



Frequently Asked Questions

2022-2023 Well Construction Rulemaking

Oregon House Bill 2145 (2021); House Bill 3030/Senate Bill 688 (2019); House Bill 4061 (2022)

House Bill (HB)/ Senate Bill (SB) Section	Question/Answer
<p>HB 2145 (2021)</p> <p><i>Amending Oregon Revised Statute (ORS) 536.090, 536.750, 536.900, 537.545, 537.747, 537.762, 537.763, 537.765, 537.780, 537.789, & 537.791; Sections 2 and 7, Chapter 496, Oregon Laws (2001).</i></p>	<p>When did the Oregon Legislature pass House Bill (HB) 2145? <i>The Oregon Legislature passed HB 2145 in June 2021 to:</i></p> <ul style="list-style-type: none"> • <i>Modernize and increase efficiency within the well construction program by preventing well deficiencies that can lead to contamination or waste of groundwater.</i> • <i>Better protect groundwater resources for Oregonians; and</i> • <i>Give the well construction industry timely assurance their work is performed consistent with State requirements.</i> <p>What does HB 2145 do? <i>HB 2145:</i></p> <ul style="list-style-type: none"> • <i>Establishes the Water Well Abandonment, Repair and Replacement Fund, which provides financial assistance to permanently abandon a well, or to repair or replace a well that is used for household purposes</i> • <i>Adds licensing requirements for well drillers.</i> • <i>Requires exempt use map to be submitted by drillers.</i> • <i>Requires groundwater use recording fee to be paid by drillers.</i> • <i>Increases start card notification, information/data requirements, and fees.</i> • <i>Increases well report info/data requirements.</i> • <i>Includes a timeline for OWRD to review 100% of well reports for compliance and to notify well drillers of any deficiencies.</i> <p>Which sections pertain to the 2022-2023 Well Construction Rulemaking? <i>The following Sections of HB 2145 pertain to the 2022-2023 Well Construction Rulemaking:</i></p> <ul style="list-style-type: none"> • <i>Section 6: Licensing</i> • <i>Section 9: Start Card Changes</i> • <i>Section 10: Electronic Filing (E-filing) of Start Cards</i> • <i>Section 11: Well Report Review</i> • <i>Section 12: Well Report Changes</i> • <i>Section 13: E-filing Well Reports</i> • <i>Section 19: Injunctive Authority</i> • <i>Section 20: Exempt Use Map and Fee</i>
<p>HB 2145</p> <p>Section 6</p> <p>-</p> <p>Licensing</p>	<p>What is the effective date for this section? <i>July 1, 2023.</i></p> <p>Why is welding proficiency required for licensing? <i>Welding proficiency helps protect the water resource by reducing wasteful and defective wells that may result from bad welds.</i></p> <p>What are the minimum requirements for welding proficiency? <i>The Well Construction Rulemaking will determine the minimum requirements</i></p>

House Bill (HB)/ Senate Bill (SB) Section	Question/Answer
<p>Amending ORS 537.747</p>	<p>What is the time commitment and cost for one person to obtain the necessary proficiency for welding? <i>We will have a better understanding of the time commitment and costs to achieve welding proficiency once the proficiency requirements are established through our Well Construction Rulemaking.</i></p>
<p>HB 2145 Section 9 - Start Card Changes Amending ORS 537.762</p>	<p>What is the effective date of this Section? <i>July 1, 2023.</i></p> <p>What is a “Start Card”? <i>A Start Card is a form that serves as notification that a licensed or permitted person is starting work on a well.</i></p> <p>Why are there more data entry boxes on the Start Card? <i>Additional data entry boxes are included to provide OWRD with the most accurate information for a new well and allow timely inspections of critical components of well construction.</i></p> <p>Why are new Start Cards only valid 60 days? <i>Beginning July 1, 2023, Start Cards are only valid for 60 calendar days. This effective period will allow well inspectors to prioritize their work to focus on wells that are actively under construction. Start Cards filed before July 1, 2023, will remain valid until the well report is submitted or the Start Card is cancelled.</i></p> <p>Are extensions allowed for Start Cards at the end of the 60 days they are valid? <i>Well constructors may request an extension from OWRD. The extension process and timeframe are under development and will be reviewed by the Rules Advisory Committee.</i></p> <p>Why does the Start Card have to be filed 72 hours prior to work beginning? <i>Well inspectors need adequate notice to prioritize their work to perform timely well inspections.</i></p> <p>Can I waive the 72-hour notice requirement? If so, how? <i>The 72-hour notice requirement does not apply to a second or additional water well drilled on the same or a neighboring tax lot for the same landowner and for which a valid unexpired Start Card has been submitted if a Start Card for the second or additional water well is filed no later than the day the work on the water well begins. In addition, the 72-hour notice requirement does not apply to wells constructed during water emergencies or casing height adjustments if a Start Card is submitted before work begins. Waivers of the 72-hour notice requirement may be approved for good cause in urgent or emergency circumstances. Written requests for waivers should be directed to the well construction program coordinator in the Well Construction Section.</i></p> <p>What is a “casing seal”? <i>A casing seal is a watertight seal set in the well bore between the well casing and the drillhole wall to prevent the inflow and movement of surface water or shallow groundwater in the well annulus, or to prevent the outflow or movement of water under artesian or hydrostatic pressures. This can also be known as “annular seal” or “surface seal”.</i></p>

