

HB 2594 -1 STAFF MEASURE SUMMARY

House Committee On Water

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Meeting Dates: 3/16

WHAT THE MEASURE DOES:

Requires private landowner to agree to or decline a request from a water utility to negotiate acquisition by purchase or agreement of a conservation easement over property owned by landowner. Authorizes Oregon Health Authority (OHA), if private landowner declines to negotiate or declines offer made by water utility, to exercise eminent domain to acquire conservation easement. Allows conservation easement acquired by OHA to protect drinking water through diversion of water from property, establishing or increasing setback requirements for vegetation near water on property, or authorizing water utility or OHA to access water on property for testing. Authorizes OHA to convey conservation easement to water utility. Takes effect on 91st day after regular session adjourns sine die.

No subsequent referral.

May have fiscal impact, but no statement yet issued.

May have revenue impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces measure. Directs State Board of Forestry (Board) to review rules related to streams, channels, and tributaries with domestic water use and update rules consistent with current science, water quality best management practices, and standards established by Safe Drinking Water Act and Clean Water Act; include representatives from Environmental Quality Commission and Oregon Health Authority in review and updating process; periodically assess application of classification for streams, channels, and tributaries; and adopt and maintain rules establishing a process for determining watershed-specific rules when a surface-based stream is used as a drinking water source and when evidence indicates that forest practices post a serious risk to continued use of stream as a drinking water source.

BACKGROUND:

The Environmental Protection Agency sets standards for drinking water through the Safe Drinking Water Act and National Primary Drinking Water Regulations. The Oregon Health Authority (OHA) is the primary agency responsible for enforcing the federal Safe Drinking Water Act. OHA's responsibilities include conducting periodic sanitary surveys of water systems and sources to assess their capability to supply safe drinking water, taking water samples, and inspecting records to ensure that water systems are not creating an unreasonable risk to health.

House Bill 2594 would require a private landowner to agree or decline to negotiate with a water utility's request to acquire a conservation easement over the landowner's property and would authorize OHA to exercise eminent domain to acquire a conservation easement if landowner declines to negotiate or declines offer made by water utility.