

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 690
WATER RESOURCES DEPARTMENT

FILED

11/21/2023 9:38 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amend Divisions 205 and 240 to clarify the requirements to obtain a well constructors license.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/11/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Kelly Meinz
971-718-7087
kelly.a.meinz@water.oregon.gov

725 Summer ST NE, Suit A
Salem, OR 97301

Filed By:
kelly meinz
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 01/04/2024

TIME: 2:00 PM - 3:00 PM

OFFICER: Kelly Meinz

HEARING LOCATION

ADDRESS: Oregon Water Resources Department , 725 Summer ST NE A , Salem , OR 97301

SPECIAL INSTRUCTIONS:

This meeting will be in a Hybrid format held in Salem, 725 Summer ST NE A, room NMOB 124. If you plan to join online, please register with the link below to this notification. Individuals who want to submit oral testimony must email or call Kelly Meinz at the contact information below to sign up by January 4, 2024, no later than 1:45 PM. The hearing will close no later than 3:00 PM but may close as early as 2:20 PM if all individuals who have signed up to testify have had the opportunity to enter their comments into the record. The meeting location is accessible to persons with disabilities. Language services also are available upon request. A request for an interpreter for the deaf and hard of hearing, other language services, or other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kelly Meinz at WRD_DL_rule-coordinator@water.oregon.gov.

Zoom registration link: <https://zoom.us/meeting/register/tJAocO2sqzozjG9TaWwZ2U3QYCcID1MkflIEI>

Meeting phone number: +16694449171

Meeting ID: 945 7445 1910

Passcode: 301062

NEED FOR THE RULE(S)

With the passage of HB 3343 (2023), and the associated amendment to Oregon Revised Statute (ORS) 537.747, the Oregon Water Resources Department (OWRD) has determined rulemaking is required to align current Oregon

Administrative Rules (OARs) with Oregon statute.

The rule divisions requiring amendment are the following: OAR 690-205 relating to Water Supply Well Construction (Standards; Licensing); and OAR 690-240 relating to Construction, Maintenance, Alteration, Conversion and Abandonment of Monitoring Wells, Geotechnical Holes and Other Holes in Oregon. The proposed amendments to the rules modify the well construction licensing requirements to clarify that applicants for a water supply well constructor license must provide evidence of welding proficiency regardless of whether or not they hold a monitoring well constructors license. The proposed amendments also modify the monitoring well licensing requirements by removing the requirement to provide evidence of welding proficiency to obtain a monitoring well constructors license.

This rulemaking will ensure that OWRD's rules are consistent with existing law. This rulemaking will also ensure that the application of the law is consistent with drilling industry practices.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 537.747

House Bill (HB) 3343 (2023)

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

OWRD does not anticipate a negative impact to racial equity throughout the State. The rulemaking will clarify the licensing requirements for water supply and monitoring well constructor licenses. These changes provide certainty as it relates to the welding proficiency requirements for licensure.

FISCAL AND ECONOMIC IMPACT:

As discussed below, the economic and fiscal impacts associated with this rulemaking stem from implementation of HB 3343 (2023), and are not a result of the rulemaking in itself.

Licensing Proficiency Requirements: The changes to ORS 537.747 brought about by the passage of HB 3343 (2023) provide the Department with the discretion to determine which types of wells require license applicants to provide evidence of welding proficiency. With the changes proposed in this rulemaking, applicants for a monitoring well constructors license will no longer be required to provide evidence of welding proficiency to obtain their license, which will save the applicants the cost of suitable welding training. Applicants for a water supply well constructors license must still provide OWRD with evidence of welding proficiency to obtain their license, even if they already hold a monitoring well constructors license. Welding proficiency may be demonstrated by completing an arc welding training course from a community college, receiving a professional welding certification, passing a welding proficiency test, or otherwise completing professional welding training. In determining the cost of compliance, OWRD conferred with Klamath Community College, Baker Technical Institute, Central Oregon Community College, and High Desert Education Service District. Based on these discussions, OWRD has determined that the cost of compliance with the welding proficiency requirement may be between \$400-\$1,000. These discussions also revealed that the total cost of achieving welding proficiency is highly variable and is based on the cost of the certifier, educator, or inspector performing the welding proficiency training. Additional costs for employers may arise if the license applicant's employer is paying for the applicant's time while obtaining welding proficiency. In such cases, the total costs of achieving proficiency may reach as high as \$5,000

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the

expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The rules are likely to economically affect applicants applying for a water supply well constructors license when they already hold a monitoring well constructors license. There is no anticipated economic effect on OWRD, other state agencies, or units of local government.

