

OREGON



WATER RESOURCES  
DEPARTMENT

# Well Construction Rulemaking

Oregon Water Resources Department

Rules Advisory Committee Meeting

December 13, 2022

# Meeting Agenda

1:00-1:10 pm	Welcome & Introductions
1:10-1:20 pm	Agenda Review and Committee Guidelines
1:20-1:30 pm	House Bill 3030/Senate Bill 688 – Divisions 190, 200, 205, 240
1:30-1:40 pm	House Bill 2145 – Divisions 190, 205, 210, 225, 240, 260
1:40-1:50 pm	Chapter 690 “Housekeeping” – Division 215
1:50-2:00 pm	House Bill 4061 – Division 260
1:00-2:10 pm	Break
2:10-3:30 pm	<p>Draft Rules Review (with Break as needed)</p> <ul style="list-style-type: none"> <li>• Divisions 210, 215, 225, 260</li> <li>• Figure 220-1</li> <li>• Table 225-1</li> </ul>
3:30-3:50 pm	Public Comment
3:50-4:00 pm	Wrap-up & Next Steps

# Please Remember To

- Treat others respectfully
- Remain “muted” when not speaking
- Use the “raise hand” feature to indicate you would like to speak
- Hold your questions/comments until the end of the presentation

# Overview of Rulemaking Process



Draft Rules & Statement of Need/Fiscal Impact



Rulemaking Advisory Committee (RAC)



Notice of Proposed Rulemaking



Public Comment Period & Hearing(s)



Staff Recommendation & Commission Decision

# Rulemaking Timeline

## RAC Meetings #1-4

(HB 2145; HB 3030/SB 688; HB 4061)

