N E W S

L E T T E R

Well Said

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Available on the web at www.wrd.state.or.us/groundwater

Please share with others at your organization.

Well Said
Oregon Water Resources Department

"Well Said" is a production of the Oregon Water Resources Department's Enforcement Section and is designed to inform the drilling industry and the public about program activities and other items of interest.

Questions or suggestions concerning this newsletter can be directed to Kristopher Byrd at (503)986-0851, or by e-mail: Kristopher.R.Byrd @wrd.state.or.us.

DRILL CUTTINGS AND THE WATERS OF THE STATE

The Oregon Department of Environmental Quality (DEQ) is responsible for regulating driller's who discharge drill cuttings into the waters of the state.

According to Bill Meyers at DEQ, by allowing drill cuttings to enter the waters of the State of Oregon a drilling company is potentially in violation of the following Oregon Revised Statutes (ORS) and/or Oregon Administrative Rules (OAR):

Violation one is ORS 468B.025(1)(a): "Except as provided in ORS 468B.050, no person shall cause pollution of any waters of the state or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means".

Violation two is ORS 468B.025(1)(b): Without first obtaining a permit from the director, no person shall discharge any wastes into the waters of the state if the discharge reduces the quality of such waters below the water quality standards established by rule for such waters by the Environmental Quality Commission. OAR 340-041-0365(2)(c) establishes the following water quality standard: "Turbidity (Nephelometric Turbidity Units, NTU): No more than a ten percent cumulative increase in natural stream turbidities shall be allowed, as measured relative to a control point immediately upstream of the turbidity causing activity. However, limited duration activities necessary to address an emergency or to accommodate essential dredging, construction or other legitimate activities and which cause the standard to be exceeded may be authorized provided all practicable turbidity control techniques have been applied and one of the following has been granted:

(A) Emergency activities: Approval coordinated by DEQ with the Department of Fish and Wildlife under conditions they may prescribe to accommodate response to emergencies or to protect public health and welfare;

(B) Dredging, Construction or other Legitimate Activities: Permit or certification authorized under terms of Section 401 or 404 (Permits and Licenses, Federal Water Pollution Control Act) or OAR 141-085-0100 et seq. (Removal and Fill Permits, Division of State Lands), with limitations and conditions governing the activity set forth in the permit or certificate."

Drill cuttings are considered a pollutant when placed in waters of the state. Cuttings can increase water turbidity and negatively affect fish and wildlife. No cuttings are allowed to enter waters of the state or to be placed in such a way as they are likely to enter waters of the state. To do so is a violation of Oregon Law subject to enforcement action. Drilling companies are encouraged to evaluate the operation of their companies to ensure that they are operating in compliance with water pollution regulations.

LOCATING SEPTIC SYSTEMS

Caution should be taken when locating existing septic systems. Recently, there have been several incidents where a landowner thought they were giving the driller good information about the location of the septic system, but later it was discovered that the well did not meet setbacks as prescribed by rule. See Oregon Administrative Rule (OAR) 690-210-0030.

ON THE ROAD AGAIN

The Water Resources Department has scheduled this years training.

The class locations and times are:

Salem	**10/25/2004**	**8:30-12:30**
Roseburg	**10/27/2004**	**1:00-5:00**
Bend	**11/1/2004**	**1:00-5:00**
Pendleton	**11/3/2004**	**9:00-5:00**

The training in Salem, Roseburg and Bend will cover sealing standards, well placement, groundwater issues and the effects of earthquakes on groundwater and wells (Roseburg will have Water Rights class in place of the effects of earthquakes on groundwater and wells). The Pendleton Class agenda has not been finalized yet.

The classes will be reviewed for CEC credit at the October 12th meeting of the Continuing Education Committee. Sign up early by contacting Kris or Tracy. Questions concerning the Pendleton class should be directed to Brian Mayer at (541) 278-5456.

For more information about the classes please see the Water Resources Department website at http://www.wrd.state.or.us/ground water.

CONTINUING EDUCATION CLASSES FOR OTHER STATES

Classes that have been accepted for continuing education credit (CEC) in another state may not automatically qualify for credit in Oregon.

The Department maintains a list of approved classes and the CEC's that they have been assigned. If a class is not on the list then the Committee has not reviewed it and no credits have been assigned.

If a licensee takes a class that has not been pre-approved then the licensee may request that the Continuing Education Committee assign CEC's for the course within the current licensing period. The licensee should submit the information specified in OAR 690-205-0110 for committee evaluation. Courses taken without prior approval will be evaluated by the Continuing Education Committee on a case-by-case basis. See OAR 690-205-0075(2)

The Department maintains a list of approved classes on their website at www.wrd.state.or.us/groundwater.

STAFF CHANGES

Kris Byrd has been hired as the Well Construction Program Coordinator in the Department's Enforcement Section. Tracy Eichenlaub is the Department's License and Compliance Officer. Laurie Norton is reviewing Well Reports and Janet Halladey is heading up the Well Identification Program. Both Laurie and Janet also help with well log research.

Ken Wilcke has been hired as the Northwest Region Water Well Inspector and Joel Jeffery has been hired as the Northwest Region Monitor Well Inspector. Joel is currently a licensed Monitor Well Constructor. His knowledge and experience with monitoring wells will be an asset to the Region.

NEW CONTINUING EDUCATION COMMITTEE MEMBER

Kris Byrd has been named by the Director of the Water Resources Department to replace Mike McCord on the Well Constructors Continuing Education Committee. Mr. Byrd will be representing the regulatory community.

DO YOU NEED T.R.S. AND TAX-LOT AND YOU ONLY HAVE THE STREET ADDRESS?

Township, range, section, quarter-quarter and tax-lot are available if you have the street address of a particular piece of property. Just call the local county assessor's office and ask for the map and tax-lot number for the address in question. The map number usually consists of the township, range, section and quarter/quarter. Once you have the map and tax-lot you can go to http://www.ormap.org and print out a tax-lot map for your records free of charge.

2003 ENFORCEMENTS

In 2003 11 formal enforcements were referred to the Enforcement Section. All 11 were related to well construction. Violations included material misstatement's of fact, late or missing Start Cards, fees and/or late or missing Well Reports. The assessed penalties included license suspension and civil penalties. License suspensions averaged 30 days and civil penalties totaled approximately $9,000.