

OREGON



WATER RESOURCES
DEPARTMENT

Well Construction Rulemaking

**Oregon Water Resources Department
Rules Advisory Committee Meeting #3
February 15, 2023**

Meeting Agenda

| Schedule | Topic | Presenter/Facilitator |
|--------------|---|--|
| 1:00-1:10 pm | Welcome/ Introductions/ Agenda Review/ Timeline Update | Annette Liebe, TSD Administrator |
| | RAC Meeting #2 Meeting Summary and Draft Rules Follow Up from RAC #2 <ul style="list-style-type: none"> • Division 190 Exempt Groundwater Use Recording Requirements • Division 200 General Well Standards • Division 205 Water Well Driller Licensing • Division 210 Well Construction Standards • Division 225 Enforcement | Kris Byrd, Well Construction Manager |
| | Draft Rules – Review (with Break as Needed) <ul style="list-style-type: none"> • Division 205 Water Well Driller Licensing (cont.) • Division 240 Monitoring Well Driller Licensing ○ Table 240-3 Minor Well Construction Violations | Kris Byrd, Well Construction Manager |
| | Draft Statements <ul style="list-style-type: none"> • Need • Racial Equity Impacts • Fiscal & Economic Impacts | Laura Hartt, Rules Coordinator |
| 3:30-4:00 pm | Public Comment/ Wrap-up/ Next Steps | Laura Hartt, Rules Coordinator |

Rulemaking Timeline

RAC Meetings #1-4 (HB 2145; HB 3030/SB 688; HB 4061)
 Input on Draft Rules; Input on Draft Statement of Need, Racial Equity Impacts, Economic & Fiscal Impacts
December 2022 - March 2023

Hybrid Public Hearing;
 Salem & Zoom
April 27, 2023

Review Public Comments:
 Revise Draft Rules and Statements of Need/Racial Equity Impacts/Fiscal & Economic Impacts as needed; Develop WRC Proposal
May 2023

Effective Date of Final Rule
July 1, 2023



OR Bulletin Notice of Filing & 30-day Public Comment Period
April 3, 2023

Last Day of Public Comment Period
May 3, 2023

WRC Meeting Decision on Proposed Rule Adoption
June 15/16, 2023



RAC Meeting #2

Draft Meeting Summary &
Follow Up



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 location of the completed well on the property, that includes:

Special Standards

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

(1) Any associated well report numbers if special standard request is for alteration or abandonment.

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 hydrogeology ~~the geology~~, the construction of water supply wells, and the preparing and filing of Start Cards and Water Supply Well Reports;

RAC Meeting #2 - Follow Up

Proposed Changes to Rules – 690-205-0020(1)(e)

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:
- (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. Acceptable evidence of welding proficiency includes:
- (A) An original copy of an American Welding Society D1.1 structural welding certificate for steel with a test in the 2G horizontal position; or
- (B) An official transcript or other official written documentation from a community college, university, or technical institute that demonstrates a passing grade in an arc welding training course; or
- (C) Written documentation issued by an American Welding Society Certified Welding Educator or Inspector that affirms the person possesses the following skills:
- (i) The applicant must be able to consistently weld 0.25" minimum sidewall steel pipe in a vertical position; and
- (ii) The applicant must be able to consistently create welds that are fully penetrating and at least equal in thickness to the wall thickness of the casing; and
- (iii) The applicant must be able to consistently create welded casing joints that have a tensile strength equal to or greater than that of the casing.
- (D) Applicants unable to provide evidence of welding proficiency shall not be issued a water supply well constructor license.

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:

- A. That they are 18 years of age or older;
- B. **That they are** the spouse of a member of the Armed Forces either through marriage or domestic partnership;
- C. Spouse's military status;
- D. Term of **spouse's** military service within Oregon.

690-205-0045 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.

690-205-0175 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 water 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 water supply well.

