



# American Water Works Association Pacific Northwest Section

## PNWS-AWWA Government Relations Division Report

Submitted by Ronda Farmer Past Chair and Government Relations Liaison

### **IDWARN:**

No report submitted.

### **ORWARN:**

ORWARN had several activations that members responded to in the last few months. We played an active role during the chlorine shortage as well as, assisting in the water aquifer crisis in Klamath County. We were also looking forward to a conference in October but unfortunately, due to the COVID surge, the ORWARN Board found it necessary to postpone it. Currently, we are looking to schedule some virtual trainings that will provide CEUs to our members and the water and wastewater community.

### **WAWARN:**

No report submitted.

### **Idaho Water Utility Council:**

No report submitted.

### **Oregon Water Utility Council:**

The Oregon Water Utility Council continues to monitor legislation, regulations, and court actions that could impact the water industry, giving members the ability to 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 to issues. The legislative activities are closely coordinated with policies of the AWWA when applicable.

## **Review of Activities and Accomplishments**

### **2021 State Legislative Session**

OWUC leadership was actively engaged during the 2020-2021 Legislative Session, which began on January 19th and ended June 27th. Some legislative activities of note include:

## **Material Preferences in Contracting**

House Bill 2310 would have hindered a utility's ability to maintain standard specifications with respect to material choices and limited the use of tried and tested materials in water system construction. OWUC, along with other utility organizations, provided testimony against this legislation which ultimately did not pass. Similar efforts helped defeat a nearly identical bill in 2020. In addition, OWUC provided support for correspondence at the Federal level aimed at similar legislation being considered. This issue will continue to be tracked as making sure water utilities have the ability to choose the right materials for their local communities is essential for system resiliency and long-term planning.

## **Access to Federally Stored Water**

Following approval of the Willamette Reallocation in the reauthorization of the Water Resources Development Act (WRDA) at the end of 2020, the state needed the ability to implement a water right transaction called a 'transfer' to access stored water behind the Willamette Basin Reservoirs. The final Reallocation authorized nearly 160,000 acre-feet for future, municipal use. However, the Oregon Water Resources Department (OWRD) had recently determined they lacked statutory authority to accept and process character (type) of use transfer applications after decades of established practice.

House Bill 3103, which passed this session, clarified that OWRD does have this authority and may resume accepting and processing 'transfers' applications to change the use of stored water. This bill also provided funding for a facilitated stakeholder workgroup to address related issues with OWRD's authority, including transfer applications for 'location' of use.

OWUC actively supported the passage of House Bill 3103 by engaging key legislators and providing testimony during multiple hearings. OWUC will continue to support its implementation through similar means, including soliciting the assistance of legal counsel and subject matter experts when needed.

## **Subcommittee Business**

### **Willamette Basin Reallocation**

With the passage of WRDA and House Hill 3103 resulting in progress being made on Willamette Reallocation implementation, Subcommittee members recently reconvened to discuss the likely next steps for engagement, the preparation of a strategic work plan, and the need to keep the momentum going with respect to the Reallocation. A draft status and next steps 'roadmap' was prepared and presented to membership during the September OWUC meeting. Additional meetings with Reallocation Subcommittee members are being planned to work out the details for a multi-year project plan as progress continues toward accessing stored water in the Willamette Basin reservoirs.

### **OWUC-ORWARN Collaboration**

In June, west coast utilities experienced a potential shortage in chlorine supply due to various factors including a manufacturing plant outage. Several OWUC members participated in the response along with ORWARN, DEQ, and OHA. Following the event, it became important the coordination and role identification could be improved to facilitate a more efficient response in the future. Members of OWUC

and ORWARN met for a debrief and committed to quarterly meetings going forward to enhance collaboration between the two organizations.

### **Other OWUC Business**

#### **Regular Meetings**

OWUC continued to hold monthly virtual meetings throughout 2021, just taking July off. The virtual component, while not as productive at times as in-person gatherings, did allow for greater member participation. Most monthly meetings had 20-25 members present. In addition to members, most meetings included the participation of OHA and OWRD leadership with ensuing information sharing and discussion including:

- Proposed fee increases
- Rulemaking affecting water utilities
- System testing requirements and changes
- LCR implementation
- Drought conditions and response efforts

#### **AWWA 'Virtual' Fly-In**

The Chair, Vice-Chair, and Past Chair participated in the 2021 AWWA Virtual Fly-In in late April/early May. Virtual meetings were held with 4 out of the 7 members of the Oregon delegation. While a key topic in all meetings was infrastructure funding, meeting discussions also touched on Wildfire Restoration, the Willamette Basin Reallocation, and the federal River Democracy Act of 2021.

#### **Washington Water Utilities Council:**

The Washington Water Utilities Council (WWUC) is active on many fronts in 2021, focusing on pandemic impacts, legislation, regulation, and litigation. Both the Department of Health and Department of Ecology attend WWUC's monthly meetings, which provide an excellent forum for discussing matters affecting Washington State water utilities with these agencies. We look forward to the tri-state WUC anticipated in November.

#### **Legislative Information and Coordination.**

Legislative Chair Susan Saffery from Seattle Public Utilities, along with our Legislative Coordinator, Noah Reandeau, provided the latest information to members during the 2021 state legislative session and facilitated water purveyor engagement through weekly meetings and lobbying coordination. Preparation for next session is starting now. The WWUC has been closely involved with conversations related to the disconnection moratorium, arrearages, funding for bill payment assistance, and implementation of the Low Income Household Water Assistance Program (LIWHAP) for water and wastewater. The WWUC also met with Washington's congressional delegation for the 2021 AWWA virtual Fly-In.

#### **Regulatory, Policy Setting and Rulemaking.**

The WWUC routinely analyzes proposed Washington State agency guidance and policy documents, as well as rules and regulations, for their impact on WWUC members. Recent topics include Ecology policy 1050 and 2030, PFAS, and more. The WWUC has also met with Department of Ecology as well as Department of Health (DOH) leaders as both agencies have seen leadership changes and DOH also reorganized the Office of Drinking Water.

**Judicial Activities.**

John Weidenfeller of Thurston County PUD with support from Adam Gravley, WWUC legal counsel, continue to monitor court cases and appeals involving water rights, instream flow rules and other relevant legal issues, as well as the impacts these rulings have on state policies. The WWUC also secured ongoing representation on the Joint Legislative Task Force on Water Resource Mitigation.