

OREGON



WATER RESOURCES
DEPARTMENT

Well Construction Rulemaking

Oregon Water Resources Department Rules
Advisory Committee Meeting

January 11, 2023

Meeting Agenda

Schedule	Topic	Presenter/Facilitator
1:00-1:05 pm	Welcome, Introductions, and Agenda - Review	Annette Liebe, TSD Administrator
1:05-1:20 pm	RAC Guidelines, Rulemaking Process/Timeline, Legislative Background/Need - Review	Laura Hartt, Rules Coordinator
1:20-1:35 pm	RAC Meeting #1 Meeting Summary and Follow Up	Kris Byrd, Well Construction Manager
1:35-3:30 pm	Draft Rules – Review (with Breaks as Needed) <ul style="list-style-type: none"> • Division 190 Exempt Use Well Requirements • Division 200 General Well Standards <ul style="list-style-type: none"> ○ Figure 200-1 Map of Special Groundwater Areas ○ Figure 200-7 Eoala Hills Groundwater Limited Area Map • Division 205 Water Well Driller Licensing • Division 240 Monitoring Well Driller Licensing <ul style="list-style-type: none"> ○ Table 240-3 Minor Well Construction Violations 	Kris Byrd, Well Construction Manager
3:30-3:50 pm	Public Comment	Laura Hartt, Rules Coordinator
3:50-4:00 pm	Wrap-up & Next Steps	Laura Hartt, Rules Coordinator

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

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

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



Implement House Bill (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 Senate Bill 688 (2019)

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

Implement HB 2145 (2021)

- 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

Implement HB 4061 (2022)

- 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.

Sealing of Water Supply Wells in Consolidated Formations

- (1) Water supply wells drilled into a water-bearing rock formation overlain by clay, silt, sand, gravel, cobbles, or similar materials, shall be constructed in accordance with one of the following methods:
 - (b) Method 2 (Step-Down Casing/Inner Casing):
 - (A) An upper oversize drillhole, at least four inches greater in diameter than the upper permanent well casing to be installed, shall extend from land surface to at least five feet into a clay interval below a depth of 13 feet. If no clay interval is present, then the upper oversize drillhole shall extend to a minimum depth of 18 feet below land surface. In the event that the subsurface materials penetrated by the upper oversize drillhole cave, or tend to cave, an outer temporary surface casing at least 18 feet in length shall be used throughout the construction of the annular seal space to prevent caving.
 - (B) The upper Unperforated, permanent well casing shall be unperforated and shall extend to, and be driven into, solid, unfractured, consolidated rock overlying the water- bearing rock formation.

Sealing of Water Supply Wells in Consolidated Formations *(continued)*

(1) Water supply wells drilled into a water-bearing rock formation overlain by clay, silt, sand, gravel, cobbles, or similar materials, shall be constructed in accordance with one of the following methods:

(c) Method 3 (Under-Reaming):

(A) An upper oversize drillhole, at least four inches greater in diameter than the permanent well casing to be installed, shall extend from land surface to at least five feet into a clay interval below a depth of 13 feet. If no clay interval is present, then the upper oversize drillhole shall extend to a minimum depth of 18 feet below land surface. In the event that the subsurface materials penetrated by the upper oversize drillhole cave, or tend to cave, an outer temporary surface casing at least 18 feet in length shall be used throughout the construction of the annular seal space to prevent caving.



Draft Rules (RAC#2)
Division 190
Exempt Well Requirements

Proposed Rules – Division 190

Overview

690-190: Exempt Groundwater Use Recording Requirements

Proposed changes based on requirements in

- HB 2145 (2021)
- HB 3030/SB 688 (2019)

Proposed Rule – Division 190

690-190-0005(2)(a)

Rule Summary: Adding language to clarify that the exempt use groundwater recording requirements apply to well constructors as well as to landowners.

690-190-0005 Purpose and Applicability

(2) These rules apply to:

- (a) Any **water supply well constructor or permitted landowner** with a landowner permit and bond that **constructs a well** ~~owner of land on which a well is completed after July 22, 2009~~ to allow groundwater use for purposes that are exempt under ORS 537.545.

Proposed Rule – Division 190

690-190-0010(8)

Rule Summary: Adding a definition for a “Water Supply Well Constructor.”

690-190-0010 Definitions

(8) "Water Supply Well Constructor" means any person who has a current water supply well constructor's license with a water supply well endorsement issued in accordance with ORS 537.747(3) or with a water supply well temporary authorization endorsement issued in accordance with ORS 537.747 (3), Section 1, Chapter 142, Oregon Laws 2019, and Section 1, Chapter 626, Oregon Laws 2019.

Proposed Rule – Division 190

690-190-0100

Rule Summary: Adding a requirement for well constructors to submit an exempt use map and fee within 30 days of well completion; clarifying map requirements.

690-190-0100 Recording Requirements

The person licensed under ORS 537.747 or permitted under ORS 537.753 (4) landowner that constructs a well to allow groundwater use for a purpose that is exempt under ORS 537.545 (1) shall submit the following to the Department, along with the well report required by ORS 537.765, no later than 30 days after well completion:

- (1) A tax lot map showing the exact location of the completed well, that includes:
 - (a) A map reference number (Township, Range and Section).
 - (b) Location of the completed well by the latitude and longitude as established by a global positioning system or with distances (north/south and east/west) indicated from an identified property boundary, property corner or survey corner. Multiple wells may be shown on one tax lot map.

Proposed Rule – Division 190

690-190-0100 (continued)

690-190-0100 Recording Requirements (continued)

The person licensed under ORS 537.747 or permitted under ORS 537.753 (4) landowner that constructs a well to allow groundwater use for a purpose that is exempt under ORS 537.545 (1) shall submit the following to the Department, along with the well report required by ORS 537.765, no later than 30 days after well completion:

- (2) A map submitted under a Department-approved electronic mapping program satisfies the requirements under section (1).
- (3) An exempt groundwater use recording fee in the amount established under ORS 537.545.

