

WHY is the Oregon Legislative Assembly omitting subsection 2 of ORS 264.335 in Senate Bill 745?

Legislative Assembly comports lawful to disregard federal clean water act legislation. Alternately, legislators turn the clean water standards over to Oregon DEQ to monitor. Surely, Oregon clean water legislation is not as encompassing as the federal EPA standards that states must follow. Are the legislators not aware that this is type of precedence could cause litigation at the state level by approving legislation not in line with potable water standard measures of the EPA? I strongly oppose SB 745 as written, no Oregonian or visitor should be exposed to potable water that is not in line with federal water quality standards. That may possibly be a detriment to those exposed by ingestion and skin contact and overall unhealthy to persons over a period of time.

Page 1, Line 7 of SB 745 (1) The district meets the requirements of **ORS 264.335** (1), (3) and (4);

ORS 264.335

(1) The district obtains all or part of its supply of water from a watershed;

~~(2) The watershed is located in a sole-source aquifer designated prior to September 29, 1991, by the United States Environmental Protection Agency under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);~~
42 U.S.C. 300f [Text Below & Citations]

(3) The watershed is recognized under rules of the Environmental Quality Commission as a watershed requiring protection from contamination in order to maintain high water quality; and

(4) The district adopts a resolution declaring that the health of the residents of the district and the general public interest requires the district to protect the water quality of the watershed. [1991 c.665 §2; 2005 c.22 §191; 2009 c.11 §25]

¹ Legislative Counsel Committee, *CHAPTER 264—Domestic Water Supply Districts*, https://www.oregonlegislature.gov/bills_laws/ors/ors264.html (2019) (last accessed May 16, 2020).

42 U.S. Code § 300f - Definitions

For purposes of this subchapter:

(1) The term "[primary drinking water regulation](#)" means a regulation which—

(A) applies to [public water systems](#);

(B) specifies [contaminants](#) which, in the judgment of the [Administrator](#), may have any adverse effect on the health of [persons](#);

(C) specifies for each such [contaminant](#) either—

(i) a [maximum contaminant level](#), if, in the judgment of the [Administrator](#), it is economically and technologically feasible to ascertain the level of such [contaminant](#) in water in [public water systems](#), or

(ii) if, in the judgment of the [Administrator](#), it is not economically or technologically feasible to so ascertain the level of such [contaminant](#), each treatment technique known to

the [Administrator](#) which leads to a reduction in the level of such [contaminant](#) sufficient to satisfy the requirements of [section 300g-1 of this title](#); and

(D) contains criteria and procedures to assure a supply of drinking water which dependably complies with such [maximum contaminant levels](#); including accepted methods for quality control and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system, and requirements as to (i) the minimum quality of water which may be taken into the system and (ii) siting for new facilities for [public water systems](#).

At any time after promulgation of a regulation referred to in this paragraph, the [Administrator](#) may add equally effective quality control and testing procedures by guidance published in the Federal Register. Such procedures shall be treated as an alternative for [public water systems](#) to the quality control and testing procedures listed in the regulation.

(2) The term "[secondary drinking water regulation](#)" means a regulation which applies to [public water systems](#) and which specifies the [maximum contaminant levels](#) which, in the judgment of the [Administrator](#), are requisite to protect the public welfare. Such [regulations](#) may apply to any [contaminant](#) in drinking water (A) which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of the [persons](#) served by the [public water system](#) providing such water to discontinue its use, or (B) which may otherwise adversely affect the public welfare. Such [regulations](#) may vary according to geographic and other circumstances.

(3) The term "[maximum contaminant level](#)" means the maximum permissible level of a [contaminant](#) in water which is delivered to any user of a [public water system](#).

(4) PUBLIC WATER SYSTEM.—

(A) In general.—

The term "[public water system](#)" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen [service](#) connections or regularly serves at least twenty-five individuals. Such term includes (i) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (ii) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(B) Connections.—

(i) In general.—For purposes of subparagraph (A), a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection, if—

(I) the water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);

(II) the [Administrator](#) or the [State](#) (in the case of a [State](#) exercising primary enforcement responsibility for [public water systems](#)) determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national [primary drinking water regulation](#) is provided for residential or similar uses for drinking and cooking; or

(III) the [Administrator](#) or the [State](#) (in the case of a [State](#) exercising primary enforcement responsibility for [public water systems](#)) determines that the water provided for residential or similar

uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national [primary drinking water regulations](#).

