



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

MEMORANDUM

TO: Water Resources Commission

FROM: Jerry Rodgers, Technical Services Division Administrator

SUBJECT: Agenda Item F, August 22, 2008
Water Resources Commission Meeting

Update on Rulemaking on Water Well Construction Standards OAR Chapter 690, Divisions 200, 205, 215, 220 and 240

I. Issue Statement

The Department is proposing rules to address well alterations and abandonment of wells using bentonite. This report is a progress update on the rulemaking in process.

II. Background

The Oregon Ground Water Association (OGWA) submitted a petition for rulemaking to the Commission on March 3, 2008. The petition asserted that the Commission has recently altered its historical practice and has implemented a new policy on well alterations by requiring that entire wells be brought up to current standards when altered or repaired in any manner. The petition stated, in part, that previously “The expressed policy and practice was that the obligation and liability of the contractor was only for the work currently performed, i.e. the alteration must be performed in accordance with the current standards.” The petition requested that the Commission engage in rulemaking to clarify that a well contractor is only responsible to meet well construction standards for specific work performed on existing wells.

The Commission denied the OGWA petition, but asked that the Department move forward with rulemaking on well alterations for Commission consideration by the end of the year.

III. Discussion

A Rules Advisory Committee (RAC) was appointed by the Department to assist with the development of rules that will include well alterations, use of bentonite in well abandonments, and other housekeeping related issues. The RAC met four times, with the last meeting held on August 12. A hearing draft set of proposed rules was prepared by staff based on input for the RAC.

The Department submitted a Notice of Proposed Rulemaking Hearing and Statement of Need, and Fiscal Impact to the Secretary of State on August 15, 2008, for publication on September 1 in the Oregon Bulletin. The public comment period for the proposed rules will be open from September 1 through September 25. In addition to the opportunity to provide written comment, public hearings are scheduled for Salem on September 22nd, Bend on September 10th, and

WRC Agenda Item F

August 22, 2008

Page 2

Pendleton on September 9th. The Ground Water Advisory Committee (GWAC), which advises the Commission on rules for the development and protection of ground water (ORS 536.090), is scheduled to meet on September 24, 2008, to discuss the draft rules.

After the public comment period closes, staff will review the written and verbal comments and may modify the proposed rules based on the comments received.

IV. Summary

This is an informational report and no Commission action is necessary. It is expected that a set of draft proposed rules will be ready for the Commission to consider at their November meeting.

Juno Pandian, Manager

Well Construction and Compliance Section

503-986-0852