

SB 1154-A3
(LC 4082)
6/6/25 (STN/ps)

Requested by Senator JAMA

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1154**

1 On page 1 of the printed A-engrossed bill, line 4, delete “536.340,
2 536.410,”.

3 In line 5, delete “537.775,” and delete “540.520” and insert “454.779,
4 561.191”.

5 Delete lines 8 through 22 and delete pages 2 through 11.

6 On page 12, delete lines 1 through 9 and insert:

7

8 **“GROUND WATER QUALITY CONCERN AREAS**

9

10 **“SECTION 1. ORS 468B.150 is amended to read:**

11 **“468B.150. As used in ORS 448.268, 448.271 and 468B.150 to 468B.190:**

12 **“[(1) ‘Area of ground water concern’ means an area of the state subject to**
13 **a declaration by the Department of Environmental Quality under ORS**
14 **468B.175 or the Oregon Health Authority under ORS 448.268.]**

15 **“[(2)] (1) ‘Contaminant’ means any chemical, ion, radionuclide, synthetic**
16 **organic compound, microorganism, waste or other substance that does not**
17 **occur naturally in ground water or that occurs naturally but at a lower**
18 **concentration.**

19 **“(2) ‘Contaminant of concern’ means a contaminant present in**
20 **ground water at levels which have resulted in a declaration of a**
21 **ground water quality concern area or a ground water quality man-**

1 **agement area.**

2 **“(3) ‘Ground water quality concern area’ means an area of the state**
3 **subject to a declaration under ORS 468B.175.**

4 **“[(3)] (4) ‘Ground water quality management area’ means an area in**
5 **which contaminants in the ground water have exceeded the levels established**
6 **under ORS 468B.165, and the affected area is subject to a declaration under**
7 **ORS 468B.180.**

8 **“[(4)] (5) ‘Fertilizer’ has the meaning given that term in ORS 633.311.**

9 **“[(5)] (6) ‘Pesticide’ has the meaning given that term in ORS 634.006.**

10 **“SECTION 2. ORS 468B.175 is amended to read:**

11 ***“468B.175. [(1) If, as a result of its statewide monitoring and assessment***
12 ***activities under ORS 468B.190, the Department of Environmental Quality***
13 ***confirms the presence in ground water of contaminants suspected to be the re-***
14 ***sult, at least in part, of nonpoint source activities, the department shall declare***
15 ***an area of ground water concern. The declaration shall identify the substances***
16 ***confirmed to be in the ground water and all ground water aquifers that may***
17 ***be affected.]***

18 **“(1) The Department of Environmental Quality shall recommend**
19 **that the Environmental Quality Commission declare a ground water**
20 **quality concern area if, based on the results of the department’s**
21 **monitoring and assessment activities under ORS 468B.190, or through**
22 **the review of other relevant data and information, the department:**

23 **“(a) Confirms the presence of ground water contaminants suspected**
24 **to be the result, at least in part, of nonpoint source activities; and**

25 **“(b) Based on the best available information, finds that one or more**
26 **of the factors identified in subsection (2) of this section is present.**

27 **“(2) Before recommending a declaration of a ground water quality**
28 **concern area under subsection (1) of this section, the department must**
29 **find that:**

30 **“(a) A significant number of wells or other sensitive receptors**

1 monitored by the department, including domestic wells, have been or
2 will be affected by ground water contamination;

3 “(b) Nonpoint sources have been identified as possible sources of
4 contamination but require additional investigation to understand ap-
5 propriate interventions; or

6 “(c) Deterioration of water quality in the area could lead to an
7 exceedance of the thresholds described in ORS 468B.180 within 20 years
8 unless remedial action is taken.

9 “(3) A declaration of a ground water quality concern area by the
10 commission must identify:

11 “(a) Each contaminant of concern that has been confirmed to be
12 present in the ground water; and

13 “(b) Ground water aquifers that may be affected by a contaminant
14 of concern.

15 “[*(2) Before declaring an area of ground water concern, the agency making*
16 *the declaration shall have a laboratory confirm the results that would cause*
17 *the agency to make the declaration.*]

18 “(4) Before recommending that the commission declare a ground
19 water quality concern area, the department shall:

20 “(a) Ensure that sample results utilized to develop the recommen-
21 dation have been produced or verified by an accredited laboratory;

22 “(b) Ensure that data and results utilized to develop the recom-
23 mendation were collected in accordance with a quality assurance
24 project plan or a similar document; and

25 “(c) Submit to the commission, and make publicly available, the
26 methodology utilized to evaluate the results and conduct the data
27 evaluation that would cause the department to make the recommen-
28 dation.

29 “**SECTION 3.** ORS 468B.177 is amended to read:

30 “468B.177. (1) After a declaration of [*an area of ground water concern, the*

1 *Department of Environmental Quality, in consultation with other appropriate*
2 *state agencies, shall:] a ground water quality concern area, the Governor*
3 **shall establish an interagency team and designate a lead agency. The**
4 **Governor shall consider the primary contaminant of concern and the**
5 **respective expertise, statutory responsibilities and regulatory author-**
6 **ity of each relevant agency when making the lead agency designation.**
7 **The interagency team shall include the Department of Environmental**
8 **Quality, the Water Resources Department and the Oregon Health Au-**
9 **thority and may include the State Department of Agriculture, the**
10 **State Department of Geology and Mineral Industries and other agen-**
11 **cies with responsibilities or authorities related to a contaminant of**
12 **concern or remedial actions needed to address a contaminant of con-**
13 **cern.**

14 **“(2) The lead agency and other agencies participating in the inter-**
15 **agency team shall enter into intergovernmental agreements as neces-**
16 **sary to carry out the duties of the interagency team.**

17 *“[(1) Within 90 days, appoint a ground water management committee in the*
18 *geographic area overlying the ground water aquifer;]*

19 *“[(2) Focus research and public education activities on the area of ground*
20 *water concern;]*

21 *“[(3) Provide for necessary monitoring in the area of ground water*
22 *concern;]*

23 *“[(4) Assist the ground water management committee in developing, in a*
24 *timely manner, a draft and final local action plan for addressing the issues*
25 *raised by the declaration of an area of ground water concern; and]*

26 *“[(5) If not developed by the ground water management committee, develop*
27 *a draft and final local action plan.]*

28 **“(3) The interagency team shall:**

29 **“(a) Based on the best available information, develop, in a timely**
30 **manner, an agency assessment and outreach plan that:**

1 “(A) Identifies potential sources of contaminants of concern con-
2 tributing to ground water quality deterioration;

3 “(B) Identifies existing authorities, programs or actions of the
4 agencies in the interagency team that are relevant to a contaminant
5 of concern, identifies those authorities, programs or actions that are
6 reasonably appropriate for implementation and includes a rationale for
7 selecting the reasonably appropriate authorities, programs or actions;

8 “(C) Identifies best management practices to address known sources
9 of contamination in the ground water quality concern area;

10 “(D) Identifies strategies to share information with, coordinate with
11 and educate likely sources of a contaminant of concern on best man-
12 agement practices; and

13 “(E) Provides initial plans for implementing the actions described
14 in section 6 of this 2025 Act; and

15 “(b) Develop a monitoring plan and establish timelines and targets
16 for trend analyses for the thresholds established under ORS 468B.180
17 for each contaminant of concern to evaluate the effectiveness of the
18 actions taken pursuant to the ground water quality concern area des-
19 ignation.

20 “(4) The interagency team shall develop publicly accessible infor-
21 mation that facilitates understanding of the scope and extent of con-
22 tamination, including but not limited to a visual representation of the
23 geographic scope of the contamination.

24 “(5) The interagency team shall prepare a draft of the agency as-
25 sessment and outreach plan and provide the draft to the ground water
26 management committee appointed under ORS 468B.179 and appropriate
27 county officials for comment. The interagency team shall prepare a
28 final agency assessment and outreach plan after receiving the com-
29 ments of the committee and appropriate county officials.