(ii) Irrigation districts.—

An irrigation district in existence prior to May 18, 1994, that provides primarily agricultural [service](#) through a piped water system with only incidental residential or similar use shall not be considered to be a [public water system](#) if the system or the residential or similar users of the system comply with subclause (II) or (III) of clause (i).

(C) Transition period.—

A water supplier that would be a [public water system](#) only as a result of modifications made to this paragraph by the [Safe Drinking Water Act Amendments of 1996](#) shall not be considered a [public water system](#) for purposes of the Act until the date that is two years after August 6, 1996. If a water supplier does not serve 15 [service](#) connections (as defined in subparagraphs (A) and (B)) or 25 people at any time after the conclusion of the 2-year period, the water supplier shall not be considered a [public water system](#).

(5) The term "[supplier of water](#)" means any [person](#) who owns or operates a [public water system](#).

(6) The term "[contaminant](#)" means any physical, chemical, biological, or radiological substance or matter in water.

(7) The term "[Administrator](#)" means the [Administrator](#) of the Environmental Protection Agency.

(8) The term "[Agency](#)" means the Environmental Protection Agency.

(9) The term "[Council](#)" means the National Drinking Water Advisory [Council](#) established under [section 300j-5 of this title](#).

(10) The term "[municipality](#)" means a city, town, or other public body created by or pursuant to [State](#) law, or an [Indian Tribe](#).

(11) The term "[Federal agency](#)" means any department, [agency](#), or instrumentality of the United [States](#).

(12) The term "[person](#)" means an individual, corporation, company, association, partnership, [State](#), [municipality](#), or [Federal agency](#) (and includes officers, employees, and agents of any corporation, company, association, [State](#), [municipality](#), or [Federal agency](#)).

(13)

(A) Except as provided in subparagraph (B), the term "[State](#)" includes, in addition to the several [States](#), only the District of Columbia, Guam, the Commonwealth of Puerto [Rico](#), the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(B) For purposes of [section 300j-12 of this title](#), the term "[State](#)" means each of the 50 [States](#), the District of Columbia, and the Commonwealth of Puerto [Rico](#).

(14) The term “[Indian Tribe](#)” means any [Indian tribe](#) having a Federally recognized governing body carrying out substantial governmental duties and powers over any area. For purposes of sections [300j-12](#), [300j-19a](#), and [300j-19b](#) of this title, the term includes any Native village (as defined in [section 1602\(c\) of title 43](#)).

(15) COMMUNITY WATER SYSTEM.—The term “[community water system](#)” means a [public water system](#) that—

(A) serves at least 15 [service](#) connections used by year-round residents of the area served by the system; or

(B) regularly serves at least 25 year-round residents.

(16) NONCOMMUNITY WATER SYSTEM.—

The term “[noncommunity water system](#)” means a [public water system](#) that is not a [community water system](#).

(July 1, 1944, ch. 373, title XIV, § 1401, as added [Pub. L. 93-523, § 2\(a\)](#), Dec. 16, 1974, [88 Stat. 1660](#); amended [Pub. L. 94-317, title III, § 301\(b\)\(2\)](#), June 23, 1976, [90 Stat. 707](#); [Pub. L. 94-484, title IX, § 905\(b\)\(1\)](#), Oct. 12, 1976, [90 Stat. 2325](#); [Pub. L. 95-190, § 8\(b\)](#), Nov. 16, 1977, [91 Stat. 1397](#); [Pub. L. 99-339, title III, § 302\(b\)](#), June 19, 1986, [100 Stat. 666](#); [Pub. L. 104-182, title I, § 101\(a\)](#), (b)(1), Aug. 6, 1996, [110 Stat. 1615](#), 1616; [Pub. L. 114-322, title II, § 2111](#), Dec. 16, 2016, [130 Stat. 1729](#).)

Citations

[ORS 264.335 - Authority to exercise powers of sanitary district - 2020 Oregon Revised Statutes \(oregonlaws.org\)](#)

[42 U.S. Code § 300f - Definitions | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

[42 U.S. Code § 300g-1 - National drinking water regulations | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

[42 U.S. Code § 300j-4 - Records and inspections | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#)