

OREGON



WATER RESOURCES
DEPARTMENT

Well Construction Rulemaking

Oregon Water Resources Department
Rules Advisory Committee Meeting #4
March 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 #3 Meeting Summary/Follow Up from RAC #3 <ul style="list-style-type: none"> • Division 205 Water Well Driller Licensing • Table 225-1 Minor Well Construction Violations 	Kris Byrd, Well Construction Manager
	Draft Rules – Review (with Break as Needed) <ul style="list-style-type: none"> • Division 240 Monitoring Well Driller Licensing <ul style="list-style-type: none"> ○ Table 240-3 Minor Well Construction Violations 	Kris Byrd, Well Construction Manager
	Statement of Fiscal and Economic Impact - Revised	Laura Hartt, Rules Coordinator
3:40-4:00 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 #3

Draft Meeting Summary &
Follow Up



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

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:
- (a) Be at least 18 years old;
 - (b) Pass a written examination;
 - (c) Have a minimum of one year experience, during the previous ~~36~~ month36-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:

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 of welding proficiency. Acceptable evidence of welding proficiency includes:

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

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:
 - (b) Street address of the well. If property does not have an address, then the street address nearest to the proposed 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:

(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 (4) hours before placing the seal. Notification shall be submitted:

(A) Electronically by department approved methods; or

(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 on a department approved notification form and received by the region office at least four (4) hours prior to placing the seal; or

(C) By electronic mail. If notification is sent by electronic mail, then the electronic mail shall include a completed copy of a department approved notification form. If department approved notification form is not attached to the electronic mail, then original notification form must be submitted to the Department within three (3) working days of the date of electronic mail notification.

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; or
 - (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 on a department approved notification form and received by the region office prior to beginning construction, alteration, conversion, or abandonment work; or
 - (c) By electronic mail. If notification is sent by electronic mail, then the electronic mail shall include a completed copy of a department approved notification form. If department approved notification form is not attached to the electronic mail, then original notification form must be submitted to the Department within three (3) working days of the date of electronic mail notification.

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 earlier than 60 days and not later 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 earlier than 60 days and not later than three (3) calendar days (72 hours) prior to commencement of work; or
 - (c) By hand delivery, during regular office hours, not earlier than 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; or
 - (d) By facsimile transmission (FAX) not earlier than 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 earlier than 60 days and not later than three (3) calendar days (72 hours) before the day work begins.
 - (e) Start cards may not be submitted earlier than 60 days or later than three (3) 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.

Start Card Reporting Requirements

- (10) For good cause shown, 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.
 - (c) For the purposes of this rule, “good cause” means the exigent circumstances are due to circumstances beyond the reasonable control of the requester.




Table 225-1 – Follow Up Minor Well Construction Violations

TABLE 225-1

**MINOR WELL CONSTRUCTION
VIOLATIONS**

<u>Oregon Statute Reference</u>	<u>Value Assignment</u>	<u>Title</u>
ORS 537.762	Minor	REPORT OF COMMENCEMENT OF CONSTRUCTION; <u>COMMENCEMENT OF WORK NOTIFICATION; OR SEAL PLACEMENT DATE CHANGE NOTIFICATION</u>
ORS 537.765	Minor	WELL REPORT
ORS 537.789	Minor	WELL IDENTIFICATION NUMBER
<u>ORS 537.545 (5)</u>	<u>Minor</u>	<u>EXEMPT GROUNDWATER USE RECORDING MAP OR RECORDING FEE</u>
<u>Administrative Rule Reference</u>	<u>Value Assignment</u>	<u>Title</u>
<u>690-190-0100</u>	<u>Minor</u>	<u>EXEMPT GROUNDWATER USE MAP OR RECORDING FEE</u>
690-200-0048	Minor	WELL IDENTIFICATION LABEL
690-205-0185	Minor	WATER SUPPLY WELL DRILLING MACHINES
690-205-0200	Minor	WATER SUPPLY WELL CONSTRUCTION NOTICE REQUIRED (START CARD)
<u>690-205-0205</u>	<u>Minor</u>	<u>START CARD REPORTING REQUIREMENTS</u>
690-205-0210	Minor	WELL REPORT REQUIRED (WATER SUPPLY WELL LOG)



Draft Rules (RAC #4)
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)(b), (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 decision, 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.~~**

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 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)(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 of welding proficiency. Acceptable evidence of welding proficiency includes:
 - (A) A copy of an American Welding Society D1.1 structural welding certificate for steel with a test in the 2G horizontal position; 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 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.

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

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.

(a) Application for a monitoring well constructor’s license temporary authorization endorsement must include the following:

- (i) Completed and signed application form including evidence the person is 18 years of age or older;
- (ii) Examination fee;
- (iii) 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;
- (iv) A copy of the spouse or domestic partner’s assignment to an Oregon duty station by official active duty military order;



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

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.

(a) Application for a monitoring well constructor’s license temporary authorization endorsement must include the following:

(v) 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;

(vi) A completed comparison form as provided by the Department, outlining the out-of-state licensing authority’s authorization requirements; and

(vii) Official notification from the Department that applicant has passed the monitoring well constructors license examination.

Proposed Rule – Division 240

690-240-0065(5)(b)

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.

(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:

- (i) Applicant is eligible to apply;
- (ii) The Out-of-state authorization is current;
- (iii) The Out-of-state licensing authority’s licensing requirements are substantially similar to the Department’s requirements;
- (iv) The good standing form is complete;
- (v) The applicant has passed the written exam; and
- (vi) The license fee is paid.