Proposed Rule – Division 190

690-190-0200

Rule Summary: Adding requirements for OWRD to notify well constructors of exempt use requirements that have not been met within 120 days; clarifying how enforcement proceedings will occur for exempt use map and fee violations; clarifying violation magnitude.

690-190-0200 Compliance and Enforcement

- (1) If the Department determines that a water supply well constructor or permitted landowner has not met the requirements of these rules, the Department shall notify the water supply well constructor or permitted landowner of the specific nature of the requirements that have not been met.
- (2) The Department shall, within ~~60~~120 days of receipt of the map and fee, notify the water supply well constructor or permitted landowner of the recording requirements that have not been met.
- (3) Failure to meet the requirements of these rules may result in formal enforcement action(s). This action(s) may include:
 - (a) Establishing a specified time for bringing the water supply well constructor or permitted landowner into compliance,
 - (b) Assessment of a civil penalty following procedures outlined in OAR 690-225 rules for water supply well constructors and OAR 690-260 rules for permitted landowners. Violations under these rules are considered ~~as~~ Class III Minor violations for permitted landowners and Minor violations for water supply well constructors, or
 - (c) Any other action authorized by law.



Draft Rules (RAC#2)
Division 200
General Well Standards

Proposed Rule – Division 200

Overview

690-200 Water Supply Well Construction Standard; Introductions, General Standards, and Definitions

Changes based on requirements in

- HB 2145 (2021)
- HB 3030/SB 688 (2019)

Housekeeping changes also included

Proposed Rule – Division 200

690-200-0021(2)

Rule Summary: Adding a requirement for latitude and longitude for special standards, along with a requirement for information about original well construction for alteration or abandonment work, to be consistent with Start Card and Well Report requirements in HB 2145.

690-200-0021 Special Standards

- (2) The written request for special standards shall include:
- (b) Location of the well by county, township, range, section, tax-lot (if assigned), ~~and either the~~ 1/4, 1/4 section, ~~and~~ Latitude and Longitude as established by a global positioning system;
 - .
 - .
 - (j) The well identification number, if assigned; ~~and~~
 - (k) The start card number; and
 - (l) The original well report number if for alteration or abandonment.

Proposed Rule – Division 200

690-200-0050

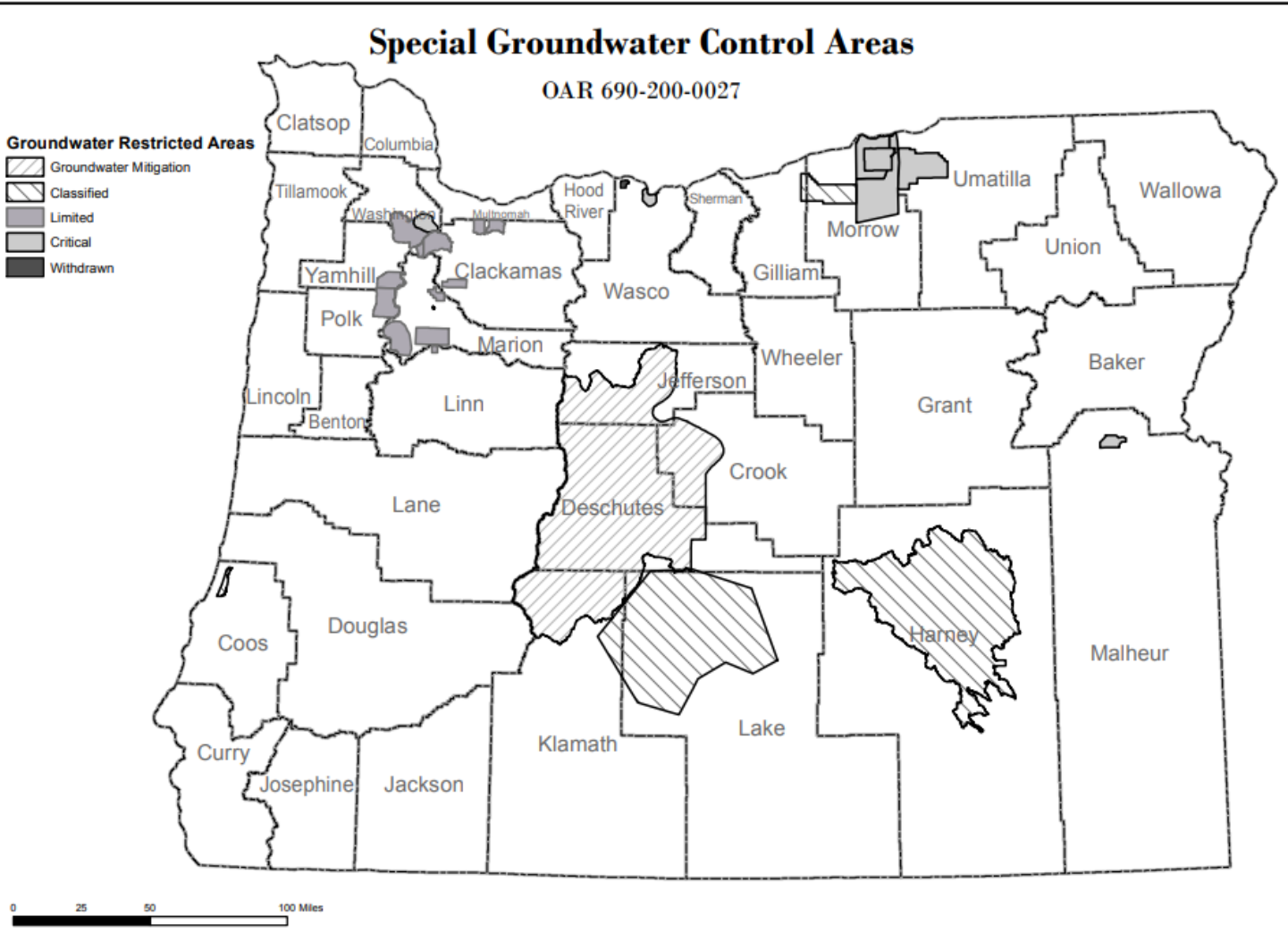
Rule Summary: Modifying definitions associated with licensed well constructors in order to be consistent with HB 3030 and SB 688.

