof of attendance. After the renewal period has closed, up to 25 percent of certified operators will be selected for audit of their CEUs. Selected operators will receive notice by postcard, and will then have 30 days to submit their training documentation for review. Acceptable documentation includes agendas, attendance and completion certificates, along with receipts for registration and payment at short schools and similar training events.

Remember that certification requires you to obtain 2.0 CEUs **within** each certification period. Failure to obtain 2.0 CEUs within the certification period is a violation of the CEU requirement, and will result in a warning letter and a 45-day grace period to correct the deficiency. Further violations may result in the loss of certification.

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