(2)(a) OWRD estimates there are approximately 127 well construction businesses in Oregon who may be subject to the rules if they send a license applicant to apply for a well constructors license. Since the department licenses individuals and not businesses, the real number of businesses subject to the rules may vary.

(2)(b) The additional administrative costs associated with preparing and submitting evidence of welding proficiency for water supply well constructor license applicants who already hold a monitoring well constructor license is expected to be minimal. There will be no additional costs for monitoring well constructor license applicants.

(2)(c) The rules do not require small businesses to obtain professional services, equipment, supplies, labor, or other administrative abilities to comply with the welding proficiency requirement.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Rules Advisory Committee included members representing small businesses most likely to be affected by this rulemaking, including drillers, pump installers, farmers, and consultants.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

690-205-0020, 690-240-0065, 690-240-0430

AMEND: 690-205-0020

RULE SUMMARY: Amends rule requirement regarding water supply well constructor licensing to clarify that applicants for a water supply well constructors license must provide evidence of welding proficiency regardless of whether or not they hold a monitoring well constructors license.

CHANGES TO RULE:

690-205-0020

Water Supply Well Constructors License, Experience Requirements, Trainee Card and Temporary Authorization ¶

(1) License. To qualify for a Water Supply 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-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. ¶
- (d) Pay a license fee. ¶
- (e) Provide evidence of welding proficiency. The following options will satisfy the evidence of welding proficiency requirement: ¶
 - (A) A copy of an arc welding certificate from a nationally recognized welding organization. Acceptable organizations include, but are not limited to, American Welding Society, American Petroleum Institute, American Society of Mechanical Engineers, and the United States Military; or ¶
 - (B) A copy of an official transcript or other official written documentation from a community college that demonstrates a passing grade in an arc welding training course; or ¶
 - (C) Official written documentation from a university, welding school, trade school, technical institute, or nationally recognized welding organization that demonstrates that the applicant has received a passing grade in an arc welding training course or has otherwise completed professional welding training; or ¶
 - (D) Written documentation from a certified welding instructor or certified welding inspector, providing proof that the applicant has successfully completed arc welding tests to demonstrate proficiency at welding steel casing joints as required in OAR 690-210-0200; or ¶
 - (E) A copy of an American Welding Society D1.1 structural welding certificate for steel with a test in the 2G horizontal position. ¶
- ~~(f) Applicants that hold a current Oregon monitoring well constructor's license are not required to provide evidence of welding proficiency to obtain a water supply well endorsement. ¶~~
- (2) Trainee. If an applicant passes the written Water Supply Well Constructor's License examination, but cannot meet the experience requirement, the Commission may issue a trainee card. To qualify for a Water Supply Well Constructor Trainee Card, a person must: ¶
 - (a) Be at least 18 years old; ¶
 - (b) Pass a written examination; and ¶
 - (c) Be supervised by a person who holds a valid Water Supply Well Constructor's License. ¶
- (3) Trainee card. A trainee card is valid for three (3) years from the date the examination was passed. ¶
- (4) Supervision. Supervision as it relates to any person who holds a Water Supply Well Constructor Trainee Card: ¶
 - (a) A trainee may operate a cable tool drilling machine without a licensed Water Supply Well Constructor physically present at the well site only if: ¶
 - (A) The licensed constructor can reach the well site within two hours if requested by an authorized representative of the Department; and ¶
 - (B) The licensed constructor has signed the rough drilling log within eight working hours prior to the representative's visit. ¶
 - (b) A licensed Water Supply Well Constructor must physically be on the site at all times when a cable tool drilling machine is: ¶
 - (A) Drilling within a flowing artesian well; ¶
 - (B) Setting or advancing casing; ¶
 - (C) Setting liner; ¶
 - (D) Perforating casing; ¶
 - (E) Setting well screens; ¶
 - (F) Placing packers; ¶
 - (G) Placing casing seals; ¶
 - (c) A Water Supply Well Constructor trainee may operate a non-cable tool water supply well drilling machine without a licensed Water Supply Well Constructor physically present at the well site only during the following events: ¶
 - (A) Air test or pump test of the well; ¶
 - (B) Gravel packing operations; ¶
 - (C) Developing a completed well; ¶
 - (D) Removal of the drill stem from the well. ¶
- (d) Activities under subsection (4)(c)(A)-(D) of this rule shall proceed only if: ¶
 - (A) The licensed Water Supply Well Constructor can reach the site within one hour if requested by an authorized representative of the Department; and ¶
 - (B) The licensed Water Supply Well Constructor has signed the rough drilling log within eight working hours prior to the representative's visit. ¶
- (e) An authorized representative of the Department in whose jurisdiction the water supply well is being constructed has the authority to: ¶
 - (A) Grant an extension to the time limits stated above when a request, showing good cause, is received from the bonded constructor in advance for each particular well; and ¶