Proposed Rule – Division 240

690-240-0065(5)(c)-(e)

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.

- (c) A temporary authorization endorsement issued by the Department is valid until the earliest of:
- (i) Two (2) years after the date of issuance;
 - (ii) The date the spouse’s term of military service ends;
 - (iii) 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 Section 1, Chapter 626, Oregon Laws 2019.

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)-(d)

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 the street address nearest to the proposed well;
 - (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;

Proposed Rule – Division 240

690-240-0375(1)(g)-(h)

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:

- (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;
- (g) The time frame proposed for beginning and completing the construction, alteration, abandonment or conversion;

Proposed Rule – Division 240

690-240-0375(1)(h)

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:

- (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 (4) hours before placing the seal. Notification shall be submitted:
- (A) Electronically by department approved methods; or
 - (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 on a department approved notification form and received by the region office at least four (4) hours prior to placing the seal; or
 - (C) By electronic mail. If notification is sent by electronic mail, then the electronic mail shall include a completed copy of a department approved notification form. If department approved notification form is not attached to the electronic mail, then original notification form must be submitted to the Department within three (3) working days of the date of electronic mail notification.

Proposed Rule – Division 240

690-240-0375(1)(i)-(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:

- (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;
- (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.

Proposed Rule – Division 240

690-240-0375(5)

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; or
 - (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 on a department approved notification form and received by the region office prior to beginning construction, alteration, conversion, or abandonment work; or
 - (c) By electronic mail. If notification is sent by electronic mail, then the electronic mail shall include a completed copy of a department approved notification form. If department approved notification form is not attached to the electronic mail, then original notification form must be submitted to the Department within three (3) working days of the date of electronic mail notification.

Proposed Rule – Division 240

690-240-0385(1)

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

Proposed Rule – Division 240

690-240-0385(3),(4)

690-240-0385 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 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.~~
- (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.

Proposed Rule – Division 240

690-240-0385(7)-(9)

690-240-0385 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.
- (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 and these rules 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.

Proposed Rule – Division 240

690-240-0385(10)

690-240-0385 Start Card Reporting Requirements

(10) For good cause shown, 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.
- (c) For the purposes of this rule, “good cause” means the exigent circumstances are due to circumstances beyond the reasonable control of the requester.

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;
 - ~~(e)~~ 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 240

690-240-0395(7)(g)-(o)

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 seal~~ant~~ 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

690-240-0580(1)(e)(B)

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 Monitoring Well Constructor's License to ensure 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 monitoring well;
 - (B) Requiring additional advance notice to be given to the Department of construction, alteration, conversion, or abandonment of any monitoring well;
 - (C) Requiring a seal placement notice be given to the Department up to 72 hours in advance of placing the seal; or
 - (D) Any other conditions the Director deems appropriate.

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

MINOR WELL CONSTRUCTION VIOLATIONS

TABLE 240-3

Oregon Statute Reference	Value Assignment	Title
ORS 537.762	Minor	REPORT OF COMMENCEMENT OF CONSTRUCTION; <u>COMMENCEMENT OF WORK NOTIFICATION; OR SEAL PLACEMENT DATE CHANGE NOTIFICATION</u>
ORS 537.765	Minor	WELL REPORT
ORS 537.789	Minor	WELL IDENTIFICATION NUMBER
Administrative Rule Reference	Value Assignment	Title
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)
<u>690-240-0385</u>	<u>Minor</u>	<u>START CARD REPORTING REQUIREMENTS</u>
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 Fiscal & Economic Impacts – Revised

Statement of Fiscal & Economic Impacts - Revised

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

Licensing/Proficiency Requirements

- HB 2145 requires demonstration of welding proficiency
- New Division 205 & 240 rules implement this requirement
- Estimated cost for demonstrating proficiency updated to include approximate cost of community college arc welding course and private instruction

Statement of Fiscal & Economic Impacts - Revised

The estimated cost of demonstrating proficiency is as follows:

- approximately \$250 for AWS D1.1 testing and certification;
- approximately \$300 to \$2,400 for successful completion of an arc welding course at a community college. This range is based on a survey of 17 Oregon community colleges offering the course and includes the cost of tuition for the arc welding course, tuition for any prerequisite courses, lab and student fees, books, tools, and equipment, where those costs were provided; or
- approximately \$400 to \$1,300 for arc welding instruction and testing through a private party or institution. This range is derived from discussions with instructors from Albany Weld School, Baker Technical Institute, and R&S Welding Mentors. These discussions revealed that the ultimate cost will vary, because demonstration of proficiency may require from one to eight hours of evaluation, training, and certification, depending on the applicant's prior welding experience. Also, the license applicant may incur additional fees if tools and other equipment are not provided by the instructor.

Additional costs for employers may arise if the license applicant's employer is paying for the applicant's time while obtaining welding proficiency.



Public Comment

Next Steps

- File Notice of Proposed Rulemaking – March 20
- Publish Notice of Public Hearing; Start 30-day Comment Period – April 3
- Present to GWAC – mid-April
- Convene Public Hearing (hybrid, Salem) – April 27 (3-5 pm)
- End of Public Comment – May 3
- Present proposed rules to WRC – June 15/16
- Rule effective date – July 1, 2023
- Communication & Outreach – ongoing

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