



Oregon

Tina Kotek, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904
www.Oregon.gov/OWRD

MEMORANDUM

TO: Water Resources Commission

FROM: Douglas E. Woodcock, Acting Director

SUBJECT: Agenda Item E, March 21, 2024
Water Resources Commission

Division 205 and 240 Well Construction Welding Requirements – Proposed Rule Adoption

I. Introduction

During this agenda item, staff will present a request to adopt changes relating to welding requirements for monitoring wells in Oregon Administrative Rules (OAR) 690, Division 205 and 240. *The Commission will be asked to consider the adoption of the final proposed rules.*

II. Integrated Water Resources Strategy Recommended Action

- 7.A – Develop and Upgrade Water and Wastewater Infrastructure
- 7.C – Ensure Public Safety/ Dam Safety
- 8.B – Provide Education and Training for Oregon’s Next Generation of Water Experts

III. Background

In 2023, the Department began rulemaking to implement House Bill 2145 (2021) to modernize the well construction program. The Rules Advisory Committee process revealed that although welding is necessary in the construction of a water supply well, it is not typically required in the construction of a monitoring well. Because of the way the law was written, however, the Department had to require evidence of welding proficiency for both monitor well licenses and water well licenses.

Based on this requirement, the Oregon Groundwater Association put forth House Bill 3343 (2023) to provide the Department with the discretion to determine which types of wells require license applicants to provide evidence of welding proficiency. The Department testified in support of the bill and stated that if the bill passed, staff would come back with proposed rules to implement the bill and clarify the welding proficiency requirements for both types of drilling licenses. The bill passed and the Department determined that OARs 690-205-0020 and 690-240-0065 and 430 should be modified, given current industry practices for monitoring wells.

Overview of the Rulemaking Process

Rules Advisory Committee (RAC) Meeting: The Department formed a RAC to review and provide input on the draft rules. One hybrid RAC meeting was held on November 2, 2023. The

RAC had 20 members representing the well construction industry, non-governmental organizations, Tribes, and Oregon cities (see attachment 1.)

Notice of Proposed Rulemaking: The Department filed the Notice of Proposed Rulemaking with the Secretary of State's Office, and the notice was subsequently published in the Oregon Bulletin on December 1, 2023. The Department also notified the members of the RAC, interested parties, and other members of the public. Information on the bulletin was posted or emailed to RAC members, the Department's Proposed Rulemaking website, the Oregon Transparency website, stakeholders, and public members subscribed to the Department's GovDelivery listservs for Rulemaking and Legislation/Budget. The rulemaking notice can be found in Attachment 2.

Public Comment and Public Hearing: The public comment period for the proposed rulemaking was open from December 1, 2023 to January 11, 2024. The Department received two written comments. In addition to accepting written comments, the Department held one hybrid public hearing in Salem on January 4, 2024. No oral comments were made during the public hearing.

Comments and Response: Staff reviewed the two written comments. No modifications were made to the proposed rules based on the comments. Attachment 3 provides the written comments and the Department's response to those comments.

IV. Overview of Rules

The Well Construction Rulemaking will implement House Bill 3343 (2023) relating to the welding proficiency requirement to obtain a well constructors' license. The proposed rule amendments to OARs 690-205-0020 and 690-240-0065 and 430:

- Clarifies that evidence of welding proficiency is required to obtain a water supply well constructor license, even if a driller already has a monitoring well constructor license;
- Removes the requirement to provide evidence of welding proficiency to obtain a monitoring well constructor license; and
- Adds a requirement for approved special standards if steel casing that requires welding is used in the construction of a monitoring well. The requirement excludes temporary casing that is removed prior to completion of the well.

The final proposed rules with track changes are included in Attachment 4.

V. Conclusion

House Bill 3343 (2023) amended Oregon Revised Statute (ORS) 537.747 to provide the Department with the discretion to determine which types of wells require license applicants to provide evidence of welding proficiency. These proposed changes to the rules will be protective of the groundwater resource, while also removing an unnecessary requirement for industry and consistent with drilling industry practices.

VI. Alternatives

The Commission may consider the following alternatives:

1. Adopt the final proposed rules as written.
2. Adopt modified final proposed rules.
3. Not adopt rules and request the Department further evaluate the issue.

VII. Acting Directors Recommendation

The Acting director recommends Alternative 1, to adopt the final proposed rules as written.

Attachments:

1. RAC Roster
2. Well Construction Notice of Proposed Rules
3. Response to Comments
4. Final Proposed Rules with Track Changes

Kristopher Byrd, Well Construction Manager
503-991-2470

Kelly Meinz, Rules Coordinator/Policy Analyst
971-718-7087

**Rules Advisory Committee (RAC) Roster
2023-2024 Well Construction Rulemaking**

Name	Affiliation/Organization	Email
Branden Pursinger	Association of Oregon Counties	bpursinger@oregoncounties.org
C.J. Nugent	Nugent Drilling	cjnugentdrilling@gmail.com
Cheyenne Holliday	Verde	cheyenneholliday@verdenw.org
Eric Schneider	Schneider Water Services	eric@schneiderwater.com
Floyd Sippel	Sippel Well Drilling	floyd@sippelwelldrilling.com
Garry Zollman	Zollman's Larry Burd Well Drilling	zollmanslbwd@yahoo.com
Greg Kupillas	Pacific Hydro-Geology	phggek@bctonline.com
Jack Abbas	Abbas Well Drilling & Pump Service	jackabbas1955@gmail.com
John Stadel	Arrow Drilling	john@arrowdrilling.net
Karen Lewotsky	Oregon Environmental Council	karen@oeconline.org
Kelly Warrent	Confederated Tribes of the Umatilla Indian Reservation	KellyWarren@ctuir.org
Kevin Gill	Clouser Drilling	kevin@clouserdrilling.com
Lauren Poor	Oregon Farm Bureau	lauren@oregonfb.org
Mark Griffith	Klamath Community College	griffithm@klamathcc.edu
Mark Landauer	Special Districts Association of Oregon	mark@mjlconsulting.com
Matthew Walter	Klamath Community College	walter@klamathcc.edu
Michael Klobes	Always Pure	m.klobes@always-pure.com
Priya Dhanapal	City of Beaverton	pdhanapal@beavertonoregon.gov
Richard Mest	Master Water Conditioning Corporation	richard@masterwater.com
Shilah Olson	Wasco County Conservation District	shilah.olson@or.nacdnet.net