30 “(6) As applicable, the lead agency shall routinely report to the

1 **agency’s respective board or commission.**

2 **“(7) Designation as a lead agency does not expand the authority of**
3 **a lead agency beyond that otherwise provided for by law.**

4 **“SECTION 4.** ORS 468B.179 is amended to read:

5 *“468B.179. (1)(a) [Upon the request of a local government, or as required*
6 *under ORS 468B.177 or 468B.182, the Department of Environmental Quality,*
7 *in consultation with other appropriate state agencies,]* **Within a reasonable**
8 **time after completion of the draft agency assessment and outreach**
9 **plan under ORS 468B.177, the lead agency, in consultation with the**
10 **interagency team,** shall appoint a ground water management committee.
11 The ground water management committee shall be composed of at least seven
12 members representing a balance of interests in the area affected by the dec-
13 laration, **including at least two homeowners or tenants that rely on a**
14 **domestic well in the area for drinking water that has been affected by**
15 **a contaminant of concern.**

16 **“(b) The ground water management committee shall develop and**
17 **implement a local voluntary implementation plan, as provided in sub-**
18 **section (2) of this section, and provide comments to the interagency**
19 **team on the draft agency assessment and outreach plan for the pur-**
20 **pose of aligning the efforts of the committee and the interagency**
21 **team.**

22 **“(c) The ground water management committee shall review and**
23 **provide comments on the draft agency assessment and outreach plan**
24 **to the interagency team within 120 days of receiving the draft.**

25 *“[(2) After a declaration of an area of ground water concern, the ground*
26 *water management committee shall develop and promote a local action plan for*
27 *the area of ground water concern. The local action plan shall include but need*
28 *not be limited to:]*

29 *“[(a) Identification of local residential, industrial and agricultural prac-*
30 *tices that may be contributing to a deterioration of ground water quality in the*

1 *area;]*

2 “[*(b)* An evaluation of the threat to ground water from the potential non-
3 point sources identified;]

4 **“(2)(a) Upon completion of the final agency assessment and out-
5 reach plan, the ground water management committee shall develop
6 and promote a local voluntary implementation plan for the ground
7 water quality concern area that is consistent with the agency assess-
8 ment and outreach plan.**

9 **“(b) The local voluntary implementation plan must include:**

10 **“(A) Voluntary actions that will be promoted and prioritized for
11 implementation by the local community to address sources of con-
12 tamination in the ground water quality concern area;**

13 **“(B) Measurable objectives, quantitative targets and timelines,
14 where appropriate; and**

15 **“(C) A periodic review and amendment process informed by trend
16 analyses conducted by members of the interagency team pursuant to
17 ORS 468B.177.**

18 **“(c) The local voluntary implementation plan may include:**

19 **“[(c)] (A) [*Evaluation and*] Recommendations of alternative practices **or**
20 **best management practices;****

21 **“[(d)] (B) Recommendations regarding demonstration projects needed in
22 the area **that have the potential to address contaminants of concern;****

23 **“[(e)] (C) Recommendations of public education and research specific to
24 that area that would assist in addressing the issues related to the [*area of*
25 *ground water concern*] **ground water quality concern area; [*and*]****

26 **“[(f)] (D) Methods of implementing best practicable management practices
27 to improve ground water quality in the area[.]; **and****

28 **“(E) Recommendations for local governments and organizations to
29 assist with public education and outreach regarding awareness of well
30 water quality, health considerations, treatment options and prevention**

1 **of ground water contamination.**

2 “(3) *[The availability of the draft local action plan and announcement of*
3 *a 30-day public comment period shall be publicized in a newspaper of general*
4 *circulation in the area designated as an area of ground water concern.]* **A**
5 **draft of the local voluntary implementation plan shall be made avail-**
6 **able for public comment for a period of 30 days.** Suggestions provided to
7 the ground water management committee during the public comment period
8 shall be considered by the ground water management committee in deter-
9 mining the final *[action]* **local voluntary implementation** plan.

10 “(4) The ground water management committee may request the *[depart-*
11 *ment]* **lead agency** to arrange for technical advice and assistance from ap-
12 propriate state agencies and higher education institutions.

13 “(5) A ground water management committee preparing *[or carrying out an*
14 *action plan in an area of ground water concern]* **a local voluntary imple-**
15 **mentation plan in a ground water quality concern area** or in a ground
16 water **quality** management area may apply for a grant under ORS 468B.169
17 for limited funding for staff or for expenses of the ground water management
18 committee.

19 **“SECTION 5. Sections 6 and 7 of this 2025 Act are added to and**
20 **made a part of ORS 468B.150 to 468B.190.**

21 **“SECTION 6. Consistent with the final agency assessment and out-**
22 **reach plan developed under ORS 468B.177, the interagency team shall**
23 **take the following actions:**

24 **“(1) The Department of Environmental Quality shall:**

25 **“(a) Working with contract agents, as defined in ORS 454.605, where**
26 **applicable, compile available information regarding alternative sewage**
27 **disposal systems, nonwater-carried sewage disposal facilities and sub-**
28 **surface sewage disposal systems as those terms are defined in ORS**
29 **454.605, including the age and location of individual systems or facili-**
30 **ties; and**

1 **“(b) Encourage voluntary inspections of alternative sewage disposal**
2 **systems, nonwater-carried sewage disposal facilities and subsurface**
3 **sewage disposal systems as those terms are defined in ORS 454.605.**

4 **“(2) The State Department of Agriculture shall:**

5 **“(a) Review water quality management plans, as defined in ORS**
6 **568.900, applicable to agricultural lands for potential plan revisions to**
7 **identify voluntary practices specific to the contaminant of concern.**

8 **“(b) Identify stewardship agreement opportunities pursuant to ORS**
9 **541.973, if appropriate.**

10 **“(c) Consider and prioritize watersheds and subwatersheds within a**
11 **ground water quality concern area for focused outreach and compli-**
12 **ance efforts.**

13 **“(d) Where feasible, partner with local entities, including soil and**
14 **water conservation districts, watershed councils or the Oregon State**
15 **University Extension Service, to deliver outreach, technical assistance**
16 **or implementation support consistent with this subsection.**

17 **“(3) The Oregon Health Authority shall:**

18 **“(a) Prepare a preliminary assessment that:**

19 **“(A) Identifies public health risks to domestic well users and public**
20 **water systems due to potential contamination of drinking water sup-**
21 **plies;**

22 **“(B) Identifies strategies to work with the local public health au-**
23 **thority, or authorities, public water systems and local health partners**
24 **to communicate potential public health risks from contaminants in**
25 **drinking water;**

26 **“(C) Identifies other appropriate response strategies; and**

27 **“(D) Estimates the cost of a public health response to the contam-**
28 **ination.**

29 **“(b) Prepare accessible and language-appropriate outreach and ed-**
30 **ucation materials regarding the public health risks of the contaminant**

1 of concern and recommended actions to reduce health risks, including
2 guidance about testing domestic well water and other domestic well
3 safety information, and:

4 “(A) Disseminate the materials and related information to the
5 public in the ground water quality concern area, subject to available
6 resources; and

7 “(B) Provide the materials to the local public health authority or
8 other appropriate local officials for dissemination to community
9 members that depend on domestic wells.

10 **“SECTION 7. (1) Upon completion of the final agency assessment**
11 **and outreach plan developed under ORS 468B.177, the lead agency shall**
12 **submit the plan in a report to the Governor and the Joint Committee**
13 **on Ways and Means or the Joint Interim Committee on Ways and**
14 **Means in the manner provided by ORS 192.245. The report must**
15 **identify resources necessary to implement the plan and may include**
16 **requests for funding necessary to implement the plan.**

17 “(2)(a) No later than December 15 of each even-numbered year
18 during which a lead agency is responsible for the implementation of
19 a final action plan, the lead agency shall submit a report in the man-
20 ner provided by ORS 192.245 to the Joint Interim Committee on Ways
21 and Means. The report must describe the interagency team’s progress
22 in implementing the plan and include an assessment of the most re-
23 cent monitoring results relative to historical contamination levels and
24 the information described in ORS 468B.177 (3)(a)(B). The report may
25 include requests for funding.

26 “(b) In lieu of submitting a report described in paragraph (a) of this
27 subsection, the Department of Environmental Quality may include the
28 information required under paragraph (a) of this subsection in the
29 report required under ORS 468B.162.

30 **“NOTE:** Section 8 was deleted by amendment. Subsequent sections were

1 not renumbered.

