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Mr. Tom Paul
 Hearings Officer
 Water Resources Department
 725 Summer St. NE, Suite A
 Salem, OR 97301

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 WATER RESOURCES DEPT
 SALEM, OREGON

Dear Mr. Paul:

The Oregon Ground Water Association would like to take this opportunity to thank the Department and the Commission for their prompt action in seeking a resolution of the issues involved in the interpretation of the well construction rules. In the limited time-frame available a lot was accomplished and we hope that some of the other major issues will continue to be discussed and then be placed in front of a rules advisory for further action. Our comments on the rules that were opened for review are as follows:

Division 200

690-200-0050 (7) Leaving 'hydrofracturing' in the first sentence makes the definition different than the definition found in statute (ORS 537.515) for well alteration. Suggest that 'hydrofracturing' be included in the second sentence that lists what some of the material changes are, or are not (see below). However, please be mindful that 'hydrofracturing' that does not include propping agents and otherwise performed in accordance with the OAR's should not result in a change in the design or construction of a well and hence may not be an alteration; perhaps a statutory fix is in order to properly address this if it is of real importance.

"(7) "Altering a Well" means the deepening, [*reaming, hydrofracturing, casing,*] **Material changes include but are not limited to hydrofracturing, casing installation...."**

Also, shouldn't 690-210-0065, which discusses hydrofracturing, be in Division 215 if it is only considered an alteration?

Division 205

690-205-0200 (1) (e) Adding a requirement to report the type of alteration goes beyond the specific requirements and authority dictated in statute (ORS 537.762). Suggest a statute change be considered if this is absolutely needed; otherwise it is voluntary information.

690-205-0205 (1) There is far more language that should be shown as being deleted from existing rules than is shown here.

690-205-0205 (1) (a) Suggest replace 'Start cards submitted electronically **shall be ...**' with '*[Start cards submitted electronically]***By electronic submittal ...**'. This will then begin with language similar to the other choices listed under (b), (c) and (d).

690-205-0205 (2) Suggest adding '**...unless the fee is included with a Department approved electronic submittal of the start card.**' at the end of this section to eliminate the requirement for submitting a duplicate copy with such submittals.

Division 215

690-215-0006 (2) Change the word 'report' to 'record' or 'document' to minimize confusion with 'report' used elsewhere, e.g.:

"(2) **Water Supply Well Constructors or a permitted and bonded landowner shall record....."**

690-215-0025 (2) Change '**...four inches greater than the nominal inside diameter of the permanent casing.**' to '**...one and one-half inches thick around the casing.**' to be consistent with RAC recommendations and language proposed elsewhere in the draft rules.

690-215-0035 Delete ‘...**690-210-0190 through...**’ Since only 690-210-290 applies to liner pipe in the range of rules in the draft and is otherwise confusion and misleading.

Division 220

690-220-0040 (1) Change ‘**If the water supply well casing or the liner pipe is not removed during the abandonment of a well...**’ to ‘**If a portion of a water supply well casing or liner pipe is not removed during the permanent abandonment of the well...**’ to clarify when the subsequent requirements apply.

690-220-0040 (4) Change ‘shall’ to ‘may’ as in existing rule language:
“(4) **The well casing to be abandoned may be severed below land surface and removed.**”

690-220-0050 (1) The upper portion of a permanently abandoned well should be able to be left free of sealing material to facilitate safe, efficient and effective land use over the well. Please change to:
“(1) Uncased **portions** of water supply wells to be **permanently** abandoned [*that extend only into unconsolidated materials*] shall be completely filled with cement grout [or], concrete or **unhydrated bentonite, except native materials may be used in the area extending 5 feet below land surface. ...**”

690-220-0070 The draft rules are renumbered so artesian abandonment should reflect both cased and uncased wells or portions of wells. Please change to:
“In addition to OAR 690-220-00[60]**40 and 690-220-0050** the flow or artesian water supply wells to be **permanently** abandoned.....”

690-220-0115 (1) One could infer from the proposed language, especially the second sentence, that a start card is not required with this type of well abandonment. Suggest:
“**When permanently abandoning a pre-existing well with unhydrated bentonite, the Water Supply Well Constructor shall provide additional notification to the Regional Well Inspector or the Well Construction Program Coordinator in Salem by fax, e-mail or telephone at least 72 hours prior to starting abandonment work. In case of an emergency, the Water Supply Well Constructor may forego the preceding additional notification but shall still notify the Department as required in OAR 690-205-0200.**”

690-220-0115 (12) The proposed wording is not clear and does not appear to be in accordance with RAC recommendations; recommended change:
“(12) **In a dry sealing interval, above the water level and within 50 feet of land surface, unhydrated bentonite shall be hydrated with potable water in maximum ten foot lifts to ensure activation.**” Note that the second proposed sentence is thus deleted: [*Hydration shall be limited to a maximum depth of 50 feet below land surface.*]

Division 240

690-240-0010 (3) the definition stated herein should be exactly as stated in Division 200 to be consistent with statute and to include any activity that might possibly be done to a monitoring well that is to be considered an alteration.

690-240-0385 The start card submission procedures for monitoring wells is the same as for water supply wells and the language should be restated exactly as used in 690-205-0200 only changing the words ‘water supply’ to ‘monitoring well’ throughout.

We had hoped to include a discussion of the proposed changes in abandonment requirements for water supply wells as applicable to monitoring wells. In the RAC committee meetings, the differences between the abandonment rules (monitoring wells and water supply wells) were not discussed. Since the proper foundation may not have been laid we hope you can still bring this issue forward along with a discussion of sealing water wells with chip bentonite at a near future RAC committee.

Sincerely,



Kriss Schneider
OGWA President