Input on Draft Rules & Statement of Need & Fiscal Impact

**December 2022 -  
March 2023**

**Review Comments;**  
Revise Draft Rules & Statement of Need & Fiscal Impact;  
Develop WRC Proposal

**May 2023**

**Effective Date of Final Rule**

**July 1, 2023**

**OR Bulletin Notice;** Public Comment Period & Public Hearing

**April 2023**

**WRC Meeting Decision on Draft Rule Adoption**

**June 2023**

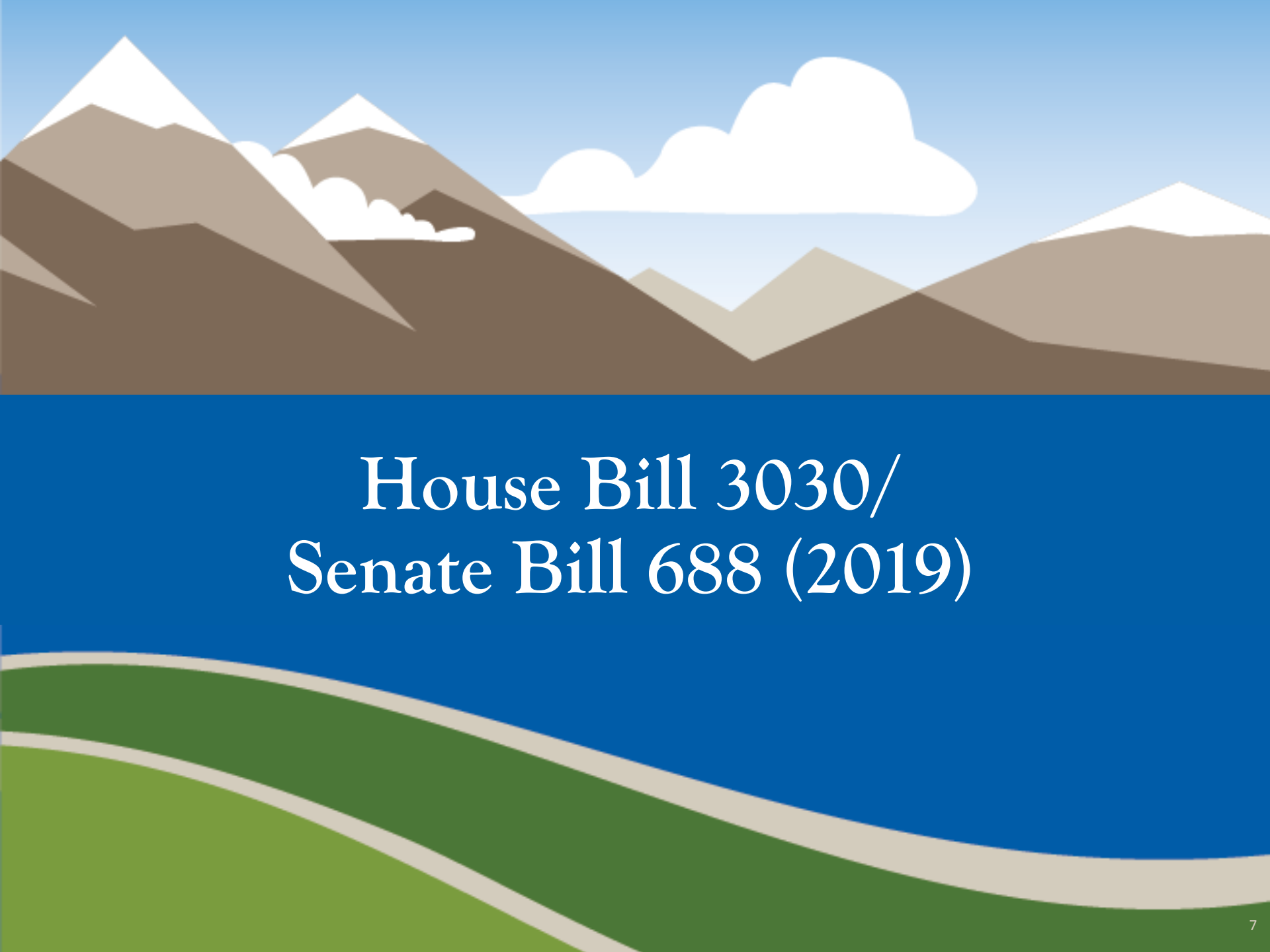
# RAC Operating Guidelines

## RAC Role

- Attend and participate in meetings
- Provide information/recommendations regarding draft rules and potential fiscal impacts

## OWRD Role

- Facilitate meetings
- Provide technical support and subject matter expertise
- Foster collaboration and consensus building



House Bill 3030/  
Senate Bill 688 (2019)

# Why is Rulemaking Needed?

## **Implement HB 3030 (2019)**

Authorizes OWRD to issue a two-year temporary license for well constructor if person

- 1) is a spouse of U.S. Armed Forces member stationed in Oregon;
- 2) holds current authorization issued by another state;
- 3) provides OWRD sufficient proof that person is in good standing with out-of-state licensing board; **and**
- 4) has demonstrated competency.

Requires OWRD to revoke temporary authorization when spouse completes term of military service in Oregon or when out-of-state authorization expires.

Temporary authorization is not renewable.

## **Implement SB 688 (2019)**

Directs OWRD to report to interim committee related to veterans on implementation of HB 3030



The background features a stylized landscape. The top portion shows brown mountains with white snow-capped peaks and white, fluffy clouds against a light blue sky. The middle section is a solid dark blue horizontal band. The bottom portion consists of rolling green hills with light tan borders, suggesting a grassy slope.

# House Bill 2145 (2021)

# HB 2145 Background

## **2016-2019, Reviews of OWRD's well construction program found deficiencies**

- Secretary of State 2016 audit
- Oregon's 2017 Integrated Water Resources Strategy
- OWRD's 2019 Strategic Plan

## **2020, OWRD worked with the Oregon Groundwater Association and others to draft legislation**

- Well drillers, water treatment, consultants, NGOs

## **2021, Oregon Legislature passed HB 2145 to**

- Modernize and increase efficiency within the well construction program by preventing well deficiencies that can lead to contamination or waste of groundwater
- Better protect groundwater resources for Oregonians
- Give the well construction industry timely assurance that their work is performed consistent with State requirements.

**Effective dates ranging from January 1, 2022, to July 1, 2024**

# HB 2145 Effective Dates

**Well Construction Continuing Education Committee:** 1/1/2022

**Water Well Abandonment Repair Replacement Fund:** 1/1/2022

**Licensing:**

- 7/1/2023: Requires proof of welding ability for new license.