2
3 **“GROUND WATER QUALITY MANAGEMENT AREAS**

4
5 **“SECTION 9.** ORS 468B.180 is amended to read:

6 “468B.180. (1) The Department of Environmental Quality shall **recom-**
7 **mend that the Environmental Quality Commission** declare a ground
8 water **quality** management area if, *[as a result of information provided to the*
9 *department or from its statewide]* **through** monitoring and assessment activ-
10 ities under ORS 468B.190, **or through the review of other relevant data**
11 **and information**, the department confirms that, as a result of suspected
12 nonpoint source activities, there is present in the ground water:

13 “(a) Nitrate contaminants at levels greater than 70 percent of the levels
14 established pursuant to ORS 468B.165; or

15 “(b) Any other contaminants at levels greater than 50 percent of the lev-
16 els established pursuant to ORS 468B.165.

17 “(2) A declaration *[under subsection (1) of this section]* **of a ground water**
18 **quality management area by the commission** shall identify *[the sub-*
19 *stances]* **each contaminant of concern** detected in the ground water and
20 *[all]* ground water aquifers that may be affected.

21 “(3) Before *[declaring]* **recommending the declaration of** a ground wa-
22 ter **quality** management area under *[subsections (1) and (2)]* **subsection (1)**
23 of this section, the *[agency]* **department** shall *[have a second laboratory*
24 *confirm the results that cause the agency to make the declaration.]:*

25 “(a) **Ensure that sample results utilized to develop the recommen-**
26 **dation have been produced or verified by an accredited laboratory;**

27 “(b) **Ensure that data and results utilized to develop the recom-**
28 **mendation were collected in accordance with a quality assurance**
29 **project plan or a similar document; and**

30 “(c) **Submit to the commission, and make publicly available, the**

1 methodology utilized to evaluate the results and conduct the data
2 evaluation that would cause the department to make the recommen-
3 dation.

4 “(4) After a declaration under subsection (2) of this section, a state
5 agency may exercise within the ground water quality management
6 area any of the agency’s authorities or responsibilities related to the
7 prevention or control of ground water contamination in a ground wa-
8 ter quality concern area, regardless of whether the ground water
9 quality management area was previously declared a ground water
10 quality concern area.

11 “SECTION 10. ORS 468B.182 is amended to read:

12 “468B.182. (1) After the declaration of a ground water **quality** manage-
13 ment area, the [*Department of Environmental Quality, in consultation with*
14 *other appropriate state agencies,*] **lead agency designated under ORS**
15 **468B.184** shall appoint a ground water management committee for the af-
16 fected area if a ground water management committee has not already been
17 appointed under ORS [*468B.177*] **468B.179. A ground water management**
18 **committee appointed under this section must include two homeowners**
19 **or tenants that rely on a domestic well in the area for drinking water**
20 **that has been affected by a contaminant of concern.** If the affected area
21 had previously been designated [*an area of ground water concern*] **a ground**
22 **water quality concern area**, the same ground water management committee
23 appointed under ORS [*468B.177*] **468B.179** shall continue [*to address the*
24 *ground water issues raised as a result of the declaration of a ground water*
25 *management area*] **to advise the interagency team.**

26 “(2) **A ground water management committee appointed under this**
27 **section or ORS 468B.179 shall act solely to advise state agencies and**
28 **the interagency team on the development and implementation of local**
29 **elements of the action plan developed under ORS 468B.184.**

30 “SECTION 11. ORS 468B.184 is amended to read:

1 “468B.184. (1) After a ground water **quality** management area is declared,
2 the [*Department of Environmental Quality*] **Governor** shall **establish an**
3 **interagency team and** designate a lead agency responsible for developing
4 an action plan, **as provided in this section.** [*and request other agencies to*
5 *assume appropriate responsibilities for preparation of a draft action plan*
6 *within 90 days after the declaration.*] **If the affected area had previously**
7 **been designated a ground water quality concern area, the Governor**
8 **may establish the same interagency team and designate the same lead**
9 **agency designated under ORS 468B.177. If no lead agency and intera-**
10 **gency team has been previously designated and established, the Gov-**
11 **ernor, in designating a lead agency, shall consider the primary**
12 **contaminant of concern and its predominant sources, and the respec-**
13 **tive expertise, statutory responsibilities and regulatory authority of**
14 **each relevant agency. The interagency team shall include the Depart-**
15 **ment of Environmental Quality, the Oregon Health Authority and the**
16 **Water Resources Department. The interagency team may include the**
17 **State Department of Agriculture and the State Department of Geology**
18 **and Mineral Industries or other agencies with responsibilities or au-**
19 **thorities related to a contaminant of concern.**

20 “(2) The lead agency and other agencies participating in the inter-
21 agency team shall enter into intergovernmental agreements as neces-
22 sary to carry out the work of the interagency team.

23 “(3) The [*agencies*] **interagency team** shall develop an action plan to
24 **inform well users of ground water contamination,** reduce existing con-
25 tamination and [*to*] prevent further contamination of the affected ground
26 water aquifer. The action plan shall include, but need not be limited to:

27 “(a) Identification of practices that may be contributing to the contam-
28 ination of ground water in the area;

29 “(b) Consideration of all reasonable alternatives for reducing the con-
30 tamination of the ground water to a level below that level requiring the

1 declaration of a ground water **quality** management area;

2 “(c) [*Recommendations*] **Identification** of mandatory actions, **including**
3 **actions under sections 14, 15, 19 and 20 of this 2025 Act**, that, when im-
4 plemented, will reduce the contamination to a level below that level requir-
5 ing the declaration of ground water **quality** management area **or a ground**
6 **water quality concern area**;

7 “(d) A proposed time schedule for:

8 “(A) Implementing the [*lead agency’s recommendations*] **action plan**;

9 “(B) Achieving estimated reductions in concentrations of [*the ground wa-*
10 *ter*] contaminants **of concern, including periodic benchmarks for meas-**
11 **uring progress toward estimated reductions**; and

12 “(C) Public review of the action plan;

13 “(e) Any applicable provisions of a local [*action*] **voluntary implemen-**
14 **tation** plan developed for the area under a declaration of [*an area of ground*
15 *water concern*] **a ground water quality concern area**; [*and*]

16 “(f) Required amendments of affected city or county comprehensive plans
17 and land use regulations in accordance with the schedule and requirements
18 of periodic review set forth in ORS chapters 197 and 197A to address the
19 identified ground water **quality** protection and management concerns[.];

20 “(g) **Any actions included in the agency assessment and outreach**
21 **plan developed under ORS 468B.177, if applicable; and**

22 “(h) **Existing authorities, programs or actions of the agencies in the**
23 **interagency team that are relevant to a contaminant of concern, those**
24 **authorities, programs or actions that are reasonably appropriate for**
25 **implementation and a rationale for selecting the reasonably appropri-**
26 **ate authorities, programs or actions.**

27 “[*(2) If a ground water management area is located on agricultural lands*
28 *or in an area designated as an exclusive farm use zone under ORS 215.203,*
29 *the State Department of Agriculture shall be responsible for developing the*
30 *portion of the action plan that addresses farming practices as defined in ORS*

1 30.930.]

2 **“SECTION 12.** ORS 468B.186 is amended to read:

3 “468B.186. (1) After completion and distribution of the draft action plan
4 under ORS 468B.184, the lead agency shall provide a 60-day period of public
5 comment on the draft action plan and the manner by which members of the
6 public may review the plan or obtain copies of the plan. **The lead agency**
7 **shall provide copies of the plan to appropriate county officials for**
8 **comment.** *[A notice of the comment period shall be published in two issues*
9 *of one or more newspapers having general circulation in the counties in which*
10 *the designated area of the ground water emergency is located, and in two is-*
11 *ssues of one or more newspapers having general circulation in the state.]*

12 “(2) Within [60] **90** days after the close of the public comment period, the
13 lead agency shall complete a final action plan. All suggestions and informa-
14 tion provided to the lead agency **by the public or by county officials** dur-
15 ing the public comment period shall be considered by the lead agency and
16 when appropriate shall be acknowledged in the final action plan.

