

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Human Services, Public Health Division

Chapter 333

Agency and Division

Administrative Rules Chapter Number

Public drinking water system compliance and domestic well testing

Rule Caption

In the Matter of: Amending Oregon Administrative Rules 333-061-0010 through 333-061-0295 relating to public drinking water systems, and 333-061-0315 through 333-061-0325 relating to domestic well testing.

Statutory Authority: ORS 448.131

Other Authority: ORS 431.110, 431.150, 448.115 through 448.285, and 448.407

Stats. Implemented: ORS 448.271

Need for the Rule(s): The Agency is proposing the rule changes in order to comply with 2009 statutory changes, comply with federal primacy requirements for the Safe Drinking Water Act, and better ensure the public health of Oregonians. The proposed rulemaking makes the necessary changes to parallel ORS 448.271, enacts housekeeping changes to meet federal primacy requirements, and also amends monitoring and reporting requirements by accredited laboratories to ensure potential public health threats are identified. One rule change includes the possibility of additional fees if a community water system's population is greater than four times its number of service connections, and also the possibility of late fees if sanitary surveys fees are not paid in a timely manner. The fees are necessary to collect fees from water systems that supply water on a wholesale basis only, and also to ensure that all water systems pay the appropriate sanitary survey fee in a timely manner.

Documents Relied Upon, and where they are available: 40 Code of Federal Regulations, Parts 141-143, OAR chapter 333 division 061, ORS chapter 431, and ORS chapter 448 are available for inspection at the DHS-Drinking Water Program, 800 NE Oregon Street, Suite 611, Portland, OR 97232. Oregon Administrative Rules and Oregon Revised Statutes are also available on the web at <http://oregon.gov/DHS/ph/dwp/rules.shtml>

Fiscal and Economic Impact: Changes to the sanitary survey fee schedule could result in up to an additional \$800 in fees to public water systems if their population is greater than four times the number of service connections at the water system. Currently only one public water system in Oregon qualifies for an additional \$240 in fees due to its population, if its survey was conducted now. Late fees for sanitary surveys could result in an additional charge of up to \$150. In 2009, 64 out of 219 (30%) water systems failed to pay the sanitary survey fees in a timely manner and would have received a late fee. The average late fee would have been \$50.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): None

2. Cost of compliance effect on small business (ORS 183.336): None

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: The rules being amended will apply to approximately 2,311 small businesses. Each of these small businesses is a privately owned public water system. None of these rule changes would increase the cost of compliance or doing business, and the only additional fees that could affect small business would be late fees of \$50 if sanitary survey fees were not paid in a timely manner.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: The rules being amended will add a small number of reporting and record keeping requirements to a small number of water systems. There is not expected to be any additional cost related to the requirements.

c. Equipment, supplies, labor and increased administration required for compliance: The amended rules are not expected to require any additional equipment, supplies, labor, or administrative costs.

How were small businesses involved in the development of this rule?

The Drinking Water Advisory Committee includes representatives of small businesses, and was involved in the review and amendment of these rules.

Administrative Rule Advisory Committee consulted? Yes – The advisory committee consists of 15 members appointed by the Public Health Officer including nominees from:

- (a) Public water systems of cities with a population greater than 100,000;
- (b) Privately owned water systems;
- (c) Environmental advocacy groups;
- (d) The American Council of Engineering Companies of Oregon;
- (e) The Conference of Local Health Officials created by ORS 431.330;
- (f) The League of Oregon Cities;
- (g) The League of Women Voters of Oregon;
- (h) The Oregon Association of Water Utilities;
- (i) The Oregon Environmental Health Association;
- (j) The Oregon Environmental Laboratory Association;
- (k) The Pacific Northwest Section of the American Water Works Association;
- (L) The Special Districts Association of Oregon;
- (m) Organizations representing plumbers or backflow testers;
- (n) Water consumers; and
- (o) Watershed councils.

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007