690-200-0050 Definitions

- (67) "Monitoring Well Constructor" means any person who has a current ~~water well constructor's license with a~~ monitoring well constructor's license endorsement issued in accordance with ORS 537.747(3).
- (68) "Monitoring Well Constructor's License" means a Water Well Constructor's License with a monitoring well endorsement issued in accordance with ORS 537.747(3) or with a monitoring well temporary authorization endorsement issued in accordance with ORS 537.747 (3), Section 1, Chapter 142, Oregon Laws 2019, and Section 1, Chapter 626, Oregon Laws 2019.
- .
- .
- .
- (112) "Water Supply Well Constructor" means any person who has a current water supply well constructor's license ~~with a water supply well endorsement issued in accordance with ORS 537.747(3)~~.
- (113) "Water Supply Well Constructor's License" means a Water Well Constructor's License with a water supply well endorsement issued in accordance with ORS 537.747(3) or with a water supply well temporary authorization endorsement issued in accordance with ORS 537.747 (3), Section 1, Chapter 142, Oregon Laws 2019, and Section 1, Chapter 626, Oregon Laws 2019.

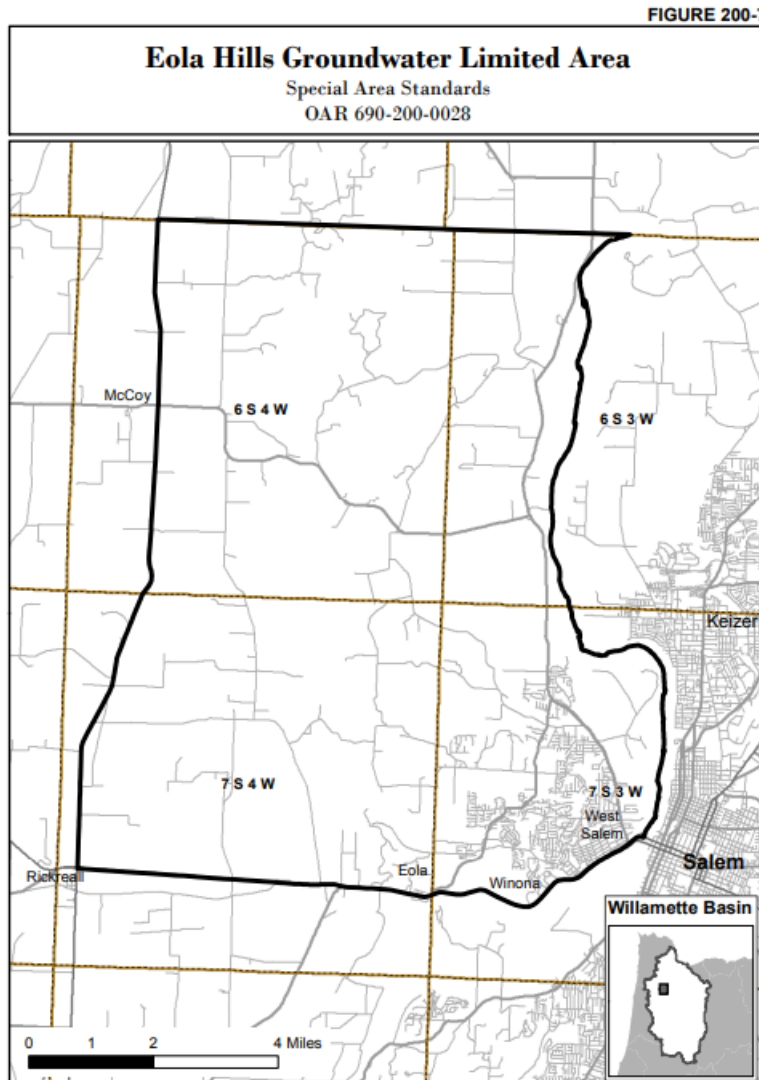
Proposed Rule – Figure 200-1 Map of Special Groundwater Areas

FIGURE 200-1



Rule Summary:
Replacing
outdated rule
figure

Proposed Rule – Figure 200-7 Eola Hills Groundwater Limited Area Map



Rule Summary:
Replacing rule figure for
clarity.



Draft Rules (RAC#2)
Division 205
Water Well Driller Licensing

690-205: Water Supply Well Construction Standards; Licensing

Proposed changes based on requirements in

- HB 2145 (2021)
- HB 3030/SB 688 (2019)

Housekeeping changes also included

Proposed Rule – Division 205

690-205-0005(2)

Rule Summary: Updating language for clarity.

690-205-0005 License or Permit Required to Construct Water Supply Wells

- (2) If a person advertises services ~~and~~/or enters into contracts for the construction, alteration or abandonment of water supply wells for another person, that person shall furnish a Water Well Constructor's Bond or Irrevocable Letter of Credit in the amount specified under ORS 537.753 to the Water Resources Commission and must be a licensed Water Supply Well Constructor.

Proposed Rule – Division 205

690-205-0010(1)(a)

Rule Summary: Updating language for consistency with statute

690-205-0010 Water Supply Well Constructor License Examination

- (1) The Water Resources Department administers the written examination required under ORS 537.747. Separate examinations are administered for each license endorsement. The Department schedules the examination on the second Monday during the months of January, April, July and October. Examinees must pay a \$20.00 exam fee. Special accommodations may be given to those individuals who cannot attend the regularly scheduled examination dates. Requests shall be considered on a case-by-case basis. The examination tests the applicant's knowledge of:
 - (a) Oregon laws and administrative rules on the use of ground water, water supply well constructor licensing requirements, [basic information on ground water](#) ~~the~~ [geology, the](#) construction of water supply wells, and the preparing and filing of Start Cards and Water Supply Well Reports;

Proposed Rule – Division 205

690-205-0020(1)

Rule Summary: Adding licensing requirements for welding consistent with HB 2145; adding temporary drillers license as required by HB 3030 and SB 688; modifying experience requirement for clarity.