Oregon Water Resources Department 2022-2023 Well Construction Rulemaking Support Staff		
Name	Title	Email
Kelly Meinz	Water Policy Analyst/Rules Coordinator, Policy Section	Kelly.a.meinz@water.oregon.gov
Annette Liebe	Administrator, Technical Services Division	Annette.I.Liebe@water.oregon.gov
Kris Byrd	Well Construction Manager, Well Construction Section	Kristopher.R.Byrd@water.oregon.gov

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 690
WATER RESOURCES DEPARTMENT

FILED
11/21/2023 9:38 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amend Divisions 205 and 240 to clarify the requirements to obtain a well constructors license.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/11/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Kelly Meinz
971-718-7087
kelly.a.meinz@water.oregon.gov

725 Summer ST NE, Suit A
Salem, OR 97301

Filed By:
kelly meinz
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 01/04/2024

TIME: 2:00 PM - 3:00 PM

OFFICER: Kelly Meinz

HEARING LOCATION

ADDRESS: Oregon Water Resources Department , 725 Summer ST NE A , Salem , OR 97301

SPECIAL INSTRUCTIONS:

This meeting will be in a Hybrid format held in Salem, 725 Summer ST NE A, room NMOB 124. If you plan to join online, please register with the link below to this notification. Individuals who want to submit oral testimony must email or call Kelly Meinz at the contact information below to sign up by January 4, 2024, no later than 1:45 PM. The hearing will close no later than 3:00 PM but may close as early as 2:20 PM if all individuals who have signed up to testify have had the opportunity to enter their comments into the record. The meeting location is accessible to persons with disabilities. Language services also are available upon request. A request for an interpreter for the deaf and hard of hearing, other language services, or other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kelly Meinz at WRD_DL_rule-coordinator@water.oregon.gov.

Zoom registration link: <https://zoom.us/meeting/register/tJAocO2sqz0jG9TaWwZ2U3QYCcID1MkflIEI>

Meeting phone number: +16694449171

Meeting ID: 945 7445 1910

Passcode: 301062

NEED FOR THE RULE(S)

With the passage of HB 3343 (2023), and the associated amendment to Oregon Revised Statute (ORS) 537.747, the Oregon Water Resources Department (OWRD) has determined rulemaking is required to align current Oregon

Administrative Rules (OARs) with Oregon statute.

The rule divisions requiring amendment are the following: OAR 690-205 relating to Water Supply Well Construction (Standards; Licensing); and OAR 690-240 relating to Construction, Maintenance, Alteration, Conversion and Abandonment of Monitoring Wells, Geotechnical Holes and Other Holes in Oregon. The proposed amendments to the rules modify the well construction licensing requirements to clarify that applicants for a water supply well constructor license must provide evidence of welding proficiency regardless of whether or not they hold a monitoring well constructors license. The proposed amendments also modify the monitoring well licensing requirements by removing the requirement to provide evidence of welding proficiency to obtain a monitoring well constructors license.

This rulemaking will ensure that OWRD's rules are consistent with existing law. This rulemaking will also ensure that the application of the law is consistent with drilling industry practices.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 537.747

House Bill (HB) 3343 (2023)

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

OWRD does not anticipate a negative impact to racial equity throughout the State. The rulemaking will clarify the licensing requirements for water supply and monitoring well constructor licenses. These changes provide certainty as it relates to the welding proficiency requirements for licensure.

FISCAL AND ECONOMIC IMPACT:

As discussed below, the economic and fiscal impacts associated with this rulemaking stem from implementation of HB 3343 (2023), and are not a result of the rulemaking in itself.

Licensing Proficiency Requirements: The changes to ORS 537.747 brought about by the passage of HB 3343 (2023) provide the Department with the discretion to determine which types of wells require license applicants to provide evidence of welding proficiency. With the changes proposed in this rulemaking, applicants for a monitoring well constructors license will no longer be required to provide evidence of welding proficiency to obtain their license, which will save the applicants the cost of suitable welding training. Applicants for a water supply well constructors license must still provide OWRD with evidence of welding proficiency to obtain their license, even if they already hold a monitoring well constructors license. Welding proficiency may be demonstrated by completing an arc welding training course from a community college, receiving a professional welding certification, passing a welding proficiency test, or otherwise completing professional welding training. In determining the cost of compliance, OWRD conferred with Klamath Community College, Baker Technical Institute, Central Oregon Community College, and High Desert Education Service District. Based on these discussions, OWRD has determined that the cost of compliance with the welding proficiency requirement may be between \$400-\$1,000. These discussions also revealed that the total cost of achieving welding proficiency is highly variable and is based on the cost of the certifier, educator, or inspector performing the welding proficiency training. Additional costs for employers may arise if the license applicant's employer is paying for the applicant's time while obtaining welding proficiency. In such cases, the total costs of achieving proficiency may reach as high as \$5,000

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the

expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The rules are likely to economically affect applicants applying for a water supply well constructors license when they already hold a monitoring well constructors license. There is no anticipated economic effect on OWRD, other state agencies, or units of local government.

(2)(a) OWRD estimates there are approximately 127 well construction businesses in Oregon who may be subject to the rules if they send a license applicant to apply for a well constructors license. Since the department licenses individuals and not businesses, the real number of businesses subject to the rules may vary.

(2)(b) The additional administrative costs associated with preparing and submitting evidence of welding proficiency for water supply well constructor license applicants who already hold a monitoring well constructor license is expected to be minimal. There will be no additional costs for monitoring well constructor license applicants.

