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Fires Impact Oregon Utilities by Jason Green, Executive Director	3-4
Mark Your Calendar—Upcoming Conferences	5
Thanks to OAWU's 2020 Sponsors	5
OAWU's Summer Classic 2020 in Seaside, Oregon	6–7
OAWU's Annual Golf Scramble	8
Diversity in the Workplace by Hans Schroeder, Circuit Rider	9
Organization by Mike Collier, Deputy Director	10
Distribution System Flushing by Heath Cokeley, Programs Manager/Circuit Rider 12-	-13
What's New with OHA Rules and Fees by Scott Berry, Operations Manager	-15
Managing and Conserving the Source by Tim Tice, Projects Manager	-17
Lead & Copper Again? by Bob Waller, Water Circuit Rider	18
Need to Review Water or Sewer Rates? OAWU Can Help!	20
Training & Events Schedule	20
System O&M Manuals Required	21
High Stakes: Marijuana and Wastewater by Rick Allen	22
Water Rates: Equal Protection Issues? by Laura A. Schroeder & Jakob S. Wiley	24
Quiz Corner	27
Membership Application Form	29
Membership Roster	-32

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Advanced Control Systems	26
American Flow Control	13
Bancorp Insurance	25
BioLynceus	23
BMI	21
Branom Instrument Co.	11
Cascade Columbia Distribution Co	21
Core & Main	9
Dan's Leak Detection	25
Ferguson Waterworks	15
H.D. Fowler	25
Lakeside Utilities (EZ Street Cold Asphalt)	19
NeptuneInside B	Back Cover

Oregon DEQ: Clean Water State Revolvi	ng Fund15
Oregon Meter Repair	25
Owen Equipment	19
PACE	11
Pittsburg Tank & Tower	19
Puttman Infrastructure	11
Special Districts Association of Oregon.	27
The Automation Group	Inside Front Cover.
The Ford Meter Box	25
TriPac Fasteners	20
Underground Tech	20
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OAWU's mission is to provide service, support and solutions for Oregon water & wastewater utilities to meet the challenges of today & tomorrow.

Fires Impact Oregon Utilities

by Jason Green, Executive Director

Mostly, from the Coast to the Cascades, early September weather brought humidity levels to around 20 percent and East winds. Labor Day weekend warned of coming 50 to 60 MPH winds and fire warnings.

Labor Day and the following week was disastrous for many of Oregon's small cities, communities, and utilities. At one point, the local news reported over 40 simultaneous out-of-control fires.

Labor Day was September 7th. As I write this, today is the first day of Fall, the 23rd. There remain ten major fires at 30 percent or less containment. Oregon communities ravaged by the fires have much work to do, as seen in these photos of some utilities that have been impacted.



Offegon Association of Water Utilities



Continued on next page

Fires Impact Oregon Utilities Continued



The work will begin with various emergency responses, then assessing, and recovery and rebuilding.

OAWU wishes to carefully convey our respect to those impacted and our sincere condolences, but we also wish to honor those who did respond, work to save, and who continue to work in various management roles to assist. Additionally, we wish to encourage and convey to our members, water and wastewater utilities, and cities that we have been doing our very best to assist those in need, both in the field and back at the office. Should you need any assistance regarding recuperating from these fires or any routine or emergency operational or managerial assistance, please do not hesitate to call on OAWU.

On behalf of the OAWU Staff and Board Members, we wish you the best. •





4 • H₂Oregon Fall 2020

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OAMU's Sammer Classic 2020

THE WEATHER this year was fantastic, and the activities were great. Monday's pre-conference provided great classes and a few extra CEUs to those who attended.

The conference was kicked off by an opening session given by OAWU's Executive Director, Jason Green, and a legislative update by Mark Landauer. Tuesday held the evening barbecue with exhibitor time and prize give-away. Wednesday continued with a full day of classes; some took the afternoon off to participate in the annual OAWU Golf Scramble at Gearhart Links. Thursday concluded the conference at noon with some final words and the highly-anticipated drawings and cash prizes.

