

House Bill 4125

Sponsored by Representative LIVELY, Senator ROBLAN; Representatives BARNHART, EVANS, HOLVEY, KENY-GUYER, MCKEOWN, PILUSO, TAYLOR (Presession filed.)

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 **as introduced**.

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

Authorizes authority to make grants and loans for purpose of assisting rental property owners and low-income property owners with installation of treatment systems. Authorizes authority to make grants to local public health authorities 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.

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 2016 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.**

(3) **"Local public health authority" has the meaning given that term in ORS 431.003.**

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]* **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]* **purchaser** 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:

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

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

(c) Provide ground water contaminant education in areas identified as having ground water contaminant problems.

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 (3) The authority shall provide the results of tests received by the authority under sub-
2 section (1) of this section and any information derived from the authority's activities under
3 subsection (2)(a) and (b) of this section to the Department of Environmental Quality. The
4 department may use that information in the administration of ORS 468B.150 to 468B.190.
5 Upon request, the department shall assist the authority in fulfilling the authority's duties
6 under subsection (2)(a) and (b) of this section.

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

- 8 (a) Collaborate with the department or any other state agency to provide ground water
9 contaminant education in areas identified as having ground water contaminant problems; or
- 10 (b) Notify a local public health authority that ground water contaminant education is
11 needed in an area subject to the jurisdiction of the local public health authority.

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

13
14 GRANTS AND LOANS
15

16 SECTION 3. (1) The Oregon Health Authority may make grants and loans from the Safe
17 Ground Water Fund established under section 5 of this 2016 Act for the purpose of assisting
18 low-income and rental property owners with installation of treatment systems for ground
19 water in areas that the authority has identified as having ground water contaminant prob-
20 lems.

21 (2) The authority shall identify appropriate property owners for receipt of a grant or loan
22 under this section. At a minimum, a property owner that receives a grant or loan under this
23 section must:

- 24 (a) Be a low-income property owner, as determined by the authority, or a rental property
25 owner;
- 26 (b) Have tested the ground water supply of the property; and
- 27 (c) Have received test results indicating that the ground water supply of the property
28 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 2016 Act for the purpose of assisting local
41 public health authorities, nonprofit organizations, soil and water conservation districts and
42 the 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; and
- 45 (b) Conducting free or low-cost tests of wells.

1 (2) For purposes of making grants under this section, the authority shall identify appropriate recipients of grant moneys. In identifying appropriate recipients of grant moneys, the
2 authority shall consider whether the recipient is qualified and capable of providing ground
3 water contaminant education as described in subsection (1)(a) of this section or conducting
4 free or low-cost tests of wells as described in subsection (1)(b) of this section.
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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 to 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 2016 Act.

18 (3) The authority may accept from any source any grant, donation or gift of moneys 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 occurs naturally but at a lower concentration.

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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 2016 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 legislative
41 intent in the enactment of this 2016 Act.
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