

Domestic Wells

333-061-0305

Purpose

The purpose of these rules is to provide a basis for implementing ORS 448.271. This law became effective on July 24, 1989, and establishes a program to provide water quality monitoring of underground aquifers that are used for domestic purposes.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.271

333-061-0310

Scope

These rules apply to sellers in any transaction for the sale or exchange of real estate that includes a dug, drilled or driven well that supplies ground water for domestic purposes. Properties with springs that are used for domestic purposes are exempt from these rules. The seller is required to have certain tests done on the well water and send the results to the Authority. Failure of seller to test will not interfere with the sale of the property. The Authority may require tests for other contaminants under certain conditions.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.271

333-061-0324

Area of Public Health Concern

If the Authority confirms, as a result of monitoring required by OAR 333-061-0036, monitoring or assessment activities conducted by the Department of Environmental Quality, or any other scientifically valid data approved by the Authority, the presence of contaminants likely to cause adverse human health effects in groundwater supplies, then the Authority may declare an area of public health concern. The declaration shall specify the following:

- (1) The specific aquifer(s) or geographic boundaries subject to the contamination;
- (2) The detected contaminant(s);
- (3) The human health risks attributed to the contaminant;
- (4) The expected duration of the contamination; and
- (5) The suspected or confirmed source of the contamination.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.271

333-061-0325

Domestic Well Tests

- (1) In any transaction for the sale or exchange of real estate that includes a well that supplies ground water for domestic purposes, the seller of the real estate shall, upon accepting an offer to purchase that real estate, have the well water tested for arsenic, nitrate, and total coliform bacteria. If the well is in a designated area of public health concern, the Authority may require additional testing.
- (2) The seller, or seller's designee, must submit the results of the required tests to the Authority and to the buyer within 90 days of receiving the results of the tests.
- (3) If the seller, or seller's designee, fails to comply with sections (1) and (2) of this rule, this does not invalidate any of the documents needed to complete the sale of the real estate.
- (4) The seller, or seller's designee, is responsible for making sure that the Authority's Water Systems Data Sheet is completed and submitted to the Authority with copies of the arsenic, nitrate, and total coliform bacteria lab slips.
- (5) The Water Resources Department well identification number and a description of the property shall be entered on the water system data sheet for the seller to be considered in compliance with ORS 448.271. The description shall include township, range, section, street address, city, state and zip code.
- (6) The lab tests required by ORS 448.271 cannot be waived even if the buyer agrees not to have the well tested.
- (7) The lab tests for arsenic, nitrate, and coliform bacteria are considered valid for one year if they are associated with the sale of the property.
- (8) If the well is not on the property being sold, but the real property includes an interest to a well on adjacent property, including an easement, that interest would be considered part of the real property. Therefore the tests would be required.
- (9) ORS 448.271 only applies to wells that have been made operational to supply groundwater for domestic purposes. Capped domestic wells on unimproved lots are not required to be tested.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.131 & 448.271

333-061-0330

Accredited Laboratories

Only laboratories accredited according to Oregon Environmental Laboratory Accreditation Program (ORELAP) standards, as prescribed by OAR 333-064-0005 through 0065, shall be used to conduct the water tests required by these rules.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.131 & 448.271

333-061-0335

Sample Collection

- (1) Only persons who have knowledge of the appropriate procedures for the collection and handling of the water samples for arsenic, nitrate, and total coliform bacteria and who have experience in this area shall collect the samples. These persons include Registered Sanitarians, certified water system operators, well drillers, pump installers, and lab technicians. Specific instructions for the collection, preservation, handling and transport of the samples may be obtained from certified laboratories, county health departments or the Authority and must be strictly adhered to.
- (2) The samples must be drawn from the source prior to any form of water treatment. Samples may be collected after treatment injection points where water treatment has been bypassed or temporarily disabled.
- (3) In the event that the well has been shock chlorinated, no follow-up samples shall be taken until five days have elapsed.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.131 & 448.271