17 “(3)(a) **Upon completion of the final action plan, the lead agency**
18 **shall submit the final action plan in a report to the Governor and the**
19 **Joint Committee on Ways and Means or the Joint Interim Committee**
20 **on Ways and Means in the manner provided by ORS 192.245. The report**
21 **may include requests for funding necessary to implement the plan.**

22 “(b)(A) **No later than December 15 of each even-numbered year**
23 **during which a lead agency is responsible for the implementation of**
24 **a final action plan, the lead agency shall submit a report in the man-**
25 **ner provided by ORS 192.245 to the Joint Interim Committee on Ways**
26 **and Means. The report must describe the interagency team’s progress**
27 **in implementing the plan and include an assessment of the most re-**
28 **cent monitoring results relative to historical contamination levels and**
29 **the information described in ORS 468B.184 (3)(h). The report may in-**
30 **clude requests for funding.**

1 “(B) In lieu of submitting a report described in subparagraph (A)
2 of this paragraph, the Department of Environmental Quality may in-
3 clude the information required under subparagraph (A) of this para-
4 graph in the report required under ORS 468B.162.

5 “(4) Within 180 days of completion of the final action plan, each
6 agency that is responsible for implementing all or part of the plan
7 shall initiate proceedings to adopt rules as necessary to carry out the
8 agency’s duties under the action plan. If two or more agencies are
9 required to initiate rulemaking proceedings under this section, the
10 agencies shall consult with one another to coordinate the rules. The
11 agencies may consolidate the rulemaking proceedings.

12 “SECTION 13. ORS 468B.188 is amended to read:

13 “468B.188. (1) If, after implementation of the action plan developed by
14 [*affected agencies*] **the interagency team** under ORS 468B.184 to 468B.187,
15 the ground water improves so that the levels of contaminants no longer ex-
16 ceed the levels established under ORS 468B.180, the **Environmental Quality**
17 **Commission, upon the recommendation of the** Department of Environ-
18 mental Quality, shall determine whether to repeal the ground water **quality**
19 management area declaration and to establish [*an area of ground water con-*
20 *cern*] **a ground water quality concern area.**

21 “(2) Before the declaration of a ground water **quality** management area
22 is repealed under subsection (1) of this section, the department [*of Environ-*
23 *mental Quality*] must [*find*] **provide to the commission a finding** that, ac-
24 cording to the best information available, a new or revised local [*action*]
25 **voluntary implementation** plan exists that will continue to improve the
26 ground water in the area and that the department [*of Environmental*
27 *Quality*] finds can be **voluntarily** implemented at the local level without the
28 necessity of state enforcement authority.

29 “(3) Before [*the Department of Environmental Quality terminates*] **relevant**
30 **state agencies, in consultation with the interagency team, terminate**

1 any mandatory controls imposed under the action plan created under ORS
2 468B.184 to 468B.187, the ground water management committee must produce
3 a local [*action*] **voluntary implementation** plan that includes provisions
4 necessary to improve ground water **quality** in the area and that the [*de-*
5 *partment*] **interagency team** finds can be **voluntarily** implemented at the
6 local level without the necessity of state enforcement authority.

7 **“SECTION 14. After a declaration of a ground water quality man-**
8 **agement area under ORS 468B.180, and consistent with the action plan**
9 **developed under ORS 468B.184 and 468B.186, the State Department of**
10 **Agriculture, as necessary to control a relevant contaminant of con-**
11 **cern:**

12 **“(1) Shall adopt and implement area-specific rules, as provided in**
13 **ORS 561.191 and 568.900 to 568.933, to regulate the contaminant of**
14 **concern.**

15 **“(2) May make available stewardship agreement opportunities, pur-**
16 **suant to ORS 541.973.**

17 **“SECTION 15. (1) After a declaration of a ground water quality**
18 **management area under ORS 468B.180, the Oregon Health Authority**
19 **shall, in consultation with local health authorities, develop and im-**
20 **plement a public health response plan. The public health response plan**
21 **shall be based on the preliminary assessment prepared under section**
22 **6 (3) of this 2025 Act. If no preliminary assessment has been prepared**
23 **under section 6 (3) of this 2025 Act, the Oregon Health Authority shall**
24 **prepare a preliminary assessment before developing the public health**
25 **response plan under this section.**

26 **“(2) Upon completion of the public health response plan, the au-**
27 **thority shall submit the plan in a report to the Governor and the Joint**
28 **Committee on Ways and Means or the Joint Interim Committee on**
29 **Ways and Means in the manner provided by ORS 192.245 with a request**
30 **for funding necessary to implement the plan.**

1 **“SECTION 16.** Section 17 of this 2025 Act is added to and made a
2 **part of ORS chapter 215.**

3 **“SECTION 17.** Notwithstanding any other provision of this chapter
4 **or ORS chapter 195 or 197, a county may provide, or may enter into**
5 **an agreement with a city or district including under ORS 195.065 to**
6 **195.085 to provide, water or wastewater services for residential dwelling**
7 **units that are within a ground water quality concern area declared**
8 **under ORS 468B.175 or a ground water quality management area de-**
9 **clared under ORS 468B.180 and not within an urban growth boundary.**
10 **The provision of services under this section or ORS 215.213 (1)(c)(D)**
11 **or 215.283 (1)(c)(D) may not be used to authorize the rezoning of prop-**
12 **erty for urban uses or used as the basis for an exception under ORS**
13 **197.732 (2)(a) or (b).**

14 **“SECTION 18.** Section 19 of this 2025 Act is added to and made a
15 **part of ORS 454.605 to 454.755.**

16 **“SECTION 19.** (1) After a declaration of a ground water quality
17 **management area under ORS 468B.180, if the best available informa-**
18 **tion indicates that a residential subsurface sewage disposal system or**
19 **alternative sewage disposal system may be a significant contributing**
20 **source of contamination to the area, the Department of Environ-**
21 **mental Quality or a contract agent may, subject to subsection (2) of**
22 **this section, enter on to private property at reasonable times to in-**
23 **spect the residential subsurface sewage disposal system or alternative**
24 **sewage disposal system.**

25 **“(2)(a)** Before carrying out an inspection under this section, the
26 **department or contract agent shall give notice to the property owner**
27 **and any tenant residing at the property that an inspection is author-**
28 **ized under this section and take reasonable steps to arrange a con-**
29 **venient time for the inspection with the property owner and resident,**
30 **as applicable. The notice must provide information regarding re-**

1 sources and technical assistance available to the property owner to
2 address a malfunctioning subsurface sewage disposal system or alter-
3 native sewage disposal system.

4 “(b) If the property owner or tenant refuses to allow entry pursuant
5 to this section after receiving notice, and after reasonable efforts by
6 the department or contract agent to arrange a convenient time for
7 inspection, the department or contract agent may request the Attor-
8 ney General to seek from a court of competent jurisdiction an order
9 requiring the property owner or tenant to allow entry.

10 “(3) If the department determines that a subsurface sewage disposal
11 system or an alternative sewage disposal system inspected under sub-
12 section (1) of this section is being operated or maintained in violation
13 of any rule adopted pursuant to ORS 454.625, the department shall give
14 written notice of the violation to the person in control of the system
15 as provided in ORS 454.635.

16 “(4) In addition to the requirements of ORS 454.635:

17 “(a) A notice resulting from an inspection under this section must
18 be accompanied by information regarding resources and technical as-
19 sistance available to the property owner to remedy the violation; and

20 “(b) The period of time for taking remedial action, as provided in
21 the order described in ORS 454.635 (3), must be reasonable and take
22 into account any resources or technical assistance available to the
23 property owner.

24 “(5) The department may not impose a civil penalty for a violation
25 of any rule adopted under ORS 454.625 as a result of an inspection
26 carried out under this section unless:

27 “(a) The period for remedying the violation provided in the order
28 described in ORS 454.635 (3) has lapsed; and

29 “(b) Notice of the violation complied with ORS 454.635 and sub-
30 section (4) of this section.

1 “(6) The department shall grant an extension of the time for the
2 person receiving the notice to take remedial action if the following
3 conditions are met:

4 “(a) The person against which the civil penalty would be issued
5 meets the definition of a low income household as defined in ORS
6 456.270; and

7 “(b) The person is eligible for and has applied for financial assist-
8 ance to remedy the violation and:

9 “(A) The application was denied due to lack of available funds or
10 resources; or

11 “(B) The application is pending and may be approved.