House Bill (HB)/ Senate Bill (SB) Section	Question/Answer
	<p>What if my seal placement date is earlier or later than the proposed construction date reflected on my Start Card? <i>There is a 4-hour notice requirement for a change in seal placement.</i></p> <p>How do I notify OWRD if the start and/or seal date(s) change? <i>Notifications can be done through the Start Card e-file web application or by calling/contacting personnel in the Well Construction section or your region's well inspector.</i></p> <p>What if well construction takes longer than 60 days to complete? <i>Well construction must begin prior to the Start Card expiration date. However, construction can take as long as needed until the well is completed.</i></p> <p>What happens if I start drilling before filing a Start Card? <i>Late filings are minor violations, and you may be subject to civil penalties.</i></p>
<p>HB 2145</p> <p>Section 10 - E-filing Start Cards</p> <p><i>Amending ORS 537.762</i></p>	<p>What is the effective date of this section? <i>July 1, 2024.</i></p> <p>Why is OWRD shifting to electronic filing (e-filing) of start cards? <i>E-filing supports OWRD's efforts to modernize the Well Construction Program.</i></p> <p>How do I access the e-filing system? <i>The Start Card e-filing system is available on OWRD's website at: bit.ly/owrd-wellconstructionresources. Only licensed and bonded drillers may access the system. Drillers should contact the Well Licensing Program Specialist at (971) 287-8305 for help setting up a password.</i></p> <p>What is the effective date for e-filing? <i>July 1, 2024.</i></p> <p>What happens if I experience technical difficulties or need special accommodation to access the electronic filing system? <i>A dedicated phone number will handle e-filing system errors. An alternative authorized means of start card filing will be available as well.</i></p> <p>What is the authorized alternative to e-filing? <i>Well constructors that choose not to e-file may submit paper Start Cards with prior OWRD approval.</i></p>
<p>HB 2145</p> <p>Section 11 - Well Report Review</p> <p><i>Amending ORS 537.765</i></p>	<p>What is the effective date for this Section? <i>July 1, 2022.</i></p> <p>What is the difference between a Well Report and a Well Log? <i>A Well Report and a Well Log are the same thing.</i></p> <p>What does the Well Report review entail? <i>OWRD conducts technical reviews of well reports to ensure each report is complete and to verify that each well is constructed in accordance with well construction standards. Together with inspections, the technical well report review identifies potential well construction deficiencies.</i></p> <p>Do I receive a notification when OWRD has completed well report reviews? <i>Yes, drillers receive a quarterly report from OWRD.</i></p> <p>What do the driller quarterly reports include? <i>Each quarterly report documents the well reports submitted during the reporting period as well as any deficiencies found, deficiencies resolved, and late report submissions</i></p>

