

To: House Committee on Water

Representative Ken Helm, chair

Email:hwtr.exhibits@oregonlegislature.gov

Re: HB 4077 – Safe Well Water Bill - Oppose

Why add a law about sellers testing water when there is one already on record?

448.271 Transfer of property that includes well; testing; effect. (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 real estate, have the well tested for arsenic, nitrates and total coliform bacteria. The Oregon Health Authority also may, by rule, 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 to the authority and to the buyer within 90 days of receiving the results of the tests.

(2) The failure of a seller to comply with the provisions of this section does not invalidate an instrument of conveyance executed in the transaction. [1989 c.833 §30; 2009 c.284 §1; 2009 c.595 §855]

The labs are not always in the loop for this information. The State of Oregon and EPA also recommend that a private well owner test their water periodically. So, the samples we receive are not always for a sale of a home. Some may be for the private customer and we are not the police to question why, when and where.

***The lab does not have property information such as Township, Range, Section, Tax lot.**

***The lab does not have information for whom is buying the property.**

***The lab does not have the Well ID No. or Well Depth.**

****see attached form.**

Property sales fall through periodically and there could be multiple tests performed for the well. State of Oregon accepts the reports up to one year old, but lending institutions oftentimes want more recent results, which means there could be 3 test reports in one year for the same property.

This report should be part of the Real Estate information that is submitted to the lending institutions. At the time of closing the actual report should be submitted to OHA.

We employees are already submitting reports to OHA for Public Water Systems which is required by law to ensure Safe Drinking Water to the public. We are constantly assisting

clients that call or come into our lab for information about testing their water for other reasons besides real estate transactions. We do not have the time or the resources to gather the property information required by OHA which the realtor already has on hand. In addition, this is not an emergency as stated, as it has been a law already. We are a privately-owned lab and the cost to create a new program to submit this data electronically means adding more submission forms which may or may not be compatible with our current programs. We are not able to fall back on the taxpayers for the funding, so our cost will increase to the public. Which means the lead testing in schools would increase and the state is reimbursing the districts for those cost. Please do not move on this bill.

Maria Hannan

Office Manager

Waterlab Corp.

DOMESTIC WELL TESTING FOR REAL ESTATE TRANSACTION ARSENIC, COLIFORM BACTERIA AND NITRATE

The information requested below is part of a statewide effort to assess the status of groundwater in Oregon and help protect the health of people who rely on private wells for their household water. Please submit this form for all real estate transactions involving a well that supplies groundwater for domestic uses. Fresh water springs do not need to be tested under the law (ORS 448-271). Thank you for your assistance!

Property information			
Township:	Range:	Section:	Tax Lot:
Street address of property (including city, zip code and county):			
Seller information		Name:	
Address (including city and zip code):			
Phone:		Email:	
Seller's Designee¹ (if applicable)		Name:	
Address (including city and zip code):			
Phone:		Email:	
Relationship to Seller:			
Buyer information		Name:	
Address (including city and zip code):			
Phone:		Email:	

¹ The seller's designee is the person assigned by the seller to complete the necessary paperwork and submit the lab results to the OHA Drinking Water Program, and can be the seller's attorney, real estate agent or broker, the person conducting the tests or a private party.

Was Buyer notified of water test quality results?	YES	NO
Water Sample Collected By:		
Address:		Phone:
Where was the sample collected? (i.e. inside or outside faucet, well head, etc) ²		
Well ID No ³		Well Depth:

² Samples must be drawn from the source prior to any form of water treatment.

³ Obtain through Water Resources Dept. Phone: 503-986-0854.

Attach laboratory analysis reports for arsenic, coliform bacteria, and nitrate and mail or fax to:
Domestic Well Testing Program
OHA Drinking Water Program
PO Box 14350
Portland OR 97293-0350