12 “SECTION 20. (1) Notwithstanding any contrary provision of law,
13 and subject to subsection (2) of this section, the Water Resources De-
14 partment may approve an application under ORS 537.615 by a public
15 water system to appropriate ground water in a ground water quality
16 management area declared under ORS 468B.180 for expanded group
17 domestic use in an amount of water equivalent to the amount of water
18 provided by abandoned water wells that, prior to being abandoned, had
19 used water as provided in:

20 “(a) ORS 537.545 (1)(d); or

21 “(b) If used by a household, ORS 537.545 (1)(b) and (d).

22 “(2) The department may not approve an application described in
23 subsection (1) of this section unless:

24 “(a) The amount of equivalent water described in subsection (1) of
25 this section is less than or equal to 5,000 gallons per abandoned well
26 per day, unless a higher amount is established by the Water Resources
27 Commission by rule; and

28 “(b) The impact of the proposed public water system well on hy-
29 draulically connected surface water bodies is similar to or less than
30 the cumulative impact of the abandoned water wells described in this

1 section.

2 “(3) The Water Resources Commission may adopt rules as necessary
3 to implement this section.

4 “SECTION 21. ORS 468B.183 and 468B.187 are repealed.

5
6 “AMENDMENTS TO STATUTES
7

8 “SECTION 22. ORS 448.268 is amended to read:

9 “448.268. (1) If, as a result of its activities under ORS 448.150, **or through**
10 **the review of other relevant data**, the Oregon Health Authority confirms
11 the **persistent and prevalent** presence in ground water drinking water
12 supplies of contaminants resulting at least in part from suspected nonpoint
13 source activities, the authority shall **recommend that the Environmental**
14 **Quality Commission** declare [*an area of ground water concern*] **a ground**
15 **water quality concern area**. The declaration **by the commission** shall
16 identify the substances confirmed in the ground water and [*all*] ground water
17 aquifers that may be affected.

18 “(2) **Before recommending that the commission declare a ground**
19 **water quality concern area, the authority shall:**

20 “(a) **Ensure that sample results utilized to develop the recommen-**
21 **dation have been produced or verified by an accredited laboratory;**

22 “(b) **Ensure that data and results utilized to develop the recom-**
23 **mendation were collected in accordance with a quality assurance**
24 **project plan or a similar document; and**

25 “(c) **Submit to the commission, and make publicly available, the**
26 **methodology utilized to evaluate the results and conduct the data**
27 **evaluation that would cause the authority to make the recommen-**
28 **dation.”.**

29 On page 14, delete lines 11 through 45.

30 On page 15, delete lines 1 through 14 and insert:

1 **“SECTION 27.** ORS 468B.050 is amended to read:

2 “468B.050. (1) Except as provided in ORS 468B.053 or 468B.215, without
3 holding a permit from the Director of the Department of Environmental
4 Quality or the State Department of Agriculture, which permit shall specify
5 applicable effluent limitations, a person may not:

6 “(a) Discharge any wastes into the waters of the state from any industrial
7 or commercial establishment or activity or any disposal system.

8 “(b) Construct, install, modify or operate any disposal system or part
9 thereof or any extension or addition thereto.

10 “(c) Increase in volume or strength any wastes in excess of the permissive
11 discharges specified under an existing permit.

12 “(d) Construct, install, operate or conduct any industrial, commercial,
13 confined animal feeding operation or other establishment or activity or any
14 extension or modification thereof or addition thereto, the operation or con-
15 duct of which would cause an increase in the discharge of wastes into the
16 waters of the state or which would otherwise alter the physical, chemical
17 or biological properties of any waters of the state in any manner not already
18 lawfully authorized.

19 “(e) Construct or use any new outlet for the discharge of any wastes into
20 the waters of the state.

21 “(2) The Department of Environmental Quality or the State Department
22 of Agriculture may issue a permit under this section as an individual, gen-
23 eral or watershed permit. A permit may be issued to a class of persons using
24 the procedures for issuance of an order or for the adoption of a rule. Not-
25 withstanding the definition of ‘order’ or ‘rule’ provided in ORS 183.310, in
26 issuing a general or watershed permit by order pursuant to this section, the
27 State Department of Agriculture or Department of Environmental Quality:

28 “(a) Is not required to direct the order to a named person or named per-
29 sons; and

30 “(b) May include in the order agency directives, standards, regulations

1 and statements of general applicability that implement, interpret or prescribe
2 law or policy.

3 “(3) When deciding whether to issue a permit to a confined animal feeding
4 operation under this section, the Department of Environmental Quality or
5 the State Department of Agriculture shall consider any relevant determi-
6 nation by the Water Resources Department pursuant to ORS 468B.216 (2).

7 “(4) Notwithstanding subsection (2) of this section, the Department of
8 Environmental Quality or the State Department of Agriculture may not issue
9 a general NPDES or WPCF permit to a new large confined animal feeding
10 operation that:

11 “(a) Is located in a ground water **quality** management area declared un-
12 der ORS 468B.180; and

13 “(b) Applies manure, litter, wastewater or processed waste to land within
14 the ground water **quality** management area.

15 “(5) Subsection (4) of this section does not apply to the issuance of water
16 quality permits to regulate stormwater.

17 “(6) The State Department of Agriculture or the Department of Environ-
18 mental Quality may define ‘confined animal feeding operation’ by rule for
19 purposes of implementing this section.

20 “(7) As used in this section:

21 “(a) ‘New large confined animal feeding operation’ has the meaning given
22 that term in ORS 468B.215.

23 “(b) ‘NPDES’ and ‘WPCF’ have the meanings given those terms in ORS
24 561.255.”.

25 On page 32, delete lines 16 through 45 and delete pages 33 through 35.

26 On page 36, delete lines 1 through 8 and insert:

27 “**NOTE:** Sections 31 and 32 were deleted by amendment. Subsequent
28 sections were not renumbered.

29 “**SECTION 33.** ORS 537.525 is amended to read:

30 “537.525. (1) The Legislative Assembly recognizes, declares and finds that

1 the right to reasonable control of all water within this state from all sources
2 of water supply belongs to the public, and that in order to [*insure*] **ensure**
3 the preservation of the public welfare, safety and health it is necessary that:

4 “[(1)] **(a)** Provision be made for the final determination of relative rights
5 to appropriate ground water everywhere within this state and of other mat-
6 ters with regard thereto through a system of registration, permits and adju-
7 dication.

8 “[(2)] **(b)** Rights to appropriate ground water and priority thereof be ac-
9 knowledged and protected, except when, under certain conditions, the public
10 welfare, safety and health require otherwise.

11 “[(3)] **(c)** Beneficial use without waste, within the capacity of available
12 sources, be the basis, measure and extent of the right to appropriate ground
13 water.

14 “[(4)] **(d)** All claims to rights to appropriate ground water be made a
15 matter of public record.

16 “[(5)] **(e)** Adequate and safe supplies of ground water for human con-
17 sumption be assured, while conserving maximum supplies of ground water for
18 agricultural, commercial, industrial, thermal, recreational and other benefi-
19 cial uses.

20 “[(6)] **(f)** The location, extent, capacity, quality and other characteristics
21 of particular sources of ground water be determined.

22 “[(7)] **(g)** Reasonably stable ground water levels be determined and main-
23 tained.

24 “[(8)] **(h)** Depletion of ground water supplies below economic levels,
25 impairment of natural quality of ground water by pollution and wasteful
26 practices in connection with ground water be prevented or controlled within
27 practicable limits.

28 “[(9)] **(i)** Whenever wasteful use of ground water, impairment of or inter-
29 ference with existing rights to appropriate surface water, declining ground
30 water levels, alteration of ground water temperatures that may adversely

1 affect priorities or impair the long-term stability of the thermal properties
2 of the ground water, interference among wells, thermal interference among
3 wells, overdrawing of ground water supplies or pollution of ground water
4 exists or impends, controlled use of the ground water concerned be author-
5 ized and imposed under voluntary joint action by the Water Resources
6 Commission and the ground water users concerned whenever possible, but
7 by the commission under the police power of the state except as specified in
8 ORS 537.796, when such voluntary joint action is not taken or is ineffective.