- (B) Place additional restrictions on the trainee, including requiring the constructor to be on the site at all times while the drilling machine is operating, when the authorized Department representative determines that either the drilling environment or the knowledge and/or experience of the trainee warrant closer supervision. ¶
- (f) For a Water Supply Well Constructor Trainee to operate a water supply well drilling machine without a licensed Water Supply Well Constructor present, the trainee's card must be endorsed with the name of the bonded Water Supply Well Constructor responsible for the construction of the water supply well. ¶
- (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. ¶
- (a) Application for a water supply well constructor's license temporary authorization endorsement must include the following: ¶
- (A) Completed and signed application form including evidence the person is 18 years of age or older; ¶
- (B) Examination fee; ¶
- (C) A copy of a marriage certificate, domestic partnership registration, or other official evidence of legal union and an attestation that said union is valid and in effect; ¶
- (D) A copy of the spouse or domestic partner's assignment to an Oregon duty station by official active duty military order; ¶
- (E) Official verification of the applicant's current authorization to provide water supply well constructor services in another state along with the Department's "good standing" form; ¶
- (F) A completed comparison form as provided by the Department, outlining the out-of-state licensing authority's authorization requirements; and ¶
- (G) Official notification from the Department that applicant has passed the water supply well constructors license examination. ¶
- (b) The Department will review the application 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) The Out-of-state authorization is current; ¶
- (C) The Out-of-state licensing authority's licensing requirements are substantially similar to the Department's requirements; ¶
- (D) The good standing form is complete; ¶
- (E) The applicant has passed the written exam; and ¶
- (F) The license fee is paid. ¶
- (c) 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; ¶
- (C) The date the persons out-of-state authorization expires. ¶
- (d) 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. ¶
- (e) The Department shall report annually to the State Legislature about temporary authorization endorsements as required in ORS 670.403. ¶
- (6) Other supervision requirements for persons not licensed or permitted to construct water supply wells, or who do not hold a Water Supply Well Constructor Trainee Card: ¶
- (a) Persons who are in the act of constructing, altering, converting or abandoning water supply wells must be supervised by a licensed Water Supply Well Constructor who is physically present at the well site at all times during construction, alteration, conversion, or abandonment activity. ¶
- (b) The supervising Water Supply Well Constructor is responsible for all applicable statutes and rules in construction, alteration, conversion, or abandonment of the water supply well. ¶
- (7) Persons who satisfy all requirements of ORS 537.747(3) shall be issued a Water Supply Well Constructor's License. The responsibilities for issuing and securing a Water Supply Well Constructor's License or trainee card are listed in subsections (a) and (b) of this section. ¶
- (a) The Water Supply Well Constructor's License applicant is responsible for: ¶
- (A) Completing an application or renewal form for a new or renewed license or trainee card; ¶
- (B) Submitting the application or renewal form to the Water Resources Department along with the required fees; ¶
- (C) Carrying the license or trainee card whenever constructing, altering, converting, or abandoning any water

supply well; and ¶

(D) Providing the Water Resources Department, within 30 days, notification of any change of mailing address. ¶