690-205-0020 Water Supply Well Constructor’s License, Experience Requirements, ~~and~~ Trainee Card and Temporary Authorization

- (1) License. To qualify for a Water Supply Well Constructor’s License, a person shall:
 - (c) Have a minimum of one year experience, during the previous ~~36-month~~36-month period, in water supply well construction, conversion, alteration, or abandonment. This experience shall include the operation of well drilling machinery for water supply well construction, alteration, conversion, or abandonment on a minimum of fifteen water supply wells. ~~or a demonstration of equivalent experience in the operation of well drilling machinery.~~ The following are acceptable as evidence of experience:
 - (A) Water supply well reports, or rough well logs with applicants' name entered, for each of the 15 wells. The name, address, and telephone number of the person responsible for the construction of each well shall be included on each report or log.
 - (B) Income tax returns showing source of drilling income for a period of time, or worker's compensation account information or the equivalent may be established to satisfy the one year of active construction requirement.
 - (C) Any other evidence the Director may deem suitable.
 - (D) A license held in another state shall not substitute for required evidence of experience.

Proposed Rule – Division 205 690-205-0020(1)(continued)

690-205-0020 Water Supply Well Constructor’s License, Experience Requirements, ~~and~~ Trainee Card and Temporary Authorization

(1) License. To qualify for a Water Supply Well Constructor’s License, a person shall (continued):

- (e) Provide evidence that the person has completed an arc welding training course from a community college, received a professional welding certification, passed a welding proficiency test or otherwise completed professional welding training. The following is acceptable as evidence of welding ~~experience~~ proficiency:
 - (A) Documentation demonstrating the successful completion of ~~passing~~ an American Welding Society (AWS) weld test from an AWS accredited test facility (ATF) that is inspected by an AWS Certified Welding Inspector. This test must demonstrate proficiency to weld 0.25” minimum sidewall steel pipe in a vertical position.
 - (B) An official transcript from a community college that demonstrates a passing grade in an arc welding training course.
 - (C) A certified copy of a professional welding certification.

Proposed Rule – Division 205

690-205-0020(5)

690-205-0020 Water Supply Well Constructor's License, Experience Requirements, ~~and~~ Trainee Card and Temporary Authorization

- (5) Water Supply Well Constructor's License Temporary Authorization Endorsement. A person that is the spouse of a member of the Armed Forces of the United States through marriage or domestic partnership, whose spouse is stationed in this state, may apply for a Water Supply Well Constructor's License Temporary Authorization Endorsement if the person is licensed to construct water supply wells in another state and is in good standing with the licensing board in that state. To qualify for a Water Supply Well Constructor's License Temporary Authorization Endorsement, a person shall:
- (a) Complete and submit the Department's affidavit form, affirming:
1. That they are 18 years of age or older;
 2. The spouse of a member of the Armed Forces either through marriage or domestic partnership;
 3. Spouse's military status; and
 4. Term of military service within Oregon.

Proposed Rule – Division 205 690-205-0020(5)(continued)

690-205-0020 Water Supply Well Constructor's License, Experience Requirements, ~~and~~ Trainee Card and Temporary Authorization

- (5) Water Supply Well Constructor's License Temporary Authorization Endorsement. A person that is the spouse of a member of the Armed Forces of the United States through marriage or domestic partnership, whose spouse is stationed in this state, may apply for a Water Supply Well Constructor's License Temporary Authorization Endorsement if the person is licensed to construct water supply wells in another state and is in good standing with the licensing board in that state. To qualify for a Water Supply Well Constructor's License Temporary Authorization Endorsement, a person shall:
- (b) Submit a copy of the current authorization to provide water supply well constructor services in another state;
 - (c) Complete and submit the Department's comparison form, outlining the out-of-state licensing authority's authorization requirements;
 - (d) Complete and submit the Department's good standing form;
 - (e) Pass a written examination;
 - (f) Pay a license fee.

Proposed Rule – Division 205

690-205-0020(6)

690-205-0020 Water Supply Well Constructor’s License, Experience Requirements, ~~and~~ Trainee Card and Temporary Authorization

(6) The Department will review qualifications for a Water Supply Well Constructor’s License Temporary Authorization Endorsement once all materials are submitted. A Water Supply Well Constructor’s License Temporary Authorization Endorsement shall be issued if the Department determines:


- (a) Applicant is eligible to apply;
- (b) Affidavit form is complete;
- (c) Out-of-state authorization is current;
- (d) Out-of-state licensing authority’s licensing requirements are substantially similar to the Department’s requirements;
- (e) Good standing form is complete;
- (f) Written exam is passed; and
- (g) License fee is paid.

Proposed Rule – Division 205

690-205-0020(7)-(9)

690-205-0020 Water Supply Well Constructor's License, Experience Requirements, ~~and~~ Trainee Card and Temporary Authorization

- (7) A temporary authorization endorsement issued by the Department is valid until the earliest of:
- (a) Two (2) years after the date of issuance;
 - (b) The date the spouse's term of military service ends; or
 - (c) The date the persons out-of-state authorization expires.
- (8) Temporary authorizations are not renewable. The holder of an expired temporary authorization may not continue to provide services for the construction, alteration, conversion, or abandonment of water supply wells after expiration unless the person obtains a Water Supply Well Constructor's License under subsection one (1) of this rule.
- (9) The Department shall report annually to the State Legislature about temporary authorization endorsements as required in Section 1, Chapter 626, Oregon Laws 2019.



Draft Rules (RAC#2)
Division 240
Monitoring Well Driller Licensing

690-240: Construction, Maintenances, Alteration, Conversion and Abandonment of Monitoring Wells, Geotechnical Holes and Other Holds in Oregon

Changes based on requirements in

- HB 2145 (2021)
- HB 3030/SB 688 (2019)

Housekeeping changes also included

Proposed Rule – Division 240

690-240-0006(2)(b)

Rule Summary: Adding a requirement for latitude and longitude for special standards, along with a requirement for information about original well construction for alteration or abandonment work, to be consistent with Start Card and Well Report requirements in HB 2145; clarifying what information is required to be submitted for monitoring well special standard requests.

