



OREGON
WINEGROWERS
ASSOCIATION

Designating Wineries as Public Water Systems

December 11, 2019

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OREGON
DEPARTMENT OF AGRICULTURE



Oregon
Health
Authority



Davis Wright
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Drinking Water Regulations in Oregon

Oregon Winegrowers Association Webinar
December 11, 2019

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PUBLIC HEALTH DIVISION
Drinking Water Services

Safe Drinking Water Act

- Enacted in 1974 to protect public water supplies
- EPA sets drinking water standards for water quality
 - Maximum contaminant levels
 - Treatment requirements
- Monitoring requirements
- Inspection criteria, requires correction of deficiencies identified



Primacy and Implementation

- States can apply for Primacy of SDWA
- States cannot be less stringent than EPA
- Oregon has primacy
- Implementation responsibility of all requirements
 - Technical Assistance
 - Enforcement



DWS Partners

- DWS contracts with local public health authorities and Department of Agriculture
- **ODA** regulates facilities licensed by ODA and meets PWS definition
- **Local public health agency** regulates small groundwater systems if under contract with DWS
- **DWS** regulates all systems in non-participating counties and larger systems

PWS Definitions

- A public water system is a system of piped water for human consumption that serves:
 - 15 or more year-round service connection or 25 or more year-round residents (Community)
 - 25 or more of the same people over 6 months per year (Non-Transient)
 - A transient population of 25 or more people per day (Transient)
 - 4 or more service connections or 10 or more individuals per day at least 60 days per year (State-regulated or Non-EPA)

PWS Classifications



PUBLIC HEALTH DIVISION
Drinking Water Services

Requirements - Plan Review

- Since 1981, all new public drinking water facilities must be reviewed and approved prior to construction
 - Wells
 - Storage tanks
 - Chlorination
- Purpose is to protect water supplies and prevent future WQ problems



Plan Review, cont'd

- Plans must be submitted by a Professional Engineer with some exceptions
- Submit to OHA:
 - Site plan
 - Schematic
 - Specifications
 - Plan review fee (\$825 or \$248)
 - Land Use Compatibility Statement
 - Monitoring results, if well already drilled



