



Oregon

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Well Construction Rules Advisory Committee Meeting #3 (1:00 – 4:00 pm February 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 February 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 were Kevin Gill, Mark Griffith, Cheyenne Holliday, Michael Klobes, Greg Kupillas, Karen Lewotsky, C.J. Nugent, Shilah Olson, Lauren Poor, Eric Schneider, Floyd Sippel, Matthew Walter, Kelly Warren, and Garry Zollman.

Oregon Water Resources Department (OWRD) staff in attendance were Kris Byrd, Laura Hartt, Travis Kelly, Tommy Laird, Annette Liebe, Buffy Madrigal-Adams, and Kelly Mainz.

Welcome, Introductions, and Agenda - Review

Oregon Water Resource Department staff introduced themselves as did the RAC members. No members of the general public were in attendance. OWRD staff also briefly reviewed the agenda.

RAC Guidelines and Rulemaking Timeline - Review

OWRD staff reviewed the RAC meeting guidelines and rulemaking timeline, noting that a decision regarding the need for a fourth RAC meeting (tentatively scheduled for March 15) would be made at the end of the meeting. Staff also noted dates for the proposed public hearing (April 27), 30-day public comment period (April 3 – May 3), and Water Resources Commission adoption (June 16/17). The RAC members confirmed they had no conflicts that would preclude participation on the hearing date.

RAC Meeting #2 Meeting Summary and Follow Up

OWRD staff asked the RAC members if they had any questions or comments regarding the draft summary for RAC Meeting #2. No RAC members had any questions or comments.

OWRD staff then reviewed additional proposed changes made to Division 190, 200, 205, 210, and 225 in response to RAC member feedback during RAC Meeting #2.

Regarding Division 190 and 200, the RAC had no comments.

Regarding draft Rule 690-205-0010(1)(a), a RAC member suggested using either “groundwater hydrology” or just “hydrogeology” as opposed to “groundwater hydrogeology,” because the latter was redundant. OWRD staff responded that they would review the language.

Regarding welding proficiency requirements in draft Rule 690-205-0020(1)(e), several RAC members had comments and suggestions, including the following:

- Adding other accreditations in addition to AWS, e.g., American Petroleum Institute, military, Canadian.
- Allowing for bonded owners/employers to certify unbonded drillers/employees doing the welding.
- Adding “schools” to broaden list of those in (C) who could certify proficiency.
- Adding instructors besides those certified by AWS to broaden list of those in (C) who could certify proficiency.

OWRD staff responded they would revisit the language in the rule, noting the need to ensure minimum proficiency requirements were both met and verifiable.

Regarding draft Rule 690-205-0020(1)(c), one RAC member responded to a proposed rule change that would remove “or a demonstration of equivalent experience in the operation of well drilling machinery.” OWRD staff responded they would revisit the language to determine whether it should be reinstated. The same RAC member asked if “15 wells” could be deleted from the language in (c) but retained in (A); he also asked if OWRD would consider removing the 36-month timeline for establishing one year of experience. Another RAC member asked if someone could satisfy (B) and (C) and bypass the 15 well requirement to receive a license. OWRD staff responded that they would re-visit the language in the rule.

Regarding draft Rule 690-205-0020(1)(h), some RAC members noted the challenge of timely notification concerning seal placement when operating in remote areas lacking reliable cell phone coverage. OWRD staff responded that they would examine the language and consider alternative notification means that might suffice.

Regarding draft Rule 690-205-0200(5), some RAC members suggesting adding e-mail as an option for submitting start cards. OWRD staff responded that they would revisit the language.

Regarding draft Rule 690-205-0205(1), some RAC members noted that the language “not prior to 60 days and not less than three (3) calendar days (72 hours) before” remained confusing. OWRD staff responded that they would revisit the language.

OWRD staff then reviewed the remaining draft rule changes for Divisions 205.

Draft Rules Review – Division 205

Regarding draft Rule 690-205-0205(3), some RAC members asked for clarification on the criteria for notification and what a casing height extension request would include.

RAC members had no comments on draft Rules 690-205-0205(4), (7), or (8). Regarding draft Rule 690-205-0205(9), one RAC member asked if OWRD could set the system up to send an auto alert in advance of expiration to drillers. OWRD staff responded that they would look at the system to see if that might be possible.

Regarding draft Rule 690-205-0210(2)-(4), a RAC member asked for clarification as to whether a rough log was required for casing height adjustment. OWRD staff responded that if a casing height adjustment was the only work that was performed, then a rough log was not required.

RAC members had no comments on the remainder of the draft Division 205 rules.

OWRD staff stated that the draft Division 240 would be reviewed during the next RAC meeting in addition to any other draft rules revisited by OWRD in response to RAC input.

Draft Statement of Need – Discussion

OWRD staff shared the language for the Draft Statement of Need in support of the Proposed Rulemaking. The RAC members had no comments on the draft statement.

Draft Statement of Racial Equity Impacts – Discussion

OWRD staff shared the language for the Draft Statement of Racial Equity Impacts in support of the Proposed Rulemaking. The RAC members had no comments on the draft statement.

Draft Statement of Fiscal and Economic Impacts – Discussion

OWRD shared the language for the Draft Statement of Fiscal and Economic Impacts in support of the Proposed Rulemaking. Some RAC members noted that “time is money,” and down time associated with satisfying notification requirements when cell phone coverage was lacking could result in added labor costs. Some RAC members commented that they believed the estimates for achieving welding proficiency were on the low side because they did not include the salary that an employer would likely pay someone seeking this training. OWRD staff replied that they would take the RAC comments into consideration and bring a revised statement to the next RAC meeting.

Wrap- Up and Next Steps

OWRD staff reminded the RAC members that the final meeting was scheduled for March 15, 2023, held both in person (Salem) and virtually (Zoom).

RAC members were asked to provide any feedback they had on the draft rules and the meeting in general by February 24, 2023, for consideration prior to the next RAC meeting.