(2)(c) The rules do not require small businesses to obtain professional services, equipment, supplies, labor, or other administrative abilities to comply with the welding proficiency requirement.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Rules Advisory Committee included members representing small businesses most likely to be affected by this rulemaking, including drillers, pump installers, farmers, and consultants.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

690-205-0020, 690-240-0065, 690-240-0430

AMEND: 690-205-0020

RULE SUMMARY: Amends rule requirement regarding water supply well constructor licensing to clarify that applicants for a water supply well constructors license must provide evidence of welding proficiency regardless of whether or not they hold a monitoring well constructors license.

CHANGES TO RULE:

690-205-0020

Water Supply Well Constructors License, Experience Requirements, 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-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:¶

(A) Water supply well reports, or rough well logs with applicants' name entered, for each of the 15 wells. The name, address, and telephone number of the person responsible for the construction of each 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. ¶
- (d) Pay a license fee. ¶
- (e) Provide evidence of welding proficiency. The following options will satisfy the evidence of welding proficiency requirement: ¶
- (A) A copy of an arc welding certificate from a nationally recognized welding organization. Acceptable organizations include, but are not limited to, American Welding Society, American Petroleum Institute, American Society of Mechanical Engineers, and the United States Military; 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 certified welding 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; or ¶
- (E) A copy of an American Welding Society D1.1 structural welding certificate for steel with a test in the 2G horizontal position. ¶
- ~~(f) Applicants that hold a current Oregon monitoring well constructor's license are not required to provide evidence of welding proficiency to obtain a water supply well endorsement. ¶~~
- (2) Trainee. If an applicant passes the written Water Supply Well Constructor's License examination, but cannot meet the experience requirement, the Commission may issue a trainee card. To qualify for a Water Supply Well Constructor Trainee Card, a person must: ¶
- (a) Be at least 18 years old; ¶
- (b) Pass a written examination; and ¶
- (c) Be supervised by a person who holds a valid Water Supply Well Constructor's License. ¶
- (3) Trainee card. A trainee card is valid for three (3) years from the date the examination was passed. ¶
- (4) Supervision. Supervision as it relates to any person who holds a Water Supply Well Constructor Trainee Card: ¶
- (a) A trainee may operate a cable tool drilling machine without a licensed Water Supply Well Constructor physically present at the well site only if: ¶
- (A) The licensed constructor can reach the well site within two hours if requested by an authorized representative of the Department; and ¶
- (B) The licensed constructor has signed the rough drilling log within eight working hours prior to the representative's visit. ¶
- (b) A licensed Water Supply Well Constructor must physically be on the site at all times when a cable tool drilling machine is: ¶
- (A) Drilling within a flowing artesian well; ¶
- (B) Setting or advancing casing; ¶
- (C) Setting liner; ¶
- (D) Perforating casing; ¶
- (E) Setting well screens; ¶
- (F) Placing packers; ¶
- (G) Placing casing seals; ¶
- (c) A Water Supply Well Constructor trainee may operate a non-cable tool water supply well drilling machine without a licensed Water Supply Well Constructor physically present at the well site only during the following events: ¶
- (A) Air test or pump test of the well; ¶
- (B) Gravel packing operations; ¶
- (C) Developing a completed well; ¶
- (D) Removal of the drill stem from the well. ¶
- (d) Activities under subsection (4)(c)(A)-(D) of this rule shall proceed only if: ¶
- (A) The licensed Water Supply Well Constructor can reach the site within one hour if requested by an authorized representative of the Department; and ¶
- (B) The licensed Water Supply Well Constructor has signed the rough drilling log within eight working hours prior to the representative's visit. ¶
- (e) An authorized representative of the Department in whose jurisdiction the water supply well is being constructed has the authority to: ¶
- (A) Grant an extension to the time limits stated above when a request, showing good cause, is received from the bonded constructor in advance for each particular well; and ¶

- (B) Place additional restrictions on the trainee, including requiring the constructor to be on the site at all times while the drilling machine is operating, when the authorized Department representative determines that either the drilling environment or the knowledge and/or experience of the trainee warrant closer supervision. ¶
- (f) For a Water Supply Well Constructor Trainee to operate a water supply well drilling machine without a licensed Water Supply Well Constructor present, the trainee's card must be endorsed with the name of the bonded Water Supply Well Constructor responsible for the construction of the water supply well. ¶
- (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. ¶
- (a) Application for a water supply well constructor's license temporary authorization endorsement must include the following: ¶
- (A) Completed and signed application form including evidence the person is 18 years of age or older; ¶
- (B) Examination fee; ¶
- (C) 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; ¶
- (D) A copy of the spouse or domestic partner's assignment to an Oregon duty station by official active duty military order; ¶
- (E) Official verification of the applicant's current authorization to provide water supply well constructor services in another state along with the Department's "good standing" form; ¶
- (F) A completed comparison form as provided by the Department, outlining the out-of-state licensing authority's authorization requirements; and ¶
- (G) Official notification from the Department that applicant has passed the water supply well constructors license examination. ¶
- (b) The Department will review the application for a Water Supply Well Constructor's License Temporary Authorization Endorsement once all materials are submitted. A Water Supply Well Constructor's License Temporary Authorization Endorsement shall be issued if the Department determines: ¶
- (A) Applicant is eligible to apply; ¶
- (B) The Out-of-state authorization is current; ¶
- (C) The Out-of-state licensing authority's licensing requirements are substantially similar to the Department's requirements; ¶
- (D) The good standing form is complete; ¶
- (E) The applicant has passed the written exam; and ¶
- (F) The license fee is paid. ¶
- (c) 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; ¶
- (C) 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 water supply wells after expiration unless the person obtains a Water Supply 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 ORS 670.403. ¶
- (6) Other supervision requirements for persons not licensed or permitted to construct water supply wells, or who do not hold a Water Supply Well Constructor Trainee Card: ¶
- (a) Persons who are in the act of constructing, altering, converting or abandoning water supply wells must be supervised by a licensed Water Supply Well Constructor who is physically present at the well site at all times during construction, alteration, conversion, or abandonment activity. ¶
- (b) The supervising Water Supply Well Constructor is responsible for all applicable statutes and rules in construction, alteration, conversion, or abandonment of the water supply well. ¶
- (7) Persons who satisfy all requirements of ORS 537.747(3) shall be issued a Water Supply Well Constructor's License. The responsibilities for issuing and securing a Water Supply Well Constructor's License or trainee card are listed in subsections (a) and (b) of this section. ¶
- (a) The Water Supply Well Constructor's License applicant is responsible for: ¶
- (A) Completing an application or renewal form for a new or renewed license or trainee card; ¶
- (B) Submitting the application or renewal form to the Water Resources Department along with the required fees; ¶
- (C) Carrying the license or trainee card whenever constructing, altering, converting, or abandoning any water

supply well; and ¶

(D) Providing the Water Resources Department, within 30 days, notification of any change of mailing address. ¶

