

Requested by Representative LIVELY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4125**

1 On page 2 of the printed bill, delete lines 19 and 20 and insert “water that
2 has contaminant problems or with repair or replacement of wells because of
3 ground water that has contaminant problems.”.

4 Delete lines 29 through 32 and insert:

5 “(3) The authority shall provide property owners that receive a grant or
6 loan under this section with information necessary to install a treatment
7 system or to repair or replace a well, including information on the efficacy
8 of different treatment systems or well designs and information on businesses
9 that sell treatment systems or that repair or replace wells. In providing in-
10 formation under this section, the authority may post information on a
11 website maintained by the authority and provide notice of the website to
12 property owners that receive a grant or loan under this section.”.

13 On page 3, after line 19, insert:

14 **“SECTION 6. In addition to and not in lieu of any other appropri-
15 ation, there is appropriated to the Oregon Health Authority, for the
16 biennium beginning July 1, 2015, out of the General Fund, the amount
17 of \$15,000, for deposit in the Safe Ground Water Fund established in
18 section 5 of this 2016 Act.**

19

20

“LANDLORD TESTING OF DRINKING WATER

21

1 **“SECTION 7. Section 8 of this 2016 Act is added to and made a part**
2 **of ORS chapter 90.**

3 **“SECTION 8. (1) For each dwelling rented by a landlord for which**
4 **a source of drinking water is a well, the landlord shall collect and test**
5 **samples of drinking water in accordance with this section, for the**
6 **purpose of having those samples tested in accordance with rules**
7 **adopted by the Oregon Health Authority.**

8 **“(2)(a) A landlord subject to this section must ensure that each well**
9 **for which drinking water collected under this section is tested as fol-**
10 **lows:**

11 **“(A) The drinking water must be tested for arsenic at least once**
12 **during the life of the well, as soon as practicable after installing the**
13 **well.**

14 **“(B) Except as provided in paragraphs (b) and (c) of this subsection,**
15 **the drinking water must be tested for total coliform bacteria and**
16 **nitrites at least once each year. If the results of a test conducted**
17 **under this subparagraph confirm that drinking water collected under**
18 **this section contains:**

19 **“(i) Any amount of total coliform bacteria, the landlord must as**
20 **soon as practicable treat the drinking water and retest the drinking**
21 **water to confirm that all coliform bacteria has been removed; or**

22 **“(ii) An amount of nitrites that exceeds the amount of nitrites that**
23 **drinking water may safely contain as established by the United States**
24 **Environmental Protection Agency, the landlord must as soon as**
25 **practicable treat the drinking water and retest the drinking water to**
26 **confirm that nitrites are at an acceptable level.**

27 **“(b) If the results of tests conducted under paragraph (a)(B) of this**
28 **subsection for three consecutive years confirm that drinking water**
29 **collected under this section does not contain any total coliform bac-**
30 **teria or an unacceptable amount of nitrites, the landlord is not re-**

1 **quired to collect and test drinking water from that well for an**
2 **additional five years.**

3 **“(c) If the results of the first test conducted under paragraph (a)(B)**
4 **of this subsection following a five-year period of a landlord not being**
5 **required to conduct a test to confirm that drinking water collected**
6 **under this section does not contain any total coliform bacteria or an**
7 **unacceptable amount of nitrates, the landlord is not required to collect**
8 **and test drinking water from that well for an additional five years.**

9 **“(d) A landlord subject to this section must report the results of**
10 **tests conducted under this subsection to the Oregon Health Authority**
11 **in a form and manner prescribed by the authority.**

12 **“(3)(a) In accordance with rules adopted by the authority:**

13 **“(A) Except as provided in paragraph (b) of this subsection, a**
14 **landlord subject to this section shall collect samples of drinking water**
15 **from a dwelling’s primary dispenser of drinking water.**

16 **“(B) A landlord subject to this section may collect supplementary**
17 **samples of drinking water from a dwelling’s other dispensers of**
18 **drinking water or from a dwelling’s well head.**