Water Supply Well Construction Notice Required (Start Card)

- (1) Each bonded Water Supply 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 water supply well or conversion of any monitoring well, geotechnical hole, or other hole to a water supply 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 well. If property does not have an address, then nearest address;
 - (c) The approximate location of the water supply 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;

Water Supply Well Construction Notice Required (Start Card)

- (1) Each bonded Water Supply 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 water supply well or conversion of any monitoring well, geotechnical hole, or other hole to a water supply well. The start card shall contain the following information:
 - (f) The proposed, ~~and~~ purpose or use of the groundwater from the proposed well if the well is new, altered, or converted;
 - (g) The time frame proposed for beginning and completing the construction, alteration, abandonment or conversion;
 - (h) The time frame proposed for annular seal placement. If the actual date of seal placement is not the date proposed on the start card, the licensed or permitted person shall notify the department of the change at least four hours before placing the seal;
 - (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;

690-205-0200 Water Supply Well Construction Notice Required (Start Card)

- (1) Each bonded Water Supply 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 water supply well or conversion of any monitoring well, geotechnical hole, or other hole to a water supply well. The start card shall contain the following information:
 - (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.

Water Supply Well Construction Notice Required (Start Card)

(5) On the day that work on the well commences, the licensed or permitted person shall, before commencing work, notify the department that the work is about to commence. Notification shall be submitted:

(a) Electronically by department approved methods;

(b) By mail or hand delivery to the region office where the well to be drilled, altered, converted, or abandoned is located. If this method is used, then the notification must be received by the region office prior to beginning construction, alteration, conversion, or abandonment work.

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 water supply 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 prior to 60 days and not less than three (3) calendar days (72 hours) before beginning construction, alteration, conversion or abandonment work on any water supply well.
 - (b) By regular mail so that it is received by the Department not prior to 60 days and not less later than three (3) calendar days (72 hours) ~~prior before to~~ commencement of work; or
 - (c) By hand delivery, during regular office hours, not prior to 60 days and not less than three (3) calendar days (72 hours) before beginning the construction, alteration, conversion or abandonment work on any water supply well; or
 - (d) By facsimile transmission (FAX) not prior to 60 days and not later than three (3) calendar days (72 hours) before beginning the construction, alteration, conversion or abandonment work on any water supply 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 prior to 60 days and not less no later than three (3) calendar days (72 hours) before the day work begins.
 - (e) Start cards may not be submitted prior to 60 days or less than three calendar days (72 hours) before beginning construction, alteration, conversion or abandonment work on any water supply well except as specified in Section (3) of this rule.

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:

(c) Method 3 (Under-Reaming):

(D) The annular space between the upper oversize drillhole and the permanent well casing shall be filled with cement grout using Method C or unhydrated bentonite. The annular space between the lower under-reamed drillhole and the permanent well casing shall be completely filled with **cement** grout applied under pressure in accordance with grout placement Method A, B, or D, in Appendix 210-3.

Investigation of Alleged Violations

- (1) The Water Resources Director, upon the Director's own initiative, or upon complaint alleging violation of statutes, standards or rules governing construction, alteration, conversion, or abandonment of wells may cause an investigation to determine whether a violation has occurred. If the investigation indicates that a violation has occurred, the Director shall notify the persons believed responsible for the violation including but not limited to:


Enforcement Actions

- (1) If, after notice and opportunity for hearing under ORS 183.310 to 183.550 the Director determines that one or more violations have occurred, the Director may impose one or more of the following:
 - (e) Impose any reasonable conditions on the Water Supply Well Constructor's License to insure correction of the violation and future compliance with the law. These conditions may include but are not limited to:
 - (A) Fulfilling any outstanding obligations which are the result of administrative action before the constructor can offer any services or construct, alter, convert, or abandon any well;
 - (B) Requiring additional advance notice to be given to the Department of construction, alteration, conversion, or abandonment of any well;

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~~200 nor more than \$1,000 for each occurrence defined in these rules as a major violation;

| Div 260 Rules – Current Other than well constructors | Div 225 and 240 – Current Well Constructors | Div 225 and 240 – Proposed Well Constructors |
|---|---|--|
| Minor - \$50 | Minor - \$25 | Minor - \$50 |
| Major - \$200 | Major - \$50 | Major - \$200 |



Draft Rules (RAC #3)
Division 205 (continued)
Water Well Driller Licensing

Start Card Reporting Requirements

- (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.~~

Start Card Reporting Requirements

- (4) The Director or region office may provide an alternative 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 water supply well. A Water Supply Well Constructor whose license has been restricted by order shall provide notice as stipulated in the order.

Start Card Reporting Requirements

- (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 205

690-205-0205(9)

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;
 - (iii) Driller name and license number;
 - (iv) Owner name and contact information.
 - (b) Electronically by department approved methods.

