



**OREGON WATER UTILITIES COUNCIL**  
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## 2019 PNWS-AWWA Winter Trustees Report Oregon Water Utilities Council

*Chair:* Karen Kelley, City of Albany  
*Vice-Chair:* Mike Grimm, West Slope Water District  
*Sec/Treasurer:* Joel Cary, Tualatin Valley Water District  
*Past Chair:* Sara Petrocine, City of Portland  
*Trustee:* Kari Duncan, City of Lake Oswego

The Oregon Water Utilities Council monitors legislation, regulations, and court actions that could impact the water industry, giving members the ability to engage in and help shape these kinds of issues. In addition, it provides its members with the ability to network with other water utilities of all sizes across the state to share information, discuss issues of importance to drinking water providers, and to engage in solutions. The legislative activities are closely coordinated with policies of the AWWA when applicable. Here is an update of what OWUC has accomplished over the past few months:

### **Review of Activities and Accomplishments**

**State Legislature:** The legislature opened January 22, 2019. OWUC members are actively tracking bills affecting utilities.

#### **Water Utility Emergency Preparedness Response/Strategy**

In late May, the City of Salem issued a health advisory due to cyanotoxins found in their treated drinking water which lasted for several weeks. This event resulted in a lot of interest in the legislature about public water system's ability to respond quickly to an emergency of this magnitude and complexity. Several OWUC members have participated in a few round table discussions with legislators about the need for funding for utilities to plan and prepare for these types of events. OWUC participated in a strategy meeting with folks from League of Oregon Cities and Special Districts of Oregon on December 19, 2018 to coordinate a strategy going into the 2019 legislative session. OWUC will continue to stay engaged in emergency preparedness coordination in the State.

#### **Oregon Health Authority (OHA) Budget**

The Governor's Recommended Budget includes the new OHA fee for service legislative concept. OWUC members participated in a stakeholder meeting hosted by OHA regarding the concept on November 30, 2018 to raise concerns members have expressed about the proposal. OWUC members are not in complete agreement on this proposal to fund a large portion of OHA's budget on \$\$/connection fee or tax; some utilities are not opposed to the fees but still have concerns; but most utilities are against the fees in favor of more funding from the State's General Fund. The OWUC chair testified at the first legislative hearing of Senate Bill 27 in the



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Senate Committee on Health Care on January 23, 2019 to reiterate the concerns members have expressed. While it appears this proposal will move forward, OWUC will remain engaged and now has the opportunity to work with OHA on developing sideboards to future fee increases and accountability measures for use of the fees.

### **Rule Making**

#### **Oregon Health Authority (OHA) Cyanotoxin Monitoring Rules**

OHA conducted a rule making process for the permanent cyanotoxin monitoring rules in the fall. OWUC provided comments along with League of Oregon Cities and Special Districts Association of Oregon on November 30, 2018. This was again a collaborative effort from many OWUC members to help OHA simplify the rules and refrain from burdening utilities with unfunded research-based sampling requirements. OWUC comments were largely addressed in the final rules showing the power of OWUC members' expertise and team work.

#### **Oregon Water Resources Department (WRD) Water Management and Conservation Plans Rules**

OWUC provided feedback on the Division 86-Water Management and Conservation Plan Rules that were open for public comment on October 4, 2018. This feedback was a collaborative effort among members to show support for the proposed changes in the rules and to encourage the Department to consider evaluating the effectiveness of the rules on a 5-year basis.

### **AWWA Policy**

#### **Qualifications-Based Selection of Professional Services (QBS) Policy Statement**

OWUC provided a memo on the AWWA QBS Policy to AWWA on November 7, 2018. The comments within the memo were a collaborative effort among several OWUC members to align the policy with Oregon utility experience and legislative efforts.

### **Subcommittee Business**

#### **Willamette Basin Reallocation Study**

In November, Representative Schrader called a second stakeholder meeting to follow-up on the project and status of the environmental review by National Marine Fisheries Service (NMFS). NMFS is the federal agency that is responsible for preparing the Willamette Reallocation Biological Opinion for Endangered Species Act compliance. At that meeting, it appeared that there was a struggle for the federal agencies to agree on reasonable and prudent actions that would be required to implement the Willamette Reallocation, and that NMFS would be issuing



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a jeopardy opinion. However, a jeopardy opinion does not stop the process from moving forward but does require additional conditions be implemented to ensure compliance. Signal Group supported OWUC staff in the development of appropriate communications for the joint stakeholder meeting and key talking points to engage Representative Schrader and the other congressional staff that were in attendance.

The Willamette Reallocation Project schedule has stalled out on the federal level due to the government shutdown. Regulatory staff at NMFS that are responsible for preparing and finalizing the BIOP have been furloughed, so the BIOP will be delayed at least a month after the government is up and running again. The federal consultant has continued to provide support through research on similar legislation and strategies to ensure congressional authorization. Signal Group has completed development of a strategy to advocate for the lowering of the cost of stored water for municipalities, and critical path components to engage the delegation and key committee staff as it moves through the legislative process. They also developed in coordination with GSI Water Solutions a support letter from the municipalities to US Army Corps of Engineers (USACE) and the Oregon Water Resources Department (OWRD). Fortunately, the USACE received full funding prior to the government shutdown and continues to work on the project. USACE is currently working on the development of a schedule extension to submit to the Assistant Secretary of the Army for Civil Works for approval due to the delay associated with the shutdown. Signal Group is currently working on a strategy to support the extension approval.

### **Other OWUC Business**

#### **Tri-WUC Meeting**

OWUC is hosted the section's annual three state WUC or "Tri-WUC" meeting on November 16, 2018 for approximately 30 people. Tommy Holmes, AWWA Legislative Director, provided the national legislative update. Joan Kersnar, PNWS National WUC Representative, provided updates on recent guides developed by the National WUC. Brenda Lennox, AWWA Past-President, and Kari Duncan, PNWS Association Director, provided updates on AWWA. A round table discussion among states focused on recent legislation and health advisories for cyanotoxins, manganese, and PFOA/PFOS.

#### **2019 Legislative Symposium**

OWUC will host the 2019 Legislative Symposium on February 12, 2019. The format is new this year in that there will be a morning educational program followed by personal visits with legislators in the afternoon. OWUC has formed a subcommittee to coordinate this event, develop the morning program, and develop fact sheets and position papers for participants to provide to legislators. The goal is for participants to hear the latest on agency budgets and policy options packages from agency heads, water legislation and policies from agencies and



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legislators, and to educate legislators on the resources utilities can provide when tackling water related legislation.

**2019 Water Matters Fly-In**

OWUC Chair, Karen Kelley, and Vice Chair, Mike Grimm, will attend the AWWA Water Matters Fly-In on March 27-28, 2019 in Washington D.C. OWUC is preparing fact sheets and position papers to share with the Oregon delegates.