

A-Engrossed
House Bill 3207

Ordered by the House April 10
Including House Amendments dated April 10

Sponsored by Representatives HELM, OWENS (at the request of Department of Environmental Quality)

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.

Amends reporting requirements for real estate transaction sampling of domestic wells to require labs conducting tests to submit results to Department of Environmental Quality.

Requires department to make results of tests available to public and provide results of tests to Oregon Health Authority.

Authorizes authority to analyze results of tests and conduct ground water contaminant education and outreach.

Becomes operative July 1, 2024.

A BILL FOR AN ACT

1
2 Relating to wells that supply ground water for domestic purposes; creating new provisions; and
3 amending ORS 448.271 and 468B.150.

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

5 **SECTION 1. As used in ORS 448.268 and 448.271:**

6 (1) **"Area of ground water concern" has the meaning given that term in ORS 468B.150.**

7 (2) **"Contaminant" has the meaning given that term in ORS 468B.150.**

8 (3) **"Local public health authority" has the meaning given that term in ORS 431.003.**

9 **SECTION 2. ORS 448.271 is amended to read:**

10 448.271. (1)(a) In any transaction for the sale or exchange of real estate that includes a well that
11 supplies ground water for domestic purposes, the seller of the real estate shall, upon accepting an
12 offer to purchase [*that*] **the** real estate, have the well tested for arsenic, nitrates and [*total coliform*
13 *bacteria*] **E. coli**. The Oregon Health Authority [*also may,*] by rule[,] **may** require additional tests
14 for specific contaminants in specific areas of public health concern.

15 (b) **Tests required under this subsection must be conducted for drinking water by a lab-**
16 **oratory accredited under the program established under ORS 438.615 using tests allowed**
17 **under 40 C.F.R. 141.**

18 (c) **Within 90 days of submitting the results of the tests to the seller of the real estate,**
19 **the laboratory conducting the tests shall also electronically submit the results of the tests**
20 **to the Department of Environmental Quality, using an electronic submittal form made**
21 **available by the department.**

22 (d) The seller shall submit the results of the tests required under this [*section*] **subsection** to
23 the [*authority and to the buyer*] **purchaser** within 90 days of receiving the results of the tests.

24 [(2)] (e) The failure of a seller to comply with [*the provisions of this section*] **this subsection**
25 does not invalidate an instrument of conveyance executed in the transaction.

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 **(2)(a) The department shall develop and make available a chain of custody form that may**
2 **be used by laboratories conducting tests under subsection (1) of this section. The chain of**
3 **custody form must include:**

4 **(A) A list of the tests to be performed and reported to the seller and the department by**
5 **the laboratory under subsection (1) of this section; and**

6 **(B) Instructions for electronically submitting test results to the department under sub-**
7 **section (1)(c) of this section.**

8 **(b) A laboratory conducting tests under subsection (1) of this section must use the chain**
9 **of custody form developed by the department or a form that contains equivalent information.**

10 **(3) After receiving the results of the tests provided to the department under subsection**
11 **(1) of this section, the department shall:**

12 **(a) Process, geolocate and review the completeness of the data;**

13 **(b) Make the results of the tests available via a publicly accessible database;**

14 **(c) Provide the results of the tests to the authority; and**

15 **(d) Use data derived from the results of the tests to inform the administration of ORS**
16 **468B.150 to 468B.190.**

17 **(4) The authority may:**

18 **(a) For purposes related to outreach or education, analyze the results of tests received**
19 **by the authority under subsection (3) of this section;**

20 **(b) Identify areas with likely ground water contaminant problems;**

21 **(c) Provide ground water contaminant education;**

22 **(d) Collaborate with the department or any other state agency to provide ground water**
23 **contaminant education; or**

24 **(e) Notify a local public health authority that ground water contaminant education is**
25 **needed in an area subject to the jurisdiction of the local public health authority.**

26 **(5) Upon request, the department may assist the authority in fulfilling the authority's**
27 **duties under subsection (4)(a) and (b) of this section.**

28 **SECTION 3.** ORS 468B.150 is amended to read:

29 468B.150. As used in ORS [448.268, 448.271 and] 468B.150 to 468B.190:

30 (1) "Area of ground water concern" means an area of the state subject to a declaration by the
31 Department of Environmental Quality under ORS 468B.175 or the Oregon Health Authority under
32 ORS 448.268.

33 (2) "Contaminant" means any chemical, ion, radionuclide, synthetic organic compound,
34 microorganism, waste or other substance that does not occur naturally in ground water or that oc-
35 curs naturally but at a lower concentration.

36 (3) "Ground water management area" means an area in which contaminants in the ground water
37 have exceeded the levels established under ORS 468B.165, and the affected area is subject to a
38 declaration under ORS 468B.180.

39 (4) "Fertilizer" has the meaning given that term in ORS 633.311.

40 (5) "Pesticide" has the meaning given that term in ORS 634.006.

41 **SECTION 4. (1) Section 1 of this 2023 Act and the amendments to ORS 448.271 and**
42 **468B.150 by sections 2 and 3 of this 2023 Act become operative on July 1, 2024.**

43 **(2) The Department of Environmental Quality and the Oregon Health Authority may take**
44 **any action before the operative date specified in subsection (1) of this section that is neces-**
45 **sary to enable the department and the authority to exercise, on and after the operative date**

1 **specified in subsection (1) of this section, all of the duties, functions and powers conferred**
2 **on the department and the authority by section 1 of this 2023 Act and the amendments to**
3 **ORS 448.271 and 468B.150 by sections 2 and 3 of this 2023 Act.**

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