



**Well Construction Rules Advisory Committee  
Meeting #4 (1:00 – 4:00 pm March 15, 2023)  
Meeting Summary**

This is a summary of the Well Construction Rules Advisory Committee (RAC) Meeting held in person (Salem office, Oregon Water Resources Department) and virtually (Zoom platform), on March 15, 2023, from approximately 1:00 to 4:00 pm. For more information, see the Meeting Agenda, Meeting Presentation, Draft Rules, and other Meeting Materials, available online at <https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/Well-Construction.aspx>.

**Meeting Attendees**

RAC members in attendance: Jack Abbas, Mark Griffith, Kevin Gill, Cheyenne Holliday, Michael Klobes, Karen Lewotsky, Steve Mathers (proxy for Greg Kupillas), Richard Mest, C.J. Nugent, Shilah Olson, Eric Schneider, Floyd Sippel, John Stadel, Mathew Walter, Kelly Warren, and Garry Zollman.

Oregon Water Resources Department (OWRD) staff in attendance: Kris Byrd, Laura Hartt, Travis Kelly, Tommy Laird, Annette Liebe, and Kelly Meinz.

Members of the public: Edward Butts, Ryan Galbreth, B.J. Hutchins, and Donovan Sippel.

**Welcome, Introductions, Agenda Review, Timeline Update**

OWRD staff reviewed the meeting agenda and rulemaking timeline.

**RAC Meeting #3 Meeting Summary and Follow Up**

RAC members had no comments or questions regarding the summary for RAC meeting #3.

OWRD staff then reviewed Division 205 changes made following RAC meeting #3. RAC members had no comments or questions on the updated changes.

Regarding 690-205-0020(1)(c), one RAC member referenced the Oregon Groundwater Association (OGWA) written comment submitted on February 27, which included a recommendation to extend the well constructor license experience requirement from 36 months to 10 years. The RAC member also stated that, in their view, this requirement is more restrictive than what's required in the statute. OWRD staff acknowledged receipt of the comments.

Regarding 690-205-0020(5), a RAC member also asked that temporary authorization, as far as reciprocity is concerned, be expanded beyond military members. OWRD staff noted that the rule

change was in response to House Bill 3030/Senate Bill 688 (2019); OWRD’s practice is to accept and review any documentation submitted by the applicant, including well drilling experience from out of state licensing agencies, and requires passing the written exam to ensure a well driller understands Oregon requirements necessary to protect public health and safety and the resource.

The RAC then discussed the proposed requirements in 690-205-0020(1)(e), which require well drillers to provide evidence of welding proficiency. Some RAC members suggested adding more professional groups to the list of acceptable organizations listed in subsection A. Some RAC members also commented that the AWS D1.1 standard referenced in subsection A was more stringent than what is needed for well drilling. Other RAC members responded that removal of the AWS D1.1 standard would not ensure that drillers were proficient at welding pipe. A RAC member indicated that the word “official” should be added to subsection D. OWRD staff indicated that the agency would consider all the comments and concerns as the draft rules are finalized for public comment.

Regarding 690-205-0200(1), one RAC member referred to the February 27 written comments from OGWA requesting additional options for drillers providing timely notice of seal placement when operating in remote locations. The RAC members suggested that OWRD accept notification by phone or text as well as through a dedicated phone line allowing for recorded messages. OWRD responded by noting that staff had considered the comments, but that the suggested methods of notification did not provide the documentation necessary to meet the statutory requirements. Staff also offered alternative methods to provide notification (satellite devices) and highlighted the online tools that will be available for drillers to easily submit notice.

RAC members asked to receive department forms. OWRD staff responded that forms were still being drafted, but that they will be available prior to the July 1 deadline.

#### **Draft Rules –Review (Division 240)**

OWRD staff reviewed the draft rule changes for Division 240. One RAC member noted confusion over definitions for “monitoring well constructor” versus “monitoring well constructor’s license” and “water supply well constructor” versus “water supply well constructor’s license.” OWRD staff responded that these definitions are existing definitions that were drafted to coincide with language in statute and throughout the rules.

Regarding 690-240-0065(1), Some RAC members commented that the welding requirements were overly burdensome for monitoring well drillers. Some RAC members suggested removal of the welding requirements for monitoring well drillers. OWRD staff responded that House Bill 2145 (2021) does not give the Department authority to make a distinction between monitoring and water supply well licenses, because both require the same license with an endorsement based on the types of wells to be constructed, and the legislation applies to the main water well constructor’s license issued for both endorsements.

One RAC member asked if welding proficiency was required for existing license holders with either endorsement. OWRD responded that the rule changes apply to new licenses.

One RAC member noted that the intent of House Bill 2145 was not to require welding proficiency for monitoring well drillers.

Regarding 690-240-0375(5), one RAC member asked if day of drilling is the same as the proposed date on the Start Card. OWRD staff responded that they are different.

Some RAC members suggested that day of drilling notification is not always feasible and should not be required. OWRD staff responded that this is a requirement in statute and that the Department will have online tools available to make notification as easy as possible.

Regarding 690-240-0385, one RAC member suggested that the need for liner installation is not always evident 72 hours in advance and should be exempt from the 72-hour notification requirement. OWRD staff responded that there is an exemption for the 72-hour notification requirement in certain circumstances in the draft rules, but that liner installation alone does not meet the exemption requirement. Well constructors should work with their local well inspector in situations that are outside the scope of the rules.

Regarding 690-240-0640, one RAC member asked for clarification on the comparison of civil penalties for water well and monitoring well drillers which OWRD staff provided.

#### **Draft Statement of Fiscal and Economic Impacts – Discussion**

Some RAC members indicated that the cost of achieving welding proficiency should include employers paying employees for time to procure proficiency through training. A RAC members suggested adding a \$25-\$40/hour labor cost to the estimates. OWRD asked the well drillers on the RAC whether \$25-40 was representative of their hourly wage; the well drillers agreed this was representative. OWRD responded that they would add that information to the Statement.

#### **Public Comment**

Ryan Galbreth commented that the welding requirements should not apply to monitoring wells because steel welding is not typically used to construct monitoring wells. He suggested that if steel welding is needed for a monitoring well, the monitoring well driller should have the option of hiring a certified welder and noting on the well report that a certified welder performed the welds. He also suggested having an optional endorsement on a monitoring well license showing a welding certification for those who need to weld on monitoring wells. He also suggested requiring special standard approval to weld on a monitoring well.

Edward Butts noted that the cost of licensed drillers training helpers to become proficient in welding may drive those drillers from the industry. He commented that he believed experienced well drillers to be more proficient and capable than recently certified welders and suggested instead a “challenge test” to allow experienced well drillers to train newcomers to the industry.

### **Wrap- Up and Next Steps**

OWRD staff reviewed the timeline for filing the Notice of Proposed Rulemaking, including the 30-day public comment period (April 3-May 3, 2023), a presentation to the Groundwater Advisory Committee, the public hearing (April 27, 2023), and Commission adoption (June 15/16, 2023).