- Thank you to this year's Gold Sponsors, Core & Main and Lakeside Industries; Silver Sponsors, H.D. Fowler and CoBank; and to our Bronze Sponsor, EJ.
- The annual golf scramble at Gearhart Links hosted 6 teams !
- At closing session, Thursday, OAWU gave away over \$1,500 in merchandise and \$500 in cash prizes.
- Congratulations to this year's winners of the Jeff Swanson Memorial Scholarship raffle!
- The winner of a full registration to OAWU's Sunriver Conference in March 2021 was Mike Howard, City of Creswell.

Mark your calendar for next year's OAWU Summer Classic in Seaside, August 16–19, 2021. See you there! •









in Seaside, Oregon







OAWU's Annual Golf Scramble

Gearhart Links Golf Course – August 19, 2020

The day started off with a chill and a little wind. As the day progressed it became pleasantly warm; it was a perfect day to hit the links for this year's scramble. The staff at the Gearhart Links Golf Course were accommodating, friendly, and professional helping to make the day even more enjoyable.

Six teams challenged the course this year, making for a great competition. No one was safe from the errant drive, misjudged chip shot, or the mocking one received when their shot landed two fairways over; we must also admit that there were many great players and many awesome shots on the course again this year. The banter helped build camaraderie throughout the scramble.

Special thanks to Advanced Control Systems and Vision Municipal Services for being this year's hole sponsors and for their support of the attendees and the Association.

Congratulations to all the teams who played this year, and especially to the teams that placed.

The winners of the competitions were:

- Longest Putt #1 Scott Motsinger
- Longest Putt #2 Don Miller
- KP #1 Kriss Schneider
- KP #2 Brian Lawson
- Longest Drive #1 Joe Mitchell
- Longest Drive #2 Tanner Hartstock

Special thanks go out to Bob Waller (Circuit Rider) and Tim Tice (Projects Manager) who helped make sure the scramble went off without a hitch.

Mark your calendar for OAWU's next Summer Classic at Seaside August 16-19, 2021. It is a great location to enjoy while you earn CEUs and network with the Associate Members and your peers.











Oregon Association of Water Utilities

Diversity in the Workplace

by Hans Schroeder, Circuit Rider

Have you ever just sat around after a weekend and listened to what your coworkers did over the last several days? Don't interject, just listen because learning comes from listening. Listening to fellow employees can be interesting, the experiences that have lived, shared, and the hard situations they have endured and how they overcame each of those. We can learn some interesting stories and experiences from their past employers, military background or life changing decisions and these make them the person they are today.

Just step back, watch, listen and learn from fellow employees. It's very interesting to get to know co-workers beyond the work environment. Who knows, you may need some help with something and a certain coworker can give some insight on how to do it or even lend a helping hand in getting it done faster and easier than you would have ever thought of.

Listening can be very informative of who work with. Listening and compiling information really causes awareness of the qualities and knowledge others have acquired through life experiences and choices.

Fishermen, loggers, millwrights, hunting guides, cattlemen, military veterans, truck drivers, and the list goes on, are employees that now work in the water/ wastewater industry. The skills that are brought into the water industry are endless. Look around the room at a staff meeting or the table in the break room. It's interesting how all of our backgrounds share the common goal of servanthood.







Organization

by Mike Collier, Deputy Director/Source Water Specialist

Sticky notes, written pages, white boards, written calendars, reminders on your phone, calendars on your phone, voice mails/messages, or some other method. This day and age there are so many ways to get and stay organized. Yet, for me, it is still difficult to be sure to remember all the appointments, times, due dates, and all the other stuff (when is my anniversary?). I know, based on many conversations, that it is not just me with this issue. So, is there something that can be done?

I think it may be some part of human nature to avoid agreeing to schedule events on our calendars, maintaining track of different due dates, or setting correct priorities – maybe it is a control thing, we don't want the calendar to control our lives, we want to be the ones in control. With the way the world goes on and on it seems like there is a never-ending series of events or due dates to put onto the schedule. Do we need to simplify? I am not sure, some of us probably do need to pare down our schedules some to alleviate the constant double booking, running late for appointments, or missing due dates.

Yet, I think most of us just need to get more organized. The most important thing with organization is to find a method that works for you and to stick with it, even when it annoys you. As I stated earlier, I fail at being organized quite often, but this does not mean that I do not know how to have an organized schedule. We can all do it if we are willing to be committed to a method of organization and to not deviate from it.

Like exercising, if we are not consistent and almost religious with doing the necessary tasks daily to get into the habit, we will never get very good or consistent with our exercise. In the same way if we do not commit to consistently using an organization method, we will never become organized.