(E) Providing the Water Resources Department documentation satisfying the continuing education requirements set forth in OAR 690-205-0035 through 690-205-0120. ¶

(b) The Water Resources Department is responsible for: ¶

(A) Designing and providing Water Supply Well Constructor license(s) and trainee cards; ¶

(B) Designing and providing application forms and renewal forms for licenses and application forms for trainee cards; ¶

(C) Processing applications and renewals for licenses and applications for trainee cards; ¶

(D) Returning incomplete application and renewal forms to applicants for completion; and ¶

(E) Sending new and renewed licenses to applicants who have completed the application or renewal form and submitted the required fee. This does not preclude refusal to renew as outlined in OAR 690-205-0025(4). ¶

(8) Bonded Water Supply Well Constructor. For a person to possess a bonded Water Supply Well Constructor's License, the person must provide to the Department a properly executed Water Well Constructor's Bond or Irrevocable Letter of Credit. The Water Resources Department shall indicate on the constructor's license a bonded classification. ¶

(9) Representatives of the Water Resources Department may ask anyone constructing, altering, or abandoning a water supply well to present their license or trainee card as proof of eligibility to construct, alter, convert, or abandon water supply wells in the State of Oregon. Licensed individuals shall display their license or trainee card and photo identification when they are requested to do so by Water Resources Department personnel.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.900, ORS 536.027, ORS 106.340, ORS 537.992, ORS 670.400, ORS 670.403

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 536.900, ORS 106.340, ORS 537.992, ORS 670.400, ORS 670.403

AMEND: 690-240-0065

RULE SUMMARY: Amends rule requirement regarding monitoring well constructor licensing to clarify that applicants for a monitoring well constructors license do not need to provide evidence of welding proficiency to obtain a license.

CHANGES TO RULE:

690-240-0065

Monitoring Well Constructor License, Experience Requirements, 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-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. ¶

(d) Pay a license fee. ¶

~~(e) Provide evidence of welding proficiency. The following options will satisfy the evidence of welding proficiency requirement: ¶~~

~~(A) A copy of an arc welding certificate from a nationally recognized welding organization. Acceptable organizations include, but are not limited to, American Welding Society, American Petroleum Institute, American Society of Mechanical Engineers, and the United States Military; or ¶~~

~~(B) A copy of an official transcript or other official written documentation from a community college that demonstrates a passing grade in an arc welding training course; or ¶~~

~~(C) Official written documentation from a university, welding school, trade school, technical institute, or nationally recognized welding organization that demonstrates that the applicant has received a passing grade in an arc welding training course or has otherwise completed professional welding training; or ¶~~

~~(D) Written documentation from a certified welding instructor or certified welding inspector, providing proof that the applicant has successfully completed arc welding tests to demonstrate proficiency at welding steel casing joints as required in OAR 690-210-0200; or ¶~~

~~(E) A copy of an American Welding Society D1.1 structural welding certificate for steel with a test in the 2G horizontal position. ¶~~

~~(f) Applicants that hold a current Oregon water supply well constructor's license are not required to provide evidence of welding proficiency to obtain a monitoring well endorsement. ¶~~

(2) Trainee. If an applicant passes the written Monitoring Well Constructor's License examination, but cannot meet the experience requirement the Commission may issue a trainee card. To qualify for a Monitoring Well Constructor Trainee Card, a person must: ¶

(a) Be at least 18 years old; ¶

(b) Pass a written examination; and ¶

(c) Be supervised by a person who holds a valid Monitoring Well Constructor's License. ¶