(E) Providing the Water Resources Department documentation satisfying the continuing education requirements set forth in OAR 690-205-0035 through 690-205-0120. ¶

(b) The Water Resources Department is responsible for: ¶

(A) Designing and providing Water Supply Well Constructor license(s) and trainee cards; ¶

(B) Designing and providing application forms and renewal forms for licenses and application forms for trainee cards; ¶

(C) Processing applications and renewals for licenses and applications for trainee cards; ¶

(D) Returning incomplete application and renewal forms to applicants for completion; and ¶

(E) Sending new and renewed licenses to applicants who have completed the application or renewal form and submitted the required fee. This does not preclude refusal to renew as outlined in OAR 690-205-0025(4). ¶

(8) Bonded Water Supply Well Constructor. For a person to possess a bonded Water Supply Well Constructor's License, the person must provide to the Department a properly executed Water Well Constructor's Bond or Irrevocable Letter of Credit. The Water Resources Department shall indicate on the constructor's license a bonded classification. ¶

(9) Representatives of the Water Resources Department may ask anyone constructing, altering, or abandoning a water supply well to present their license or trainee card as proof of eligibility to construct, alter, convert, or abandon water supply wells in the State of Oregon. Licensed individuals shall display their license or trainee card and photo identification when they are requested to do so by Water Resources Department personnel.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.900, ORS 536.027, ORS 106.340, ORS 537.992, ORS 670.400, ORS 670.403

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 536.900, ORS 106.340, ORS 537.992, ORS 670.400, ORS 670.403

AMEND: 690-240-0065

RULE SUMMARY: Amends rule requirement regarding monitoring well constructor licensing to clarify that applicants for a monitoring well constructors license do not need to provide evidence of welding proficiency to obtain a license.

CHANGES TO RULE:

690-240-0065

Monitoring Well Constructor License, Experience Requirements, 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-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. ¶

(d) Pay a license fee. ¶

~~(e) Provide evidence of welding proficiency. The following options will satisfy the evidence of welding proficiency requirement: ¶~~

~~(A) A copy of an arc welding certificate from a nationally recognized welding organization. Acceptable organizations include, but are not limited to, American Welding Society, American Petroleum Institute, American Society of Mechanical Engineers, and the United States Military; 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 certified welding 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; or ¶~~

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

~~(f) Applicants that hold a current Oregon water supply well constructor's license are not required to provide evidence of welding proficiency to obtain a monitoring well endorsement. ¶~~

(2) Trainee. If an applicant passes the written Monitoring Well Constructor's License examination, but cannot meet the experience requirement the Commission may issue a trainee card. To qualify for a Monitoring Well Constructor Trainee Card, a person must: ¶

(a) Be at least 18 years old; ¶

(b) Pass a written examination; and ¶

(c) Be supervised by a person who holds a valid Monitoring Well Constructor's License. ¶

(3) Trainee Card. A Trainee Card is valid for three (3) years from the date the examination was passed. ¶

(4) Supervision. Supervision as it relates to any person who holds a Monitoring Well Constructor Trainee Card: ¶

(a) A Trainee may operate a cable tool monitoring well drilling machine without a licensed Monitoring Well Constructor physically present at the well site only if: ¶

(A) The licensed constructor can reach the well site within two hours if so requested by an authorized representative of the Department; and ¶

(B) The licensed constructor has signed the rough drilling log within eight working hours prior to the representative's visit. ¶

(b) A licensed Monitoring Well Constructor must physically be on the site at all times when a cable tool drilling machine is: ¶

(A) Drilling within a flowing artesian well; ¶

- (B) Setting or advancing casing; ¶
 - (C) Setting liner; ¶
 - (D) Perforating casing; ¶
 - (E) Setting well screens; ¶
 - (F) Placing packers; ¶
 - (G) Drilling into, through, or below ground water suspected or known to be contaminated; and ¶
 - (H) Placing casing seals. ¶
- (c) A Monitoring Well Constructor trainee may operate a non-cable tool monitoring well drilling machine without a licensed Monitoring Well Constructor physically present at the well site only during removal of the drill stem from the monitoring well. ¶
- (d) Activities under subsection (3)(c) of this rule shall proceed only if: ¶
- (A) The licensed Monitoring Well Constructor can reach the site within one hour if so requested by an authorized representative of the Department; and ¶
 - (B) The licensed Monitoring Well Constructor has signed the rough drilling log within eight working hours prior to the representative's visit. ¶
- (e) An authorized representative of the Department in whose jurisdiction the monitoring well is being constructed has the authority to: ¶
- (A) Grant an extension to the time limits stated above when a request, showing good cause, is received from the bonded constructor in advance for each particular well; and ¶
 - (B) Place additional restrictions on the trainee, including requiring the constructor to be on the site at all times while the drilling machine is operating, when the Department representative determines that either the drilling environment or the knowledge and/or experience of the trainee warrant closer supervision. ¶
- (f) For a Monitoring Well Constructor trainee to operate a monitoring well drilling machine without a licensed Monitoring Well Constructor present, the trainee's card must be endorsed with the name of the bonded Monitoring Well Constructor responsible for the construction of the monitoring well. ¶
- (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: ¶
- (A) Completed and signed application form including evidence the person is 18 years of age or older; ¶
 - (B) Examination fee; ¶
 - (C) 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; ¶
 - (D) A copy of the spouse or domestic partner's assignment to an Oregon duty station by official active duty military order; ¶
 - (E) 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; ¶
 - (F) A completed comparison form as provided by the Department, outlining the out-of-state licensing authority's authorization requirements; and ¶
 - (G) Official notification from the Department that applicant has passed the monitoring well constructors license examination. ¶
- (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: ¶
- (A) Applicant is eligible to apply; ¶
 - (B) The Out-of-state authorization is current; ¶
 - (C) The Out-of-state licensing authority's licensing requirements are substantially similar to the Department's requirements; ¶
 - (D) The good standing form is complete; ¶
 - (E) The applicant has passed the written exam; and ¶
 - (F) The license fee is paid. ¶
- (c) 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; ¶
 - (C) 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 ORS 670.403. ¶