Proposed Rule – Division 205

690-205-0210(2)-(4)

Well Report Required (Water Supply 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 Water Supply Well Constructor, and the second copy shall be given to the customer who contracted for the construction of the water supply well.
- (3) The bonded Water Supply Well Constructor shall file the certified water well ~~log~~report with the ~~Director~~Water Resources Department within 30 days after the completion of the construction, alteration, conversion or abandonment of the water supply well.
- (4) The trainee or Water Supply Well Constructor operating the water supply well drilling machine shall maintain a rough log of all geologic strata encountered and all materials used in the construction of the water supply well. This log shall be available for inspection by the ~~Watermaster~~well inspector, or other authorized agent of the Water Resources Department at any time before the water 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 205

690-205-0210(7)(a)-(f)

Well Report Required (Water Supply Well Log)

- (7) The report of water 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 205

690-205-0210(7) (g)-(m)

Well Report Required (Water Supply Well Log)

(7) The report of water 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:

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(~~g~~) Start card number;

(~~h~~) Well identification label number (well tag number); Type of well;

(~~j~~) Use of well;

(~~k~~) Type of work;

(l) Depth drilled and completed depth;

(m) Diameter of boreholes;

Proposed Rule – Division 205

690-205-0210(7)(n)-(t), (8)

Well Report Required (Water Supply Well Log)

(7) The report of water 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:

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

(o) Type and amount of seal material used and where placed;

(p) Number and location of perforations or screens;


(q~~h~~) Temperature of the groundwater encountered;

(r) Thickness of aquifers;

(s~~i~~) Total dissolved solids (TDS); and

(t~~j~~) 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.



Draft Rules (RAC #3)
Division 240
Monitoring Well Driller Licensing

690-240: Construction, Maintenances, Alteration, Conversion and Abandonment of Monitoring Wells, Geotechnical Holes and Other Holes 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)(j)-(l)

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) Any associated well report numbers if special standard request is for alteration or abandonment.

Proposed Rule – Division 240 690-240-0010(49), (50), (51)

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 (85), (86)

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.

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.~~

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

690-240-0060(1)(a)

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 hydrogeology](#), the construction of water supply wells, and the preparing and filing of Start Cards and Water Supply Well Reports;

Proposed Rule – Division 240

690-240-0065(1)(c)

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)(e)

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. Acceptable evidence of welding proficiency includes:

(A) An original copy of an American Welding Society D1.1 structural welding certificate for steel with a test in the 2G horizontal position; or

(B) An official transcript or other official written documentation from a community college, university, or technical institute that demonstrates a passing grade in an arc welding training course; or

(C) Written documentation issued by an American Welding Society Certified Welding Educator or Inspector that affirms the person possesses the following skills:

(i) The applicant must be able to consistently weld 0.25" minimum sidewall steel pipe in a vertical position; and

(ii) The applicant must be able to consistently create welds that are fully penetrating and at least equal in thickness to the wall thickness of the casing; and

(iii) The applicant must be able to consistently create welded casing joints that have a tensile strength equal to or greater than that of the casing.

(D) Applicants unable to provide evidence of welding proficiency shall not be issued a water supply well constructor license.

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

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) That they are the spouse of a member of the Armed Forces either through marriage or domestic partnership;
- (C) Spouse's military status;
- (D) Term of spouse's military service within Oregon.

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

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)

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)

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.

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)(a)-(f)

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 well. If property does not have an address, then nearest address;
 - (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)(g)-(k)

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)(1)-(o)

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.

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

- (5) On the day that work on the well commences, the licensed or permitted person shall, before commencing work, notify the department that the work is about to commence. Notification shall be submitted:
- (a) Electronically by department approved methods;
 - (b) By mail or hand delivery to the region office where the well to be drilled, altered, converted, or abandoned is located. If this method is used, then the notification must be received by the region office prior to beginning construction, alteration, conversion, or abandonment work.

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 prior to 60 days and not less than three (3) calendar days (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 prior to 60 days and not less later than three (3) calendar days (72 hours) before prior to commencement of work; or
 - (c) By hand delivery, during regular office hours, not prior to 60 days and not less 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 prior to 60 days and not less 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 prior to 60 days and not less later than three (3) calendar days (72 hours) before the day work ~~is commenced~~ begins.
 - (e) Start cards may not be submitted prior to 60 days or less than three calendar days (72 hours) before beginning construction, alteration, conversion or abandonment work on any water supply well except as specified in Section (3) of this rule.