(3) Trainee Card. A Trainee Card is valid for three (3) years from the date the examination was passed. ¶

(4) Supervision. Supervision as it relates to any person who holds a Monitoring Well Constructor Trainee Card: ¶

(a) A Trainee may operate a cable tool monitoring well drilling machine without a licensed Monitoring Well Constructor physically present at the well site only if: ¶

(A) The licensed constructor can reach the well site within two hours if so requested by an authorized representative of the Department; and ¶

(B) The licensed constructor has signed the rough drilling log within eight working hours prior to the representative's visit. ¶

(b) A licensed Monitoring Well Constructor must physically be on the site at all times when a cable tool drilling machine is: ¶

(A) Drilling within a flowing artesian well; ¶

- (B) Setting or advancing casing; ¶
 - (C) Setting liner; ¶
 - (D) Perforating casing; ¶
 - (E) Setting well screens; ¶
 - (F) Placing packers; ¶
 - (G) Drilling into, through, or below ground water suspected or known to be contaminated; and ¶
 - (H) Placing casing seals. ¶
- (c) A Monitoring Well Constructor trainee may operate a non-cable tool monitoring well drilling machine without a licensed Monitoring Well Constructor physically present at the well site only during removal of the drill stem from the monitoring well. ¶
- (d) Activities under subsection (3)(c) of this rule shall proceed only if: ¶
- (A) The licensed Monitoring Well Constructor can reach the site within one hour if so requested by an authorized representative of the Department; and ¶
 - (B) The licensed Monitoring Well Constructor has signed the rough drilling log within eight working hours prior to the representative's visit. ¶
- (e) An authorized representative of the Department in whose jurisdiction the monitoring well is being constructed has the authority to: ¶
- (A) Grant an extension to the time limits stated above when a request, showing good cause, is received from the bonded constructor in advance for each particular well; and ¶
 - (B) Place additional restrictions on the trainee, including requiring the constructor to be on the site at all times while the drilling machine is operating, when the Department representative determines that either the drilling environment or the knowledge and/or experience of the trainee warrant closer supervision. ¶
- (f) For a Monitoring Well Constructor trainee to operate a monitoring well drilling machine without a licensed Monitoring Well Constructor present, the trainee's card must be endorsed with the name of the bonded Monitoring Well Constructor responsible for the construction of the monitoring well. ¶
- (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. ¶
- (a) Application for a monitoring well constructor's license temporary authorization endorsement must include the following: ¶
- (A) Completed and signed application form including evidence the person is 18 years of age or older; ¶
 - (B) Examination fee; ¶
 - (C) A copy of a marriage certificate, domestic partnership registration, or other official evidence of legal union and an attestation that said union is valid and in effect; ¶
 - (D) A copy of the spouse or domestic partner's assignment to an Oregon duty station by official active duty military order; ¶
 - (E) Official verification of the applicant's current authorization to provide monitoring well constructor services in another state along with the Department's "good standing" form; ¶
 - (F) A completed comparison form as provided by the Department, outlining the out-of-state licensing authority's authorization requirements; and ¶
 - (G) Official notification from the Department that applicant has passed the monitoring well constructors license examination. ¶
- (b) The Department will review the application 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) The Out-of-state authorization is current; ¶
 - (C) The Out-of-state licensing authority's licensing requirements are substantially similar to the Department's requirements; ¶
 - (D) The good standing form is complete; ¶
 - (E) The applicant has passed the written exam; and ¶
 - (F) The license fee is paid. ¶
- (c) 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; ¶
 - (C) The date the persons out-of-state authorization expires. ¶
- (d) 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. ¶

(e) The Department shall report annually to the State Legislature about temporary authorization endorsements as required in ORS 670.403. ¶

(6) Other supervision requirements for persons not licensed or permitted to construct monitoring wells, or who do not hold a Monitoring Well Constructor trainee card: ¶

