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# O2WA EXPRESS CONCERNS ABOUT LONG TERM IMPLICATIONS FROM HB3910 -1AMENDMENT

Testimony before the House Committee on Agriculture, Land Use, Natural Resources, and Water / March 24, 2025

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Co-Chairs Helm and Owens:

The Oregon Onsite Wastewater Association (O2WA) represents all facets of the septic system industry, from installers, to maintainers, to the government officials who inspect and approve installations. Our purpose is to protect Oregon's environment and public health by serving the needs of our members.

We do not object to Rep. Wright's efforts to solve the emergent goal of assisting the Mapleton Water District. But we do feel compelled to express concerns about the potential impact of what appears to be a substantial change in existing statute, in perpetuity.

Current law in ORS 264.335 requires a four part test for a water district to exercise the powers granted to a sanitary district under ORS 264.335(1)-(4). They are:

- (1) The district obtains all **or part** of its supply of water from a watershed (emphasis added);
- (2) The watershed a sole-source aquifer designed prior to September 29, 1991, by the EPA;
- (3) The watershed is recognized under the rules of the EPA as a watershed requiring protection; and
- (4) The district adopts a resolution declaring the necessity of acting as a sanitary district to protect water quality.

The -1 amendments maintains (1) that any part of its water supply comes from a watershed, and then with the word "or" on line 14 of the -1 amendment it bypasses (2) and (3) and **only requires** (4), the adoption of a resolution. (*If I am misreading the amendment I am happy to stand corrected.*)

So, going forward, any water district obtaining **any part** of its water supply from a watershed can merely adopt a resolution (with no scientific standard, no proof, and no third party information or verification) and exercise all of the powers of a sanitary district.

There are no limiters, guardrails, or safeguards. No size limitations. No geographic restrictions. No sunset clause to restrict this only to the Mapleton Water District. Any water district obtaining a fraction of its water from a watershed, anywhere in Oregon, of any size, can merely pass a resolution and exercise the powers of a sanitary district.

Without impacting, impeding or slowing the importance of ensuring Representative Wright can address the emergent issue in his district, O2WA is suggesting this statutory change might need some additional thoughtful discussion on the impact and potential unintended consequences of this significant change to statute. We stand willing to participate in those discussion if asked.

Thank you.