

# DESCHUTES COUNTY CITIZEN'S ACTION GROUP

Ms. Beth Patrino  
Administrator  
House Committee on Energy and Environment  
Oregon State Legislature  
900 Court St  
Salem, Oregon

February 10, 2016

Re: HB4125, Requiring Oregon Health Authority to analyze ground water contaminant data and provide education.

Dear Chair Representative Vega Pederson and Committee Members,

We continue to have grave misgivings about the language under section 2(3). In particular, our concern is about the following language: *“The department may use that information in the administration of ORS468B.150 to 468B.190”* (lines three and four). While we fail to see the need for section 2(3), since the Oregon Health Authority already has the authority to share and collaborate, plus subsection four of the same section also reiterates that authority, our real issue is the ability of DEQ to use real estate data under ORS468.175, the declaration of an area of groundwater concern. While we would prefer the elimination of the subsection as both redundant and giving the appearance of a virtual mandate to DEQ, we could live with a restriction of the language to *“...administration of 468B.160(1).”* This would avoid any possibility of a mandate other than a much needed push for education. It would also avoid any chance that real estate well test data could be used to justify a management area, other than through existing statutory authority. Such an amendment only removes *“ORS468B.150 to”* and replaces *“468B190”* with *“460B.160(1).”*

Our experience with DEQ is less than desirable.

- They listed a 17' septic monitoring well (well ID 1227) in their year-2000 study of domestic water wells, allowing the USGS to falsely report a nitrate value of 25mg/l nitrates (25mg/L NO<sub>3</sub>, the highest in the study) without disclosing it wasn't a domestic water well.
- They refuse to disclose the protocol they base their decisions on as to who needs an expensive septic upgrade.
- They claimed the La Pine Basin would rapidly become contaminated with nitrates until we pointed out from our own analysis of the data that no available data supported their position.

- DEQ also demonstrated a lack of understanding of research methods and integrity – in a 2011 retest of a series of wells used in previous well tests, they sampled other wells when the original well was unavailable, invalidating the data.
- Since 2009, DEQ staff has promoted a sanitary authority as the solution for a 400 square mile area. This is something that the data does not support, voters in the area would certainly oppose, it would be on a scale never before attempted and it would undoubtedly lead to upzoning to help pay for sewers.
- DEQ continually opposes funding to OSU Institute of Water and Watersheds to research the groundwater issue in the basin.
- They were apparently uninterested in ways to help disadvantaged homeowners repair or upgrade their septic systems until we successfully pushed the issue through a budget note requirement. Even then, it took our own research to demonstrate that 18 other states were doing far more than Oregon when DEQ’s report indicated Oregon was just like all other states polled.
- DEQ has never to our knowledge promoted education in the basin about how to maintain and care for septic systems.
- Lastly, DEQ has so mismanaged their responsibility to the residents that installers tell us that only one alternative treatment technology (ATT) septic system manufacturer is approved for South Deschutes and North Klamath counties. This results in a monopoly that holds homeowners’ hostage (the vast majority of all approved systems are ATT’s).
  - DEQ denied our petition in 2014 (over 400 signatures) to amend OAR 340-071-0130 to establish transparent criteria when requiring ATT systems.

For those reasons, we are extremely apprehensive of any possibility that DEQ could expand their authority to use real estate well test data to determine management areas. I would be glad to answer any questions about our concerns.

Respectfully submitted,



John Huddle, EdD  
President