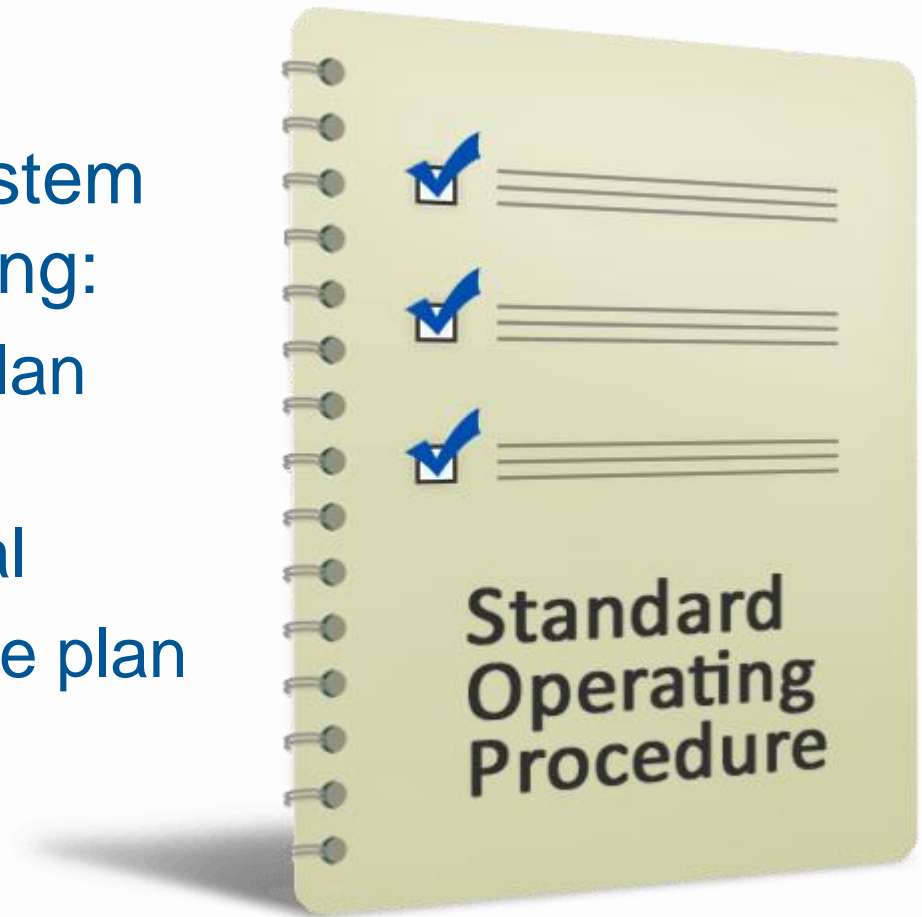
Requirements - Monitoring

- For Transient or Non-EPA systems:
 - One-time Arsenic sample
 - Annual Nitrate
 - Quarterly Coliform bacteria
- Non-Transient systems also:
 - VOCs, SOCs, IOCs
 - Lead and Copper
 - Disinfection By-Products
- If results are high
 - Public notice and corrective action



Requirements - Documents

- Each public water system must have the following:
 - Coliform sampling plan
 - Operations and maintenance manual
 - Emergency response plan



Requirements – Inspection

- Every 5 years, DWS or partner will inspect your water system.
- Violations or deficiencies must be corrected.



Significant Deficiencies and Rule Violations OHA Drinking Water Services

Source Deficiencies:

Well Construction Deficiencies:

- ⊕ Sanitary seal and casing not watertight
- ⊕ Does not meet setbacks from hazards
- ⊕ Wellhead not protected from flooding
- ⊕ No raw water sample tap
- ⊕ No treated sample tap (if applicable)

- + pH, Temperature, and chlorine residual not measured daily at first user - 0036(5)(a/b)
- ⊕ Failure to calculate CT values correctly
- ⊕ No means to adequately determine disinfection contact time under peak flow and minimum storage conditions
- + Annual raw water sampling past due - 0036(6)(w)

Annual Fees to DWS

- State and federal funding do not adequately cover program costs
- Currently **proposed** only, final by end of 2019
- Transient and Non-transient systems: \$150 /yr
- Non-EPA systems: \$75 per year

- Due July 1 each year

Resources

DWS website:

www.healthoregon.org/dwp



Data On-line (all data for all PWSs):

Yourwater.Oregon.gov

DWS Phone duty: 971-673-0405



OREGON

DEPARTMENT OF AGRICULTURE
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PARTNERING WITH DRINKING WATER SERVICES



WHO REQUIRES AN ODA FOOD LICENSE?

Manufacturing, warehousing or selling wine in Oregon requires a food license.

ODA licenses most all of the wineries in Oregon because the majority of sales at that location are not for immediate consumption.



During routine ODA Food Safety inspections, firms should be evaluated to see if they meet the criteria to be a Public Water System (PWS).

Is the firm on a private water source (well or spring)?

Yes

Does the firm...

- 1) have soda fountain that uses their water? i.e. syrup boxes
- 2) have public restroom?
- 3) serve coffee or have a cappuccino machine?
- 4) make ice?
- 5) have 10 or more customers and/or employees at least 60 days per year?
- 6) have a water fountain?
- 7) have a water vending machine?

Yes to any question

No to all questions



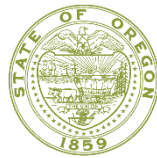
‘NO’ TO ALL QUESTIONS

The firm just needs to take an annual E.coli and total coliform tests.