690-240-0006 Special Standards

(2) The written request for special standards shall include:

(b) Location of the well by county, township, range, section, tax-lot (if assigned), ~~and either the~~ 1/4, 1/4 section, and ~~or~~ Latitude and Longitude as established by a global positioning system;

.

.

(j) If the request is to abandon a monitoring well in-place, then the most current water quality analytical data shall also be provided;

(k) Oregon Department of Environmental Quality site or facility identification number and no further action determination, if applicable; and

(l) The original well report if for alteration or abandonment.

Proposed Rule – Division 240

690-240-0010

Rule Summary: Modifying well constructor license definitions based on requirements in HB 3030 and SB 688; updating definition for “monitoring well drilling machine” for consistency with definitions in water supply well rules.

690-240-0010 Definitions

The following definitions apply to terms as used in monitoring well, geotechnical hole and other hole rules, OAR 690-240-0005 to 690-240-0640. No other definitions of these same words apply:

- (49) "Monitoring Well Constructor" means any person who has a current ~~water well constructor's license with a monitoring well~~ constructor's license endorsement issued in accordance with ORS 537.747(3).
- (50) "Monitoring Well Constructor's License" means a Water Well Constructor's License with a monitoring well endorsement issued in accordance with ORS 537.747(3) or with a monitoring well temporary authorization endorsement issued in accordance with ORS 537.747 (3), Section 1, Chapter 142, Oregon Laws 2019, and Section 1, Chapter 626, Oregon Laws 2019.
- (51) "Monitoring Well Drilling Machine" means any driving, jetting, percussion, rotary, boring, auguring, digging, or other equipment used in the construction, alteration, or abandonment of monitoring wells.

Proposed Rule – Division 240 690-240-0010 (continued)

690-240-0010 Definitions

The following definitions apply to terms as used in monitoring well, geotechnical hole and other hole rules, OAR 690-240-0005 to 690-240-0640. No other definitions of these same words apply:

- (85) "Water Supply Well Constructor" means any person who has a current water supply well constructor's license ~~with a water supply well endorsement issued in accordance with ORS 537.747(3).~~
- (86) "Water Supply Well Constructor's License" means a Water Well Constructor's License with a water supply well endorsement issued in accordance with ORS 537.747(3) or with a water supply well temporary authorization endorsement issued in accordance with ORS 537.747 (3), Section 1, Chapter 142, Oregon Laws 2019, and Section 1, Chapter 626, Oregon Laws 2019.

Rule Summary: Removing Appendix citation for “housekeeping”

690-240-0026 Well Identification Label Maintenance

The well identification label shall not be removed from the wellhead and shall be maintained by the land owner in an accessible location and in a readable condition. ~~See Appendix 240-1 for well identification label placement instructions.~~

Rule Summary: Removing 18-foot minimum depth requirement for closed loop ground source heat pump borings for consistency with other well construction rules.

690-240-0040 Closed Loop Ground Source Heat Pump Boring – General Requirements

- (1) In addition to the requirements for cased permanent and uncased permanent geotechnical holes contained in 690-240-0035, a closed loop ground source heat pump boring ~~greater than 18 feet deep~~ shall meet the following requirements:

Proposed Rule – Division 240

690-240-0065(1)

Rule Summary: Adding licensing requirements for welding consistent with HB 2145; adding temporary drillers license as required by HB 3030 and SB 688; modifying experience requirement for clarity.

690-240-0065 Monitoring Well Constructor License, Experience Requirements, ~~and~~ Trainee Card and Temporary Authorization

- (1) License. To qualify for a Monitoring Well Constructor's License, a person shall:
 - (a) Be at least 18 years old;
 - (b) Pass a written examination;
 - (c) Have a minimum of one year experience, during the previous ~~36~~36-month period, in monitoring well construction, alteration, or abandonment. This experience shall include the operation of well drilling machinery for monitoring well construction, alteration, conversion, or abandonment on a minimum of fifteen monitoring wells ~~or a demonstration of equivalent experience in the operation of well drilling machinery~~. The following are acceptable as evidence of experience:
 - (A) Monitoring well reports or rough well logs with applicant's name entered for each of the 15 wells. The name, address and telephone number of the person responsible for the construction of each monitoring well shall be included on each report or log;
 - (B) Income tax returns showing source of drilling income for a period of time, or worker's compensation account information or the equivalent may be established to satisfy the one year of active construction requirement;
 - (C) Any other evidence the Director may deem suitable;
 - (D) A license held in another state shall not substitute for required evidence of experience.

Proposed Rule – Division 240 690-240-0065(1)(continued)

690-240-0065 Monitoring Well Constructor License, Experience Requirements, ~~and~~ Trainee Card and Temporary Authorization

(1) License. To qualify for a Monitoring Well Constructor's License, a person shall:

(e) Provide evidence that the person has completed an arc welding training course from a community college, received a professional welding certification, passed a welding proficiency test or otherwise completed professional welding training. The following is acceptable as evidence of welding proficiency:

- (A) Documentation demonstrating the successful completion of an American Welding Society (AWS) weld test from an AWS accredited test facility (ATF) that is inspected by an AWS Certified Welding Inspector. This test must demonstrate proficiency to weld 0.25" minimum sidewall steel pipe in a vertical position.
- (B) An official transcript from a community college that demonstrates a passing grade in an arc welding training course.
- (C) A certified copy of a professional welding certification.

