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WELL SAID NEWSLETTER

Available on the web at OWRD home page, under *Agency Spotlight* > *Well Said Newsletter*.

Please share with others at your organization.

Well Said is a production of the OWRD Well Construction Section and is designed to inform the drilling industry and the public about program activities and other items of interest.

Questions or suggestions about this newsletter may be directed to Kristopher Byrd at (503) 991-2470 or email at Kristopher.R.Byrd@water.oregon.gov



Serving the public by practicing and promoting responsible water management.

WELL CONSTRUCTION RULEMAKING

The modernization of Oregon's well construction program brought about by the passage of House Bill (HB) 2145 in 2021 is well under way and is close to reaching another milestone with the drafting and release of proposed rules for public comment by the Oregon Water Resources Department (OWRD). The Department drafted the proposed rules in coordination with a well-informed and engaged Rules Advisory Committee (RAC). OWRD held four RAC meetings between December 2022, and March 2023, to discuss and refine the rule proposals.

The public comment period for the proposed rules began on April 3, 2023, and extends until May 3, 2023. The Department will be conducting a hybrid public hearing on April 27, 2023, between 3-5 pm, and encourages anyone interested in offering comments to either join in person, or virtually online. Public comments can also be submitted in writing. Information about the hearing or about the public comment period is available on the OWRD website at: <https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/Well-Construction.aspx>

Once the public comment period is over, the Department will be reviewing and considering the comments, and developing proposed rules for the Water Resource Commission's consideration. The rules coordinator and well construction manager will be presenting proposed rules for adoption during the June 15 & 16 Water Resources Commission meeting. There are many changes in HB 2145 that become operative on July 1, 2023; therefore, the goal is to have a final version of the rules approved by the Commission and submitted to the Secretary of State so that they will be effective on July 1.

For more information regarding the well construction rulemaking process, please contact Laura Hartt, Water Policy Analyst, at (971) 720-0963 or Laura.A.Hartt@water.oregon.gov

NEW WELL CONSTRUCTOR NOTIFICATIONS

Because of new requirements in House Bill (HB) 2145 that take effect on July 1, 2023, well constructors will be required to make the following notifications to the Department:

Day of Drilling Notification - As required by ORS 537.762, on the day that work on the well commences, the licensed or permitted person shall, before commencing work, notify OWRD that the work is about to commence.

Seal Placement Date & Time Notification - If the actual date for 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.

The Well Construction Section is working closely with the Information Services team to add these notifications to the existing start card e-filing application. It is the intent of the Department to have an easy-to-use application available online that drillers can access to quickly provide these notifications. For those drillers that do not want to provide notification online, a paper form will also be made available.

Questions related to these notifications should be directed to Travis Kelly, Well Construction Compliance Coordinator, at Travis.N.Kelly@water.oregon.gov or (971) 304-5079.

WELL CONSTRUCTOR EXAM ON JULY 10, 2023

The Water Resources Department would like to remind potential well constructor exam applicants that the exam scheduled for July 10, 2023, will reflect the new rule changes that take effect on July 1, as mandated by House Bill (HB) 2145. To study for the July exam, please see the draft rule language here: <http://records.sos.state.or.us/ORSOSWebDrawer/Recordhtml/9371154>

It is possible that changes may be made to the draft rules found in the link above prior to the July exam date. Draft rules may be amended following the public comment period ending at 5:00pm on May 3, 2023. Furthermore, the rules will need to be formally adopted by the Water Resources Commission at their June meeting.

For questions regarding the well constructor exam, please contact Buffy Madrigal-Adams at (971) 287-8305 or Buffy.M.Madrigal-Adams@water.oregon.gov.

START CARD AND WELL REPORT CHANGES

Beginning July 1, 2023, the following will be required by House Bill (HB) 2145:

Start Cards

- The proposed latitude and longitude of the well as established by a global positioning system (GPS). (A GPS app is currently available within the Department e-file platforms.)
- 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 OWRD of the change at least four (4) hours before placing the seal.
- Start cards 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 or monitoring well.
- Start cards not used within 60 days will expire. Proposed rules under consideration provide that for good cause shown, start cards may be extended in exigent circumstances one time for up to 30 calendar days with prior Department approval.

