

HB 4077 -1 STAFF MEASURE SUMMARY

House Committee On Water

Prepared By: Misty Freeman, LPRO Interim Director

Meeting Dates: 2/6, 2/11

WHAT THE MEASURE DOES:

Modifies groundwater testing provisions in sale or exchange of real estate that includes a well used for domestic purposes. Requires that seller add test for E. Coli if well test results indicate presence of total coliform bacteria. Removes requirement that seller submit results of groundwater testing within 90 days to buyer and to Oregon Health Authority (OHA). Requires testing be conducted by a laboratory accredited under program established by ORS 438.615 using tests allowed under C.F.R. 141 and that laboratory shall report test results electronically to Oregon Department of Environmental Quality (DEQ), seller, and buyer. Directs DEQ to provide test results to OHA and states that DEQ is authorized to use results in administration of groundwater quality provisions under ORS 468B.150 to 468B.190. Makes groundwater testing changes operative June 30, 2020. Authorizes OHA and DEQ to take action before operative date to carry out provisions. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Removes verbiage regarding DEQ authorization to use test results in administration of groundwater quality provisions under ORS 468B.150 to 468B.190.

BACKGROUND:

Domestic well testing is the process of having an accredited laboratory test water from a private well for possible contaminants, most commonly arsenic, nitrates, and E. Coli. Under current law, ORS 448.271 requires the testing of domestic well water for arsenic, nitrates, and total coliform bacteria at the time of a real estate transaction. The seller of the property must report the results to the Oregon Health Authority (OHA) and to the buyer within 90 days of receiving them.

House Bill 4077 would modify domestic well testing requirements, adding a test for E. Coli if the initial test indicated a presence of total coliform bacteria. The Act would require the accredited laboratory that conducts the tests to electronically report the results to the seller, the buyer, and to the Oregon Department of Environmental Quality (DEQ). DEQ would report the results to OHA and is authorized to use the information to address groundwater quality. The testing provisions become operative June 30, 2020, and the Act takes effect upon passage.