(6) Other supervision requirements for persons not licensed or permitted to construct monitoring wells, or who do not hold a Monitoring Well Constructor trainee card: ¶

(a) Persons who are in the act of constructing, altering, converting or abandoning monitoring wells must be supervised by a licensed Monitoring Well Constructor who is physically present at the well site at all times during construction, alteration, conversion, or abandonment activity. ¶

(b) The supervising Monitoring Well Constructor is responsible for all applicable statutes and rules in construction, alteration, conversion, or abandonment of the monitoring well. ¶

(7) Persons who satisfy all requirements of ORS 537.747(3) shall be issued a Monitoring Well Constructor's License. The responsibilities for issuing and securing a Monitoring Well Constructor's License or trainee card are listed in subsections (a) and (b) of this section. ¶

(a) The Monitoring Well Constructor's License applicant is responsible for: ¶

(A) Completing an application or renewal form for a new or renewed license or trainee card; ¶

(B) Submitting the application or renewal form to the Water Resources Department along with the required fees; ¶

(C) Carrying the license or trainee card whenever constructing, altering, converting, or abandoning any monitoring well; and ¶

(D) Providing the Water Resources Department, within 30 days, notification of any change of mailing address. ¶

(E) Providing the Water Resources Department documentation satisfying the continuing education requirements set forth in OAR 690-240-0200 through 690-240-0280. ¶

(b) The Water Resources Department is responsible for: ¶

(A) Designing and providing Monitoring Well Constructor license(s) and trainee cards; ¶

(B) Designing and providing application forms and renewal forms for licenses and application forms for trainee cards; ¶

(C) Processing applications and renewals for licenses and applications for trainee cards; and ¶

(D) Returning incomplete application and renewal forms to applicants for completion. ¶

(E) Sending new and renewed licenses to applicants who have completed the application or renewal form and submitted the required fee. This does not preclude refusal to renew as outlined in OAR 690-240-0070(4). ¶

(8) Bonded Monitoring Well Constructor. For a person to possess a bonded Monitoring Well Constructor's License, the person shall provide to the Department a properly executed Water Well Constructor's Bond or Irrevocable Letter of Credit. The Water Resources Department shall indicate on the constructor's license a bonded classification. ¶

(9) Representatives of the Water Resources Department may ask anyone constructing, altering, or abandoning a monitoring well to present their license or trainee card as proof of eligibility to construct, alter, convert, or abandon monitoring wells in the State of Oregon. Licensed individuals shall display their license or trainee card and photo identification when they are requested to do so by Water Resources Department personnel or other agency personnel to whom monitoring well regulation has been delegated.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.027, ORS 537.992, ORS 106.340, ORS 536.900, ORS 670.400, ORS 670.403

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 537.992, ORS 106.340, ORS 536.900, ORS 670.400, ORS 670.403

AMEND: 690-240-0430

RULE SUMMARY: Amends rule requirement regarding monitoring well constructor licensing to clarify that applicants for a monitoring well constructors license do not need to provide evidence of welding proficiency to obtain a license

CHANGES TO RULE:

690-240-0430

Casing ¶

- (1) The constructor shall consider the following factors when selecting monitoring well casing:¶
- (a) The casing installed shall not be readily reactive with the subsurface environment according to best available knowledge;¶
 - (b) The casing installed shall not adversely affect or interfere with the chemical, physical, radiological, or biological constituents of interest according to best available knowledge;¶
 - (c) The collapse strength of all casing used in monitoring well construction must be great enough to withstand the pressure exerted by the annular seal during seal placement, including heat of hydration.¶
- (2) All monitoring well casing shall conform to at least 304 or 316 stainless steel, polytetrafluoroethylene PTFE, Schedule 40 PVC casing, or other casing materials rated and approved by ASTM for monitoring well construction.¶
- (3) All casing installed shall be in new or like new condition, being free of pits or breaks, and shall be cleaned of foreign materials and contaminants prior to installation, unless removed from the manufacturer's packaging on site.¶
- (4) An approved special standard is required to use steel casing that requires welding in the construction ¶ of a monitoring well. This does not apply to temporary casing that is used during the construction of the ¶ monitoring well but is removed prior to completion.

Statutory/Other Authority: ORS 536.090, 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090, 537.505 - 537.795

Oral Comments and the Department's Response

Comments from Bob Miller

Mr Meinz,

In response to the proposed amendment allowing monitor well driller licenses be issued without demonstrating welding competence, I suggest:

1. Allowing such licenses with the provision that such licensees shall be limited to installations and abandonments of monitor wells constructed of PVC or other non-metallic materials.
2. For non-restricted monitor well applicants physically demonstrate competence with welding in the "vertical position", not horizontal. What good is horizontal welding, if the well is broken in the hole or you are adding another section of pipe to that already in the hole. Washington requires applicants to perform physical welding of steel pipe in the vertical position. What good is just reading a book! That is like getting a driver's license after taking the written test without ever having done any welding. What a joke! I have installed and abandoned monitor wells made of both materials. That said, the dominant choice of materials by far is PVC. Xylem is the only company I know who rents as snap together steel well point system, but it has limitations.
3. The real limitation of PVC vs steel is depth, due to the crushing pressure of the surrounding soil. Hence, I also suggest there be a depth limitation for monitor well drillers without welding licenses. That depth is typically 50 to 80 ft bgs, depending upon the PVC schedule thickness and the SDR rating. I've run into these types of issues in deep dewatering projects like dewatering shafts for horizontal tunneling beneath the Willamette River.