Proposed Rule – Division 240 690-240-0065(5)

690-240-0065 Monitoring Well Constructor License, Experience Requirements, ~~and~~ Trainee Card and Temporary Authorization

- (5) Monitoring Well Constructor’s License Temporary Authorization Endorsement. A person that is the spouse of a member of the Armed Forces of the United States through marriage or domestic partnership, whose spouse is stationed in this state, may apply for a Monitoring Well Constructor’s License Temporary Authorization Endorsement if the person is licensed to construct monitoring wells in another state and is in good standing with the licensing board in that state. To qualify for a Monitoring Well Constructor’s License Temporary Authorization Endorsement, a person shall:
- (a) Complete and submit the Department’s affidavit form, affirming:
 - (A) That they are 18 years of age or older;
 - (B) The spouse of a member of the Armed Forces either through marriage or domestic partnership;
 - (C) Spouse’s military status; and
 - (D) Term of military service within Oregon.

Proposed Rule – Division 240 690-240-0065(5)(continued)

690-240-0065 Monitoring Well Constructor License, Experience Requirements, ~~and~~ Trainee Card and Temporary Authorization

- (5) Monitoring Well Constructor's License Temporary Authorization Endorsement. A person that is the spouse of a member of the Armed Forces of the United States through marriage or domestic partnership, whose spouse is stationed in this state, may apply for a Monitoring Well Constructor's License Temporary Authorization Endorsement if the person is licensed to construct monitoring wells in another state and is in good standing with the licensing board in that state. To qualify for a Monitoring Well Constructor's License Temporary Authorization Endorsement, a person shall:
- (b) Submit a copy of the current authorization to provide monitoring well constructor services in another state.
 - (c) Complete and submit the Department's comparison form, outlining the out-of-state licensing authority's authorization requirements.
 - (d) Complete and submit the Department's good standing form.
 - (e) Pass a written examination.
 - (f) Pay a license fee.

Proposed Rule – Division 240

690-240-0065(6)

Monitoring Well Constructor License, Experience Requirements, ~~and~~ Trainee Card and Temporary Authorization

(6) The Department will review qualifications for a Monitoring Well Constructor's License Temporary Authorization Endorsement once all materials are submitted. A Monitoring Well Constructor's License Temporary Authorization Endorsement shall be issued if the Department determines:

- (a) Applicant is eligible to apply;
- (b) Affidavit form is complete;
- (c) Out-of-state authorization is current;
- (d) Out-of-state licensing authority's licensing requirements are substantially similar to the Department's requirements;
- (e) Good standing form is complete;
- (f) Written exam is passed; and
- (g) License fee is paid.

Proposed Rule – Division 240 690-240-0065(7)-(9)

690-240-0065 Monitoring Well Constructor License, Experience Requirements, ~~and~~ Trainee Card and Temporary Authorization

- (7) A temporary authorization endorsement issued by the Department is valid until the earliest of:
- (a) Two (2) years after the date of issuance;
 - (b) The date the spouse's term of military service ends; or
 - (c) The date the persons out-of-state authorization expires.
- (8) Temporary authorizations are not renewable. The holder of an expired temporary authorization may not continue to provide services for the construction, alteration, conversion, or abandonment of monitoring wells after expiration unless the person obtains a Monitoring Well Constructor's License under subsection one (1) of this rule.
- (9) The Department shall report annually to the State Legislature about temporary authorization endorsements as required in Section 1, Chapter 626, Oregon Laws 2019.

Proposed Rule – Division 240

690-240-0210(1)

Rule Summary: Removing outdated rule implementation date.

690-240-0210 Continuing Education Requirement

- (1) ~~As of June 30, 2005, e~~Each individual licensed under ORS 537.747 is required to obtain a minimum of 14 continuing education credits (CECs) during each licensing period regardless of the number of licenses or endorsements held. Continuing education credits may be obtained through clinics, schools, professional organizations, seminars, lectures or other continuing education courses that relate to the practice of well construction and are approved by the Continuing Education Committee.

Proposed Rule – Division 240

690-240-0340(4)

Rule Summary: Adding signature requirement for clarity.

690-240-0340 Landowner Well Construction Permit, Fee and Bond

- (4) A landowner permit issued pursuant to these rules shall expire six months from the date of issuance.
- (a) A monitor well report shall be submitted within 30 days of expiration of the landowner permit, or within 30 days of completion of the well, whichever occurs first. The report shall be certified as correct by signature of the landowner constructing the monitoring well.

Proposed Rule – Division 240

690-240-0375(1)

Rule Summary: Adding information requirements consistent with HB 2145.

690-240-0375 Monitoring Well Construction Notice Required (Start Card)

- (1) Each bonded Monitoring Well Constructor licensed to operate in the State of Oregon and each landowner holding a landowner's permit shall provide notice as required in ORS 537.762 before commencing the construction, alteration, or abandonment of any monitoring well or conversion of any other hole, geotechnical hole, or water supply well to a monitoring well. The start card shall contain the following information:
- (a) Name, telephone number, electronic mail address and ~~mailing post-office~~ address of the ~~landowner~~ owner of the well;
 - (b) Street address ~~of the~~ nearest to the proposed well;
 - (c) The approximate location of the monitoring well by county tax lot number, township, range, section and nearest quarter-quarter section; ~~and~~
 - (d) The latitude and longitude of the well as established by a global positioning system;
 - ~~(e)~~ The proposed depth, and diameter of the well;
 - (f) The proposed, and purpose or use of the groundwater from the proposed well if the well is new, altered, or converted;

Proposed Rule – Division 240 690-240-0375(1)(continued)

690-240-0375 Monitoring Well Construction Notice Required (Start Card)

- (1) Each bonded Monitoring Well Constructor licensed to operate in the State of Oregon and each landowner holding a landowner's permit shall provide notice as required in ORS 537.762 before commencing the construction, alteration, or abandonment of any monitoring well or conversion of any other hole, geotechnical hole, or water supply well to a monitoring well. The start card shall contain the following information:

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- (g) The time frame proposed for beginning and completing the construction, alteration, abandonment or conversion;
- (h) The time frame proposed for annular seal placement;
- (i) The well identification label number, if assigned;
- (j) The water right application, permit or certificate number, if applicable;
- (k) The original well log number, if applicable;

Proposed Rule – Division 240 690-240-0375(1)(continued)

690-240-0375 Monitoring Well Construction Notice Required (Start Card)

- (1) Each bonded Monitoring Well Constructor licensed to operate in the State of Oregon and each landowner holding a landowner's permit shall provide notice as required in ORS 537.762 before commencing the construction, alteration, or abandonment of any monitoring well or conversion of any other hole, geotechnical hole, or water supply well to a monitoring well. The start card shall contain the following information:

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(l) The type of work proposed;

(m) Notification of any need for special standards;

(n) The signature and license number, if applicable, of the bonded and licensed or permitted person who would undertake the work;

(o) For an existing well, the current purpose or use of the well and the existing depth and diameter of the well.

