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Via Email

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

Chair Helm and Vice Chairs Hartman and Owens:

RE: House Bill 3207

The proposed reporting requirements in House Bill 3207 would provide important data for rural homeowners and local communities. Existing law, ORS 448.271, requires groundwater testing for every real estate transaction involving a domestic well. The seller is required to share the information with the buyer and with the Oregon Health Authority (OHA), who shares it with the Department of Environmental Quality (DEQ). HB 3207 would simply require the water quality testing laboratories to report the data to the state, rather than relying on the seller to do so. HB 3207 would also change the reporting requirements so that test results will go to the Department of Environmental Quality where it will be entered into the DEQ's database. That state database will carefully redact any personally identifying information so as to protect the homeowner's privacy.

The goal of this change is to increase the amount of information reported from real estate transactions involving domestic wells. Currently, it is estimated that less than 10% of the real estate transactions involving domestic wells report water testing results to OHA. Rather than requiring a seller to transmit the data, HB 3207 would require that labs performing the testing to transmit results directly to DEQ.

Well water test results are essential for people living in areas with contaminated water so they can make informed choices about the health of their families. The test results may impact a home sale however, an informed prospective home buyer has options available to improve the well water quality, e.g., filtration systems, well enhancements, etc.

The goal of the Domestic Well Protection Act is to ensure that the potential buyer has full information on the water quality of the well, and, importantly to ensure the state agencies, DEQ and OHA, have the data so they can more effectively assess groundwater quality problem areas. DEQ does not have the funding to expand its water quality monitoring.

Having this data reported to the state will foster the intent of the Domestic Well Protection Program and provide important data to the state agencies.

To illustrate the importance of data, take for example the recent focus on groundwater wells in Morrow and Umatilla Counties. Recently, Morrow County declared a Drinking Water Emergency and as a result has conducted over 500 tests of domestic wells. Prior to the emergency, many of the homeowners were not aware of the nitrate levels in their drinking water. Had the reporting requirements been in place and enforced, the current situation would very likely be different. Home buyers may have purchased a home but also chose to install water treatment facilities before they moved in in order to reduce nitrate levels.

Morrow County Public Health and Planning Departments are working together on a grant application to Environmental Protection Agency (EPA) that would, in part, collect well data similar to data that ORS 448.271 is intended to collect. If the counties and state agencies had that data available, we could focus our efforts on studying alternatives to domestic wells and researching long term groundwater solutions. Without the data, counties will spend most of a \$1.7 million Congressionally Directed Spending allocation to first collect data and then to study alternatives. In other words, if data had been available as envisioned in this Bill, counties and state agencies could move directly to researching alternatives rather than requiring multiple year delays.

Other counties in Oregon have similar groundwater quality challenges. Increasing the reporting functions of an existing law makes sense for public health and community livability.

  
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