

Enrolled House Bill 3469

Sponsored by COMMITTEE ON ENERGY AND THE ENVIRONMENT

CHAPTER

AN ACT

Relating to water quality; amending ORS 448.135.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 448.135 is amended to read:

448.135. (1) The Department of Human Services may grant variances from standards if:

[(1)] (a) There is no unreasonable risk to health;

[(2)] (b) The water supplier has provided sufficient evidence to confirm that the best available treatment techniques are unable to treat the water in question so that it meets maximum contaminant levels;

[(3)] (c) The water supplier agrees to notify the customers of the water supplier at appropriate intervals, as determined by the department, why the water system is, or remains, out of compliance with standards;

[(4)] (d) The water supplier agrees to adhere to a compliance schedule, if the department prescribes one, which outlines how the water supplier intends to achieve compliance with standards. If a schedule is prescribed, it must be reviewed and evaluated every three years; and

[(5)] (e) The department has announced its intention to grant a variance and has either:

[(a)] (A) Held a public hearing in the affected area prior to granting the variance; or

[(b)] (B) Served notice of intent to grant the variance either personally, or by registered or certified mail to all customers connected to the water system, or by publication in a newspaper in general circulation in the area. If no hearing is requested within 10 days of the date that notice is given, the department may grant the variance.

(2) The Department of Human Services may grant variances from standards requiring the use of a specified water treatment technique if the department:

(a) Determines that the use of a specified water treatment technique is not necessary to protect the public health based on the nature of the raw water source for a public water system;

(b) Has conditioned the variance as required by the federal Safe Drinking Water Act, 42 U.S.C. 300g-4;

(c) Has announced its intent to grant a variance and has either:

(A) Held a public hearing in the area prior to granting the variance; or

(B) Served notice of intent to grant the variance either personally, or by registered or certified mail to all customers connected to the water system, or by publication in a newspaper in general circulation in the area. If no hearing is requested within 10 days of the date that notice is given, the department may grant the variance; and

(d) Promptly notifies the administrator of the United States Environmental Protection Agency of any variance granted, as required by the federal Safe Drinking Water Act, 42 U.S.C. 300g-4.

Passed by House May 14, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate June 4, 2007

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President of Senate

Received by Governor:

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Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State