On a second front, I suggest you contact Scott Malone with WA Dept of Ecology so you can compare what they adopted. I'm not saying that their rules are better. Rather, a lot of us work in both states, so uniformity of rules between states is always a blessing. Given the similarities of geology and climate across the Pacific NW, I've often wondered why WA, OR and ID don't partner together more on well drilling rules.

My background is that I have been a licensed resource protection (monitor well) driller since 1995 in State of Washington; and all wells in Oregon since 1991. I am also a licensed hydrogeologist in WA and Geologist in OR. I've installed and abandoned hundreds of monitor wells over the years. That said, I closed my business on June 30th, 2023; and am currently allowing all of my licenses to expire later this year and next year. I do not intend to renew.

Hope these comments are of some use,
Bob Miller

Response:

1. Draft language included in the proposed monitoring well rules provide that an approved special standard is required to use steel casing that requires welding in the construction of a monitoring well. This does not apply to temporary casing that is used during the construction of the monitoring well but is removed prior to completion. This requirement will allow the department to ensure that only qualified welders are associated with the construction of monitoring wells that require welding.
2. Evidence of welding proficiency will not be required to obtain a monitoring well constructors license. If welding is required on a specific monitoring well, then a special standard will be required.
3. Monitoring well rules require that the collapse strength of all casing used in monitoring well construction must be great enough to withstand the pressure exerted by the annular seal during seal placement, including heat of hydration. If welding is required on a specific monitoring well, then a special standard will be required.
4. The department often works with other states, including Washington, on well construction practices, continuing education, and program coordination.

Comments from Greg Kupillas, Oregon Groundwater Association

Kelly,

On behalf of the Oregon Groundwater Association (OGWA), I am writing to express the support of the OGWA for the proposed Rulemaking Information for Well Construction (OAR 690, Divisions 205 and 240).

Regards,

Gregory E. Kupillas, R.G., C.W.R.E.
Chair, Oregon Ground Water Association Government Affairs

Response: Thank you for your comment.

Chapter 690 Division 205

690-205-0020

Water Supply Well Constructor's License, Experience Requirements, 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-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:

(A) Water supply well reports, or rough well logs with applicants' name entered, for each of the 15 wells. The name, address, and telephone number of the person responsible for the construction of each 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.

(d) Pay a license fee.

(e) Provide evidence of welding proficiency. The following options will satisfy the evidence of welding proficiency requirement:

(A) A copy of an arc welding certificate from a nationally recognized welding organization. Acceptable organizations include, but are not limited to, American Welding Society, American Petroleum Institute, American Society of Mechanical Engineers, and the United States Military; 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 certified welding 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; or

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

~~(f) Applicants that hold a current Oregon monitoring well constructor's license are not required to provide evidence of welding proficiency to obtain a water supply well endorsement.~~

(2) Trainee. If an applicant passes the written Water Supply Well Constructor's License examination, but cannot meet the experience requirement, the Commission may issue a trainee card. To qualify for a Water Supply Well Constructor Trainee Card, a person must:

(a) Be at least 18 years old;

(b) Pass a written examination; and

(c) Be supervised by a person who holds a valid Water Supply Well Constructor's License.

(3) Trainee card. A trainee card is valid for three (3) years from the date the examination was passed.

(4) Supervision. Supervision as it relates to any person who holds a Water Supply Well Constructor Trainee Card:

(a) A trainee may operate a cable tool drilling machine without a licensed Water Supply Well Constructor physically present at the well site only if:

(A) The licensed constructor can reach the well site within two hours if requested by an authorized representative of the Department; and

(B) The licensed constructor has signed the rough drilling log within eight working hours prior to the representative's visit.

(b) A licensed Water Supply Well Constructor must physically be on the site at all times when a cable tool drilling machine is:

(A) Drilling within a flowing artesian well;

(B) Setting or advancing casing;

(C) Setting liner;

(D) Perforating casing;

(E) Setting well screens;

(F) Placing packers;

(G) Placing casing seals;

(c) A Water Supply Well Constructor trainee may operate a non-cable tool water supply well drilling machine without a licensed Water Supply Well Constructor physically present at the well site only during the following events:

(A) Air test or pump test of the well;

(B) Gravel packing operations;

(C) Developing a completed well;

(D) Removal of the drill stem from the well.

(d) Activities under subsection (4)(c)(A)–(D) of this rule shall proceed only if:

(A) The licensed Water Supply Well Constructor can reach the site within one hour if requested by an authorized representative of the Department; and

(B) The licensed Water Supply Well Constructor has signed the rough drilling log within eight working hours prior to the representative's visit.

(e) An authorized representative of the Department in whose jurisdiction the water supply well is being constructed has the authority to:

(A) Grant an extension to the time limits stated above when a request, showing good cause, is received from the bonded constructor in advance for each particular well; and

(B) Place additional restrictions on the trainee, including requiring the constructor to be on the site at all times while the drilling machine is operating, when the authorized Department representative determines that either the drilling environment or the knowledge and/or experience of the trainee warrant closer supervision.

(f) For a Water Supply Well Constructor Trainee to operate a water supply well drilling machine without a licensed Water Supply Well Constructor present, the trainee's card must be endorsed with the name of the bonded Water Supply Well Constructor responsible for the construction of the water supply well.

(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.