‘YES’ TO ANY QUESTIONS

- **The Food Safety Specialist should let you know that your firm likely qualifies as a PWS and will request a point of contact for further discussions with an ODA Drinking Water Specialist.**
- **A Drinking Water Specialist will call and discuss your water system to ensure it does qualify as a PWS.**
 - The process of becoming a PWS will be explained.
 - A request will be made for copies of well log/s and any recent water test results for the private water system.
 - A time will be agreed upon to do a site visit of the water system.



DURING THE ONSITE VISIT

Requirements of a PWS will be reviewed with handouts provided and the water system will be inspected.

The visual inspection of the water system will include documenting the general construction of the water system including holding tanks, well head, spring box, pressure tank and any treatment that is on the water system. Setback distances from well head or spring box will be documented from such things as the septic tank and drainfield, chemical storage tanks, animal pastures and any other similar public health hazards.



DURING THE SITE VISIT CONTINUED

The information gathered during the site visit will be provided to an OHA engineer. Additional plans and documents will be provided by the system during the plan review process.

Once the system is approved, the ODA Drinking Water Specialist will reach out to the responsible contact to inform them of their PWS ID number and how to access the online information for their facility at yourwater.oregon.gov



ON-GOING WATER TESTING REQUIREMENTS

For Transient Non-Community Systems- quarterly E.coli and total coliform tests, annual nitrate test and one test for Arsenic.

Additional testing such as Volatile Organics, Inorganics, Synthetic Organics, Lead and Copper would be required for Non-Transient Non-Community.



ONSITE SANITARY SURVEY

An onsite sanitary survey will be done by a Drinking Water Specialist from ODA, the year after the firm becomes a PWS. Then the sanitary survey will be done every five years.

The sanitary survey is not a surprise visit.



ODA DRINKING WATER SPECIALIST CONTACTS

Shane Kinney (541) 646-4598	Crook, Deschutes, Harney, Jackson, Klamath, Lake
Jeff Green (541) 913-8837	Lane, Linn, Polk
Jeff Birdsall (541) 206-7059	Benton and Douglas
Neil Jensen (541) 290-2397	Coos, Curry, Josephine
Melissa Ney (541) 969-8088	Baker, Gilliam, Grant, Malheur, Morrow, Umatilla, Union, Wallowa, Wheeler
Sarah Schwab (503) 508-6028	Hood River, Jefferson, <u>Lincoln</u> , <u>Sherman</u> , Tillamook, Wasco, Yamhill
Steve Wong (503) 641-2348	Clatsop, Columbia, Multnomah, Washington
Joshua <u>Teamus</u> (541) 968-9500	Clackamas and Marion

Oregon Winegrowers Association

Wineries and the Drinking Water Program

Elaine R. Albrich

December 11, 2019



Practical Recap of Regulatory Framework

- Existing laws, renewed focus
- Requirements found in federal and state laws
- Wineries commonly state regulated or transient water systems
- Initial enrollment requires more upfront work and cost
- Continuing compliance requires annual sampling and reporting
- Food safety and drinking water more closely regulated together
- ODA is your primary contact with OHA involved in enrollment

Best Practice Tips

- Evaluate proposed or existing operations recognizing that most wineries with food safety licenses are going to be subject to regulations.
- For new/start-ups, add to permitting compliance matrix and address in permitting and building phases of your project. Address concurrently with food safety license.
- For existing operations, anticipate inspection during annual food safety inspection and be prepared with sketch of system for discussion. Put together your legacy documents and records regarding your existing water system.
- Look for technical assistance early, ask the agencies for names of qualified labs and technical guidance documents.
- Train an employee or team to be “on-point” for compliance.

Looking Ahead

- OHA rulemaking on annual fees and ongoing policy discussions regarding improved efficiencies and lessened burden on smaller wineries subject to regulation.
- Opportunities for go-to labs to assist with sampling and consultants to help with upfront site plan reviews.
- Continued work with OHA and ODA to assist wineries in compliance and access technical assistance.
- Educate and coordinate with well installers and water consultants to assist with industry's compliance needs.

Questions?

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