Proposed Rule – Division 240

690-240-0385(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 less than three calendar days (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), (7)-(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.

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)

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 log report 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)(a)-(f)

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);

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:

(~~g~~) Start card number;

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

(i) Type of well;

(~~j~~) Use of well;

(~~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)(p)-(u), (8)

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:
- (~~h~~p) Type and amount of sealant material used and measured weight of the grout slurry as required in OAR 690-240-0475(2)(g);
 - (~~i~~q) Temperature of the groundwater encountered;
 - (~~r~~) Thickness of aquifers;
 - (~~j~~s) Total dissolved solids (TDS);
 - (~~k~~t) 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
 - (~~l~~u) 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(1), (2)

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~~\$200 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.

| Div 260 Rules – Current Other than well constructors | Div 225 and 240 – Current Well Constructors | Div 225 and 240 – Proposed Well Constructors |
|---|--|---|
| Minor - \$50 | Minor - \$25 | Minor - \$50 |
| Major - \$200 | Major - \$50 | Major - \$200 |

Proposed Rule – Division 240

690-240-0640(2)

Schedule of Civil Penalties

- (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) |



Draft Statement of Need

Rulemaking Need Driven by

Legislation Implementation

- HB 2145 (2021)
- HB 3030/SB 688 (2019)
- HB 4061 (2022)

Restoration of Deleted Rule

- OAR 690-215-0200

Internal Consistency

- Penalty alignment across Divisions 225, 240, & 260

Housekeeping

- Grammar, Spelling, Clarity, Figure Resolution

Comments? Questions?



Draft Statement of Racial Equity Impacts

Statement of Racial Equity Impacts

To date, no stakeholder input suggests negative impacts to racial equity. OWRD does not anticipate any negative impacts.

- ***Comments? Questions? Impacts?***



Draft Statement of Fiscal & Economic Impacts

Statement of Fiscal & Economic Impacts

Most fiscal & economic impacts stem from HB 2145 itself, not the rulemaking required to implement the bill.

Recording Fees

- HB 2145 shifts responsibility for submission of \$300 exempt use map/ recording fee from landowners to well drillers
- New Division 190 rules implement this fee shift

Licensing/Proficiency Requirements

- HB 2145 requires demonstration of welding proficiency
- New Division 205 & 240 rules implement this requirement
- Estimated cost is \$400 - \$1000

Statement of Fiscal & Economic Impacts

Civil Penalties

- Rule changes made for consistency across Divisions 225, 240, & 260
- First penalty increase since 1986
- Minor penalty increases for major and minor violations
- Total penalty amounts remain nominal

| Div 260 Rules – Current Other than well constructors | Div 225 and 240 – Current Well Constructors | Div 225 and 240 – Proposed Well Constructors |
|---|--|---|
| Minor - \$50 | Minor - \$25 | Minor - \$50 |
| Major - \$200 | Major - \$50 | Major - \$200 |

Statement of Fiscal & Economic Impacts

Comments? Questions?

Other Fiscal/Economic Impacts?



Public Comment

Wrap Up/Next Steps

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

- Please provide additional input regarding today's materials by March 3, 2023

Do we need another RAC Meeting?

- *Tentatively Scheduled: March 15, 2023, from 1-4 pm, OWRD (Salem) & via Zoom*
- *Agenda Topics?*

Rulemaking Timeline

RAC Meetings #1-4 (HB 2145; HB 3030/SB 688; HB 4061)
 Input on Draft Rules; Input on Draft Statement of Need, Racial Equity Impacts, Economic & Fiscal Impacts
December 2022 - March 2023

Hybrid Public Hearing;
 Salem & Zoom
April 27, 2023

Review Public Comments:
 Revise Draft Rules and Statements of Need/Racial Equity Impacts/Fiscal & Economic Impacts as needed; Develop WRC Proposal
May 2023

Effective Date of Final Rule
July 1, 2023

OR Bulletin Notice of Filing & 30-day Public Comment Period
April 3, 2023

Last Day of Public Comment Period
May 3, 2023

WRC Meeting Decision on Proposed Rule Adoption
June 15/16, 2023

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