**Changes to Start Card:**

- 1/1/2022: Start Card fee increases to \$350.
- 7/1/2023: Start Card notice requirements increase (requiring more info on Start Card and changing when Start Card can be submitted and notice requirements of starting work and seal placement).
- 7/1/2024: Start Cards can only be E-filed unless the OWRD authorizes a different means.

**Changes to Well Reports and Groundwater Registration Use Map & Fee:**

- 1/1/2022: Exempt use map and fee to be submitted at the same time as the well log for a new water supply well by the driller or a landowner with a landowner permit.
- 7/1/2023: Requires GPS location of well to be recorded on the well log and names of anyone who assisted w/ the construction of the well.
- 7/1/2024: Well Logs can only be E-filed unless the OWRD authorizes a different means.

**Technical Well Report Review:**

- 7/1/2022: Start of OWRD requirement to review 100% of all well logs submitted. Report to drillers every 120 days of well logs reviewed.
- 1/31/2023 & 1/31/2025: Reports due to legislature on review of well logs and inspection of wells.

**Injunctive Authority:**

- 7/1/2023: Allows OWRD to apply to a court for an injunction if a person has engaged or is engaging in an activity that violates well construction laws

# Why is Rulemaking Needed?

## Implement Provisions within HB 2145

- Add licensing requirements for drillers
- Require exempt use map to be submitted by driller
- Groundwater use recording fee paid by driller
- Increase start card notification and info/data requirements
- Increase well report info/data requirements
- Include timeline for OWRD to review 100% of well reports for compliance and to notify drillers of any deficiencies
  
- *Not included in this rulemaking, HB 2145 also establishes the Water Well Abandonment, Repair and Replacement Fund (WARRF) which provides financial assistance to permanently abandon a well, or to repair or replace a well that is used for household purposes*



Chapter 690 “Housekeeping”  
Division 215

# Why is Rulemaking Needed?

## **Oregon Administrative Rule (OAR) 690-215-0200 restores rule erroneously repealed:**

### Dedicated Measuring Tube

A dedicated measuring tube as described in 690-215-0060 shall be installed in any water supply well at the time of pump installation, pump repair or pump replacement in the following areas (See Figures 200-4, 200-5, 200-7 and 200-8):

- (1) Petes Mountain Area of Clackamas County (See OAR 690-200-0028(2));
- (2) Eola Hills Ground Water Limited Area of Polk and Yamhill Counties (See OAR 690-200-0028(3));
- (3) "Mosier Area" Special Area Standards area of Wasco County (See OAR 690-200-0028(4)).



House Bill 4061 (2022)  
Division 260

# Why is Rulemaking Needed?

## Implement Provisions within HB 4061


- Extend the time period for OWRD to issue a Notice of Violation after becoming aware of a violation from five calendar days to ten business days.





Break





**Draft Rules (RAC#1)**  
**Divisions 210, 215, 225, 260**  
**Figure 220-1**  
**Table 225-1**  
**Table 225-2**

## Well Construction Standards

- 690-210-0150 Sealing of Water Supply Wells in Consolidated Formations (b) Method 2 (Step-Down Casing/Inner Casing) & (c) Method 3 (Under-Reaming)

## Summary

- Update to remove upper clay interval requirement to fit practical use of these drilling methods without need for Special Standards approval

## ***Statutory Authority (Oregon Revised Statutes, ORS)***

- *Oregon Revised Statute (ORS) 536.090: Water Resources Department (Ground water advisory committee; duties; qualification; term; expenses)*
- *ORS 537.505-537.795: Appropriation of Water Generally (Groundwater)*

