

Enrolled Senate Bill 27

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CHAPTER

AN ACT

Relating to Oregon Drinking Water Quality Act fees; amending ORS 448.150; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 448.150 is amended to read:

448.150. (1) The Oregon Health Authority shall:

(a) Conduct periodic sanitary surveys of drinking water systems and sources, take water samples and inspect records to ensure that the systems are not creating an unreasonable risk to health. The authority shall provide written reports of the examinations to water suppliers and to local public health administrators, as defined in ORS 431.003. [*The authority may impose a fee on water suppliers to recover the costs of conducting the periodic sanitary surveys.*]

(b) Require regular water sampling by water suppliers to determine compliance with water quality standards established by the authority. These samples shall be analyzed in a laboratory approved by the authority. The results of the laboratory analysis of a sample shall be reported to the authority by the water supplier, unless direct laboratory reporting is authorized by the water supplier. The laboratory performing the analysis shall report the validated results of the analysis directly to the authority and to the water supplier if the analysis shows that a sample contains contaminant levels in excess of any maximum contaminant level specified in the water quality standards.

(c) Investigate any water system that fails to meet the water quality standards established by the authority.

(d) Require every water supplier that provides drinking water that is from a surface water source to conduct sanitary surveys of the watershed as may be considered necessary by the authority for the protection of public health. The water supplier shall make written reports of such sanitary surveys of watersheds promptly to the authority and to the local health department.

(e) Investigate reports of waterborne disease pursuant to ORS 431.001 to 431.550 and 431.990 and take necessary actions as provided for in ORS 446.310, 448.030, 448.115 to 448.285, 454.235, 454.255 and 455.680 to protect the public health and safety.

(f) Notify the Department of Environmental Quality of a potential ground water management area if, as a result of its water sampling under paragraphs (a) to (e) of this subsection, the authority detects the presence in ground water of:

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

(B) Any other contaminants at levels greater than 50 percent of the levels established pursuant to ORS 468B.165.

(2) The notification required under subsection (1)(f) of this section shall identify the substances detected in the ground water and all ground water aquifers that may be affected.

(3)(a) The authority by rule may adopt a schedule of fees to be assessed on water suppliers to partially defray the costs of the authority related to performance of the duties prescribed by this section and ORS 448.155 (1), 448.175 (1) and 448.255. The fee schedule shall be graduated based on the size and type of the water system owned or operated by a water supplier.

(b) Not more than once each calendar year, the authority may increase the fees established by rule under this subsection. The amount of the annual increase may not exceed the anticipated increase in the costs of the authority related to performance of the duties prescribed by this section and ORS 448.155 (1), 448.175 (1) and 448.255 or three percent, whichever is lower.

SECTION 2. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect July 1, 2019.

Passed by Senate June 10, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 18, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State