Proposed Rule – Division 240

690-240-0385(1)

Rule Summary: Adding information and data requirements consistent with HB 2145.

690-240-0385 Start Card Reporting Requirements

- (1) The start card notification required in ORS 537.762 shall be submitted to the Department's region office within which the monitor well is being constructed, altered converted or abandoned using one of the following methods:
 - (a) Start cards submitted electronically shall be transmitted by a Department-approved method and shall be submitted not earlier than 60 days and not later than 72 hours before beginning construction, alteration, conversion or abandonment work of any monitor well.
 - (b) By regular mail so that it is received by the Department not earlier than 60 days and not later than three (3) calendar days (72 hours) prior to commencement of work; or
 - (c) By hand delivery, during regular office hours, not earlier than 60 days and no later than three (3) calendar days (72 hours) before beginning the construction, alteration, conversion or abandonment work on any monitoring well; or
 - (d) By facsimile transmission (FAX) not earlier than 60 days and no later than three (3) calendar days (72 hours) before beginning the construction, alteration, conversion or abandonment work on any monitoring well. If this method is used, a legible copy of the start card shall also be mailed or delivered to the appropriate OWRD region office not earlier than 60 days and no later than three (3) calendar days (72 hours) before the day work ~~is commenced~~ begins.

Proposed Rule – Division 240

690-240-0385(2)-(3)

690-240-0385 Start Card Reporting Requirements

- (2) The fee required under ORS 537.762(5) for the construction of a new well, deepening of an existing well, conversion of a water supply well, geotechnical hole or other hole shall be submitted to the Department's Salem office with a duplicate copy of the start card. A duplicate start card is not required if the start card fee is included with a start card submitted electronically under Section (1)(a) of this rule.
- (3) ~~If a start card has been filed under section (1) and (2) of this rule and additional wells are required on the same or contiguous tax lot and for the same landowner, then start cards for the additional wells shall be filed no later than the day work begins. The requirement in subsection (1) of this section that a licensed or permitted person must submit a start card not later than 72 hours before beginning work on a well does not apply:~~
- (a) To a second or additional water well drilled on the same or a contiguous tax lot for the same landowner and for which a valid unexpired start card has been submitted pursuant to this section, if a start card for the second or additional water well is filed not later than the day the work on the water well begins.
- (b) During water emergencies or casing height adjustments, if a start card is submitted before work begins.

Proposed Rule – Division 240

690-240-0385(4)-(8)

690-240-0385 Start Card Reporting Requirements

- (4) The Director or region office may provide an alternate means of notification. If an alternative means of notification is used, the start card shall be received by the Department's Salem office ~~mailed or delivered to the region office~~ within one week of beginning work on the monitoring well. A Monitoring Well Constructor whose license has been restricted by order shall provide notice as stipulated in the order.
- (5) Once received by the Department, the start card shall be confidential for a period of one year after it is received or until the monitoring well report required by OAR 690-240-0395 is received, whichever is shorter.
- (6) The start card may be used in an administrative enforcement action at any time, including the period of confidentiality. Once the start card is used for enforcement reasons, it is no longer confidential.
- (7) A separate start card and fee, if necessary, is required for each well that is constructed, altered, abandoned, or converted. This requirement includes unsuccessful wells and wells exempt from appropriation permit requirements under ORS 537.545.
- (8) Effective July 1, 2024, start cards shall be submitted to the department by electronic means unless prior written approval is received to submit paper start cards.

Proposed Rule – Division 240

690-240-0385(9)

690-240-0385 Start Card Reporting Requirements

(9) A start card expires if construction, alteration, abandonment or conversion of a well does not begin on or before 60 days after submission of the start card. If a start card expires, a new start card and fee must be submitted in compliance with ORS 537.762 before construction, alteration, abandonment or conversion of the well may occur. If a start card is withdrawn before expiring, the licensed or permitted person that submitted the start card may request that the fee paid for the withdrawn start card be transferred to a new start card. Start cards may be extended in exigent circumstances one time for up to 30 calendar days with prior department approval. Requests for extension shall be submitted:

(a) In writing on a department approved form prior to expiration of the start card. The form shall include:

(i) The start card number;

(ii) A description of the circumstances that warrant extension of the start card;

(iii) Date of request;

(iiii) Driller name and license number;

(iv) Owner name and contact information.

(b) Electronically by department approved methods.

Proposed Rule – Division 240

690-240-0395(2)-(4)

Rule Summary: Adding information and data requirements consistent with HB 2145.

690-240-0395 Monitoring Well Report Required (Monitoring Well Log)

- (2) Well Reports may be submitted electronically by a Department-approved method. Well reports submitted on paper~~The log~~ shall be prepared in triplicate on forms furnished or previously approved in writing by the Water Resources Department. The original shall be furnished to the Director, the first copy shall be retained by the Monitoring Well Constructor, and the second copy shall be given to the customer who contracted for the construction of the monitoring well.
- (3) The bonded Monitoring Well Constructor shall file the certified monitoring well logreport with the ~~Director~~Water Resources Department within 30 days after the completion of the construction, alteration, conversion, or abandonment of the monitoring well.
- (4) The trainee or Monitoring Well Constructor operating the monitoring well drilling machine shall maintain a rough log of all geologic strata encountered and all materials used in the construction of the monitoring well. This log shall be available for inspection by the ~~Watermaster~~well inspector or other authorized agent of the Water Resources Department or other delegated agency representative at any time before the monitoring well report is received by the Department. The rough drilling log shall be in handwritten or electronic form, or a voice recording.