## Maintenance, Repair and Deepening of Water Supply Wells

- 690-215-0200 Dedicated Measuring Tube

## Summary

- Restore rule erroneously repealed

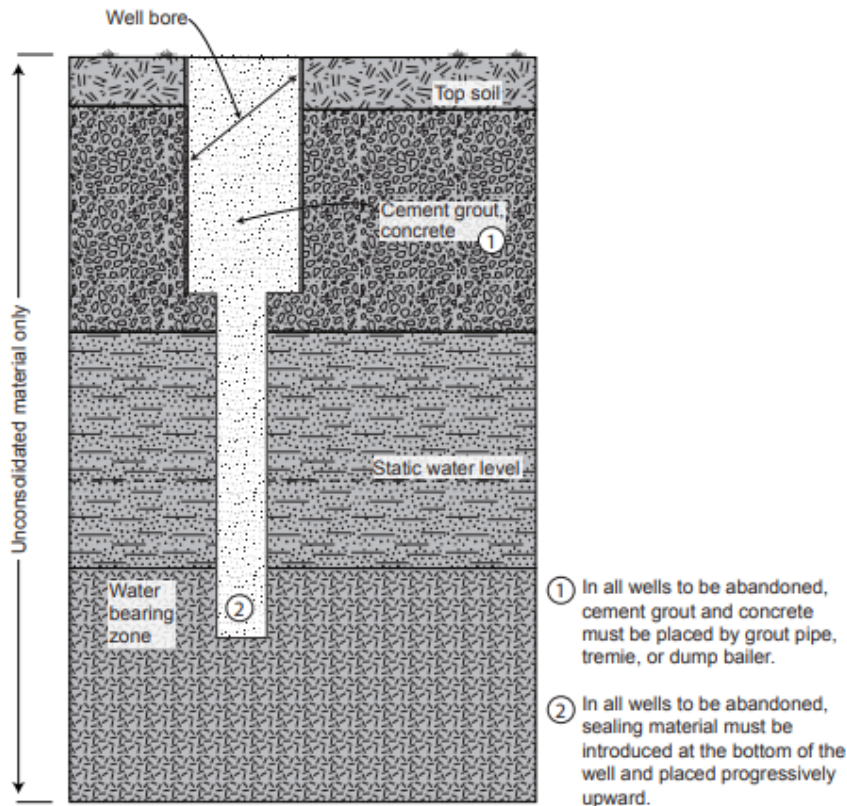
## *Statutory Authority*

- *ORS 183: Administrative Procedures Act; Review of Rules; Civil Penalties*
- *ORS 536: Water Resources Administration*
- *ORS 537: Appropriation of Water Generally*
- *ORS 540: Distribution of Water Generally; Water Districts; Watermasters*

# Proposed Rule – Figure 220-1

## Abandonment of Uncased Wells in Unconsolidated Formations (OAR 690-220-0050)

Figure 220-1



### Figure 220-1 Revision

- Current rules erroneously refer to OAR 690-220-0040
- Updating reference to OAR 690-220-0050

# Proposed Rule – Division 225

## Enforcement

- 690-225-0110 Schedule of Civil Penalties
- Table 225-1
- Table 225-2

## Summary

- Update to comply with HB 2145 regarding applicability of civil penalties and recording fees
- Update Table 225-1 to clarify violation classifications
- Update Table 225-2 for formatting and clarity

## *Statutory Authority*

- *ORS 536.090: Water Resources Department (Ground water advisory committee; duties; qualification; term; expenses)*
- *ORS 536.900: Penalties (Civil penalties; imposition)*
- *ORS 537.505-537.795: Appropriation of Water Generally (Groundwater)*