So, what way would you choose? Your phone is always with you. Will you set reminders to ping you as different things are due or are coming up? Use a calendar and check it at least daily to update, see, and check off tasks. Or will we go old school and use pen and paper to document what needs to be accomplished and be committed to updating it and checking it often?

I am not sure which is the best method for each of us. I don't even know which method I am willing to commit to! But I do know that nothing about my organizing will get better unless I try something and am willing to commit to it. Good luck.





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Distribution System

Heath Cokeley, Programs Manager/Circuit Rider

How do you clean your main lines? I would venture to guess that most water utilities in Oregon have some type of a flushing program even if it is not written down. It may be as simple as, we have a few dead end mainlines and we run the blow off every few months to force the water to turn over. It may be a little bit more complicated in that maybe we need to flush our system quarterly or even parts of it monthly. If this is the case, then what are you flushing it for? Are you getting stagnant water complaints, or not getting detectable chlorine residuals at the end of the line? Why we flush matters a great deal as to how we want to flush.

If we are only flushing to turn water over then by just turning a blow off or fire hydrant on may work, but if we are flushing for sediment or scale removal this will change the ball game a bit. If we are flushing for sediment removal we want to try and get that water up and moving at about three feet per second (FPS) in the main line. This will require that the blow off is only being fed from one direction, we can accomplish this through shutting off the other valves that feed the area. We will also need to know what size the main line is that we want to flush and the length of pipe that needs to be flushed. For instance if we had 1000 feet of 6 inch pipe to flush at 3 fps we would need to run a blow-off at 264 gallons per minute (gpm) for a little over 5 and a half minutes in order to turn all that water over and of course we want to run a bit longer to be sure. If we want to descale the inside of the pipe the water needs to be running at about 5 fps. I felt it would be difficult to explain the calculations in this magazine article, but if you are interested in them, e-mail me at hcokeley@oawu.net and I will send you a copy of a spreadsheet that can make these calculations for you. All you need to do is type in the size of pipe, the length it runs, the desired flushing velocity, and it will do the rest of the math for you. It is important to make sure to have a large enough blow-off and to properly dispose of the discharged water and ensure that any residual disinfectant is properly dealt with.

While this method of flushing is useful and currently the least expensive method of flushing, it may not always achieve the desired effects. Though flushing at a rate that achieves 5 fps is the descaling velocity, it may not remove all material from the inside of the pipe as it depends on the thickness of that material and how well it is adhered to the inside of the pipe. Other methods, such as using a pig (typically a bullet shaped object made of foam, steel, plastic, polyurethane, or silicon) to remove biofilms and other debris from the inside of the water pipes can be used. This method of cleaning pipes got its name from the oil and gas industry, as when they first used a metal pig to clean there pipes out it made a squealing noise much like a pig and the name stuck. To achieve pigging in this fashion it requires digging up and cutting into the pipe, where we plan on inserting the pig and where we want to pull it out.

12 • H₂Oregon Fall 2020

Flushing

The pig is a specific size and cannot go from one pipe size to another or through joints in pipe which is problematic.

Ice pigging is another form of pigging that is available, it uses a slushy density of ice that is made in a truck on-site at your system and then is pumped into the mainline and scours the inside of the pipes as it moves through the system. The two major advantages to this form of pigging as opposed to the others are that it can be injected into the system though things like fire hydrants or other valves that come to the surface and be removed in the same way, and it can go through fittings and from one pipe size to another.

The only company I know of, at this time, that has the ice pigging capability is Suez and if you are interested in it please contact Jeff Austin. What method you choose to clean your water distribution lines is all going to go back to your system specific needs. A heavy biological growth or high iron and manganese scaling problem may mean we need to do a more mechanical method of cleaning like pigging or ice pigging, but if the water is relatively clean we may be able to avoid these methods and conduct a flushing program. To evaluate what kind of flushing will need to be done we can look at the amount of material that is on the pipe wall when we cut into a pipe to make repairs or service taps. There are also software programs available now that can help to develop a good unidirectional flushing program.

No matter what method you choose to clean your pipes, remember, we are just a phone call away for any questions you may have. Good luck and I'll see you down the road.