Well Reports

- The actual latitude and longitude of the well as established by a GPS. (A GPS app is currently available within the Department e-file platforms.)
- Actual seal placement date and time.
- Name of any person who assisted with work on the well (helpers, trainees, etc.)
- The time construction began.

For questions related to the new reporting requirements, please contact Travis Kelly, Well Construction Compliance Coordinator, at (971) 304-5079 or Travis.N.Kelly@water.oregon.gov.

HELPERS REQUIRED ON WELL REPORTS

House Bill (HB) 2145 brought many changes to Oregon's well construction program, including the requirement for constructors to add the names of any person who assisted with the construction of a well to the well report. To make this change as seamless as possible for the drilling community, staff in the Well Construction Program have been working with the Department's Information Systems experts to develop online tools that will help constructors to submit the names of helpers as efficiently as possible. For those who choose to e-file their well reports, the e-file application will offer the ability to easily register helpers beginning July 1, 2023. Well Constructors who submit paper well reports will be required to manually add names of helpers in the comment section of the well report.

For questions related to the e-filing applications, please contact Buffy Madrigal-Adams, Well Licensing Specialist, at (971) 287-8305 or Buffy.M.Madrigal-Adams@water.oregon.gov.

E-FILING SPECIAL STANDARD REQUESTS

The Well Construction Section is excited to announce that the OWRD Information Services team is working to create a process to submit Special Standard Requests online. This newly added function will be located within the start card e-filing application and is set to be released on July 1, 2023. For questions regarding any of the well construction e-filing applications, please contact Buffy Madrigal-Adams, Well Licensing Specialist, at (971) 287-8305 or Buffy.M.Madrigal-Adams@water.oregon.gov.

LEGISLATIVE REPORT FOR HOUSE BILL 2145

On January 31, 2023, OWRD submitted a report to the Legislative Assembly on the implementation of House Bill (HB) 2145. The report, a requirement of the bill, details the Department's review of well reports and on-site well inspections, including: (1) The number of well reports OWRD has identified as having a deficiency and the nature of the deficiency; (2) The number of inspected wells that had a deficiency and whether the nature of the deficiency was observed on the well report associated with the well; and (3) The Department's workload related to reviewing well reports and on-site well inspections. In addition to the first report to the Legislative Assembly, a second report is required to be submitted on or before January 31, 2025.

The report indicates that between July 1, 2022, and December 31, 2022, the Department completed **2,446** well report reviews. Deficiencies noted during the reviews were divided into three categories: construction deficiencies, incomplete reports, and late filings. The report provided that one well report may include more than one deficiency category. The numbers identified include:

- **144 construction deficiencies** with issues that indicate the well does not meet minimum construction requirements and may harm the groundwater resource
- **743 incomplete reports** identified as having missing information required by law; reports can be amended to correct the issue. These types of deficiencies constitute a majority of those found during well report reviews and have required significant staff time to remediate
- **369 late well report filings** and associated construction documents that were submitted to OWRD after the filing deadlines

The report also included information regarding the number of inspected wells that had a deficiency and whether the nature of the deficiency was observed on the well report associated with the well. Between July 1, 2022, and December 31, 2022, **741** wells received an on-site inspection. **31** deficiencies were found during inspection, or roughly **4%** of the wells inspected. In one case, deficiencies were found during an on-site inspection in addition to being identified in a technical well report review; the remaining **30** deficiencies were only identified via the on-site inspection. In total, between inspections and well report reviews, **174** construction deficiencies were identified.

Given these findings, it is evident that both well report reviews and physical well inspections are important in protecting the groundwater resource and those who rely on it. While on-site well inspections provide a better view of construction deficiencies, the Department can only inspect a portion of the newly constructed wells with current resources. Consequently, some construction deficiencies that are exclusively identified in the field may be going unobserved.