Proposed Rule – Division 240

690-240-0395(7)

690-240-0395 Monitoring Well Report Required (Monitoring Well Log)

- (7) The report of monitoring well construction required in section (1) of this rule shall be submitted electronically by a Department-approved method or recorded on a form provided or previously approved in writing by the Department. The form shall include, as a minimum, the following:
- (a) Name and post-office Address of the Landowner;
 - (b) Name and license number, if applicable, of the licensed or permitted person performing the work;
 - (c) Name and license number, if applicable, of the licensed or permitted person responsible for the work;
 - (d) Name of any person that assisted with the work;
 - (e) Started/Completed date;
 - (f) Location of the well by county, Township, Range, Section, tax lot number, if assigned, street address, or nearest address, ~~and either~~ the nearest 1/4, 1/4 section, ~~or~~ and Latitude and Longitude as established by a global positioning system (GPS);

Proposed Rule – Division 240 690-240-0395(7)(continued)

690-240-0395 Monitoring Well Report Required (Monitoring Well Log)

(7) The report of monitoring well construction required in section (1) of this rule shall be submitted electronically by a Department-approved method or recorded on a form provided or previously approved in writing by the Department. The form shall include, as a minimum, the following:

(~~d~~g) Start card number;

(~~e~~h) Well identification label number (well tag number);

(i) Type of well;

(~~f~~j) Use of well;

(~~g~~k) Type of work;

(l) Depth drilled and completed depth;

(m) Diameter of boreholes;

(n) Kind and amount of casing and where placed in the well;

(o) Number and location of perforations or screens;

Proposed Rule – Division 240 690-240-0395(7)(continued)

690-240-0395 Monitoring Well Report Required (Monitoring Well Log)

- (7) The report of monitoring well construction required in section (1) of this rule shall be submitted electronically by a Department-approved method or recorded on a form provided or previously approved in writing by the Department. The form shall include, as a minimum, the following:
- (~~hp~~) Type and amount of seal~~ant~~ material used and measured weight of the grout slurry as required in OAR 690-240-0475(2)(g);
 - (~~iq~~) Temperature of the groundwater encountered;
 - (~~r~~) Thickness of aquifers;
 - (~~js~~) Total dissolved solids (TDS);
 - (~~kt~~) Map showing location of monitoring well on site, must be included with the electronically filed well report or attached to the submitted paper well report and shall include an approximate scale and a north arrow; and
 - (~~lu~~) Such additional information as required by the Department.
- (8) Effective July 1, 2024, well reports shall be submitted to the department by electronic means unless prior written approval is received to submit paper well reports.

Proposed Rule – Division 240

690-240-0640

Rule Summary: Modifying rule to increase the lowest civil penalty amounts for both minor violations and major violations to be consistent with penalties for other than well constructors; adding statutory citation.

690-240-0640 Schedule of Civil Penalties

- (1) The amount of civil penalty shall be determined consistent with the following schedule:
 - (a) Not less than ~~\$25~~\$50 nor more than \$250 for each occurrence defined in these rules as a minor violation;
 - (b) Not less than ~~\$50~~\$100 nor more than \$1,000 for each occurrence defined in these rules as a major violation;
 - (c) First occurrence, in a calendar year, of a missing or late start card fee shall be \$150;
 - (d) Second occurrence, in a calendar year, of a missing or late start card fee shall be \$250; and
 - (e) Third, and each subsequent, occurrence, in a calendar year, of a missing or late start card fee shall be \$250 and may include suspension of the Monitoring Well Constructor's License, and any other action authorized by law.
- (2) For purposes of assessing a civil penalty, the start card fee referred to in subsections (1)(c), (d), and (e) of this rule shall not be considered late if it is received in the Salem office of the Water Resources Department within five days of the receipt of the start card, provided the start card was submitted in a timely manner as ~~defined~~described in ORS 537.762 and OAR 690-240-0375.

Table 240-3

Minor Well Construction Violations

OAR 690-240-0640

Table 240-3

WATER RESOURCES DEPARTMENT

CHAPTER 690
DIVISION 240

MINOR WELL CONSTRUCTION VIOLATIONS

TABLE 240-3

<u>Oregon Statute Reference</u>	<u>Value Assignment</u>	<u>Title</u>
ORS 537.762	Minor	REPORT OF COMMENCEMENT OF CONSTRUCTION; COMMENCEMENT OF WORK NOTIFICATION; OR SEAL PLACEMENT DATE CHANGE NOTIFICATION
ORS 537.765	Minor	WELL REPORT
ORS 537.789	Minor	WELL IDENTIFICATION NUMBER
<u>Administrative Rule Reference</u>	<u>Value Assignment</u>	<u>Title</u>
690-240-0024	Minor	WELL IDENTIFICATION LABEL
690-240-0026	Minor	WELL IDENTIFICATION LABEL MAINTENANCE
690-240-0355	Minor	MONITORING WELL DRILLING MACHINES
690-240-0375	Minor	MONITORING WELL CONSTRUCTION NOTICE REQUIRED (START CARD)
690-240-0395	Minor	MONITORING WELL REPORT REQUIRED (WELL LOG)
690-240-0395(7)(i)	Minor	WATER TEMPERATURE
690-240-0410(4)	Minor	MONITORING WELL CONSTRUCTION (START CARD NUMBER)

Rule Summary: Adding the level of violations for late or missing commencement of work notifications or seal placement date change notifications.

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. Below the mountains is a solid blue horizontal band. At the bottom, there are rolling green hills with light tan outlines.

Public Comment

Wrap Up/Next Steps

Email Rules Coordinator (laura.a.hartt@water.oregon.gov)

- Any additional input regarding today's draft rules by January 27, 2023
- Suggestions on how to improve meeting logistics

Next RAC Meeting

- **When:** February 15, 2023, from 1-4 pm
- **Where:** OWRD (Salem) & via Zoom
- **What:**
 - Review of Proposed Rule Changes Made to Date
 - Draft Statement of Need and Fiscal Impact

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