Oregon Association of Water Utilities



What's New with OHA R

by Scott Berry, Operations Manager

There have been a few changes recently that, if you're not aware of, you should be.

The Oregon Health Authority, Public Health Division (Authority) permanently adopted Oregon Administrative Rule (OAR) 333-061-0089 and permanently amended OAR 333-061-0076 relating to the collection of fees to partially defray the cost of the Authority's regulation of public water systems.

This rulemaking concluded in December 2019 and the new and amended rules are effective as of January 1, 2020.

The new fee structure will increase Authority revenue by approximately \$1,850,000 every biennium to more fully support the Authority's regulatory responsibilities and account for other expenses, including five additional positions and increased support for local public health agency partners, as approved by the 2019 Legislature (SB 27; Oregon Laws 2019, chapter 509). The revised fee structure also provides water suppliers with a more predictable fee schedule.

Fees related to sanitary survey inspections, which are conducted once every three to five years, are repealed in their entirety and replaced by an annual regulatory fee. The new fee structure is designed to keep fees simple and relatively low for the smallest public water systems. Fees for community water systems serving 501 to 3,000 service connections are increased by approximately 20% while fees for community water systems supplying water through more than 3,000 service connections are increased substantially.

The full text of the rule follows:

333-061-0089

Annual Water System Fee

Water suppliers must pay an annual fee to partially defray the cost of the Authority's regulation of public water systems.

(1) The fee is based on the classification of the water system according to Table 44.

(a) For campgrounds where multiple handpumps exist, a single fee will be assessed.

(b) For community water systems, the fee is based upon the number of service connections or the population served by the water system and water treatment applied at the water system.

(A) Only water treatment applied to comply with a water quality standard or treatment technique is considered when determining this fee. The Authority does not consider supplemental fluoridation, disinfectant residual maintenance, or treatment for secondary contaminants to be treatment for purposes of determining this fee.

(B) For small community water systems with 250 service connections or less but serving more than 1,000 people, the lesser of the two fees will be assessed.

ules and Fees

(C) For water systems with more than 250 service connections, the fee is based on the number of connections.

(D) For water systems without a distribution system and where water is exclusively delivered on a wholesale basis, the fee is based on the total population served by the water systems purchasing water directly from the wholesaler.

(2) Water suppliers must pay the fee to the Authority on or before July 1st of every calendar year.

(3) The Authority will assess a one-time late fee according to Table 44 to any water supplier that fails to submit the annual fee by July 31st of each year. The late fee may be waived at the discretion of the Authority.

For more information on this and other changes in regulation, go to the OHA website at <u>www.oregon.gov/oha/PH/</u> <u>HealthyEnvironments/DrinkingWater/Pages/index.aspx</u>.

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Managing and Conserving

by Tim Tice, Projects Manager

This article is an attempt to connect the loose ends we have discovered as we assist our membership with Water Management Conservation Plans (WMCP). This article's objective is to share with Operations Specialist, Public Works Directors, board members and City Managers about the preparation, continuing effort of support, follow through when a WMCP is completed, updated, and given final order of approval.

The purpose of a WMCP is categorized into eight rule sections, 690-086-0010 (1)-(8) which are paraphrased below:

1) A process to ensure the efficient use of the state's water resources and to facilitate water supply planning consistent with water supplier and the Oregon Water Resources Department (WRD) capabilities.

2) The continued implementation of conservation measures can help restore stream flows, stabilize water supplies, and provide the future needs of economic development and growth.

3) The use of water at a volume or duty which is less than the maximum amount allowed under a water right, that is achieved through improved water management practices, is not a forfeiture under certain circumstances.

4) Effective water management requires an evaluation of the adequacy of water supplies to meet current and future needs, identification of planned modifications in water systems, and development of new water supplies.

5) The plans may provide support for applications for water use permits and water right transfers, permit amendments, and requests for extensions of permits, approvals of exchanges, and reservations of water.

6) Regional cooperation will improve water management and help to facilitate implementation of conservation measures.

7) A WMCP that has been approved under these rules may, at the option of the water supplier, be submitted to satisfy the provision requiring preparation of a conservation or curtailment plan.

8) Many water use permits that have been issued to water suppliers include "conditions" requiring preparation of water conservation, long-term water supply, and other water management plans.