9 “[(10)] (j) Location, construction, depth, capacity, yield and other char-
10 acteristics of and matters in connection with wells be controlled in accord-
11 ance with the purposes set forth in this section.

12 “[(11)] (k) All activities in the state that affect the quality or quantity
13 of ground water shall be consistent with the goal set forth in ORS 468B.155.

14 **“(2) The Legislative Assembly finds and declares that expanded**
15 **group domestic use for a public water system located in a ground wa-**
16 **ter quality management area declared under ORS 468B.180 using an**
17 **amount of water equivalent to the amount of water provided by**
18 **abandoned water wells as provided in section 20 of this 2025 Act en-**
19 **sures the preservation of the public welfare, safety and health.**

20 **“SECTION 34.** ORS 537.615 is amended to read:

21 “537.615. (1) Any person or public agency intending to acquire a wholly
22 new right to appropriate ground water or to enlarge upon any existing right
23 to appropriate ground water, except for any purpose exempt under ORS
24 537.545, shall apply to the Water Resources Department for and be issued a
25 permit before withdrawing or using the ground water.

26 “(2) The application for a permit shall be in a form prescribed by the de-
27 partment and shall contain:

28 “(a) The name and post-office address of the applicant.

29 “(b) The nature of the use by the applicant of the ground water for which
30 the application is made.

1 “(c) The dates of the beginning and completion of the construction of any
2 well or other means of developing and securing the ground water.

3 “(d) The date when the ground water will be completely applied to the
4 proposed beneficial use.

5 “(e) The amount of ground water claimed.

6 “(f) If the ground water is to be used for irrigation purposes, a description
7 of the lands to be irrigated, giving the number of acres to be irrigated in
8 each 40-acre legal subdivision.

9 “(g) The depth to the water table, if known.

10 “(h) The location of each well with reference to government survey cor-
11 ners or monuments or corners of recorded plats.

12 “(i) The proposed depth, diameter and type of each well, and the kind and
13 amount of the casing.

14 “(j) The estimated capacity of each well and each well pump in gallons
15 per minute, and the horsepower of each well pump motor.

16 “(k) If the ground water is artesian or other ground water not requiring
17 pumping, the rate of flow in gallons in such manner as the Water Resources
18 Commission may prescribe.

19 “(L) If the ground water supply is supplemental to an existing water
20 supply, identification of any application for a permit, permit, certificate or
21 adjudicated right to appropriate water made or held by the applicant.

22 “(m) Any other information as the department considers necessary to
23 evaluate the application.

24 “(3) Each application for a permit shall be accompanied by any maps and
25 drawings the department considers necessary.

26 “(4) The map or drawing required to accompany the application shall be
27 of sufficient quality and scale to establish the location of the proposed point
28 of diversion and the proposed place of use identified by tax lot, township,
29 range, section and nearest quarter-quarter section along with a notation of
30 the acreage of the proposed place of use, if appropriate. In addition, the de-

partment shall accept locational coordinate information, including latitude and longitude as established by a global positioning system. If the application is for a water right for a municipal use, the map need not identify the proposed place of use by tax lot.

“(5) Each application for a permit to appropriate water shall be accompanied by the examination fee set forth in ORS 536.050 (1).

“(6) If the proposed use of the water is for a mining operation as defined in ORS 517.952, the applicant shall provide the information required under this section as part of the consolidated application under ORS 517.952 to 517.989.

“(7) Notwithstanding any contrary provision of law, an application under this section may request the issuance of a permit to appropriate ground water for expanded group domestic use for a public water system in an amount of water equivalent to the amount of water provided by abandoned water wells as provided in section 20 of this 2025 Act.

“[(7)] (8) Notwithstanding any provision of ORS chapter 183, an application for a permit to appropriate ground water shall be processed in the manner set forth in ORS 537.505 to 537.795. Nothing in ORS chapter 183 shall be construed to allow additional persons to participate in the process. To the extent that any provision in ORS chapter 183 conflicts with a provision set forth in ORS 537.505 to 537.795, the provisions in ORS 537.505 to 537.795 shall control.”.

On page 37, delete lines 3 through 45 and delete pages 38 through 42.

On page 43, delete lines 1 through 10 and insert:

“SECTION 36. ORS 537.621 is amended to read:

“537.621. (1) Within 60 days after the Water Resources Department proceeds with the application under ORS 537.620 (5), the department shall complete application review and issue a proposed final order approving or denying the application or approving the application with modifications or conditions. The department may request the applicant to provide additional

1 information needed to complete the review. If the department requests addi-
2 tional information, the request shall be specific and shall be sent to the ap-
3 plicant by registered mail. The department shall specify a date by which the
4 information must be returned, which shall be not less than 10 days after the
5 department mails the request to the applicant. If the department does not
6 receive the information or a request for a time extension under ORS 537.627
7 by the date specified in the request, the department may reject the applica-
8 tion and may refund fees in accordance with ORS 536.050 (4)(a). The time
9 period specified by the department in a request for additional information
10 shall allow the department to comply with the 60-day time limit established
11 by this subsection.

12 “(2)(a) In reviewing the application under subsection (1) of this section,
13 the department shall determine whether the proposed use will ensure the
14 preservation of the public welfare, safety and health as described in ORS
15 537.525. The department shall presume that a proposed use will ensure the
16 preservation of the public welfare, safety and health if the proposed use is
17 allowed in the applicable basin program established pursuant to ORS 536.300
18 and 536.340 or given a preference under ORS 536.310 (12), if water is avail-
19 able, if the proposed use will not injure other water rights and if the pro-
20 posed use complies with rules of the Water Resources Commission. This shall
21 be a rebuttable presumption and may be overcome by a preponderance of
22 evidence that either:

23 “[a)] (A) One or more of the criteria for establishing the presumption
24 are not satisfied; or

25 “[b)] (B) The proposed use would not ensure the preservation of the
26 public welfare, safety and health as demonstrated in comments, in a protest
27 under subsection (7) of this section or in a finding of the department that
28 shows:

29 “[A)] (i) The specific aspect of the public welfare, safety and health un-
30 der ORS 537.525 that would be impaired or detrimentally affected; and

1 “[B)] (ii) Specifically how the identified aspect of the public welfare,
2 safety and health under ORS 537.525 would be impaired or be adversely af-
3 fected.

4 **“(b) In lieu of the factors described in paragraph (a) of this sub-**
5 **section, the department shall presume that a proposed use will ensure**
6 **the preservation of the public welfare, safety and health if the appli-**
7 **cation is for an expanded group domestic use for a public water system**
8 **located in a ground water quality management area declared under**
9 **ORS 468B.180 for an amount of water equivalent to the amount of**
10 **water provided by abandoned water wells as provided in section 20 of**
11 **this 2025 Act.**

12 “(3)(a) The proposed final order shall cite findings of fact and conclusions
13 of law and shall include but need not be limited to:

14 “[a)] (A) Confirmation or modification of the preliminary determinations
15 made in the initial review;

16 “[b)] (B) A brief statement that explains the criteria considered relevant
17 to the decision, including the applicable basin program and the compatibility
18 of the proposed use with applicable land use plans;

19 “[c)] (C) An assessment of water availability and the amount of water
20 necessary for the proposed use;

21 “[d)] (D) An assessment of whether the proposed use would result in in-
22 jury to existing water rights;

23 “[e)] (E) An assessment of whether the proposed use would ensure the
24 preservation of the public welfare, safety and health as described in ORS
25 537.525;

26 “[f)] (F) A draft permit, including any proposed conditions, or a recom-
27 mendation to deny the application;

28 “[g)] (G) Whether the rebuttable presumption under subsection (2) of this
29 section has been established;

30 “[h)] (H) The date by which protests to the proposed final order must be

1 received by the department; and

2 “[*i*)] (I) The flow rate and duty of water allowed.