(a) Application for a water supply well constructor's license temporary authorization endorsement must include the following:

(A) Completed and signed application form including evidence the person is 18 years of age or older;

- (B) Examination fee;
 - (C) 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;
 - (D) A copy of the spouse or domestic partner's assignment to an Oregon duty station by official active duty military order;
 - (E) Official verification of the applicant's current authorization to provide water supply well constructor services in another state along with the Department's "good standing" form;
 - (F) A completed comparison form as provided by the Department, outlining the out-of-state licensing authority's authorization requirements; and
 - (G) Official notification from the Department that applicant has passed the water supply well constructors license examination.
- (b) The Department will review the application for a Water Supply Well Constructor's License Temporary Authorization Endorsement once all materials are submitted. A Water Supply Well Constructor's License Temporary Authorization Endorsement shall be issued if the Department determines:
- (A) Applicant is eligible to apply;
 - (B) The Out-of-state authorization is current;
 - (C) The Out-of-state licensing authority's licensing requirements are substantially similar to the Department's requirements;
 - (D) The good standing form is complete;
 - (E) The applicant has passed the written exam; and
 - (F) The license fee is paid.
- (c) 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;
 - (C) 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 water supply wells after expiration unless the person obtains a Water Supply 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 ORS 670.403.
- (6) Other supervision requirements for persons not licensed or permitted to construct water supply wells, or who do not hold a Water Supply Well Constructor Trainee Card:
- (a) Persons who are in the act of constructing, altering, converting or abandoning water supply wells must be supervised by a licensed Water Supply Well Constructor who is physically present at the well site at all times during construction, alteration, conversion, or abandonment activity.
 - (b) The supervising Water Supply Well Constructor is responsible for all applicable statutes and rules in construction, alteration, conversion, or abandonment of the water supply well.
- (7) Persons who satisfy all requirements of ORS 537.747(3) shall be issued a Water Supply Well Constructor's License. The responsibilities for issuing and securing a Water Supply Well Constructor's License or trainee card are listed in subsections (a) and (b) of this section.
- (a) The Water Supply Well Constructor's License applicant is responsible for:
 - (A) Completing an application or renewal form for a new or renewed license or trainee card;
 - (B) Submitting the application or renewal form to the Water Resources Department along with the required fees;
 - (C) Carrying the license or trainee card whenever constructing, altering, converting, or abandoning any water supply well; and

(D) Providing the Water Resources Department, within 30 days, notification of any change of mailing address.

(E) Providing the Water Resources Department documentation satisfying the continuing education requirements set forth in OAR 690-205-0035 through 690-205-0120.

(b) The Water Resources Department is responsible for:

(A) Designing and providing Water Supply Well Constructor license(s) and trainee cards;

(B) Designing and providing application forms and renewal forms for licenses and application forms for trainee cards;

(C) Processing applications and renewals for licenses and applications for trainee cards;

(D) Returning incomplete application and renewal forms to applicants for completion; and

(E) Sending new and renewed licenses to applicants who have completed the application or renewal form and submitted the required fee. This does not preclude refusal to renew as outlined in OAR 690-205-0025(4).

(8) Bonded Water Supply Well Constructor. For a person to possess a bonded Water Supply Well Constructor's License, the person must provide to the Department a properly executed Water Well Constructor's Bond or Irrevocable Letter of Credit. The Water Resources Department shall indicate on the constructor's license a bonded classification.

(9) Representatives of the Water Resources Department may ask anyone constructing, altering, or abandoning a water supply well to present their license or trainee card as proof of eligibility to construct, alter, convert, or abandon water supply wells in the State of Oregon. Licensed individuals shall display their license or trainee card and photo identification when they are requested to do so by Water Resources Department personnel.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.900, ORS 536.027, ORS 106.340, ORS 537.992, ORS 670.400 & ORS 670.403

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 536.900, ORS 106.340, ORS 537.992, ORS 670.400 & ORS 670.403

History:

WRD 5-2023, amend filed 06/22/2023, effective 07/01/2023

WRD 2-2006, f. & cert. ef. 6-20-06

WRD 1-2003, f. & cert. ef. 3-14-03

WRD 7-2001, f. & cert. ef. 11-15-01

WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94

WRD 7-1988, f. & cert. ef. 6-29-88

Chapter 690 Division 240

690-240-0065

Monitoring Well Constructor License, Experience Requirements, 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-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.

(d) Pay a license fee.

~~(e) Provide evidence of welding proficiency. The following options will satisfy the evidence of welding proficiency requirement:~~

~~(A) A copy of an arc welding certificate from a nationally recognized welding organization. Acceptable organizations include, but are not limited to, American Welding Society, American Petroleum Institute, American Society of Mechanical Engineers, and the United States Military; 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 certified welding 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; or~~

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

~~(f) Applicants that hold a current Oregon water supply well constructor's license are not required to provide evidence of welding proficiency to obtain a monitoring well endorsement.~~

(2) Trainee. If an applicant passes the written Monitoring Well Constructor's License examination, but cannot meet the experience requirement the Commission may issue a trainee card. To qualify for a Monitoring Well Constructor Trainee Card, a person must:

- (a) Be at least 18 years old;
- (b) Pass a written examination; and
- (c) Be supervised by a person who holds a valid Monitoring Well Constructor's License.

(3) Trainee Card. A Trainee Card is valid for three (3) years from the date the examination was passed.

(4) Supervision. Supervision as it relates to any person who holds a Monitoring Well Constructor Trainee Card:

(a) A Trainee may operate a cable tool monitoring well drilling machine without a licensed Monitoring Well Constructor physically present at the well site only if:

(A) The licensed constructor can reach the well site within two hours if so requested by an authorized representative of the Department; and

(B) The licensed constructor has signed the rough drilling log within eight working hours prior to the representative's visit.

(b) A licensed Monitoring Well Constructor must physically be on the site at all times when a cable tool drilling machine is:

(A) Drilling within a flowing artesian well;

(B) Setting or advancing casing;

(C) Setting liner;

(D) Perforating casing;

(E) Setting well screens;

(F) Placing packers;

(G) Drilling into, through, or below ground water suspected or known to be contaminated; and

(H) Placing casing seals.

(c) A Monitoring Well Constructor trainee may operate a non-cable tool monitoring well drilling machine without a licensed Monitoring Well Constructor physically present at the well site only during removal of the drill stem from the monitoring well.

(d) Activities under subsection (3)(c) of this rule shall proceed only if:

(A) The licensed Monitoring Well Constructor can reach the site within one hour if so requested by an authorized representative of the Department; and

(B) The licensed Monitoring Well Constructor has signed the rough drilling log within eight working hours prior to the representative's visit.