When water management is discussed the practical points of the conversation are a) we supply and sell water, b) we maintain a complex of components to deliver water, and c) rules govern the quality of water being delivered.

16 • H2Oregon Fall 2020

the Source

What seems to have been difficult to maintain are the rules governing the management and conservation of the water entity use, rule applicability, new criteria to establish accurate data, and continuing implementation schedules.

Water system rule applicability is straightforward with the following criteria. If a small water system meets "all" of the following criteria, they can submit an alternate form of the WMCP:

- Serves less than 1000 people or has less than 300 water service connections
- Within the previous five (5) years, the water system's maximum daily demand or maximum instantaneous rate, including but not limited to, the amount of water appropriated under its water rights, contracts, and/ or interties, has not exceeded two (2) million gallons daily or 3.1 CFS
- Attests, documents, and submits findings that they will not need to apply for a new water right to meet demands within the next ten (10) years
- Attests, documents, and submits findings that they will not need to expand or initiate diversion of water under an extended permit to meet demands within the next ten (10) years

If your water system does not meet one of the four requirements, then a WMCP under 690-086-0125 is required, which entails a higher level of compliance. As an operator the process begins by understanding which rules apply to the water system and what requirements are necessary to remain in compliance with the applicable regulations.

Due to the method in which regulations are rolled out, correspondence may or may not have been communicated to the correct contact person, as various personnel are responsible for different tasks, the communication chain may have a broken link.

So as an operator, you will want to pass this article over to the decision makers, then discuss with them how the rules of water management and conservation apply to your water system. The key rule changes since 2008 from OAR 690-086-0150 – conservation element: collecting accurate data to prove actual percentage of water loss. Water loss, or minimal water loss will play a greater role in required future tasks.

Rule OAR 690-086-0150 (4)(a) states: "an annual water audit that includes a systematic and documented methodology for estimating any un-metered authorized and unauthorized uses, and an analysis of the water supplier's own water use to identify alternatives to increase efficiency."

A simple requirement [OAR 690-086-0150 (4)(b)] – If the system is not fully metered, create a program to install meters on all un-metered water service connections. This rule is clear-cut.

A rule that is a bit more complex [OAR 690-086-0150 (4) (e)] – If the annual water audit indicates that the system's water losses exceed 10 percent, then additional steps are required.

Here's a link to the specific section and subsection of OAR 690-086-0150:

secure.sos.state.or.us/oard/viewSingleRule. action;JSESSIONID_OARD=rkRJB1X521WkF4M 3pVjh1Z1sU3jDh-mnh5bPt7jp9t_JvwHS1UmQ!-701024274?ruleVrsnRsn=253200_

As mentioned at the start of this article, the intent is to inform both operators and personnel who implement rule requirements that deal with management and conservation of water. This implementation can be more convoluted than suspected.

Routinely look at our training calendar for classes that will assist you in implementing a WMCP, leak detection, and water loss control. Your association assists in the networking of information, provides training and assistance in the field - call us, we would be happy to help. The best that life has to offer! •

Lead & Copper Again?

by Bob Waller, Water Circuit Rider

In the fall 2019 *H2Oregon* magazine I wrote an article on lead and copper sampling explaining the definition of the tier system and other requirements. Now the US EPA is proposing a revision to the lead and copper rule. The last revision of the lead and copper rule was in 1991. There are several changes proposed in the "revised lead and copper rule." Let us go through the biggest of these proposed changes, keep in mind these are proposed changes.

Identifying the most impacted areas: water systems will be required to update a publicly available inventory of lead service lines. They must find and fix them when the lead in a sample at a home exceeds 15 ppb.

Strengthening drinking water treatment: Systems will be required to enhance corrosion control treatment based on tap sample results and establish a new trigger level of 10 ppb this is down from the current 13 ppb.

Replacing lead service lines: Systems would be required to replace water system owned lead service lines if a customer chooses to replace their portion of the line.

Increase drinking water sampling reliability: Systems will be required to follow a new, improved sampling procedure and adjust sampling site to better target locations with higher lead levels.

Improving risk communication to customers: Systems will be required to notify customers within 24 hours if a sample collected in their home is above 15 ppb. Systems will also be required to conduct regular outreach to homeowners with lead service lines.

Better protecting children in schools and childcare facilities: Systems will be required to take drinking water samples from schools and childcare facilities served by the system.

