

A-Engrossed House Bill 3076

Ordered by the House April 24
Including House Amendments dated April 24

Sponsored by Representative BARTON, Senator GELSER; Representative HELM

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires landlord of rental property with well that supplies ground water for domestic purposes to test well for contaminants at specified times.]

Requires Oregon Health Authority to analyze ground water contaminant data and provide education in problem areas.

Authorizes authority to make grants and loans for purpose of assisting rental property owners and low-income property owners with installation of *[filtration]* **treatment** systems. Conditions receipt of grant or loan by property owner on testing well that supplies ground water for domestic purposes for contaminants.

Authorizes authority to make grants to local health departments **and other specified entities** for purposes related to ensuring safe ground water. Establishes Safe Ground Water Fund and continuously appropriates moneys in fund to authority for purpose of making grants and loans.

[Adds additional seller's representation to seller's property disclosure statement.]

A BILL FOR AN ACT

Relating to ground water that is used for domestic purposes; creating new provisions; and amending ORS 448.271 and 468B.150.

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

TESTING OF WELLS THAT SUPPLY GROUND WATER FOR DOMESTIC PURPOSES

SECTION 1. As used in ORS 448.268 and 448.271 and sections 3 and 4 of this 2015 Act:

(1) "Area of ground water concern" has the meaning given that term in ORS 468B.150.

(2) "Contaminant" has the meaning given that term in ORS 468B.150.

SECTION 2. ORS 448.271 is amended to read:

448.271. (1) In any transaction for the sale or exchange of real estate that includes a well that supplies ground water for domestic purposes, the seller of the real estate shall, upon accepting an offer to *[purchase that]* **buy the** real estate, have the well tested for arsenic, nitrates and total coliform bacteria. The Oregon Health Authority *[also may,]* by rule[,] **may** require additional tests for specific contaminants in specific areas of public health concern. The seller shall submit the results of the tests required under this *[section]* **subsection** to the authority and to the buyer within 90 days of receiving the results of the tests.

[(2)] The failure of a seller to comply with *[the provisions of this section]* **this subsection** does not invalidate an instrument of conveyance executed in the transaction.

(2) The authority shall:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Analyze the results of tests received by the authority under this section;

2 (b) Identify areas with ground water contaminant problems; and

3 (c) Provide ground water contaminant education in those areas.

4 (3) The authority shall provide the results of tests received by the authority under this
5 section and any information derived from the authority's activities under subsection (2)(a)
6 and (b) of this section to the Department of Environmental Quality. The department may
7 use that information in the administration of ORS 468B.150 to 468B.190. Upon request, the
8 department shall assist the authority in fulfilling the authority's duties under subsection
9 (2)(a) and (b) of this section.

10 (4) To fulfill its duties under subsection (2)(c) of this section, the authority may:

11 (a) Collaborate with the department or any other state agency to provide the ground
12 water contaminant education; or

13 (b) Notify a local health department that ground water contaminant education is needed
14 in an area subject to the jurisdiction of the local health department.

15 (5) The authority may adopt rules to implement this section.

16
17 **GRANTS AND LOANS**
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19 **SECTION 3.** (1) The Oregon Health Authority may make grants and loans from the Safe
20 Ground Water Fund established under section 5 of this 2015 Act for the purpose of assisting
21 low-income and rental property owners with installation of treatment systems for ground
22 water in areas that the authority has identified as having ground water contaminant prob-
23 lems.

24 (2) The authority shall identify appropriate property owners for receipt of a grant or loan
25 under this section. At a minimum, a property owner that receives a grant or loan under this
26 section must be a low-income property owner, as determined by the authority, or a rental
27 property owner, and have tested ground water and received test results indicating that the
28 ground water poses a health risk.

29 (3) The authority shall provide property owners that receive a grant or loan under this
30 section with information necessary to install the treatment system, including information
31 on the efficacy of different treatment systems and on businesses that sell treatment sys-
32 tems.

33 (4) The authority shall require a property owner that receives a loan under this section
34 to repay the loan within five years after receiving the loan.

35 (5) The authority may pay the expenses incurred by the authority in administering this
36 section out of moneys that are available for the purpose of making grants or loans under this
37 section.

38 (6) The authority may adopt rules necessary to administer this section.

39 **SECTION 4.** (1) The Oregon Health Authority may make grants from the Safe Ground
40 Water Fund established under section 5 of this 2015 Act for the purposes of assisting local
41 health departments, nonprofit organizations, soil and water conservation districts and the
42 Oregon State University Extension Service with:

43 (a) Providing ground water contaminant education in an area that has been identified by
44 the authority as having a ground water contaminant problem.

45 (b) Conducting free or low-cost tests of wells.

1 (2) For purposes of making grants under this section, the authority shall identify appro-
2 priate recipients of grant moneys in consideration of whether the recipient is qualified and
3 capable of providing ground water contaminant education as described in subsection (1)(a)
4 of this section or conducting free or low-cost tests of wells as described in subsection (1)(b)
5 of this section.

6 (3) The authority shall provide recipients of grant moneys under this section with the
7 technical support necessary to provide ground water contaminant education as described in
8 subsection (1)(a) of this section or conduct free or low-cost tests of wells as described in
9 subsection (1)(b) of this section.

10 (4) The authority may pay the expenses incurred by the authority in administering this
11 section out of moneys that are available for the purpose of making grants under this section.

12 (5) The authority may adopt rules necessary to administer this section.

13 **SECTION 5.** (1) There is established the Safe Ground Water Fund, separate and distinct
14 from the General Fund. Interest earned by the Safe Ground Water Fund shall be credited
15 to the fund.

16 (2) Moneys in the fund are continuously appropriated to the Oregon Health Authority for
17 purposes described in sections 3 and 4 of this 2015 Act.

18 (3) The authority may accept from any source any grant, donation or gift of money for
19 deposit in the fund.

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21 **CONFORMING AMENDMENTS**

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23 **SECTION 6.** ORS 468B.150 is amended to read:

24 468B.150. As used in ORS [448.268, 448.271 and] 468B.150 to 468B.190:

25 (1) "Area of ground water concern" means an area of the state subject to a declaration by the
26 Department of Environmental Quality under ORS 468B.175 or the Oregon Health Authority under
27 ORS 448.268.

28 (2) "Contaminant" means any chemical, ion, radionuclide, synthetic organic compound,
29 microorganism, waste or other substance that does not occur naturally in ground water or that oc-
30 curs naturally but at a lower concentration.

31 (3) "Ground water management area" means an area in which contaminants in the ground water
32 have exceeded the levels established under ORS 468B.165, and the affected area is subject to a
33 declaration under ORS 468B.180.

34 (4) "Fertilizer" has the meaning given that term in ORS 633.311.

35 (5) "Pesticide" has the meaning given that term in ORS 634.006.
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37 **UNIT CAPTIONS**

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39 **SECTION 7.** The unit captions used in this 2015 Act are provided only for the convenience
40 of the reader and do not become part of the statutory law of this state or express any leg-
41 islative intent in the enactment of this 2015 Act.
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