

Drinking Water Protection Plan Certification Requirements



State of Oregon
Department of
Environmental
Quality

Water Quality Drinking Water Protection Program

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Some strategies for drinking water protection can be implemented right away. Others may require forming a team to develop a Drinking Water Protection Plan for future action. If a public water system and community choose to develop such a plan, they can submit it to the Oregon Department of Environmental Quality for certification (under [OAR 340-040-0170](#) for groundwater sources) or approval (for surface water systems). Having a certified or state-approved plan ensures better local management of the resource, allows better long-term planning, and clarifies state and federal resource prioritization, potentially reducing monitoring costs and obtaining future priority funding for protection activities.

DEQ needs a consistent set of requirements or elements in each drinking water protection plan it certifies to ensure the plan will be effective in protecting public water supplies. This is especially so since water systems may seek to reduce monitoring requirements or address Goal 5 “statewide significant resource” requirements for protection under the state Department of Land Conservation and Development land use planning program (described in [OAR 660-23-140\(1\)](#)).

State certification requirements

State requirements for certifying or approving protection plans are available in [OAR 340-40-170](#). In general, a drinking water protection plan needs to include a:

- description of drinking water protection strategies to implement
- plan for implementation (including schedule and person/organization accountable)
- description of public outreach during plan development
- contingency plan
- plan for future water system needs.

Drinking water protection strategies

The first component of a drinking water protection plan is to identify management options that the responsible parties will use to address potential risks from agricultural, forest, commercial, industrial, residential, municipal and other land uses. To ensure potential risks are addressed, include a brief summary of the source

water assessment results including an overview of the specific drinking water source area, inventory of potential contaminant sources and overview of susceptibility.

Include details on updates and enhance the description of sensitive areas and potential contamination sources through further research and local input. The team will need to review the assessment inventory to clarify the presence, location, operational practices and actual risks of identified facilities and land-use activities. Potential sources that pose a low risk to the water supply or are already using management practices to protect groundwater can be screened out during the inventory review. Additional potential contaminant sources or sensitive areas may also be added, based on local knowledge or additional research.

The plan should include details on proposed or continuing management actions as well as justification for their selection. A detailed description of various potential management actions is available on [DEQ’s drinking water protection technical assistance web page](#). The plan should also identify the process used to address new sites that may pose a risk within the Drinking Water Protection Area in the future. Discuss how to evaluate the source and how to implement management actions for reducing contamination risk.

Implementation plan

The implementation plan should include a clear strategy for how management actions will help ensure the plan’s success. It should contain information for each management strategy that identifies the responsible management authority responsible for implementation and a general timeline. Responsible management authorities include public water systems whose water supply is being protected and any governmental entity with management, rule- or ordinance-making authority to implement protection strategies within the drinking water source area (cities, counties, special districts, Indian tribes and state/federal government entities).

DEQ understands that resources are limited for many public water systems and other responsible management authorities. Management plan action items can be carried out over a time period that fits with available resources and the susceptibility analysis provided in the source water assessment

can be used to prioritize management actions in the protection plan.

Acknowledgement by each responsible management authority can be completed on a signature page where authorities in the protection area indicate they will implement the plan for their jurisdictions. Or, letters from each authority could be attached in an appendix. The plan needs to state that responsible management authorities will meet periodically to evaluate the plan's effectiveness and determine if additional outreach efforts or other actions are warranted.

Public participation

One required element of a protection plan is a description of public outreach during plan development. This should include documentation that property owners and residents in the drinking water protection area were notified of plan development. It also should entail a description of steps taken to allow various interest groups within the area to participate in plan development. Copies of newspaper articles and other documentation of public notices should be provided in an attachment or appendix of the revised plan.

Contingency plan

Oregon's administrative rules ([OAR 333-061-057\(4\)](#)) include 10 specific elements that must be included in a contingency plan for responding to a potential loss or reduction in drinking water sources. Generally, the contingency plan should focus on potential threats to the drinking water supply (such as mechanical problems, contaminant detection in the source water, chemical spills in the source area, or natural disasters) and procedures to be followed should these threats occur.

Many contingency plan elements may have already been completed by public water systems as part of their required Emergency Response Plan and additional elements can be added as drinking water protection strategies are developed. Public water systems will need to coordinate their contingency plan with the emergency response plans of their county and/or city and with contingency plans developed by industries using hazardous materials within the drinking water source area. Guidance for preparing a contingency plan and examples are available from the Oregon Health Authority (OHA).

