

B-Engrossed
Senate Bill 27

Ordered by the Senate June 5
Including Senate Amendments dated February 18 and June 5

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon Health Authority)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes Oregon Health Authority to adopt by rule schedule for fees assessed on water suppliers to partially defray costs of authority related to performance of certain duties under Oregon Drinking Water Quality Act.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to Oregon Drinking Water Quality Act fees; amending ORS 448.150; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 448.150 is amended to read:

6 448.150. (1) The Oregon Health Authority shall:

7 (a) Conduct periodic sanitary surveys of drinking water systems and sources, take water samples
8 and inspect records to ensure that the systems are not creating an unreasonable risk to health. The
9 authority shall provide written reports of the examinations to water suppliers and to local public
10 health administrators, as defined in ORS 431.003. [*The authority may impose a fee on water suppliers*
11 *to recover the costs of conducting the periodic sanitary surveys.*]

12 (b) Require regular water sampling by water suppliers to determine compliance with water
13 quality standards established by the authority. These samples shall be analyzed in a laboratory ap-
14 proved by the authority. The results of the laboratory analysis of a sample shall be reported to the
15 authority by the water supplier, unless direct laboratory reporting is authorized by the water sup-
16 plier. The laboratory performing the analysis shall report the validated results of the analysis di-
17 rectly to the authority and to the water supplier if the analysis shows that a sample contains
18 contaminant levels in excess of any maximum contaminant level specified in the water quality
19 standards.

20 (c) Investigate any water system that fails to meet the water quality standards established by
21 the authority.

22 (d) Require every water supplier that provides drinking water that is from a surface water
23 source to conduct sanitary surveys of the watershed as may be considered necessary by the au-
24 thority for the protection of public health. The water supplier shall make written reports of such
25 sanitary surveys of watersheds promptly to the authority and to the local health department.

26 (e) Investigate reports of waterborne disease pursuant to ORS 431.001 to 431.550 and 431.990 and

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 take necessary actions as provided for in ORS 446.310, 448.030, 448.115 to 448.285, 454.235, 454.255
2 and 455.680 to protect the public health and safety.

3 (f) Notify the Department of Environmental Quality of a potential ground water management
4 area if, as a result of its water sampling under paragraphs (a) to (e) of this subsection, the authority
5 detects the presence in ground water of:

6 (A) Nitrate contaminants at levels greater than 70 percent of the levels established pursuant to
7 ORS 468B.165; or

8 (B) Any other contaminants at levels greater than 50 percent of the levels established pursuant
9 to ORS 468B.165.

10 (2) The notification required under subsection (1)(f) of this section shall identify the substances
11 detected in the ground water and all ground water aquifers that may be affected.

12 **(3)(a) The authority by rule may adopt a schedule of fees to be assessed on water sup-**
13 **pliers to partially defray the costs of the authority related to performance of the duties**
14 **prescribed by this section and ORS 448.155 (1), 448.175 (1) and 448.255. The fee schedule shall**
15 **be graduated based on the size and type of the water system owned or operated by a water**
16 **supplier.**

17 **(b) Not more than once each calendar year, the authority may increase the fees estab-**
18 **lished by rule under this subsection. The amount of the annual increase may not exceed the**
19 **anticipated increase in the costs of the authority related to performance of the duties pre-**
20 **scribed by this section and ORS 448.155 (1), 448.175 (1) and 448.255 or three percent, which-**
21 **ever is lower.**

22 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
24 **July 1, 2019.**

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