Although the action level of 15 ppb has not changed, the trigger level has. This new trigger level gives a wider variance between it and the action level, which will allow systems to act earlier, before the action level is exceeded. These actions may include reevaluation or current treatment or conducting a corrosion control study. Systems that have lead and copper between 10 and 15 ppb would be required to set an annual goal for conducting replacement and outreach encouraging resident participation in replacement goals. Water systems above 15 ppb would be required to annually replace a minimum of 3% of the known or potential LSLs (Lead service lines) in the inventory at the time the action level exceedance occurred.

So, I hope this update will give you a little insight into what is coming down the pike. Some of these changes may not get into the final revision, but OAWU will keep up to date and will pass it along.

18 • H2Oregon Fall 2020



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Oregon Association of Water Utilities

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Need to Review Water or Sewer Rates? OAWU Can Help!

OAWU has built a solid reputation for providing water and wastewater systems with factual, user-friendly, and defendable Rate Studies. Our rate studies, once implemented, have allowed many systems to obtain Capitol Improvement funding from various private and government lending agencies. An OAWU rate study can also provide a plan for systems to gain the capital to "pay as you go" by outlining a strategy to maximize and streamline revenue and thereby allow water/wastewater system administrators to forecast projects that may be funded in-house. OAWU will provide you a professionally compiled rate study and supporting documentation that will allow you and your council or board to adopt new rates necessary to meet your system needs.



For bids or estimates, call OAWU: 503-837-1212.





2020 TRAINING & EVENTS

Date	Class Title	Location	CEU Information	ESAC#, F	ee/Free
November 17	Distribution Basics	Salem	0.6 Water	4117	Fee
November 19	Job Site Safety	McMinnville	0.3 Water/Wastewater	3890	Fee
December 7	Effective Utility Management	Hood River	0.6 Water/Wastewater	TBA	FREE
December 7–10	Annual End of Year Operators Conference - 2020	Hood River	2.7 Water/Wastewater	TBA	Fee

Levels 1–4 Water Operator Exams

Trained and certified operators are necessary to ensure that the systems are managed in a manner that fully protects public health and the environment. The OARs for certification stipulate that the qualifying experience for applicants for certification as a water treatment plant operator must attain at least half the required operating experience at a public water purification plant that uses complex filtration technology and is not more than one classification lower than the level of certification they are seeking. In other words, if you have only worked for a Class 2 treatment plant, we allow you to apply for a Level 3 certification but not a Level 4 certification. If you move on to a Class 3 plant, then you must have ½ the qualifying experience (at the Level 3 plant) before allowing to apply for a Level 4 certification. Reciprocity from state-to-state ensures that the operator have the operating experience for which they are certified.

For additional information, please visit http://public.health.oregon.gov/HealthyEnvironments/DrinkingWater/OperatorCertification/Levels1-4/Pages/exams.aspx

More Resources

Drinking Water Data Online	https://yourwater.oregon.gov
Drinking Water Services	https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/DRINKINGWATER/Pages/index.aspx
Drinking Water Services	

Training class dates, class topic and/or locations may be subject to change as needed.

For more information on any class by OAWU, please contact the office at 503-837-1212, office@oawu.net or visit www.oawu.net.

System O&M Manuals Required

Have you completed your state-required Operations & Maintenance Manual?

Oregon Association of Water Utilities has prepared a full day class to assist operators in outlining an operations and maintenance manual per the Oregon Administrative Rule 333-061-0065 which requires each water system to develop an operations and maintenance manual.

This class will assist the water and wastewater system operator in outlining the specific points in developing the draft of the O&M manual. Step by step, each attendee will create their draft as it relates to their utility system during class. The e-file may then be completed back at the system office.

Class cost is \$160, or if you are unable to attend a class you may purchase a thumb drive with e-files for \$160. To sign up for the class, or to have a thumb drive mailed to you, contact your Association for further information.



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High Stakes: Marijuana and Wastewater

Why your municipality should complete a pretreatment survey

During my research for my new class "The Changing World of Pretreatment," I ran across many new and inventive ways to use THC and CBD products. In Denver, Ganja Yoga encourages the two relaxation methods in one class. While teaching at the Tri-State Water Conference in Las Vegas in August, I was fortunate enough to visit with an instructor teaching behind me. She confirmed that one of her adult children was recommending that she attend a Ganja Yoga class in the Bay Area.

