

HOUSE AMENDMENTS TO HOUSE BILL 2404

By COMMITTEE ON ENERGY AND ENVIRONMENT

April 14

1 On page 1 of the printed bill, line 24, after “(a)” insert “For purposes related to education,”.

2 On page 2, line 1, after “with” insert “likely”.

3 On page 3, delete lines 34 through 45 and delete page 4.

4 On page 5, delete lines 1 through 23 and insert:

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

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

11 **“(A) The drinking water must be tested for arsenic at least once during the life of the**
12 **well, no later than 30 days after installing the well.**

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

17 **“(i) Any amount of total coliform bacteria, the landlord must, as soon as practicable,**
18 **treat the drinking water or repair or replace the well and retest the drinking water to con-**
19 **firm that all coliform bacteria has been removed; or**

20 **“(ii) An amount of nitrates that exceeds the amount of nitrates that drinking water may**
21 **safely contain as established by the United States Environmental Protection Agency, the**
22 **landlord must, as soon as practicable, treat the drinking water or repair or replace the well**
23 **and retest the drinking water to confirm that nitrates are at an acceptable level.**

24 **“(b) If the results of tests conducted under paragraph (a)(B) of this subsection for three**
25 **consecutive years confirm that drinking water collected under this section does not contain**
26 **any total coliform bacteria or nitrates, the landlord is not required to collect and test**
27 **drinking water from that well for the next five years.**

28 **“(c) If the results of the first test conducted under paragraph (a)(B) of this subsection**
29 **following a five-year period of a landlord not being required to conduct a test to confirm that**
30 **drinking water collected under this section does not contain any total coliform bacteria or**
31 **nitrates, the landlord is not required to collect and test drinking water from that well for**
32 **the next five years.**

33 **“(3)(a) In accordance with rules adopted by the Oregon Health Authority:**

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

1 **drinking water.**

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

5 **“(b) A landlord subject to this section may delegate the landlord’s duty to collect samples**
6 **of drinking water to a tenant if the landlord and the tenant agree to the delegation in writing**
7 **and the agreement is made in good faith and for adequate consideration.**

8 **“(4)(a) A laboratory conducting a test pursuant to this section must:**

9 **“(A) Electronically report the results of the test to the Department of Environmental**
10 **Quality in a form and manner prescribed by the department; and**

11 **“(B) Send the results of the test to the landlord in a form showing the exact levels of**
12 **total coliform bacteria, nitrates and, if applicable, arsenic present in the drinking water.**

13 **“(b) If a tenant is occupying the dwelling unit for which a test was conducted pursuant**
14 **to this section, the landlord must provide the results of the test to the tenant in one of the**
15 **following formats:**

16 **“(A) A format showing the exact levels of total coliform bacteria, nitrates and, if appli-**
17 **cable, arsenic present in the drinking water; or**

18 **“(B) A format showing only whether the dwelling unit passed or failed the test, in ac-**
19 **cordance with the requirements of subsection (2)(a) of this section.**

20 **“(c) In providing the results of a test to a tenant under paragraph (b) of this subsection,**
21 **a landlord may:**

22 **“(A) Direct the laboratory that conducted the test to send the results to the tenant di-**
23 **rectly; or**

24 **“(B) Provide the results to the tenant using the form adopted by the Oregon Health Au-**
25 **thority under subsection (7)(a) of this section.**

26 **“(5) At the beginning of a tenancy for a dwelling unit for which a landlord must collect**
27 **and test drinking water under this section, the landlord must provide to the tenant:**

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

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

31 **“(c) The results of the most recent test for arsenic, in a format described in subsection**
32 **(4)(b) of this section;**

33 **“(d) The results of the most recent test for total coliform bacteria and nitrates, in a**
34 **format described in subsection (4)(b) of this section;**

35 **“(e) The date on which the most recent test for total coliform bacteria and nitrates was**
36 **conducted; and**

37 **“(f) The date on which the next test for total coliform bacteria and nitrates will be con-**
38 **ducted.**

39 **“(6) Each time a landlord conducts a test under subsection (2)(a)(B), (b) or (c) of this**
40 **section, no later than 30 days after conducting the test, the landlord must provide the tenant**
41 **of the dwelling unit for which the landlord conducted the test with the following information:**

42 **“(a) If the results of the test confirm that the drinking water does not contain any total**
43 **coliform bacteria or nitrates, with:**

44 **“(A) Notice of having conducted the test;**

45 **“(B) The results of the test, in a format described in subsection (4)(b) of this section;**

1 “(C) A statement that the tenant may request a copy of the full and complete test re-
2 sults; and

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

4 “(b) If the results of the test confirm that the drinking water contains total coliform
5 bacteria or nitrates, with:

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

7 “(B) The results of the test, in a format described in subsection (4)(b) of this section;

8 “(C) A statement that the tenant may request a copy of the full and complete test re-
9 sults;

10 “(D) The date on which the landlord treated or will treat the drinking water or on which
11 the landlord repaired or replaced or will repair or replace the well;

12 “(E) The date on which the landlord will next test the drinking water; and

13 “(F) The handout adopted by the Oregon Health Authority under subsection (7)(b) of this
14 section.

15 “(7) The Oregon Health Authority shall adopt by rule:

16 “(a) A form that a landlord subject to this section must use to provide information de-
17 scribed in subsection (6)(a) and (b)(A) to (E) of this section. The form must include a section
18 that may be filled out by the landlord to indicate whether the dwelling unit passed or failed
19 the test, in accordance with the requirements of subsection (2)(a) of this section, and a sec-
20 tion that may be filled out by the landlord to indicate the exact levels of total coliform bac-
21 teria, nitrates and, if applicable, arsenic present in the drinking water.

22 “(b) A handout providing information on testing drinking water for contaminants and the
23 impact that drinking water that contains contaminants can have on a person’s health.

24 “(8) This section does not apply to a dwelling unit that is:

25 “(a) Subject to ORS 90.505 to 90.850;

26 “(b) Part of a premises subject to regulation under ORS 448.119 to 448.285, 454.235 and
27 454.255, as described in ORS 448.119; or

28 “(c) Farmworker housing, as defined in ORS 215.278.

29 “(9) If a landlord fails to conduct a test or disclose test results as required by this sec-
30 tion, the tenant renting the dwelling unit from the landlord may recover the actual damages
31 of the tenant or \$300, whichever is greater.”.

32 In line 30, after “(1)” insert “Notwithstanding section 8 (2)(a)(A) of this section,”.

33 In line 38, delete “(5)” and insert “(6)”.

34 On page 6, line 25, delete “the” and insert “a”.