

STAFF MEASURE SUMMARY**House Committee On Energy and Environment****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 02/11/16**Action:** Do Pass With Amendments And Be Referred To Ways And Means By Prior Reference. (Printed A-Eng.)**Meeting Dates:** 02/09, 02/11**Vote:**

Yeas: 5 - Boone, Helm, Holvey, Reardon, Vega Pederson

Nays: 4 - Bentz, Heard, Johnson, Weidner

Prepared By: Beth Patrino, Committee Administrator**WHAT THE MEASURE DOES:**

Directs the Oregon Health Authority (OHA) to analyze the results of tests of groundwater for arsenic, nitrates and total coliform from wells that supply water for domestic purposes; identify areas with groundwater contaminant problems; and provide groundwater contaminant education in such areas. Requires OHA to provide test results and related information to Department of Environmental Quality (DEQ). Authorizes OHA to collaborate with DEQ and other state agencies to provide education or to notify a local public health authority that such education is needed.

Establishes Safe Ground Water Fund and authorizes OHA to make grants and loans to assist low-income and rental property owners with installation of treatment systems for groundwater that has contaminant problems or with repair or replacement of wells because of contaminant problems. Sets criteria and directs OHA to provide property owners receiving grants or loans with specified information. Directs OHA to require loan repayment within five years. Appropriates \$15,000 to OHA for deposit in Safe Ground Water Fund.

Authorizes OHA to make grants from Safe Ground Water Fund to assist local public health authorities, non-profit organizations, soil and water conservation districts, and Oregon State University Extension Service with providing education in groundwater contaminant problem areas and conducting free or low-cost well tests.

Requires landlord to collect and test drinking water samples for arsenic, total coliform bacteria and nitrates according to specified schedule. Extends time period between tests if results confirm that drinking water contains no total coliform bacteria or nitrates. Requires landlord to submit test results to OHA. Specifies testing requirements. Requires landlord to notify tenant at specified times and establishes content of notices. States that landlord testing provisions do not apply to community water systems or manufactured or floating homes. Establishes that a violation of the landlord testing provisions make a dwelling uninhabitable on basis that water supply is not maintained in manner that provides safe drinking water. Allows tenant renting a dwelling from a landlord who fails to test or disclose test results to recover actual damages or \$300, whichever is greater. Establishes that operative date for landlord testing requirements is March 1, 2017. Requires initial testing within 60 days of operative date and landlords to provide tenants with test results within 90 days.

ISSUES DISCUSSED:

- Number of Oregonians relying on ground water for drinking water supply
- Sources of groundwater contamination and potential health consequence
- Types of rental housing subject to landlord testing requirement
- Cost and accuracy of well tests

EFFECT OF COMMITTEE AMENDMENT:

Adds authorization for OHA to make grants and loans to low income and rental property owners to repair or replace wells with contaminant problems. Appropriates \$15,000 to OHA for deposit in Safe Ground Water Fund. Revises language specifying information that OHA is to provide grant and loan recipients. Requires landlord to collect and test drinking water samples for arsenic, total coliform bacteria and nitrates according to specified schedule. Extends time period between tests if results confirm that drinking water contains no total coliform bacteria or nitrates. Requires landlord to submit test results to OHA. Specifies testing requirements. Requires landlord to notify tenant at specified times and establishes content of notices. States that landlord testing provisions do not apply to community water systems or manufactured or floating homes. Establishes that a violation of the landlord testing provisions make a dwelling uninhabitable on basis that water supply is not maintained in manner that provides safe drinking water. Allows tenant renting a dwelling from a landlord who fails to test or disclose test results to recover actual damages or \$300, whichever is greater. Operative date for landlord testing requirements is March 1, 2017. Requires initial testing within 60 days of operative date and landlords to provide tenants with test results within 90 days.

BACKGROUND:

Approximately 23 percent of Oregonians rely on domestic wells, or private wells, as their primary source of drinking water. ORS 448.271 requires testing of domestic well water for arsenic, nitrates and total coliform bacteria at the time of property sale or exchange. The seller is required to submit test results to the Oregon Health Authority (OHA) and buyer within 90 days of receiving the results.

House Bill 4125A would direct OHA to analyze the results of groundwater tests conducted at the time of property sale or exchange to identify areas with groundwater contaminant problems and provide groundwater contaminant education in those areas. The measure also requires landlords of dwellings that rely on a well for drinking water to collect and test drinking water samples for arsenic, total coliform bacteria and nitrates according to specified schedule and to notify tenant at specified times and establishes content of notices. The landlord testing requirement does not apply to community water systems or manufactured or floating homes.