

Testimony before the House Committee on Energy and Environment
April 9 2015 – 3 PM – Hearing Room D

Good Afternoon Chair Vega Pederson, Vice Chairs Johnson and Reardon and
Members of the Committee:

My name is Amy Sager Patton, I am here today, from Southern Oregon, in support of
House Bill 3076.

I am a Registered Geologist, a practicing Hydrogeologist. I have worked for 8 years
as an environmental consultant and worked 9 years at the Oregon Department of
Environmental Quality as Manager of the Groundwater Protection Program
following passage of the Groundwater Protection Act (relating to statewide testing
and nitrate contamination) in 1989. Unfortunately, that program was general
funded and has since lost much of its base funding.

Reviewing the Biennial Reports to the Legislature on Groundwater Quality
Protection in Oregon
(<http://library.state.or.us/repository/2011/201102011408432/>), I have watched
the number of statewide groundwater quality assessments dwindle until the state
was essentially only monitoring groundwater quality in the designated
Groundwater Management Areas (see Appendix 1 from the 2007 and 2015
Legislative Reports). Additional studies were conducted to evaluate arsenic
concentrations in Sutherlin (2008) and to evaluate concerns about pesticides in
groundwater in the Triangle Lakes (2011) and in North Klamath County (2012). A
Rogue Basin Groundwater study was conducted in 2011 using DEQ lab and regional
personnel resources, but would not likely have happened if I didn't volunteer my
time to design the study, analyze the data and write the report
(<http://www.oregon.gov/deq/WQ/Pages/Groundwater/GWsamplereporting.aspx>).

I am pleased, however, that the legislature approved additional laboratory resource
in the last biennium that has enabled this program to regain some of its past ability
to investigate state groundwater quality in new areas again. There are two new
investigations in progress for 2015.

My point in bringing up this history is to highlight that *the state still has little
knowledge about the general background groundwater quality in many areas.*

More than 70 percent of Oregonians get their drinking water from groundwater, and
over 90 percent of the state's public water systems get their drinking water from
groundwater. Twenty-three percent of Oregonians are dependent on well water for
all of their water needs. And yet, domestic well water quality is not required to be
tested (except for 3 elements at property transfer – and this doesn't always happen
if there is not a bank involved).

No water testing is required when a new tenant moves into a rural property and expects that the water coming out of the tap will be clean. This is, after all, the U.S.A. The Real Estate Transaction testing requirements that were passed in 1989, and amended in 2009 to include arsenic in addition to nitrate and bacteria, are a very helpful source of information about the groundwater quality throughout Oregon. Maps of nitrate and arsenic concentrations reported through this program (attached) give us an idea of where the hot spots are and would allow us the opportunity to conduct more directed groundwater quality investigations and public education campaigns in those areas – if funding were available to do so.

Since the funding is not available at sufficient levels to do this, the next best thing is to at least require the property owners who are renting homes with domestic wells to test the wells and provide the results to the tenants. Rural renters are often low-income folks who might not have the funds to conduct the tests themselves.

I have organized and participated in multiple public education events to inform rural residents in Jackson and Josephine Counties about the presence of area-wide nitrate, arsenic and fluoride in the groundwater.

At these events, people sat through our hour-long presentation in rapt attention, even in some cases where attendance outstripped our expectations and we had people standing in rows in the back of the room or peering in from the hallways. People were often surprised if we found elevated nitrate in their well water samples. They had never thought to test the well, or had perhaps received a “clean” report at one point and never thought to test again.

In one memorable case, we took time to report to a Hispanic family with young children that their well test results were off the charts high, above the drinking water standard which can be a health hazard for babies, pregnant women and the elderly or immune-compromised. They told us they had been renting the house for years and had no idea of the poor water quality. They did not have funds to purchase an expensive treatment device for the house nor authority to influence the agricultural land uses surrounding the house that had likely caused the contamination in the first place. All we could do was to provide them with information and advise that they discontinue drinking the water from the well.

There is no agency responsible for making sure the water in private wells is clean – The DEQ and the recently formed Domestic Well Safety Program do have some public education responsibilities and some great examples of programs in place – but the need is far greater than the very small budgets allocated to these efforts.

Thank you for the opportunity to testify in support of House Bill 3076. I ask that you support this bill with your vote.

Sincerely,
Amy Sager Patton