

1 WATER RESOURCES DEPARTMENT  
2 OREGON ADMINISTRATIVE RULE  
3 CHAPTER 690  
4 DIVISION 225  
5 WATER SUPPLY WELL CONSTRUCTION STANDARDS  
6  
7

8 **690-225-0020**

9 **Investigation of Alleged Violations**

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

15 (a)(1) Any **W**[w]ater **S**[s]upply **W**[w]ell **C**[c]onstructor involved; or

16 (b)(2) The landowner, if the violation involves construction, alteration, operation, or  
17 abandonment of a well.

18 **(2) Enforcement and civil penalty assessment for “other than well constructors” is**  
19 **described in OAR 690-260.**

20 Stat. Auth.: ORS 183, ORS 536, ORS 537 & ORS 540

21 Stats. Implemented: ORS 183, ORS 536, ORS 537 & ORS 540

22 Hist.: WRD 13-1986, f. 10-7-86, ef. 11-1-86  
23

24 **690-225-0030**

25 **Enforcement Actions**

26 (1) If, after notice and opportunity for hearing under ORS 183.310 to 183.550 the Director  
27 determines that one or more violations have occurred, the Director may impose one or more of  
28 the following:

29 (a) Provide a specified time for remedy;

30 (b) Assess a civil penalty in accordance with the schedule of civil penalties in OAR 690-225-  
31 0110;

32 (c) Suspend, revoke, or refuse to renew the licenses when one or more persons responsible for  
33 the violation hold a **Water Supply W**[w]ell **C**[c]onstructor's **L**[l]icense;

34 (d) Require that a person whose license has been refused renewal pass the **Water Supply Well**  
35 **C**[c]onstructor's **License examination** [test] before a new license is issued;

36 (e) Impose any reasonable conditions on the **Water Supply W**[w]ell **C**[c]onstructor's **L**[l]icense  
37 to insure correction of the violation and future compliance with the law. These conditions may  
38 include but are not limited to:

39 (A) Fulfilling any outstanding obligations which are the result of administrative action before the  
40 constructor can offer any services or construct, alter or abandon any well;

1 (B) Requiring additional advance notice to be given to the **Department** [*watermaster*] of  
2 construction, alteration or abandonment of any well;

3 (C) Requiring a seal placement notice be given to the **Department** [*watermaster*] 24 hours in  
4 advance of placing the seal; or

5 (D) Any other conditions the Director feels are appropriate.

6 (f) Order the landowner to repair or meet other conditions on use of the well, or order  
7 discontinuance of use and proper abandonment pursuant to ORS 537.775;

8 (g) Make demand on the **Water W**[*w*]ell **C**[*c*]onstructor's **B**[*b*]ond or on the **L**[*l*]andowner's  
9 **Water Well B**[*b*]ond. This may occur only if the Director has given the notice required in OAR  
10 690-225-0020 to the persons responsible for the violation within three years after the date the  
11 well report is filed with the Department. If no well report has been filed, the three year limitation  
12 shall not apply until such time as a well report is filed;

13 (h) Take any other action authorized by law.

14 (2) An order may specify a schedule of escalating or cumulative sanctions to be assessed on  
15 specified dates until satisfactory correction of the violation has been completed.

16 (3) Any **Water Supply W**[*w*]ell **C**[*c*]onstructor whose license is suspended or revoked shall not  
17 contract for well construction services or operate well drilling machines in the State of Oregon  
18 during the suspension or revocation period.

19 Stat. Auth.: ORS 183, ORS 536, ORS 537 & ORS 540

20 Stats. Implemented: ORS 183, ORS 536, ORS 537 & ORS 540

21 Hist.: WRD 13-1986, f. 10-7-86, ef. 11-1-86; WRD 7-1988, f. & cert. ef. 6-29-88

## 22 **690-225-0060**

### 23 **Change in Enforcement Status**

24 (1) In the interest of achieving compliance, the Director at any time may reevaluate the status of  
25 the violations and take appropriate action, including reduction of the enforcement level or  
26 remission of all or part of any civil penalties assessed.  
27

28 (2) The Director may terminate proceedings against a **W**[*w*]ater **S**[*s*]upply **W**[*w*]ell  
29 **C**[*c*]onstructor if the constructor provides acceptable evidence that:

30 (a) The landowner does not permit the constructor to be present at any inspection made by the  
31 Director; or

32 (b) That the constructor is capable of complying with recommendations made by the Director,  
33 but the landowner does not permit the constructor to comply. In such cases, the landowner is  
34 responsible for bringing the well into compliance pursuant to ORS 537.535, and if the landowner  
35 was not a party to the original enforcement proceeding the Director may initiate a proceeding to  
36 ensure that the landowner does so.

37 Stat. Auth.: ORS 183, ORS 536, ORS 537 & ORS 540

38 Stats. Implemented: ORS 183, ORS 536, ORS 537 & ORS 540

39 Hist.: WRD 13-1986, f. 10-7-86, ef. 11-1-86  
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1 **690-225-0110**

2 **Schedule of Civil Penalties**

3 (1) The amount of civil penalty shall be determined consistent with the following schedule:

4 (a) Not less than \$25 nor more than \$250 for each occurrence defined in these rules as a minor  
5 violation;

6 (b) Not less than \$50 nor more than \$1,000 for each occurrence defined in these rules as a major  
7 violation;

8 (c) First occurrence, in a calendar year, of a missing or late start card fee shall be \$150;

9 (d) Second occurrence, in a calendar year, of a missing or late start card fee shall be \$250;

10 (e) Third, and each subsequent, occurrence, in a calendar year, of a missing or late start card fee  
11 shall be \$250 and may include suspension of the **W**[w]ater **S**[s]upply **W**[w]ell **C**[c]onstructor's  
12 license, and any other action authorized by law.

13 (2) For purposes of assessing a civil penalty, the start card fee referred to in subsections (1)(c),  
14 (d), and (e) of this rule shall not be considered late if it is received in the Salem office of the  
15 Water Resources Department within five days of the receipt of the start card, provided the start  
16 card was submitted in a timely manner as described in OAR 690-205-0200[070].

17 (3) Table 1 lists minor violations of well construction standards. All other violations are declared  
18 to be major.

19 [ED. NOTE: The Table referenced in this rule is not printed in the OAR Compilation. Copies are  
20 available from the agency.]

21 Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795 Stats. Implemented: ORS 536.090,  
22 ORS 537.505 - ORS 537.795

23 Hist.: WRD 13-1986, f. 10-7-86, ef. 11-1-86; WRD 7-1988, f. & cert. ef. 6-29-88; WRD 7-  
24 1989(Temp), f. & cert. ef. 9-29-89; WRD 10-1989, f. & cert. ef. 11-20-89; WRD 8-1993, f. 12-  
25 14-93, cert. ef. 1-1-94