

HB 2404 -2 STAFF MEASURE SUMMARY

House Committee On Energy and Environment

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 4/10

WHAT THE MEASURE DOES:

Requires Oregon Health Authority (OHA) to analyze ground water test results, identify and provide education in areas with ground water contaminant problems. Authorizes OHA to make grants and loans for purpose of assisting rental property owners and low-income property owners with installation of treatment systems or repair or replacement of wells. Requires OHA to provide certain information and for property owner to repay loan within five years.

Authorizes OHA to make grants to local public health authorities, nonprofit organizations, soil and water conservation districts and Oregon State University Extension Service to assist with providing ground water contaminant education in identified areas and conducting free or low-cost tests of wells. Establishes Safe Ground Water Fund and appropriates \$15,000 from the General Fund for purpose of making grants and loans.

Requires, effective March 1, 2018, for each dwelling unit rented by landlord for which source of drinking water is well, landlord to collect and test samples of drinking water from dwelling unit for arsenic, total coliform bacteria and nitrates. Establishes testing schedule. Requires landlord to provide tenant with test results within 30 days of conducting test. Requires landlord to report testing results to OHA. Creates \$300 penalty if landlord fails to conduct or disclose test. Stipulates that if first test results following March 1, 2018 operative date confirms that water does not contain arsenic, total coliform bacteria or nitrates landlord does not have to collect and test for five years.

Establishes Safe Ground Water Fund and continuously appropriates moneys in fund to OHA for purpose of making grants and loans.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Clarifies Oregon Health Authority shall analyze results of water testing as result of real estate transaction for purpose of education.

Replaces section on landlord testing of drinking water. Requires, effective March 1, 2018, for each dwelling unit rented by landlord for which source of drinking water is well, landlord to collect and test samples of drinking water from dwelling unit for arsenic, total coliform bacteria and nitrates. Requires landlord to test well for arsenic once during life of well no later than 30 days of instillation. Requires testing of total coliform bacteria and nitrates once each year. Stipulates that after three years of testing if testing confirms drinking water does not contain any total coliform bacteria or nitrates landlord does not have to test for another five years and if that test confirms original results landlord does not have to test for another five years. Requires landlord to treat and retest drinking water as soon as practicable if any amount of total coliform bacteria is found or if amount of nitrates exceeds federal standards. Requires laboratory conducting testing to report results to Department of Environmental Quality and landlord. Outlines process for notifying tenant and requires notification within 30 days of conducting test. Stipulates Act does not apply to farmworker housing, manufactured dwellings or floating homes. Creates penalty of \$300 or actual damages, whichever is greater, if landlord fails to conduct or disclose test.

REVENUE: No revenue impact

FISCAL: Fiscal impact issued

BACKGROUND:

Domestic well testing is the process of having an accredited laboratory test water from a private well for possible contaminants, with the most common being arsenic, nitrate, and total coliform bacteria. Under current law, ORS 448.271 testing of domestic well water is only required during a real estate transaction. If you are selling your property, you must report specific information about the well and the quality of the water within 90 days from receiving the results to both the potential buyer and the Oregon Health Authority.

House Bill 2404 would require landlords to collect and test samples on a certain schedule of drinking water from a dwelling unit for arsenic, total coliform bacteria and nitrates on a and report results to the tenant and OHA. The Act also authorizes OHA to make grants and loans for the installation of treatment systems, repair or replacement of wells, providing ground water contaminant education, and conducting free or low-cost tests of wells.