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TINA KOTEK

Priorities for Proactive Water Management:

Modernizing the Groundwater Quality Protection Act

Chandra Ferrari

Natural Resources Advisor, Office of Governor Kotek

Oregon's Water Story

A Call For Action



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Kotek said proposed legislation to update some of the state's water management laws is the product of “a long overdue conversation,” among the governor's office and the state Legislature.

'I'm committed to making progress there,' she said.

Oregon Capital Chronicle, Jan 2025: For Gov. Kotek, natural resources adviser, water tops list of 2025 environmental priorities

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Groundwater Law



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Oregon adopts the *Prior Appropriation Doctrine* and declares that all water in Oregon belongs to the public.

1909

Oregon Groundwater Quality Protection Act established by State Legislature

1989

Designation of the Northern Malheur County Groundwater Management Area

1989

Designation of the Lower Umatilla Basin Groundwater Management Area

1990

Designation of the Southern Willamette Valley Groundwater Management Area

2004

Cause:
Elevated Nitrate
Concentrations in
Groundwater

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The Invaluable Resource of Groundwater



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Groundwater is important to public health, the economy and the environment

Groundwater makes up about **95%** of available freshwater resources

Groundwater is an important source of drinking water for ~ **80% of Oregonians**

Approximately **80%** of withdrawn groundwater is used for irrigation

23% of Oregon's residents rely on private wells ~

Close to 1 million Oregon residents are not connected to a community water system

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The Invisible Source of Groundwater

- **Difficult to Manage:** Out of sight, out of mind
- **Vulnerable to Contamination:** Land and surface water activities, both **point source** and **nonpoint source** have an impact on the quality of our groundwaters
- **Slow-Moving:** Groundwater *moves* slowly, making clean-up lengthy and expensive - allowing contamination to persist
- **No single agency responsible for helping impacted communities**

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Groundwater Quality Protection Act of 1989

The Oregon Groundwater Quality Protection Act set a goal for the State of Oregon: prevent contamination of the groundwater resource, conserve and restore this resource, and maintain the high quality of Oregon's groundwater resource for present and future uses.

The Act is Outdated:

- Ill-suited to tackle the pace of growing problems
- Doesn't facilitate nimble and timely response
- Doesn't promote effective partnership between State and community interests



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What is the problem?



Changes in the water cycle, hotter temperatures, and certain agricultural and industrial practices also contribute to degrading water quality in lakes, streams, and aquifers around the state... Areas of the state dependent on well water to meet domestic needs are seeing wells not only dry up but be impacted by the presence of nitrates, arsenic, and other pollutants harmful to humans and animals.

Advisory Report: State Leadership Must Take Action to Protect Water Security for All Oregonians

January 2023 | Oregon Secretary of State





The Problem: An Antiquated Act

How is the Law Holding Up?

- 1 Contamination is enduring
- 2 Mounting pressures increase aquifer vulnerability to contamination
- 3 Lessons learned from 35+ years of implementation have highlighted **shortcomings:**
 1. **Proactive measures are inadequate**
 2. **Limited toolkit**
 3. **Lacks ultimate accountability to make progress**

The Problem: Disproportionate Impacts



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Frontline communities are communities most impacted by water quality, quantity, and affordability issues despite contributing the least to environmental degradation or unjust infrastructure decisions of the past.

Oregon Water Justice Framework
January 2023 | Oregon Water Futures

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The Solution: Senate Bill 1154

Proactive, Efficient, Accountable



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The state's informal and decentralized system can result in serious risks and harmful, costly outcomes, as demonstrated with the ongoing groundwater degradation in Morrow and Umatilla counties.

