

Requested by Representative BOSHART DAVIS

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 3525**

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 23 and  
2 delete page 2.

3 On page 3, delete lines 1 through 16 and insert:

4 **“SECTION 2. (1) As used in this section:**

5 **“(a) ‘Contaminants’ includes arsenic, coliform bacteria, lead and**  
6 **nitrates.**

7 **“(b) ‘Exempt well’ means a well used for purposes exempt under**  
8 **ORS 537.545 (1)(b) or (d).**

9 **“(2) If a dwelling unit has an exempt well or wells as a source of**  
10 **drinking water, the landlord shall collect and test samples of drinking**  
11 **water for the unit.**

12 **“(3) A landlord shall ensure that each source for which drinking**  
13 **water is collected under subsection (5)(a) of this section is tested as**  
14 **follows:**

15 **“(a) The water must be tested for arsenic no later than 30 days after**  
16 **installing the exempt well.**

17 **“(b) Except as provided in subsection (4) of this section, the drink-**  
18 **ing water must be tested for each contaminant at least once each year.**

19 **“(4) Following a test that indicates that the drinking water does not**  
20 **contain contaminants that exceed the maximum contaminant levels**  
21 **in drinking water as most recently published by the United States**

1 Environmental Protection Agency, the landlord is not required to test  
2 drinking water for contaminants for four years, if the test is:

3 “(a) The first test conducted for the dwelling unit;

4 “(b) The first test conducted after an extension allowed under this  
5 subsection; or

6 “(c) The second successful annual test conducted over two consec-  
7 utive years following a failed test.

8 “(5) A landlord subject to this section:

9 “(a) Shall collect samples of water from a dwelling unit’s primary  
10 faucet used for drinking and cooking water;

11 “(b) May delegate the landlord’s duty to collect samples of drinking  
12 water under paragraph (a) of this subsection to a tenant if the landlord  
13 and the tenant agree to the delegation in writing and the agreement  
14 is made in good faith and for adequate consideration; and

15 “(c) Shall, when submitting samples of drinking water collected  
16 under this section to a laboratory for testing:

17 “(A) Inform the laboratory that the testing is required pursuant to  
18 this section; and

19 “(B) Request that the laboratory report the results of the test to the  
20 Oregon Health Authority.

21 “(6) A laboratory conducting a test pursuant to this section:

22 “(a) Must be accredited under the environmental laboratory ac-  
23 creditation program established under ORS 438.615;

24 “(b) Shall electronically report the results of the test to the au-  
25 thority in a form and manner prescribed by the authority, which may  
26 include reporting of the results through electronic mail using a  
27 spreadsheet; and

28 “(c) Shall send the full laboratory report to the landlord, and to the  
29 tenant if requested by the landlord, in a form showing the absence or  
30 presence of coliform bacteria and the concentration of other contam-

1 inants in milligrams per liter or parts per million.

2 “(7) Each time the landlord has drinking water tested for a con-  
3 taminant under this section, the landlord shall provide the results of  
4 the test to the tenant within 30 days after receiving the results in a  
5 form:

6 “(a) As provided to the landlord under subsection (6)(c) of this sec-  
7 tion; or

8 “(b) Showing only the tests performed and whether the dwelling  
9 unit passed or failed each test.

10 “(8) Prior to entering into a rental agreement for a dwelling unit  
11 for which a landlord must collect and test drinking water under this  
12 section, the landlord must provide to the tenant written notice pro-  
13 viding:

14 “(a) That the dwelling unit has an exempt well as a source of  
15 drinking water;

16 “(b) The dates and the results of the most recent test for each  
17 contaminant, in a form described in subsection (7) of this section, or  
18 a statement that the contaminant has not yet been tested for; and

19 “(c) The latest date by which the next test for each contaminant  
20 must be conducted.

21 “(9) If the results of a test conducted under this section indicate  
22 that the drinking water collected under this section contains any  
23 amount of coliform bacteria or an amount of other contaminants that  
24 exceeds the maximum contaminant levels in drinking water as most  
25 recently published by the United States Environmental Protection  
26 Agency, the landlord shall, as soon as practicable:

27 “(a) Provide the results of the test to the tenant as required under  
28 subsection (7) of this section; and

29 “(b) Thereafter retest the exempt well according to a schedule set  
30 by rule by the authority, notwithstanding subsections (3) and (4) of

1 **this section.**

2 **“(10) If the authority receives results showing excessive contam-**  
3 **inant levels for a dwelling unit, as described in subsection (9) of this**  
4 **section, the authority:**

5 **“(a) Shall provide the landlord with educational materials regarding**  
6 **risks from contaminants and drinking water treatment options that**  
7 **the landlord may share with the tenant.**

8 **“(b) May provide financial or technical assistance to provide the**  
9 **dwelling unit with, as appropriate:**

10 **“(A) Treatment systems for ground water contamination;**

11 **“(B) Repair or replacement of wells providing the ground water; or**

12 **“(C) Inspection, repair or replacement of septic services.**

13 **“(11) This section does not apply to a dwelling unit that is part of**  
14 **a premises subject to regulation under ORS 448.119 to 448.285, 454.235**  
15 **and 454.255, as described in ORS 448.119.**

16 **“(12) Information received by the authority under this section may**  
17 **not be used by any state agency except as provided in this section and**  
18 **for the benefit of the landlord or tenant of the dwelling unit. Any re-**  
19 **ords collected or created by the authority under this section must**  
20 **note that the data has not been controlled for quality and may not be**  
21 **used for determining location-specific groundwater quality.”.**

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