# Proposed Rule – Table 225-1

TABLE 225-1

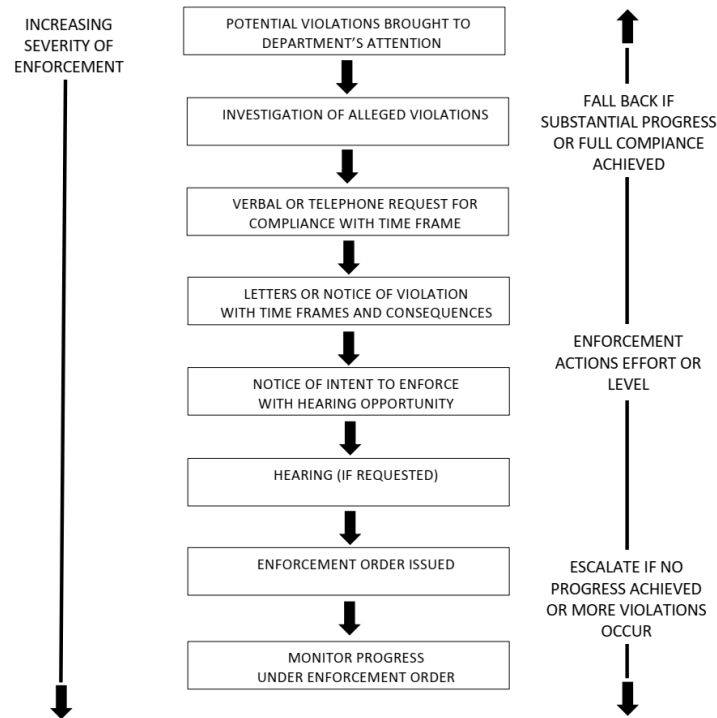
MINOR WELL CONSTRUCTION VIOLATIONS

<b>Oregon Statute Reference</b>	<b>Value Assignment</b>	<b>Title</b>
ORS 537.762	Minor	REPORT OF COMMENCEMENT OF CONSTRUCTION; <a href="#">COMMENCEMENT OF WORK NOTIFICATION</a> ; OR SEAL <a href="#">PLACEMENT DATE CHANGE NOTIFICATION</a>
ORS 537.765	Minor	WELL REPORT
ORS 537.789	Minor	WELL IDENTIFICATION NUMBER
<a href="#">ORS 537.545 (5)</a>	<a href="#">Minor</a>	<a href="#">EXEMPT GROUNDWATER USE RECORDING MAP OR RECORDING FEE</a>
<b>Administrative Rule Reference</b>	<b>Value Assignment</b>	<b>Title</b>
<a href="#">690-190-0100</a>	<a href="#">Minor</a>	<a href="#">EXEMPT GROUNDWATER USE MAP OR RECORDING FEE</a>
690-200-0048	Minor	WELL IDENTIFICATION LABEL
690-205-0185	Minor	WATER SUPPLY WELL DRILLING MACHINES
690-205-0200	Minor	WATER SUPPLY WELL CONSTRUCTION NOTICE REQUIRED (START CARD)
690-205-0210	Minor	WELL REPORT REQUIRED (WATER SUPPLY WELL LOG)
690-210-0270	Minor	PITLESS WELL ADAPTERS AND UNITS
690-210-0280	Minor	ACCESS PORTS AND AIRLINES
690-210-0290	Minor	LINER PIPE
690-210-0370	Minor	WELL TEST
690-215-0055	Minor	WELL IDENTIFICATION LABEL MAINTENANCE
690-230-0050	Minor	DESCRIPTION OF PROPOSED WELL USE (START CARD)
690-230-0060	Minor	IDENTIFICATION OF INTENDED WELL USE (WELL LOG)
<a href="#">690-230-0080</a>	Minor	PUMP TESTING OF LOW-TEMPERATURE GEOTHERMAL INJECTION WELLS WITH AN ANTICIPATED INJECTION RATE OF LESS THAN 15,000 GALLONS PER DAY
<a href="#">690-230-0090</a>	Minor	WATER TEMPERATURE MEASUREMENT

# Propose Rule – Table 225-2

EXAMPLE OF WELL ENFORCEMENT PROCESS  
(690-225)

Table 225-2



It is desirable to achieve compliance at the lowest possible level of enforcement. Escalation of enforcement can be expected if compliance does not result at the next lower level. Reduction of enforcement effort can be expected if substantial progress toward compliance is achieved.



## **Civil Penalty Assessment for Other Than Well Constructors**

- 690-260-0030 Notice of Violation
- 690-260-0040 Classification of Violations

## **Summary**

- Update exempt use map and recording fee to be defined as minor violations for landowners
- Update timeframe requirements for Notice of Violation as a result of HB 4061

## ***Statutory Authority***

- *ORS 540: Distribution of Water Generally; Water Districts; Watermasters*



# Public Comment

A stylized landscape background. The top half features a blue sky with white clouds and brown mountains with white peaks. The middle section is a solid blue band containing the text. The bottom half shows rolling green hills with light beige outlines.

# Wrap Up/Next Steps

# Wrap Up/Next Steps

## Email Rules Coordinator ([laura.a.hartt@water.oregon.gov](mailto:laura.a.hartt@water.oregon.gov))

- Any additional input regarding today's draft rules by December 30, 2022.
- Suggestions on how to improve meeting logistics

## Next RAC Meeting

- **When:** January 11, 2023, from 1-4 pm
- **Where:** Rogue Conference Room, 3<sup>rd</sup> Floor, OWRD, Salem & via Zoom
- **What:** Remaining Divisions (190, 200, 205, 240) & Statement of Need and Fiscal Impact

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