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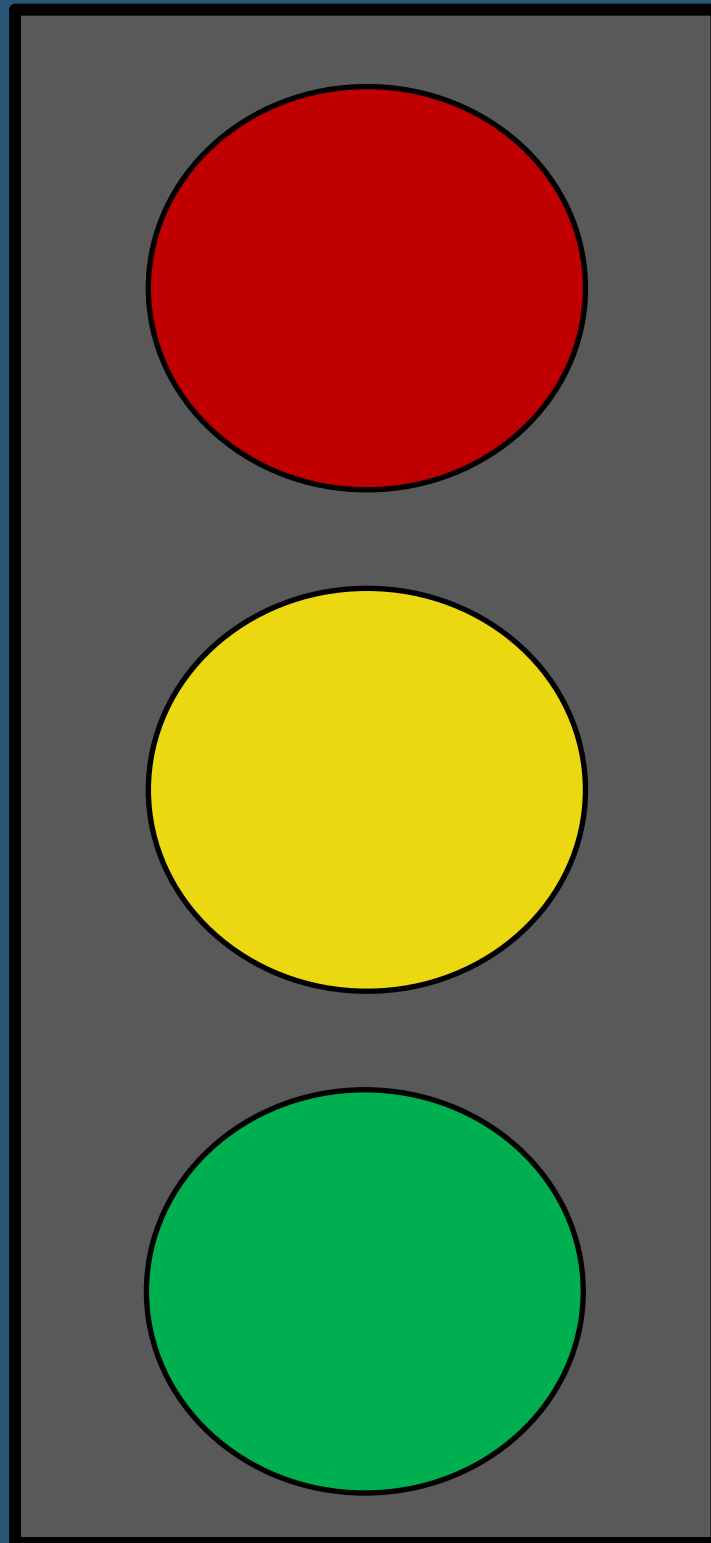
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The Solution: Senate Bill 1154

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Groundwater Quality *Management Area*

Groundwater Quality *Area of Concern*

No designation

SB1154: Yellow Light: Getting Ahead of Problems



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Promotes community-led and state-supported best management practice efforts to curb contamination threats before it's too late

1

State Agency Assessment of Groundwater Situation

2

Convening of a Local Committee

3

Development of a Voluntary Implementation Plan

SB1154: Tailored and Responsive Solutions



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OHA: Public Health & Response Plan

OWRD: Water Rights & Backflow Prevention

ODA: Agricultural Contribution to Contaminants

DEQ: Water Quality Permits & On-Site Systems

Other Agencies: As Needed

Agency Action Plan

*A robust toolkit for
contamination response*

SB1154: Accountability to Impacted Communities



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1 Governor appoints lead agency and inter-agency team

2 EQC, not agency, makes decision to designate

3 Clear delineation of roles and responsibilities

4 Feedback loop with public: regular report outs to governing Commission

5 Feedback loop with Governor and Legislature: implementation plan depends on funding decision

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Oregon has a history of adapting its water law, policy, and practice in ways that respond to changing conditions and priorities. However, the most significant reforms occurred 25 years ago.

Securing Oregon's Water Future
2022 | Oregon Business Council Water Task Force

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Questions?