19 **“(b) A landlord subject to this section may delegate the landlord’s**
20 **duty to collect samples of drinking water to a tenant if the landlord**
21 **and the tenant agree to the delegation in good faith and for adequate**
22 **consideration.**

23 **“(4) At the beginning of a tenancy for a dwelling for which a land-**
24 **lord must collect and test drinking water under this section, the**
25 **landlord must provide to the tenant:**

26 **“(a) Notice that the dwelling has a well as a source of drinking**
27 **water;**

28 **“(b) Notice that the dwelling’s drinking water has been tested for**
29 **arsenic, total coliform bacteria and nitrates;**

30 **“(c) The results of the most recent test for arsenic;**

1 “(d) The results of the most recent test for total coliform bacteria
2 and nitrates;

3 “(e) The date on which the most recent test for total coliform bac-
4 teria and nitrates was conducted; and

5 “(f) The date on which the next test for total coliform bacteria and
6 nitrates will be conducted.

7 “(5) Each time a landlord conducts a test under subsection (2)(a)(B),
8 (b) or (c) of this section, no later than 30 days after conducting the
9 test, the landlord must provide the tenant of the dwelling for which
10 the landlord conducted the test with the following information:

11 “(a) If the results of the test confirm that the drinking water does
12 not contain any total coliform bacteria or an unacceptable amount of
13 nitrates, with:

14 “(A) Notice of having conducted the test;

15 “(B) A summary of the test results;

16 “(C) A statement that the tenant may request a copy of the test
17 results; and

18 “(D) The date on which the landlord will next test the drinking
19 water.

20 “(b) If the results of the test confirm that the drinking water con-
21 tains total coliform bacteria or an unacceptable amount of nitrates,
22 with:

23 “(A) A copy of the test results;

24 “(B) If applicable, the date on which the landlord treated or will
25 treat the drinking water;

26 “(C) The date on which the landlord will next test the drinking
27 water; and

28 “(D) The handout adopted by the authority under subsection (6) of
29 this section.

30 “(6) The authority shall adopt by rule:

1 “(a) A form that a landlord subject to this section shall use to
2 provide information described in subsection (5)(a) of this section; and

3 “(b) A handout providing information on testing drinking water for
4 contaminants and the impact that drinking water that contains con-
5 taminants can have on a person’s health.

6 “(7) This section does not apply to a dwelling that is part of a
7 premises subject to regulation under ORS 448.119 to 448.285, 454.235 and
8 454.255, as described in ORS 448.119.

9 “(8) For purposes of ORS 90.320 (1)(c)(D), violation of this section
10 makes a dwelling uninhabitable on the basis that the water supply is
11 not maintained in a manner that provides safe drinking water.

12 “SECTION 9. Notwithstanding section 8 (2) of this 2016 Act, if the
13 results of the first test of drinking water for total coliform bacteria
14 and nitrates following the operative date specified in section 11 of this
15 2016 Act confirm that drinking water collected under section 8 of this
16 2016 Act does not contain any total coliform bacteria or an unaccept-
17 able amount of nitrates, the landlord of the dwelling for which the test
18 is conducted is not required to collect and test the drinking water for
19 that dwelling for five years.”.

20 In line 23, delete “6” and insert “10”.

21 After line 35, insert:
22

23 **“OPERATIVE DATE**

24
25 **“SECTION 11. (1) Sections 7 to 9 of this 2016 Act become operative
26 on March 1, 2017.**

27 **“(2) The Oregon Health Authority may take any action before the
28 operative date specified in subsection (1) of this section that is neces-
29 sary to enable the authority to exercise, on and after the operative
30 date specified in subsection (1) of this section, all the duties, powers**

1 **and functions conferred on the authority by sections 7 to 9 of this 2016**
2 **Act.”.**

3 In line 39, delete “7” and insert “12”.

4 _____