

HB 3525 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

Prepared By: Anna Glueder, LPRO Analyst

Meeting Dates: 2/17

WHAT THE MEASURE DOES:

The measure requires landlords to collect and test samples of drinking water in dwelling units supplied by exempt wells, remedy in case of results exceeding maximum contamination levels, and provide test results to the tenant within 30 days of receipt.

Detailed Summary

A landlord of a dwelling unit that sources drinking water from an exempt well (qualifying landlord) **must:**

- Collect and test drinking water samples from the dwelling unit's primary dispenser of drinking water for contaminants, including arsenic, E. coli, and nitrates, at least once a year, unless certain requirements are met that extend the timeline of the testing schedule.
- Test the water for arsenic no later than 30 days after installing an exempt well.
- Take reasonable steps to confirm that the testing laboratory is appropriately accredited.
- Inform the laboratory that the testing is statutorily required.
- Request lab results to be submitted to the Department of Environmental Quality (DEQ).
- Provide test results, either in quantified form through DEQ, or via a form specifying whether the tested contaminants passed or failed each test to the tenant within 30 days of receipt.
- Provide written notice of (1) the presence of an exempt well as drinking water source; (2) dates and results of most recent contaminant tests, or a statement that such tests have not yet been performed; and (3) the deadline for upcoming contaminant testing to a potential tenant prior to assessing a screening charge or entering into a rental agreement.

Qualifying landlords **may:**

- Collect supplementary water samples from a dwelling unit's other drinking water dispensers or from a dwelling unit's wellhead.
- Delegate duties to collect drinking water samples to a tenant if both parties agree in writing and the agreement is made in good faith and for adequate consideration.

If **contamination levels exceed the maximum limits** established by the U.S. Environmental Protection Agency, qualifying landlords **must:**

- Provide test results, either in quantified form through DEQ, or via a form specifying whether the tested contaminants passed or failed each test to the tenant within 30 days of receipt.
- Treat the drinking water or repair and replace the exempt well and notify the tenant when the repair or replacement took place or will take place.
- Collect, test, and treat the drinking water according to a specified schedule and notify the tenant when the drinking water will next be tested.
- Provide the tenant with an informational handout on drinking water contaminant testing, and the impact contaminated drinking water can have on health as developed through rulemaking by

Testing Laboratories **must:**

- Be accredited under the environmental laboratory accreditation program.
- Submit testing results electronically to DEQ in a form and manner specified by DEQ.

HB 3525 STAFF MEASURE SUMMARY

- Send the full laboratory report to the qualifying landlord, and, if requested, to the tenant.
- Provide test results in a form showing the absence or presence of E.coli and the concentration of other contaminants in milligrams per liter or parts per million.

DEQ must:

Adopt rules for implementation, including those that define the content of the informational handout on contaminated drinking water and a form for landlords to use in providing test results

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

If ground water becomes polluted through processes like microbial contamination, high concentrations of naturally occurring contaminants, local land use practices, or problems with the integrity of nearby on-site septic systems, it is no longer safe to drink. The Domestic Well Testing Act (ORS 448.271) applies to the sale or exchange of real estate with a domestic well, which is defined as being used for purposes like drinking, cooking, washing, or bathing. Under current law, samples must be tested by an accredited laboratory for arsenic, nitrate, and E. coli bacteria and test results must be submitted to the Oregon Health Authority. Oregon does not currently have a statewide database of domestic well testing results.