Finally, in response to the question about the Department's workload associated with reviewing well reports and inspecting wells, the OWRD currently has **seven** well inspectors whose primary duties include reviewing well reports and inspecting wells in the field. The addition of two inspectors funded by the legislature in 2021, coupled with efforts to streamline exempt use fees and map collection, has expanded capacity for existing staff to take on the new workload of reviewing submitted well reports within 120 days, while at the same time working to maintain the number of on-site well inspections.

The Department is committed to keeping the well constructor community apprised of all matters related to the implementation of HB 2145. This includes data regarding what is being observed on well reports during the technical review process, and observations collected during on-site well inspections.

Questions about well report reviews or the statistics in the report to the Legislative Assembly should be directed to Travis Kelly, Well Construction Compliance Coordinator, at Travis.N.Kelly@water.oregon.gov or (971) 304-5079.

WELDING REQUIREMENT FOR DRILLER LICENSING



House Bill (HB) 2145 also requires that applicants for a well constructor's license provide evidence of welding proficiency as a condition for

obtaining their license. This condition takes effect on July 1st and applies to anyone applying for a well constructor's license. The requirement will apply to all new well drillers seeking licensure. Existing well drillers who perform welds that fail to meet current standards may be required to provide the Department with proof of welding proficiency.

The rules implementing the HB 2145 welding proficiency requirements are part of the proposed rules currently available for public comment.

For more information on the draft welding proficiency requirements, please see the draft rule language at: <http://records.sos.state.or.us/ORSOSWebDrawer/Recordhtml/9371154>

For questions regarding well constructor licensing, please contact Buffy Madrigal-Adams at Buffy.M.Madrigal-Adams@water.oregon.gov. or (971) 287-8305.

NEW NW REGION WELL INSPECTOR

Please join the Oregon Water Resources Dept (OWRD) in welcoming Josh Lucas as the second Northwest Region Well Inspector out of the Salem office. Josh's first official day was April 1, 2023. Expect to see him around more of your drill sites as he gets trained by the existing Northwest Region Well Inspector, Ryan Pillsbury.

Please see the July 2023 issue of the Well Said for a short biography of Josh Lucas.

Josh may be contacted at (971) 428-7192 or Josh.C.Lucas@water.oregon.gov.

WELL CONSTRUCTOR LICENSE RENEWALS 2023

As stated in ORS 537.747, well constructor licenses expire on June 30th. For those who have licenses expiring on June 30, 2023, this is a reminder that the fee for a two-year water supply or monitoring well license renewal is **\$150.00**. A fee of \$100.00 will be assessed for renewals submitted after June 30, 2023.

As a reminder, a minimum of **14** continuing education credits (CECs) are required to renew your license. Of the 14 credits, a minimum of **two** credits must be in **Oregon Rules and Regulations**.

An online rules course is offered on the WRD website here:

http://apps.wrd.state.or.us/apps/gw/cec_rules_course/

Use the same login credentials that you use for electronic submittal of well reports and start cards. Please click the checkbox after reading the "Statement of Integrity" to enter the course. Unfortunately, online payment for the course is not yet available; please mail the invoice and payment to the WRD Salem office via check or money order.

Well constructors who currently meet the minimum CEC requirement, may renew their license online here:

https://apps.wrd.state.or.us/apps/gw/well_license_renewal/secure/login.aspx?ReturnUrl=/apps/gw/well_license_renewal/secure

License renewal paperwork will be mailed to the business address you have on file with OWRD at the end of April. Please log into the "Update Contact Information" here to verify that OWRD has your current information:

https://apps.wrd.state.or.us/apps/gw/well_license_address_update/login.aspx?ReturnUrl=%2fapps%2fgw%2fwell_license_address_update%2fDefault.aspx

Questions related to license renewals or CECs may be directed to Buffy Madrigal-Adams at Buffy.M.Madrigal-Adams@water.oregon.gov or (971) 287-8305.

PHOTOS FROM THE FIELD



New well in NW Region

Abandoning a monitoring well



New well under construction



Inspector checking setbacks



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