The Ultimate Relaxation? A Potential Problem for Water Processing?

With the growing market for THC and CBD products, perhaps Ganja Yoga should be on your pretreatment survey list to visit. Why should you complete a pretreatment survey? The reasons are many, but a few are: how is the material prepared? Is it prepared onsite through edible products? If so, what are they doing with the waste? What products are being used to disinfect food preparation surfaces?

In Colorado, it is now evidently legal to add CBD or THC your burrito from the mobile food truck. Mobile food trucks are a big enough issue just from the fats, oils, and grease (FOG), but now we have other potential issues. In California, there do not appear to be any regulations around what they call "cottage industries." These are people who prepare food in their house for distribution. Due to the opportunities to enhance food with THC or CBD, maybe this rule should be revisited.

In Washington state recently, I stopped at a roadside drivethrough coffee shop. I asked to have my mocha Latte made with coconut milk. They did not have coconut milk, but they did have soy, almond, and CBD oil for an alternate milk.

I am not sure nor can I find any references as to how these products will ultimately affect your wastewater streams.

Learning from the Past

On the other side of the issue are manufacturers such as beer, seltzer water, and food manufacturers (for both humans and animals), just to name a few, that are creating edible products. Hopefully, these companies are already being checked because of your grease or pretreatment ordinances. By the way, grease (FOG) and pretreatment ordinances are no longer optional, they are mandatory. In my opinion, every business, new and old, in your community should be on your list of annual pretreatment surveys. You just never know what is coming next. Maybe a beauty shop that offers THC brownies with every haircut? Definitely a way to relax the client while changing the color of their hair. There's no telling which new trend could jumpstart a whole industry.

CBD and THC Products in Wastewater

What are the issues with CBD and THC products in the wastewater industry? There are many. On the growing side of the business, are they hydroponic, greenhouse, or agricultural (farming)? Many of the issues with growing are related to fertilizers, pesticides, and herbicides. Most states (except for California) do not have any regulations concerning the use of these chemicals, because the federal government considers it illegal to grow cannabis and hemp.

Therefore, a lot of growing products do not have recommendations for use on their labels for either cannabis or hemp. These materials can end up in your wastewater or groundwater if not regulated. According to recent conversations in some parts of California, they have at least prohibited the use of any floor drains in greenhouse operations. This is an effort to stop contaminates from being flushed into the sewer system.

In addition to the above contaminates that could show up in your system from either growing or producing consumable products from these two plants are hydrocarbons, ethanol, propane, butane, phenols, acetone, discarded or failed edible products, oils, wax, and ancillary manufacturing waste.

Planning for the Future

There are many other issues on the horizon in the world of wastewater, some of which include breweries, distilleries, truck and car washes—it's an ever-growing list. The ultimate question for you should be "what's next?"

Your city pretreatment ordinances need to be reviewed to ensure they cover the option for special assessments or surcharges for all these entities based on loading of contaminates. If needed, your ordinances should be revised. Excessive loading from any commercial or industrial user will cost you money, so it is always easier to have it covered before you need it.

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Water Rates: Equal Protection Issues?

Many municipal water providers charge different rates for categories of uses such as residential, commercial, and industrial, or sometimes provide waivers or reduced rates to some categories of water users. Some innovative pricing policies suggest altering or adjusting these categories to meet policy goals like sustainable uses or environmental justice goals. However, publicly owned water providers should be wary of constitutional limits to these innovative pricing policies.

Unlike private water providers regulated by Oregon Public Utility Commission, public water providers are not subject to service and rate regulations. See Oregon Revised Statute 757.061(3)-(4). Instead, as a local government, municipal water providers are subject to the prohibitions on discrimination provided by the 14th Amendment to the U.S. Constitution and Oregon Constitution's Article 1, Section 20.

Constitutional Protections Against Certain Classifications

The Equal Protection Clause of the 14th Amendment to the U.S. Constitution prohibits a state from the denial of "any person within its jurisdiction the equal protection of the laws" which applies to municipalities as extensions of state governments. Likewise, the Oregon Constitution's Article 1, Section 20 states "[n]o law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens." The results of cases tried under the Equal Protection Clause and the Oregon Constitution often coincide. See *State v. Clark*, 291 or 231, 243 (1981).

