

SB 1154 B STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 6/19

WHAT THE MEASURE DOES:

The measure modifies processes for managing ground water quality contamination concerns, including the declaration of ground water quality concern areas and ground water quality management areas and related responsibilities. It requires coordination among state agencies and local entities to address these areas, including monitoring, action planning, and remediation strategies. It authorizes the Governor to appoint agencies to develop an agency assessment, prepare an action plan, implement regulations, and take necessary actions to address ground water quality, while allowing for increased monitoring, reporting, and coordination to protect public health and water resources.

Fiscal impact: May have fiscal impact, but no statement yet issued.

Revenue impact: May have revenue impact, but no statement yet issued.

Detailed Summary:

Replaces the following terms:

- “an area of ground water concern,” with “ground water quality concern area.”
- “ground water management area,” with “ground water quality management area.”
- “back-siphoning” with “backflow.”

Defines “contaminant of concern.”

Sections 1-7: Ground Water Quality Concern Areas (GWQCA)

1. Directs the Department of Environmental Quality (DEQ) to recommend that the Environmental Quality Commission (EQC) declare a Groundwater Quality Concern Area (GWQCA) under specified conditions, adding elements that the department must find before recommending a declaration.
2. Directs the Governor to establish an interagency team to develop an agency assessment and outreach plan (plan) that addresses specific objectives. The team must include DEQ, the Water Resources Department (OWRD), and the Oregon Health Authority (OHA), and may include the Department of Agriculture (ODA) and the Department of Geology and Mineral Industries (DOGAMI); requires that a lead agency be designated, and that the team reports regularly to their respective board or commission.
3. Requires designated lead agency to appoint a groundwater management committee with specific membership after the draft plan is completed.
4. Requires DEQ, ODA, and OHA, with the interagency team, to take specific actions after a GWQCA is declared and the plan is developed:
 - DEQ must:
 - Collect information about alternative and subsurface sewage disposal systems.
 - Promote voluntary inspections of these sewage systems.
 - ODA must:
 - Prioritize watersheds within concern areas for outreach and compliance efforts.
 - Collaborate with local partners (like conservation districts or OSU Extension) to support education, technical help, and implementation.
 - Identify stewardship agreement opportunities.
 - OHA must:

- Prepare a preliminary assessment identifying public health risks to domestic well users and public water systems from contamination.
- Evaluate possible response strategies and estimate public health response costs.
- Prepare and distribute accessible and language-appropriate outreach and education materials identifying public health risks to the local public health authority for distribution to community members.

Requires final agency assessment and outreach plan be submitted to Governor and Joint Committee on Ways and Means (JWM), with biennial progress reports due by December 15 of each even-numbered year.

Sections 9-21: Ground Water Quality Management Areas (GWQMA)

1. Directs DEQ to recommend EQC declare a GWQMA under certain conditions.
2. Requires the Governor to form an interagency team (DEQ, OWRD, OHA; may include ODA, DOGAMI) and designate a lead agency.
3. Changes timeline for preparation of draft action plan and establishes content and review standards.
4. Requires lead agency to share draft action plan with county officials and consider all feedback during 60-day public comment period.
5. Provides agencies 90 days to complete the final action plan after close of public comment period.
6. Extends final plan implementation timeline from 120 to 180 days.
7. Authorizes EQC to repeal a designation upon recommendation and findings by DEQ.
8. Authorizes ODA to take the following actions as necessary to address a relevant contaminant of concern, including:
 - Adopting and enforcing area-specific rules to regulate the contaminant of concern.
 - Making available stewardship agreement opportunities.
9. Requires OHA to submit health remediation and response plan to Governor and JWMs.
10. Authorizes DEQ to enter onto private property to inspect sewage disposal systems under specific conditions. DEQ must first notify the property owner and tenant to arrange a convenient inspection time and provide information on available resources and technical help for fixing issues.
 - Establishes process if entry is refused after proper notice to the property owner and attempts to schedule.
 - Extensions for remedial action must be granted if the property owner:
 - Qualifies as a low-income household,
 - Has applied for financial aid to mitigate the problem, but the aid is denied due to lack of funds or is still pending.
11. Establishes cap of 5,000 gallons per abandoned well per day on OWRD approval of an application for a public water system to appropriate ground water for expanded group domestic use in a declared area for community public water wells unless the Commission establishes a higher amount by rule.

Sections 22-39: Changes to Agency Authorities in Declared Areas

1. Finds that the use of a public water system in a groundwater quality management area to expand group domestic use using the same amount of water as previously supplied by abandoned wells is necessary to protect public health, safety, and welfare under specified conditions.
2. Adds conditions to OWRD authority to issue a permit to appropriate ground water for expanded group domestic use for a public water system for an amount of water equivalent to amount provided by abandoned domestic wells; sets cap and condition regarding impact on hydraulically connected surface water.
3. Directs OWRD to presume that groundwater application will ensure preservation of the public welfare, safety, and health if the application is for an expanded group domestic use for a public water system for an amount of water equivalent to amount provided by abandoned domestic wells. Makes conforming amendment to required findings of fact.
4. Directs OWRD to assess water wells and require compliance with backflow prevention rules.
5. Finds that the WRC or OWRD may not require the installation of a measuring device ground water used for exempt uses under specific circumstances in declared areas.

Specifies that an area subject to declaration as a ground water management area as of the day immediately preceding the effective date of the Act is deemed a declared area on that effective date; in those areas if a lead agency finds that any new requirements added by amendments in this Act to certain groundwater laws are duplicative or unnecessary in declared management area because of actions taken before the effective date of Act, it can consider those requirements already fulfilled.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Current law directs ground water concern areas to be declared by the Department of Environmental Quality (DEQ) if they confirm the presence of ground water contaminants suspected to originate from nonpoint source activities. The declaration must confirm substances in ground water, as well as ground water aquifers that may be affected. After a ground water concern area is declared, DEQ must:

- Appoint a ground water management committee within 90 days for the affected area.
- Focus on research and public education regarding the ground water concern and ensure necessary monitoring of the area.
- Support the management committee in developing a local action plan to address the concerns.
- If the committee doesn't create the plan, the Department will develop it themselves.

Current law directs ground water management areas to be declared by DEQ if monitoring activities confirm that ground water contains contaminants from suspected nonpoint source activities; specifically, if nitrate levels exceed 70 percent of established limits, or if other contaminants exceed 50 percent of their established limits. The declaration must specify substances detected and the affected ground water aquifers. Before declaring the area, DEQ must confirm the results with a second laboratory. Furthermore, DEQ, in consultation with appropriate state agencies, must appoint a ground water management committee to develop and promote a local action plan for the affected area. After a ground water management area is declared, the ground water management committee must:

- Evaluate portions of the local action plan that reduced contaminant levels.
- Advise state agencies on local aspects of the action plan.
- Analyze the local action plan to improve or prevent further deterioration of ground water in the management area.