House Bill (HB)/ Senate Bill (SB) Section	Question/Answer
	<p>What if I fail to respond to requests from OWRD for information to amend a Well Report? <i>Drillers will receive multiple correspondences from OWRD requesting voluntary compliance. Enforcement action may result if voluntary compliance cannot be achieved.</i></p> <p>Who reviews the Well Reports? <i>The regional well inspectors, well construction compliance coordinator, well construction program coordinator, and well program specialist all perform technical well report reviews.</i></p>
<p>HB 2145</p> <p>Section 12 - Well Report Changes</p> <p><i>Amending ORS 537.765</i></p>	<p>What is the effective date of this Section? <i>July 1, 2023.</i></p> <p>What are the changes to the Well Report? <i>Well reports will require the GPS location of the well and names of those who assisted with well construction (i.e., “helpers”).</i></p> <p>Why is a GPS required? <i>GPS locations provide accurate information about well locations.</i></p> <p>Why are names of helpers included on the Well Report? <i>“Helpers” are documented on the well reports to ensure all involved in the well construction have met the licensing requirements.</i></p> <p>Why is the sealing date included on the Well Report? <i>The sealing date is added to ensure compliance with the start card seal date notice requirements.</i></p>
<p>HB 2145</p> <p>Section 13 - E-filing Well Reports</p> <p><i>Amending ORS 537.765</i></p>	<p>What is the effective date for this Section? <i>July 1, 2024.</i></p> <p>Why is OWRD shifting to e-filing of Well Reports? <i>E-filing supports OWRD’s efforts to modernize the Well Construction Program.</i></p> <p>What happens if I experience technical difficulties or need special accommodation to access the electronic filing system? <i>A dedicated phone number will handle e-filing system errors. An alternative authorized means of well report filing will be available as well.</i></p> <p>What is the authorized alternative to e-filing? <i>A paper report with approval from the Well Construction Section</i></p>
<p>HB 2145</p> <p>Section 19 - Injunctive Relief</p> <p><i>New</i></p>	<p>What is the effective date for this Section? <i>July 1, 2023.</i></p> <p>What is “injunctive relief”? <i>Injunctive relief is a way for OWRD to ensure compliance with Well Construction Rules if voluntary compliance is not provided.</i></p> <p>How does OWRD seek injunctive relief? <i>OWRD may apply to the circuit court for Marion County or to the circuit court in any county where noncompliance has or will occur to request a “stop work” order. The stop work order notice is issued to the party that is not in compliance.</i></p> <p>What happens if I ignore the “stop work” order? <i>Violation of a court-ordered injunction may result in civil or criminal penalties.</i></p>
<p>HB 2145</p> <p>Section 20 -</p>	<p>What is the effective date of this Section? <i>January 1, 2022.</i></p> <p>Why are drillers required to submit the exempt use map? <i>Exempt use maps provide more accurate information regarding well locations for exempt use wells.</i></p>

House Bill (HB)/ Senate Bill (SB) Section	Question/Answer
<p>Exempt Use Map and Fee</p> <p><i>Amending</i> ORS 537.745</p>	<p>How much is the fee for recording an exempt use well? <i>The fee for recording an exempt use well is \$300.</i></p> <p>What happens if I do not pay the exempt use recording fee? <i>Failure to pay the exempt use recording fee may involve collections and/or civil penalties.</i></p> <p>What happens if I fail to submit an exempt use map? <i>Failure to submit an exempt use map may result in civil penalties.</i></p>
<p>HB 3030 (2019/ SB 688 (2019))</p> <p><i>New</i></p>	<p>When did the Oregon Legislature pass HB 3030/SB 688? <i>The Oregon Legislature passed HB 3030 in April 2019 and SB 688 in May 2019. This legislation applies to all state agencies where applicable and authorizes agencies to issue temporary licenses/authorization to perform professional services.</i></p> <p>What does HB 3030 do with respect to the Well Construction Rulemaking? <i>HB 3030 authorizes OWRD to issue a <u>temporary license</u> for well construction if the person applying meets all the following criteria:</i></p> <ol style="list-style-type: none"> <i>1. Is a <u>spouse of a U.S. Armed Forces member</u> stationed in Oregon.</i> <i>2. Holds current authorization issued by another state.</i> <i>3. Provides OWRD with sufficient proof that the person is in good standing with an out-of-state licensing board.</i> <i>4. Has demonstrated competency.</i> <p>What does SB 688 do? <i>SB 688 directs OWRD to report to an interim committee related to veterans on the implementation of HB 3030.</i></p> <p>How long is a temporary authorization valid? <i>Temporary authorization remains valid (2) two years after the date of issue, when the spouse completes their term of military service in Oregon, or when the out-of-state authorization expires.</i></p> <p>Is temporary authorization renewable? <i>No.</i></p>
<p>HB 4061 (2022)</p>	<p>When did the Oregon Legislature pass HB 4061? <i>The Oregon Legislature passed HB 4061 in February 2022.</i></p> <p>What does HB 4061 do? <i>HB 4061 includes provisions to deter water use on unlicensed cannabis growing sites. These measures include records retention requirements for persons purchasing water to haul to grow a crop, records retention requirements for water suppliers selling water to the public, and restrictions on hauling water to locations growing cannabis. The bill also outlines criminal and civil penalties for noncompliance.</i></p>
<p>HB 4061</p> <p>Section 5 - Penalties</p> <p><i>Amending</i> ORS 636.900</p>	<p>What does HB 4061 have to do with Well Construction Rulemaking? <i>Section 5 of HB 4061 extends the period for OWRD to issue a Notice of Violation after becoming aware of a violation from five days to ten business days. This amendment applies to the statute governing water resources administration, including well construction.</i></p>