To determine if a law, regulation, or local ordinance illegally treats classifications of citizens differently, courts applying Oregon's privileges or immunities clauses determine if the classification identifies a suspect class and if the class is a "true" classification. True classes identify a characteristic of a class of individuals inherent to those people. Cases have identified that laws based on race, sex, alienage, religious affiliation are categories of "immutable characteristics" that create suspect classifications and By Laura A. Schroeder & Jakob S. Wiley

receive additional legal scrutiny. See *Tanner v. Oregon Health Sciences Univ.*, 157 or App 502, 522–23 (1998).

Non-suspect true classes include classifications like geographical residence (or freely changeable characteristics) and only require the government to show a rational basis for the classification. See Id. at 523. On the other hand, a nontrue class has no significance apart from the statute that created the class (like those individuals subject to statutes of limitation) and such laws or policies do not generally violate Article 1, Section 20.

Water Rates and Categories of Uses

No Oregon cases appear to directly identify if ordinances and resolutions setting water rates for a certain class create a "true" classification or run afoul of restrictions on suspect classifications, though these rate regulations explicitly charge different categories of users under different terms. As such, municipalities should carefully consider if their water rates might be "suspect" under Oregon's constitutional prohibitions and if they might be considered a type of discrimination.

For example, classifications for commercial, residential, or industrial customers would likely be interpreted as nonsuspect true or nontrue classifications and are unlikely to be found in violation of constitutional prohibitions. However, other kinds of classifications might be invalidated if the policy does not have an adequately rational justification. An example of a legally problematic policy could be a discount given to newer areas of a community with newer infrastructure (and fewer leakage issues), but indirectly benefitting wealthier or less diverse neighborhoods. Given the lack of specific guidance from Oregon courts on this issue, even well-intentioned policies have the potential to create unconstitutional classifications. •

Schroeder Law Offices, P.C. was founded by Laura A. Schroeder and represents water rights clients in six western states and consults internationally. Jakob S. Wiley is an associate attorney with Schroeder Law Offices and is licensed to practice in Oregon and Nevada. You can read more about this topic and other water rights issues at Schroeder Law Offices' Water Law Blog, <u>http://water-law.com/home/blog/</u>. Schroeder Law Offices has also hosted several free webinars on water law topics, available for viewing at <u>https://www.water-law.com/webinars/</u>.





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QUIZ CORNER -

- 1. A fluid can resist flow. What is the name of this ability?
 - A. friction C. aerodynamics D. cavitation B. viscosity
- 2. What is water's boiling point? C. 100 degrees F A. 212 degrees F B. 100 degrees C D. Both A and B
- 3. How many colors are in a rainbow? A. 7 C. 4 B. 5 D. 6
- 4. One US gallon has how many liters? C. 3.78 Liters A. .378 Liters D. 8.34 Liters B. 3.14 Liters
- 5. Which element's melting point is the highest?
 - A. Carbon B. Mercury
- C. Zinc D. Iron

- 6. If you do a half of a half of a half of a half, what do you get? A. One gallon C. One quarter
 - B. One eighth
- D. One sixteenth
- 7. What compound comes has an approximate density of 1,000 kg/m3?
 - A. Acetone C. Water B. Aluminum
 - D. Isopropyl alcohol
- 8. 8. What does the unit parts per million (ppm) mean?
 - A. 1 pound per million gallons
 - B. 1 gallon per million pounds
 - C. 8.34 pounds per million gallons
 - D. 10 milligrams per liter
- 9. 9. What gas is CH4?
 - A. Hydrogen Sulfide
 - B. Methane
- C. Carbon Dioxide
- D. Ammonia

→ 9-6 '2-8' 2-L' 2-V' +-C' 2-V' 9-D' 2-C' 8-C -B -



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OAWU's mission is to provide service, support, and solutions for Oregon water and wastewater utilities to meet the challenges of today and tomorrow.

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Membership Types

Regular Member

A Regular Member shall be any water or wastewater utility, public or private, engaged in the production, distribution or reclamation of water. A Regular Member shall have one vote.

Annual Dues: See Regular Member Dues Schedule

Associate Member

An Associate Member shall be any organization individual or corporation, supplying services or equipment to water and wastewater utilities. An Associate Member shall have one vote.

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