(a) Persons who are in the act of constructing, altering, converting or abandoning monitoring wells must be supervised by a licensed Monitoring Well Constructor who is physically present at the well site at all times during construction, alteration, conversion, or abandonment activity. ¶

(b) The supervising Monitoring Well Constructor is responsible for all applicable statutes and rules in construction, alteration, conversion, or abandonment of the monitoring well. ¶

(7) Persons who satisfy all requirements of ORS 537.747(3) shall be issued a Monitoring Well Constructor's License. The responsibilities for issuing and securing a Monitoring Well Constructor's License or trainee card are listed in subsections (a) and (b) of this section. ¶

(a) The Monitoring Well Constructor's License applicant is responsible for: ¶

(A) Completing an application or renewal form for a new or renewed license or trainee card; ¶

(B) Submitting the application or renewal form to the Water Resources Department along with the required fees; ¶

(C) Carrying the license or trainee card whenever constructing, altering, converting, or abandoning any monitoring well; and ¶

(D) Providing the Water Resources Department, within 30 days, notification of any change of mailing address. ¶

(E) Providing the Water Resources Department documentation satisfying the continuing education requirements set forth in OAR 690-240-0200 through 690-240-0280. ¶

(b) The Water Resources Department is responsible for: ¶

(A) Designing and providing Monitoring Well Constructor license(s) and trainee cards; ¶

(B) Designing and providing application forms and renewal forms for licenses and application forms for trainee cards; ¶

(C) Processing applications and renewals for licenses and applications for trainee cards; and ¶

(D) Returning incomplete application and renewal forms to applicants for completion. ¶

(E) Sending new and renewed licenses to applicants who have completed the application or renewal form and submitted the required fee. This does not preclude refusal to renew as outlined in OAR 690-240-0070(4). ¶

(8) Bonded Monitoring Well Constructor. For a person to possess a bonded Monitoring Well Constructor's License, the person shall provide to the Department a properly executed Water Well Constructor's Bond or Irrevocable Letter of Credit. The Water Resources Department shall indicate on the constructor's license a bonded classification. ¶

(9) Representatives of the Water Resources Department may ask anyone constructing, altering, or abandoning a monitoring well to present their license or trainee card as proof of eligibility to construct, alter, convert, or abandon monitoring wells in the State of Oregon. Licensed individuals shall display their license or trainee card and photo identification when they are requested to do so by Water Resources Department personnel or other agency personnel to whom monitoring well regulation has been delegated.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.027, ORS 537.992, ORS 106.340, ORS 536.900, ORS 670.400, ORS 670.403

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 537.992, ORS 106.340, ORS 536.900, ORS 670.400, ORS 670.403

AMEND: 690-240-0430

RULE SUMMARY: Amends rule requirement regarding monitoring well constructor licensing to clarify that applicants for a monitoring well constructors license do not need to provide evidence of welding proficiency to obtain a license

CHANGES TO RULE:

690-240-0430

Casing ¶

- (1) The constructor shall consider the following factors when selecting monitoring well casing:¶
- (a) The casing installed shall not be readily reactive with the subsurface environment according to best available knowledge;¶
 - (b) The casing installed shall not adversely affect or interfere with the chemical, physical, radiological, or biological constituents of interest according to best available knowledge;¶
 - (c) The collapse strength of all casing used in monitoring well construction must be great enough to withstand the pressure exerted by the annular seal during seal placement, including heat of hydration.¶
- (2) All monitoring well casing shall conform to at least 304 or 316 stainless steel, polytetrafluoroethylene PTFE, Schedule 40 PVC casing, or other casing materials rated and approved by ASTM for monitoring well construction.¶
- (3) All casing installed shall be in new or like new condition, being free of pits or breaks, and shall be cleaned of foreign materials and contaminants prior to installation, unless removed from the manufacturer's packaging on site.¶
- (4) An approved special standard is required to use steel casing that requires welding in the construction ¶ of a monitoring well. This does not apply to temporary casing that is used during the construction of the ¶ monitoring well but is removed prior to completion.

Statutory/Other Authority: ORS 536.090, 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090, 537.505 - 537.795