3 **“(b) Notwithstanding paragraph (a) of this subsection, if the appli-**
4 **cation is for an expanded group domestic use for a public water system**
5 **located in a ground water quality management area declared under**
6 **ORS 468B.180 for an amount of water equivalent to the amount of**
7 **water provided by abandoned water wells as provided in section 20 of**
8 **this 2025 Act, the proposed order need not cite the findings of fact and**
9 **conclusions of law described in paragraphs (a)(B) to (D) of this sub-**
10 **section, except that the order must include a brief statement that ex-**
11 **plains the criteria considered relevant to the decision and the**
12 **compatibility of the proposed use with applicable land use plans.**

13 “(4) In establishing the flow rate and duty of water allowed, the depart-
14 ment may consider a general basin-wide standard, but first shall evaluate
15 information submitted by the applicant to demonstrate the need for a flow
16 rate and duty higher than the general standard. If the applicant provides
17 such information, the department shall authorize the requested rate and duty
18 except upon specific findings related to the application to support a deter-
19 mination that a lesser amount is needed. If the applicant does not provide
20 information to demonstrate the need for a flow rate and duty higher than the
21 general basin-wide standard, the department may apply the general standards
22 without specific findings related to the application.

23 “(5) The department shall mail copies of the proposed final order to the
24 applicant and to persons who have requested copies and paid the fee required
25 under ORS 536.050 (1)(p). The department also shall publish notice of the
26 proposed final order by publication in the weekly notice published by the
27 department.

28 “(6) Any person who supports a proposed final order may request standing
29 for purposes of participating in any contested case proceeding on the pro-
30 posed final order or for judicial review of a final order. A request for

standing shall be in writing and shall be accompanied by the fee established under ORS 536.050 (1)(n).

“(7) Any person may submit a protest against a proposed final order. A protest shall be in writing and shall include:

“(a) The name, address and telephone number of the protestant;

“(b) A description of the protestant’s interest in the proposed final order, and if the protestant claims to represent the public interest, a precise statement of the public interest represented;

“(c) A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant’s interest;

“(d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;

“(e) Any citation of legal authority supporting the protest, if known; and

“(f) The protest fee required under ORS 536.050.

“(8) Requests for standing and protests on the proposed final order shall be submitted within 45 days after publication of the notice of the proposed final order in the weekly notice published by the department. Any person who asks to receive a copy of the department’s final order shall submit to the department the fee required under ORS 536.050 (1)(p), unless the person has previously requested copies and paid the required fee under ORS 537.620 (7), the person is a protestant and has paid the fee required under ORS 536.050 (1)(j) or the person has standing and has paid the fee under ORS 536.050 (1)(n).

“(9) Within 60 days after the close of the period for receiving protests, the Water Resources Director shall:

“(a) Issue a final order as provided under ORS 537.625 (1); or

“(b) Schedule a contested case hearing if a protest has been submitted and if:

“(A) Upon review of the issues, the director finds that there are significant disputes related to the proposed use of water; or

1 “(B) Within 30 days after the close of the period for submitting protests,
2 the applicant requests a contested case hearing.

3 “**NOTE:** Section 37 was deleted by amendment. Subsequent sections were
4 not renumbered.

5 “**SECTION 38.** ORS 537.780 is amended to read:

6 “537.780. (1) In the administration of ORS 537.505 to 537.795 and 537.992,
7 the Water Resources Commission may:

8 “(a) Require that all flowing wells be capped or equipped with valves so
9 that the flow of ground water may be completely stopped when the ground
10 water is not actually being applied to a beneficial use.

11 “(b) Enforce:

12 “(A) General standards for the construction, alteration, abandonment,
13 conversion or maintenance of wells and their casings, fittings, valves, pumps
14 and [*back-siphoning*] **backflow** prevention devices; and

15 “(B) Special standards for the construction, alteration, abandonment,
16 conversion or maintenance of particular wells and their casings, fittings,
17 valves and pumps.

18 “(c)(A) Adopt by rule and enforce when necessary to protect the ground
19 water resource, standards for the construction, maintenance, abandonment
20 or use of any hole through which ground water may be contaminated; or

21 “(B) Enter into an agreement with, or advise, other state agencies that
22 are responsible for holes other than wells through which ground water may
23 be contaminated in order to protect the ground water resource from con-
24 tamination.

25 “(d) Enforce uniform standards for the scientific measurement of water
26 levels and of ground water flowing or withdrawn from wells.

27 “(e) Enter upon any lands for the purpose of inspecting wells, including
28 wells exempt under ORS 537.545, casings, fittings, valves, pipes, pumps,
29 measuring devices and [*back-siphoning*] **backflow** prevention devices.

30 “(f) Prosecute actions and suits to enjoin violations of ORS 537.505 to

1 537.795 and 537.992, and appear and become a party to any action, suit or
2 proceeding in any court or before any administrative body when it appears
3 to the satisfaction of the commission that the determination of the action,
4 suit or proceeding might be in conflict with the public policy expressed in
5 ORS 537.525.

6 “(g) Call upon and receive advice and assistance from the Environmental
7 Quality Commission or any other public agency or any person, and enter into
8 cooperative agreements with a public agency or person.

9 “(h) Adopt and enforce rules necessary to carry out the provisions of ORS
10 537.505 to 537.795 and 537.992 including but not limited to rules governing:

11 “(A) The form and content of registration statements, certificates of reg-
12 istration, applications for permits, permits, certificates of completion, ground
13 water right certificates, notices, proofs, maps, drawings, logs and licenses;

14 “(B) Procedure in hearings held by the commission; and

15 “(C) The circumstances under which the helpers of persons operating well
16 drilling machinery may be exempt from the requirement of direct supervision
17 by a licensed water well constructor.

18 “(i) In accordance with applicable law regarding search and seizure, apply
19 to any court of competent jurisdiction for a warrant to seize any well drill-
20 ing machine used in violation of ORS 537.747 or 537.753.

21 **“(2) In the administration of ORS 537.505 to 537.795 and 537.992 in a**
22 **ground water quality management area, as defined in ORS 468B.150,**
23 **the Water Resources Department shall require compliance with back-**
24 **flow prevention rules.**

25 “[2)] (3) Notwithstanding any provision of subsection (1) of this section,
26 in administering the provisions of ORS 537.505 to 537.795 and 537.992, the
27 commission may not:

28 “(a) Adopt any rule restricting ground water use in an area unless the
29 rule is based on substantial evidence in the record of the Water Resources
30 Department to justify the imposition of restrictions.

1 “(b) Make any determination that a ground water use will impair, sub-
2 stantially interfere or unduly interfere with a surface water source unless
3 the determination is based on substantial evidence. Such evidence may in-
4 clude reports or studies prepared with relation to the specific use or may be
5 based on the application of generally accepted hydrogeological principles to
6 the specific use.

7 “[~~(3)~~] (4) At least once every three years, the commission shall review any
8 rule adopted under subsection [(2)] (3) of this section that restricts ground
9 water use in an area. The review process shall include public notice and an
10 opportunity to comment on the rule.

11 **“(5) The commission may establish by rule, and enforce, backflow**
12 **prevention standards for the use of surface water in a ground water**
13 **quality concern area or a ground water quality management area, as**
14 **those terms are defined in ORS 468B.150.**

15 **“SECTION 39. ORS 540.435 is amended to read:**

16 **“540.435. (1)(a) In addition to any other authority of the Water Resources**
17 **Commission to order installation of a measuring device, if the commission**
18 **finds accurate water use information necessary because of serious water**
19 **management problems created by ground water decline, unresolved user dis-**
20 **putes or frequent water shortages, the commission by rule may require a**
21 **water right owner using any surface or ground water source within the state**
22 **to install a totalizing measuring device and to submit annually a water use**
23 **report.**

24 **“(b)(A) In addition to the factors listed in paragraph (a) of this**
25 **subsection, as necessary to protect public health, the commission may**
26 **find that ground water contamination in an underground reservoir in**
27 **a ground water quality concern area or a ground water quality man-**
28 **agement area, as those terms are defined in ORS 468B.150, is a serious**
29 **water management problem.**

30 **(B) The commission or the Water Resources Department may not,**

1 **based on a finding under this paragraph, require the installation of a**
2 **measuring device to measure ground water used for an exempt use**
3 **under ORS 537.545.**

4 “(2) Before the commission implements any requirements under subsection
5 (1) of this section the commission shall:

6 “(a) Cause a hearing to be conducted in the affected area to determine
7 whether a serious management problem exists; and

8 “(b) Allow any affected person an opportunity to present alternative
9 methods or devices that could be used to provide the information necessary
10 to manage the water resource or to alleviate the water management problem.