(e) An authorized representative of the Department in whose jurisdiction the monitoring well is being constructed has the authority to:

(A) Grant an extension to the time limits stated above when a request, showing good cause, is received from the bonded constructor in advance for each particular well; and

(B) Place additional restrictions on the trainee, including requiring the constructor to be on the site at all times while the drilling machine is operating, when the Department representative determines that either the drilling environment or the knowledge and/or experience of the trainee warrant closer supervision.

(f) For a Monitoring Well Constructor trainee to operate a monitoring well drilling machine without a licensed Monitoring Well Constructor present, the trainee's card must be endorsed with the name of the bonded Monitoring Well Constructor responsible for the construction of the monitoring well.

(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:

(A) Completed and signed application form including evidence the person is 18 years of age or older;

(B) Examination fee;

(C) 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;

(D) A copy of the spouse or domestic partner's assignment to an Oregon duty station by official active duty military order;

(E) 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;

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

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

(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:

- (A) Applicant is eligible to apply;
 - (B) The Out-of-state authorization is current;
 - (C) The Out-of-state licensing authority's licensing requirements are substantially similar to the Department's requirements;
 - (D) The good standing form is complete;
 - (E) The applicant has passed the written exam; and
 - (F) The license fee is paid.
- (c) 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;
 - (C) 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 ORS 670.403.
- (6) Other supervision requirements for persons not licensed or permitted to construct monitoring wells, or who do not hold a Monitoring Well Constructor trainee card:
- (a) Persons who are in the act of constructing, altering, converting or abandoning monitoring wells must be supervised by a licensed Monitoring Well Constructor who is physically present at the well site at all times during construction, alteration, conversion, or abandonment activity.
 - (b) The supervising Monitoring Well Constructor is responsible for all applicable statutes and rules in construction, alteration, conversion, or abandonment of the monitoring well.
- (7) Persons who satisfy all requirements of ORS 537.747(3) shall be issued a Monitoring Well Constructor's License. The responsibilities for issuing and securing a Monitoring Well Constructor's License or trainee card are listed in subsections (a) and (b) of this section.
- (a) The Monitoring Well Constructor's License applicant is responsible for:
- (A) Completing an application or renewal form for a new or renewed license or trainee card;
 - (B) Submitting the application or renewal form to the Water Resources Department along with the required fees;
 - (C) Carrying the license or trainee card whenever constructing, altering, converting, or abandoning any monitoring well; and

(D) Providing the Water Resources Department, within 30 days, notification of any change of mailing address.

(E) Providing the Water Resources Department documentation satisfying the continuing education requirements set forth in OAR 690-240-0200 through 690-240-0280.

(b) The Water Resources Department is responsible for:

(A) Designing and providing Monitoring Well Constructor license(s) and trainee cards;

(B) Designing and providing application forms and renewal forms for licenses and application forms for trainee cards;

(C) Processing applications and renewals for licenses and applications for trainee cards; and

(D) Returning incomplete application and renewal forms to applicants for completion.

(E) Sending new and renewed licenses to applicants who have completed the application or renewal form and submitted the required fee. This does not preclude refusal to renew as outlined in OAR 690-240-0070(4).

(8) Bonded Monitoring Well Constructor. For a person to possess a bonded Monitoring Well Constructor's License, the person shall provide to the Department a properly executed Water Well Constructor's Bond or Irrevocable Letter of Credit. The Water Resources Department shall indicate on the constructor's license a bonded classification.

(9) Representatives of the Water Resources Department may ask anyone constructing, altering, or abandoning a monitoring well to present their license or trainee card as proof of eligibility to construct, alter, convert, or abandon monitoring wells in the State of Oregon. Licensed individuals shall display their license or trainee card and photo identification when they are requested to do so by Water Resources Department personnel or other agency personnel to whom monitoring well regulation has been delegated.

Statutory/Other Authority: ORS 536.090, ORS 537.505-537.795, ORS 536.027, ORS 537.992, ORS 106.340, ORS 536.900, ORS 670.400 & ORS 670.403

Statutes/Other Implemented: ORS 536.090, ORS 537.505-537.795, ORS 537.992, ORS 106.340, ORS 536.900, ORS 670.400 & ORS 670.403

History:

WRD 5-2023, amend filed 06/22/2023, effective 07/01/2023

WRD 2-2006, f. & cert. ef. 6-20-06

WRD 1-2003, f. & cert. ef. 3-14-03

WRD 7-2001, f. & cert. ef. 11-15-01

WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94

WRD 14-1990, f. & cert. ef. 8-9-90

690-240-0430

Casing

(1) The constructor shall consider the following factors when selecting monitoring well casing:

(a) The casing installed shall not be readily reactive with the subsurface environment according to best available knowledge;

(b) The casing installed shall not adversely affect or interfere with the chemical, physical, radiological, or biological constituents of interest according to best available knowledge;

(c) The collapse strength of all casing used in monitoring well construction must be great enough to withstand the pressure exerted by the annular seal during seal placement, including heat of hydration.

(2) All monitoring well casing shall conform to at least 304 or 316 stainless steel, polytetrafluoroethylene PTFE, Schedule 40 PVC casing, or other casing materials rated and approved by ASTM for monitoring well construction.

(3) All casing installed shall be in new or like new condition, being free of pits or breaks, and shall be cleaned of foreign materials and contaminants prior to installation, unless removed from the manufacturer's packaging on site.

[\(4\) An approved special standard is required to use steel casing that requires welding in the construction of a monitoring well. This does not apply to temporary casing that is used during the construction of the monitoring well but is removed prior to completion.](#)

Statutory/Other Authority: ORS 536.090 & 537.505 - 537.795

Statutes/Other Implemented: ORS 536.090 & 537.505 - 537.795

History:

WRD 1-2003, f. & cert. ef. 3-14-03, Renumbered from 690-240-0115

WRD 7-2001, f. & cert. ef. 11-15-01

WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94

WRD 14-1990, f. & cert. ef. 8-9-90