

Submitter: Kay Firor
On Behalf Of:
Committee: Senate Committee On Natural Resources and
Wildfire
Measure, Appointment or Topic: SB1154

Dear Chair Golden, Vice-Chair Nash, and Members of the Committee:

My name is Kay Firor, and I live in Cove, Oregon. I support SB 1154 to fix Oregon's broken groundwater pollution laws. Our current laws are not sufficient to protect Oregonians from polluted drinking water. I agree with the position of Oregon Rural Action that the following solutions to our groundwater pollution problems must be incorporated into SB 1154:

1. Align the standard for nitrate pollution with all other contaminants by setting it at 50% of the safe drinking water level;
2. Establish clear statutory timelines for moving from a Groundwater Concern Area (local voluntary approach) to a Groundwater Management Area (state regulatory approach);
3. Increase oversight by requiring the lead agency to report quarterly to oversight commissions, such as the EQC, in addition to regular reporting to the Ways & Means committee;
4. Establish one lead agency in GWMA's, rather than allowing multiple agencies to co-lead the response, in order to increase clarity & agency accountability;
5. Ensure that those directly impacted by groundwater pollution are represented on groundwater committees, with at least one seat on GWAC committees and at least two seats in GWMA committees;
6. Require the Department of Agriculture to update all area Water Quality plans and rules when a GWAC or GWMA is declared, rather than just updating plans;
7. Avoid duplicating efforts by requiring ODA to complete the Ag Water Quality program plans & rules update before beginning strategic implementation efforts;
8. Improve the language in Section 13(1)(b) as follows: Requirements related to maximum standards for agronomic rates and soil moisture content for nutrients that apply in the ground water management area sufficient to prevent overapplication of nutrients and leaching to groundwater;
9. Properly define "agronomic rate" in Oregon Law in alignment with the anti-pollution policy set forth in ORS 468B.020;
10. Require annual reporting of data on nutrient applications, water applications, soil sampling, and other records as appropriate to ensure compliance with agronomic requirements, and clarify that ODA may issue civil penalties for failing to report data;

11. Clarify ODA's right to enter private property in GWMA's to conduct sampling applies only to agricultural properties, and not to private residences;
12. Under Section 18, which gives DEQ the authority to enter private residential properties to inspect sewage disposal systems, clarify that DEQ:
 - a. Must give sufficient prior notice before entering the property and work with residents & property owners to find a convenient time for the inspection;
 - b. Must notify both the property owner and the current resident, if they are different parties;
 - c. May not issue civil penalties based on noncompliance identified during the visit unless the property owner refuses to address the noncompliance;
13. Clarify that OWRD may not require installation of water measurement devices by exempt groundwater users in GWMA's, such as domestic wells;
14. The Oregon Health Authority's public health response plan required under Section 14 should be included as part of the GWMA action plan, not a separate plan.

SB 1154 needs to give Oregon's agencies the tools they need to hold polluters accountable for the damage they've done to Oregonian communities, it needs to hold agencies accountable for failing to use those tools to stop polluters, and it needs to once again make Oregon a leader on environmental justice. Please support SB 1154 and keep the discussion going so that we can finally fix this broken law and hold polluters accountable.

Sincerely,

Kay Firor
Cove, OR