11 “(3) The watermaster may prohibit the diversion or use of water by any-
12 one who has failed to comply with a commission rule or order requiring in-
13 stallation of measuring devices or submission of a water use report.

14 **“SECTION 40.** ORS 454.779 is amended to read:

15 “454.779. (1) As used in this section and ORS 454.777:

16 “(a) ‘Available sewer’ means an existing public sewer system that a resi-
17 dence or small business is capable of being connected to:

18 “(A) In compliance with state and local law; and

19 “(B) Without a significant extension of the public sewer system.

20 “(b) [*Loan program*] **‘Financial assistance program’** means a program
21 **to provide grants, loans or other assistance that is funded by a program**
22 **grant awarded under this section.**

23 “(c)(A) ‘On-site septic system’ means a subsurface on-site sewage treat-
24 ment and disposal system, including, but not limited to, alternative sewage
25 disposal systems, nonwater-carried sewage disposal facilities and subsurface
26 sewage disposal systems as those terms are defined in ORS 454.605.

27 “(B) ‘On-site septic system’ does not include any system that is designed
28 to treat and dispose of industrial waste.

29 **“(d)(A) ‘Residence’ or ‘residential’ means single-unit or multiple-**
30 **unit housing, whether occupied by the owner or a tenant.**

1 “(B) ‘Residence’ or ‘residential’ does not include property used to
2 provide short-term lodging.

3 “[(d)] (e) ‘Small business’ means a corporation, partnership, sole
4 proprietorship or other legal entity formed for the purpose of making a profit
5 and that generates less than 3,500 gallons of wastewater per day.

6 “(2) The Department of Environmental Quality shall award **program**
7 grants for the purpose of developing and administering [*loan*] **financial as-**
8 **sistance** programs [*to provide low-interest loans*] for the purposes described
9 in subsection (3)(b) of this section. The Environmental Quality Commission
10 may adopt rules necessary to implement the provisions of this section.

11 “(3) The department may not disburse **program** grant funds under this
12 section unless the department and the intended **program** grant award re-
13 cipient first enter into a grant agreement. The grant agreement must:

14 “(a) Provide that a lender that participates in a [*loan*] **financial assist-**
15 **ance** program must agree to subordinate the lender’s lien to the borrower’s
16 consensual mortgage lien.

17 “(b) Require that [*loans*] **financial assistance** provided to **property**
18 **owners** [*borrowers under a loan program*] must be used for at least one of
19 the following purposes to address a public health and safety risk or to oth-
20 erwise protect or maintain water quality in the waters of this state:

21 “(A) To repair a damaged, malfunctioning or inoperable residential or
22 small business on-site septic system.

23 “(B) To replace a damaged, malfunctioning or inoperable residential or
24 small business on-site septic system with:

25 “(i) A new, used or reconditioned functional residential or small business
26 on-site septic system;

27 “(ii) A new, used or reconditioned functional cluster on-site septic system;

28 or

29 “(iii) A connection to an available sewer, and to properly decommission
30 and discontinue use of the on-site septic system.

1 “(C) To upgrade a residential or small business on-site septic system with
2 a newer or more advanced on-site septic system. An upgrade may include
3 alterations if the work is part of a repair or if the on-site septic system being
4 upgraded is more than 25 years old.

5 “(D) To replace the waste disposal well or sewage drill hole of an other-
6 wise functional residential or small business on-site septic system.

7 “(E) To conduct a regional evaluation of community, residential or small
8 business on-site septic systems to determine whether repair or replacement
9 is necessary.

10 “(c) Require that, if a residence or small business with a damaged, mal-
11 functioning or inoperable on-site septic system is located within the territory
12 of an available sewer, and is required to connect to the available sewer, [*a*
13 *loan*] **financial assistance** provided [*under a loan program*] to address the
14 damaged, malfunctioning or inoperable on-site septic system must be used to
15 install a connection to the available sewer and to properly decommission and
16 discontinue use of the on-site septic system.

17 “(d) Require that a loan provided under a [*loan*] **financial assistance**
18 program must be in an amount that covers 100 percent of the costs associated
19 with the purposes under paragraph (b) of this subsection for which the loan
20 is provided, unless the borrower requests and consents to a loan that covers
21 a lower percentage of the costs.

22 “(e) Require that a **program** grant award recipient must provide a
23 mechanism for ensuring compliance with any locally required operation and
24 maintenance of an on-site septic system for which [*a loan*] **financial as-**
25 **sistance** is provided [*under a loan program*].

26 “(f) Require that a **program** grant award recipient use accounting, au-
27 diting and fiscal procedures that conform to generally accepted government
28 accounting standards.

29 “(4) In selecting **program** grant award recipients under this section, the
30 department shall give preference to applicants that:

1 “(a) [*Prioritize, but do not limit themselves to, providing loans to*] **Provide**
2 **financial assistance to** low and moderate income **households, residential**
3 **housing providers** and small business [*applicants*] **property owners** that
4 are unable to obtain traditional financing;

5 “(b) Can demonstrate prior success in offering, underwriting, servicing
6 and managing loans, **or providing other financial assistance**, to:

7 “(A) Members of low and moderate income populations;

8 “(B) Persons with a range of credit qualifications; and

9 “(C) Residential and commercial [*borrowers*] **property owners**; and

10 “(c) Plan to engage additional stakeholders in outreach and marketing
11 efforts for a [*loan*] **financial assistance** program.

12 **“(5) In addition to applicants described in subsection (4) of this**
13 **section, the department shall give preference to applicants that pro-**
14 **vide financial assistance for the repair, replacement, upgrade or eval-**
15 **uation of residential or small business on-site septic systems located**
16 **in a ground water quality concern area or a ground water quality**
17 **management area, as those terms are defined in ORS 468B.150.**

18 **“SECTION 40a.** ORS 561.191 is amended to read:

19 “561.191. (1) The State Department of Agriculture shall develop and im-
20 plement any program or rules that directly regulate farming practices, as
21 defined in ORS 30.930, that are for the purpose of protecting water quality
22 and that are applicable to areas of the state designated as exclusive farm
23 use zones under ORS 215.203 or other agricultural lands in Oregon, including
24 but not limited to rules related to:

25 “(a) Protection of the quality of surface or ground water;

26 “(b) Wellhead protection areas;

27 “(c) Coastal zone management areas;

28 “(d) [*Areas of ground water concern*] **Ground water quality concern**
29 **areas, as defined in ORS 468B.150;** and

30 “(e) Ground water **quality** management areas, **as defined in ORS**

1 **468B.150.**

2 “(2) Any program or rules adopted by the State Department of Agriculture
3 under subsection (1) of this section shall be designed to assure achievement
4 and maintenance of water quality standards adopted by the Environmental
5 Quality Commission.

6 “(3) If two or more state agencies are required to adopt rules under ORS
7 468B.150 to 468B.190, the agencies:

8 “(a) Shall consult with one another and coordinate the rules; and

9 “(b) May consolidate the rulemaking proceedings.

10 “(4) Nothing in this section is intended to change or reduce the authority
11 of the Water Resources Commission or the Water Resources Department
12 under ORS chapters 536 to 543.”.

13 On page 45, delete lines 5 through 12 and insert:

14 **“SECTION 44. (1) Notwithstanding the amendments to ORS 468B.150**
15 **and 468B.180 by sections 1 and 9 of this 2025 Act, an area subject to a**
16 **declaration under ORS 468B.180 as of the day immediately preceding**
17 **the effective date of this 2025 Act shall be deemed to be declared a**
18 **ground water quality management area on the effective date of this**
19 **2025 Act.**

20 **“(2) If a lead agency determines that a requirement imposed on any**
21 **state agency, interagency team or ground water management com-**
22 **mittee by the amendments to ORS 468B.180, 468B.182, 468B.184 or**
23 **468B.186 by sections 9 to 12 of this 2025 Act is duplicative or unneces-**
24 **sary because of actions taken in an area described in subsection (1)**
25 **of this section before the effective date of this 2025 Act, the lead**
26 **agency may deem the requirement to have been satisfied for purposes**
27 **of ORS 468B.180, 468B.182, 468B.184 or 468B.186.”.**