

Submitter: Beth Myers

On Behalf
Of:

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

Measure: HB3207

(a Continuation)

Another example of a rule without “teeth”, Oregon Dept. of Water Resources has a rule that a well can only provide water to 1 household and ½ acre before the owners need a water right. Without “teeth” in this rule, NO ONE pays any attention and that is offensive in this time of water shortages. An aerial view in August shows exactly who is irrigating acreages of grass for aesthetics. How much Oregon water is being wasted ILLEGALLY in irrigating grass for a personal residence because a rule cannot be enforced? So why have the rule?

C. Other Points:

1. Only a portion of samples submitted to a lab are Real Estate Transaction samples. Yet labs will be required to interrogate all clients about this to avoid missing one or reporting one that is NOT a real estate transaction.
2. Legal reporting requires a legal receipt. The labs currently have this with the Drinking Water reporting. This is non-negotiable. If labs are going to be required to report, then the agency must be required to provide immediate receipt to the lab that the data was received.
3. Labs are concerned that pump companies, well drillers, etc. will not get payment if the labs are bypassing them with the data. Real estate deals are tricky. They often must withhold the data to get paid even when the sale goes through.
4. Labs currently have an 18-point checklist on every sample received, this is required by our ORELAP/TNI rules. This bill will add to that list.
5. Drinking water labs already have more requirements than medical labs.
6. Lenders often have requirements that end up misleading the buyer. If only the “good” treated results are presented to a buyer, they may not know the well has high arsenic or nitrate. Many go on to unhook or bypass treatment because of costs or maintenance issues because they don’t know what the treatment equipment does. This again harms the buyer and their family.

This bill needs to have a large work group focus on the issues.

Issues that must be resolved in a workgroup:

? Data to be submitted must be better described, defined.

? Buyer should know test results 2 weeks or so before closing and be allowed to back out without losing money and/or share treatment costs with seller.

? Change recommendation on when to get tests performed. Sellers are already being told to wait to test (\$110-120) until there is an offer.

? Who actually should report the data? Who has all the info without taking a lot of time and money to get ahold of it?

I urge you to oppose HB 3207 in this form.