

Attachment 3

Well Construction Rules
WRD Response to Written Comments
November 21, 2008

- 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.

Response: This definition is in existing rule and was not proposed for to be amended by the Rules Advisory Committee. The Commission has the power to adopt rules and enforce when necessary to protect the ground water resource, standards for the construction, maintenance, abandonment or use of any hole through which water may be contaminated and to carry out the provisions of ORS 537.505 to 537.795. Staff does not recommend modification to the proposed rule.

- 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).

Response: Staff modified the wording to reflect that this information is optional information that may be provided on the start card.

- 690-205-0205(1)(a) Suggest replace ‘start cards submitted electronically shall be...’ with *[Start cards submitted electronically]* By electronic submittal...’.

Response: This language was developed in conjunction with the Rules Advisory Committee. Staff does not recommend modification to the proposed rule.

- 690-205-0205(2) Suggest adding ‘...unless the fee is included with a Department approved electronic submittal of the start card.’

Response: Staff modified the wording.

- 690-215-0006(2) Change the word ‘report’ to “record” or “document” to minimize confusion with ‘report’ used elsewhere.

Response: Staff modified the wording.

- 690-215-0025(2) Change ‘...four inches greater than the nominal inside diameter of the permanent well casing’ to “..one and one-half inches thick around the casing.”

Response: This wording is already included in 690-215-0025. Staff does not recommend modification to the proposed rule.

- 690-215-0035 Delete ‘...690-210-0190 through...’.

Response: Staff modified the wording.

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

Response: Staff modified the wording.

- 690-220-0040(4) Change ‘shall’ to “may” as in existing rule language.

Response: Staff modified the wording.

- 690-220-0050(1) 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...’.

Response: The Department addressed the issue regarding native material by allowing the use of bentonite in the abandonment of wells. The language proposed in the draft proposed rule was developed in conjunction with the Rules Advisory Committee. Staff does not recommend modifications to the proposed rule.

- 690-220-0070 Change ‘In addition to OAR 690-220-0040 and 690-220-0050...’

Response: Staff modified the wording.

- 690-220-0115(1) 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 by shall still notify the Department as required in OAR 690-205-0200.”

Response: Staff modified the wording.

- 690-220-0115(12) 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.” Delete second sentence.

Response: Staff modified the wording.

- 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 and alteration.

Response: The definitions apply to terms as used in monitoring well, geotechnical hole and other hole rules. No other definitions of these same words apply. Staff does not recommend modifications to the proposed rule.

- 690-240-0385 The start card submission procedures for monitoring well 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.

Response: Staff modified the wording.

Ground Water Advisory Committee Comments

- Change “maximum depth to minimum depth” in 690-220-0115(12).

Response: Staff modified the wording.

- Change “re-preforating to re-perforating” in 690-240-0010(3).

Response: Staff modified the wording.