

**SB 1154 B STAFF MEASURE SUMMARY****Carrier:** Sen. Taylor**Senate Committee On Rules****Action Date:** 06/10/25**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 3-2-0-0**Yeas:** 3 - Golden, Jama, Manning Jr**Nays:** 2 - Bonham, Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Alexa Piscanio**Meeting Dates:** 6/9, 6/10**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.

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.”

**Ground Water Quality Concern Areas (GWQCA)**

1. Directs the Department of Environmental Quality (DEQ) to recommend that the Environmental Quality Commission (EQC) declare a GWQCA under specified conditions, adding elements that the department must find before recommending a declaration.
2. Directs Governor to establish an interagency team and designate a lead agency.
3. Directs that the interagency team 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).
4. Directs agencies to develop an agency assessment and outreach plan addressing specific objectives and report routinely to the lead agency's respective board or commission.
5. Requires the appointment of a ground water management committee with lead agency in consultation with the interagency team after completion of draft agency assessment and outreach plan.
6. After a groundwater quality concern area is declared and the agency assessment and outreach plan is developed, specific actions must be taken by DEQ, ODA, and OHA, in coordination with the interagency team.
  - 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.

## **SB 1154 B STAFF MEASURE SUMMARY**

- 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.

### **Ground Water Quality Management Areas (GWQMA):**

1. Directs DEQ to recommend that EQC declare a GWQMA under specified conditions.
2. Directs Governor to establish an interagency team and designate a lead agency.
3. Directs the interagency team include DEQ, OWRD and OHA, and may include ODA and DOGAMI.
4. Changes timeline for preparation of draft action plan and establishes content and review standards.
5. Requires the lead agency to provide copies of the draft action plan to appropriate county officials for comment and requires that the lead agency consider all suggestions and information by the public or county officials during the 60-day public comment period.
6. Provides agencies 90 days to complete the final action plan after close of public comment period.
7. Revises timeline for agency to begin plan implementation from 120 to 180 days within completion of the final action plan.
8. Authorizes EQC to repeal a designation upon recommendation and findings by DEQ.
9. 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.
10. Requires OHA to submit health remediation and response plan to Governor and JWMs.
11. 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.
12. 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.

### **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

## **SB 1154 B STAFF MEASURE SUMMARY**

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:**

- -A3 amendment changes
- Peer-reviewed hydrogeological data
- Abandoned well provisions
- Water quality in the Lower Umatilla Basin Groundwater Management Area

### **EFFECT OF AMENDMENT:**

The amendment replaces the measure. It modifies processes for managing ground water quality contamination concerns, including the declaration of ground water quality concern areas and ground water quality management areas. It modifies criteria, timelines, agency roles, responsibilities and authorities to protect public health and water resources.

### Detailed Summary:

#### **Ground Water Quality Concern Areas (GWQCA)**

1. Modifies conditions under which the Department of Environmental Quality (DEQ) can recommend that the Environmental Quality Commission (EQC) declare a GWQCA, and revises EQC's declaration criteria and content requirements.
2. Includes OHA as a lead agency. Revises lead agency reporting from every quarter to routinely reporting to the agency's respective board or commission.
3. Revises agency assessment and outreach plan objectives.
4. Revises interagency team responsibilities and draft review requirements.
5. Modifies timeline for the GWMC to provide comments on the draft agency assessment and outreach plan.
6. Modifies criteria for the local voluntary implementation plan.
7. Revises specific actions that must be taken by DEQ, ODA, and OHA, in coordination with the interagency team after a groundwater quality concern area is declared and the agency assessment and outreach plan is developed.
8. Removes provision authorizing OWRD, in coordination with DEQ, to consider which new uses of water may increase the presence of a contaminant of concern, as well as ground water quality when deciding to approve a new ground water right within an area after a declaration is issued.

#### **Ground Water Quality Management Areas (GWQMA):**

1. Revises criteria for DEQ to recommend the declaration of a groundwater quality management area, and requires that EQC's declaration of a GWQMA shall identify each contaminant of concern detected in the ground water.
2. Adds that the interagency team's action plan also must include a list of existing programs, legal authorities, or actions that the agencies on the interagency team already have and that are relevant to the specific contaminant in the groundwater.
3. Removes OWRD authority to classify or reclassify an aquifer or designate an aquifer as a critical groundwater area if ground water pumping is an identified cause or contributor to water quality degradation in the GWQMA.

## **SB 1154 B STAFF MEASURE SUMMARY**

4. Requires the lead agency to provide copies of the draft action plan to appropriate county officials for comment, and requires that the lead agency consider all suggestions and information by the public or county officials during the 60 day public comment period.
5. Revises agency plan implementation timeline from 120 to 180 days within completion of the final action plan.
6. Revises ODA authority to address a relevant contaminant of concern.
7. Removes county and DLCD authority to prohibit new residential buildings within a GWQMA.
8. Revises DEQ authority to enter onto private property to inspect sewage disposal systems
9. Establishes cap of 5,000 gallons per day on OWRD approval of an application for a public water system to appropriate ground water in a declared area for community public water wells.

### **Changes to Agency Authorities in Declared Areas**

1. Modifies OHA's authority to recommend that the EQC declare a GWQCA.
2. Removes proposed authority for DEQ to modify water quality permits under ORS 468B.050.
3. Finds that allowing 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.
4. Modifies conditions of 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.
5. Modifies direction that OWRD is 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.
6. Replaces term “back-siphoning” with “backflow.”
7. Finds that the WRC or OWRD may not require the installation of a measuring device to measure ground water used for an exempt ground water use in a declared area.
8. Adds conditions for DEQ's financial assistance programs for on-site septic systems.

Specifies that if a lead agency finds that any new requirements added to certain groundwater laws in the Act are duplicative or unnecessary—because similar actions were already taken in the area before the law took effect—it can consider those requirements already fulfilled in management areas.

### **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.

**SB 1154 B STAFF MEASURE SUMMARY**

- Analyze the local action plan to improve or prevent further deterioration of ground water in the management area.