Key elements of contingency planning:

1. Inventory/prioritize all threats to the drinking water supply
2. Prioritize water usage

3. Anticipate responses to potential incidents
4. Identify key personnel and development of notification roster
5. Identify short-term and long-term replacement potable water supplies
6. Identify short-term and long-term conservation measures
7. Provide for plan testing, review and update
8. Provide for new and continuing training of appropriate individuals
9. Provide for education of the public
10. Identify logistical and financial resources.

Plan for future water system needs

Water systems may find it necessary, as a result of either existing or projected increased demand, to develop additional sources for drinking water. Drinking water protection provides a mechanism that can be used to help select the best site and identify areas that should be protected now so they will provide quality drinking water in the future. Also, development of a new groundwater source in the vicinity of existing sources may modify the movement of groundwater in the subsurface, perhaps changing the shape and orientation of existing drinking water source areas. Evaluation of the significance of those changes should be addressed in the protection planning process to ensure the management strategy in place will continue to protect the community's drinking water supply.

If there are no current plans to expand the system, this section still needs to be included. The protection plan can include a statement indicating that immediate plans for expansion are not anticipated and it is unlikely that the water system needs to plan for development of future water sources.

Submitting plan for certification

Submit the completed Drinking Water Protection Plan to:

Oregon Department of Environmental Quality
Water Quality Division
Drinking Water Protection Coordinator
811 SW 6th Ave.
Portland, OR 97204

DEQ approves or certifies all Drinking Water Protection Plans. It coordinates with other agencies to ensure that plans are consistent with requirements and guidelines of OHA, the Department of Land Conservation and Development, Oregon Department of Agriculture, Oregon Water Resources Department and any other entities. DEQ is responsible for giving the overall certification for each local Drinking Water Protection Plan if each element is found to be adequately addressed. When

approved, DEQ will provide written certification to all who signed the plan.

Five-year review and plan recertification

DEQ evaluates all certified plans about every five years to ensure protection areas are acknowledged and there is an active effort to reduce contamination risk. DEQ's recertification of the plans is in accordance with [OAR 340-40-0190](#) based on an evaluation of progress made toward risk reduction and an evaluation of any new elements added to the plan.

A new plan report does not generally need to be prepared. A letter request should be sent to DEQ providing information on any changes to the original plan. By rule, recertification of the present plan can take place only if all the following conditions apply:

- No conditions that could potentially modify boundaries of the Drinking Water Protection Area have occurred;
- An updated inventory is completed and submitted which shows that no new (or changes in the types of) potential sources of contamination are in the drinking water protection area which were not addressed in the previous plan;
- Management practices outlined in the existing plan are still appropriate and being implemented
- Existing contingency elements in the plan are still relevant
- All parties signing the existing plan agree to recertify the plan by signing a recertification request letter.

If a certified plan cannot meet the conditions above, a revised Drinking Water Protection Plan must be resubmitted for certification. The revised plan should address all elements specified in OAR 340-40-190(3).

Decertification procedure

A previously certified plan can become decertified under [OAR 340-40-0200](#). One way is if those who signed the plan do not submit for recertification within six months of the plan's recertification date. DEQ can also decertify a plan if it discovers that a signatory to a plan is not or has not followed or implemented the certified plan, although this is not an automatic decertification.

Any Responsible Management Authority that has signed a certified plan can withdraw from participation in a Drinking Water Protection Plan and the certification process at any time. DEQ will review the plan to determine if it is still certifiable without the participation of the withdrawing or non-participating authority. Every effort will be made to avoid a decertification in this circumstance unless DEQ determines that without that authority, the plan cannot reduce the public water supply's contamination risk.

To decertify a Drinking Water Protection Plan, DEQ will send a U. S. Postal Service-certified letter to all plan signers detailing the reasons why it believes the certified plan is or was not being followed or is no longer valid and DEQ's intent to decertify the plan. The plan signers have 30 days to respond. DEQ will review the response and determine whether the plan is still certifiable. DEQ will then send a copy of its decision to all plan signers.

For more information

Additional information on drinking water protection can be found at:

<http://www.deq.state.or.us/wq/dwp/dwp.htm> . This information includes examples of drinking water protection plans and drinking water protection ordinances.

Alternative formats

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ's Office of Communications & Outreach, Portland, at 503-229-5696, or call toll-free in Oregon at 1-800-452-4011, ext. 5696.

People with hearing impairments may call 711.