

## HB 3525 B STAFF MEASURE SUMMARY

### Senate Committee On Rules

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**Meeting Dates:** 6/24

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#### WHAT THE MEASURE DOES:

The measure requires landlords to collect and test samples of drinking water for certain contaminants if the dwelling unit is located in a groundwater management area and has one or more exempt wells as a source of drinking water. It requires landlords to provide test results to the tenant and the Oregon Health Authority (OHA), establishes requirements for associated testing laboratories and the OHA, and adds certain restrictions to the use of test result data.

#### Detailed Summary:

Defines 'contaminants' to include arsenic, coliform bacteria, lead, and nitrates. Defines 'exempt well' as wells exempt for the purpose of watering a lawn or noncommercial garden smaller than one-half acre or for single or group domestic purposes.

Requires landlords of a dwelling unit that has one or more **exempt wells as a source of drinking water** and is **located in a groundwater management area** (qualifying landlords) to

- Collect and test samples of drinking water for the unit
- Collect water samples from a dwelling unit's primary faucet
- Ensure that drinking water sources are tested as follows:
  - no later than 30 days after well installation for arsenic
  - at least once a year for each contaminant, except under certain conditions
- Inform a laboratory that testing is required under this Act and request test results to be submitted to the Oregon Health Authority (OHA) when submitting samples to a laboratory for testing
- Provide test results in a specified form to the tenant within 30 days of receipt
- Prior to entering into a rental agreement for a dwelling unit subject to testing, requires landlord to provide written notice to tenant of:
  - the presence of an exempt well as drinking water source
  - the dates and results of most recent contaminant tests, or a statement that such tests have not yet been performed, and
  - the latest date by which the next test must be conducted.

Allows **qualifying landlords** to

- collect supplementary samples of water from a dwelling unit's other faucets of drinking water or from a dwelling unit's well head.
- 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.

Requires a **laboratory conducting a test** of drinking water, as requested by a tenant or landlord, to

- be accredited under the environmental laboratory accreditation program
- report test results to OHA electronically in a format prescribed by OHA, and
- send the full laboratory report to the landlord, and if requested, to the tenant, in a specified manner.

Specifies that, if **contamination levels exceed the maximum limits** established by the U.S. Environmental Protection Agency, qualifying landlords **must**, as soon as practicable,

- provide test results to the tenant

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- provide the tenant with an informational handout on drinking water contaminant testing and the impact contaminated drinking water can have on health, as developed by OHA, and
- retest the well according to a schedule established by OHA.

Requires OHAtO

- adopt rules to implement the measure, including the content of
  - a specific form used by the landlord to provide test results
  - handouts providing information on testing drinking water for contaminants and the potential impact of such contaminants on a person's health.

Allows OHA to take any action necessary for implementation prior to the Act's operative date.

Specifies that no testing has to be performed for dwelling units that are part of a premises regulated under public water system statutes and that test results received by OHA may not be used by any other state agency except as provided by the measure and for the benefit of the affected landlord, tenant, or applicant of the dwelling unit.

Mandates that any record collected or created in association with the Act must note that the data has not been controlled for quality and may not be used for determining location-specific groundwater quality.

Becomes operative on June 1, 2027, and requires landlords of applicable dwelling units to sample and test for all contaminants before the operative date.

*REVENUE: No revenue impact*

*FISCAL: Has minimal fiscal impact*

HOUSE VOTE: Ayes 39; Nays 8; Excused 1

### 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.