

HB 3207 A STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

Action Date: 04/04/23

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 6-0-3-0

Yeas: 6 - Gamba, Hartman, Helm, Levy B, Marsh, Owens

Exc: 3 - Boice, McLain, Scharf

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 4/3, 4/4

WHAT THE MEASURE DOES:

Amends reporting requirements for real estate transaction sampling of domestic wells to require labs conducting tests to submit results to the Department of Environmental Quality (DEQ) within 90 days of submitting the test results to the real estate seller. Requires DEQ to develop and make available a chain of custody form that includes a list of the tests to be performed and reported to the seller and the department and instructions for how to do so electronically. Requires the laboratory conducting the tests to use the chain of custody form. Requires DEQ to process, geolocate, and review the data, make results of tests available to public, provide results of tests to the Oregon Health Authority (OHA), and use the data to inform the prevention of ground water contamination. Authorizes OHA to analyze test results, identify areas with likely ground water contamination, provide ground water contamination education in collaboration with DEQ and other state agencies, and notify a local public health authority that ground water contaminant education is needed in a particular area. Allows DEQ to assist OHA upon request. Becomes operative July 1, 2024. Allows DEQ and OHA to take action before operative date to ensure departments' ability to perform duties described in the measure on and after operative date.

ISSUES DISCUSSED:

- Timeline related to notifying the home buyer of results
- Potential for OHA to be the main data recipient
- Scope of the measure
- Process and timing of water sampling and testing
- Meta data required for sample processing

EFFECT OF AMENDMENT:

Requires the Department of Environmental Quality to develop and make available a chain of custody form that includes a list of the tests to be performed and reported to the seller and the department and instructions for how to do so electronically. Requires the laboratory conducting the tests to use the chain of custody form.

BACKGROUND:

If ground water becomes polluted through processes like microbial contamination, high concentrations of naturally occurring contaminants, local land use practices, or problems with the integrity of nearby on-site septic systems, it is no longer safe to drink. The Domestic Well Testing Act (ORS 448.271) applies to the sale or exchange of real estate with a domestic well, which is defined as being used for purposes like drinking, cooking, washing, or bathing. Samples must be tested by an accredited laboratory for arsenic, nitrate, and E. coli bacteria. Oregon does not currently have a statewide database of domestic well testing results.

HB 3207 A STAFF MEASURE SUMMARY

House Bill 3207 A would amend reporting requirements for real estate transaction sampling of domestic wells to require test results to be submitted to the Department of Environmental Quality within 90 days of submitting the test results to the seller, and to be made available to the Oregon Health Authority as well as the public.