

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE (GWAC)
September 22, 2006
North Mall Office Building, 725 Summer St. N.E., Ste. A
Salem, Oregon 97310

<u>GWAC Members Present</u>		<u>Staff Present</u>		<u>Others</u>
Barry Beyeler	Jim Mack Sr	Kris Byrd	Doug Woodcock	Malia Kupillas
Paul Christensen	Tim Smith	Mike Zwart	Debbie Colbert	Carl
Greg Kupillas	John Stadel	Donn Miller	Bob DeVylde	
Nitin Joshi	Merilyn Reeves	Doug Woodcock		

I. Call to Order – Paul Christensen, Chair

II. Approval of Minutes for the 3/23/06 and 5/12/06 Meetings

The draft minutes of the 3/23/06 minutes were approved as written. The draft minutes of the 5/12/06 minutes were approved with a small change to item V.

III. Legislative, Commission and Rulemaking Update

Debbie Colbert, Senior Policy Coordinator, said that seven of the Department’s legislative concepts have been approved for drafting by the Governor’s Office and will go to the Legislature in January. One concept that related to a removal and fill issue was a placeholder and was dropped. Debbie asked to be alerted, if GWAC members were aware of any bills that would be coming from stakeholders groups. Several GWAC members were quite interested in the fee adjustment concept relating to refunding all or a portion of the protest fee to water right holders who successfully rebut a claim of forfeiture and the process. Debbie said that she would follow-up at the next meeting with details of the forfeiture process. Follow-up was also promised as members wanted to know more about the application fees in another legislative concept.

Debbie briefed the committee on Department rulemaking activities of a ground water nature. The Water Resources Commission adopted Division 382 rules in August that address modifications to ground water registrations. These rules should be effect by the end of September. The Department is also considering rule changes to the Umatilla Basin Program with a revised timeline of action at the January 2007 Commission meeting. GWAC members were interested in a briefing at the December GWAC meeting on this rulemaking that seeks to remove municipal authority over new uses within five miles of their wells in the entire basin and changes to allow certain new uses in the Walla Walla Subbasin.

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The Water Resources Commission will meet in the Portland area on November 16 and 17. Some rules will be up for adoption. The Commission will invite stakeholders to speak on their legislative agendas at the meeting. The funding subcommittee of the Commission will report on its thoughts for Department funding with less reliance on the general fund. Also, the futures subcommittee of the Commission will report on its efforts.

Debbie explained the Department's Oregon Water Supply and Conservation Initiative as a study to focus on insuring water for the needs of rural Oregon. There is a request for funding the initiative in the Department's budget request. Tim asked that there be regular updates to GWAC regarding the topic. Debbie agreed to send out a discussion sheet and provide updates at future GWAC meetings. Tim stated that water issues with bordering states will also need to be addressed for future supply needs. Greg expressed his view that some agency rules, particularly division 9, could reasonably be changed to accommodate future water needs in the initiative and otherwise.

IV. Opening a Web Store for Start Cards

Bob DeVyldere, Information Services Manager, said that on Monday the Department will open an on-line store for the purchase of well start cards. Visa and MasterCard can be used. Nitin asked about the handling of the credit card fee. Bob said that it is a cost of doing business and will not be placed back on the customers. Further, he sees that the process will offer economies by reducing postage and some other costs. The store will not deal directly with credit cards but will use a payment provider that will deal with the security implications of credit cards. Jim noted that the faster process will allow quicker well log submittal in some cases. Bob explained the other features of the store, including refunds, transfers and on-line paperwork.

V. Domestic Ground Water Heat Pump Issues

This item is carried over from the last meeting. Greg Kupillas, GWAC member, shared a listing of closed-loop systems per the record that Oregon Department of Energy keeps in providing tax credits. About 50-75 are installed each year. No one keeps track of open loop systems since DOE doesn't give tax credits for them.

Carl Robins, HVAC contractor, explained that there are good industry standards for the grouting of closed-loop systems. Still, he noted that there have been closed-loop systems that have leaked out pounds of antifreeze into the borehole and aquifer. From what he's seen, Carl thinks that poor quality installation of closed-loop systems is common. Paul is concerned that vertical closed-loop systems be properly grouted. Carl expressed that education for building inspectors is needed for closed-loop systems.

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Kris Byrd, well construction specialist, noted that vertical boreholes for closed-loop systems are considered geotechnical holes that have a performance standard. Such holes do not require a fee and there is little inspection by WRD.

Carl explained the variety of heat transfer chemicals that are used in closed-loop systems. An ethanol based formula is very common and provides no/little environmental risk. Other antifreeze-type chemicals pose strong environmental risk if leaked from the closed loop.

In Carl's experience, open-loop systems use more water than is needed. The systems that he's seen do not have the proper flow restricters to match the heat pump need to the flow input. This wastes water. Malia Kupillas, former GWAC member, noted that open-loop systems have resource depletion potential. Mike Zwart, a WRD hydrogeologist, explained the laws that address smaller geothermal water uses that are exempt from needing a permit and noted that re-injection is a regulated activity. Carl thought that open-loop systems may be banned by some states and would look into that.

Merilyn asked Kris about the number of open-loop systems that is installed. Kris said that the well log doesn't form doesn't serve as a good tracking tool. Tim suggested that plumbing/mechanical codes oversight could be used as a tracking tool by other agencies. Greg noted that an open-loop system use check box on well logs would help.

There was committee interest in having the technical drilling committee look into construction of vertical boreholes for closed-loop systems. Of interest, are concerns over proper grouting to prevent borehole flow of water and inspections. Kris said that there are no plans to change rules for geotechnical holes for closed loop systems but will take the issue to the technical committee.

GWAC moved to have the item come back next year for any committee action.

Doug noted that closed-loop geothermal systems came forward as a GWAC generated item and not a Department items. Problems are not clear. With that, he noted that the Department is not likely to spend staff time to gather additional information.

VI. Scenic Waterway Interference Evaluations in the Grande Ronde Basin

Doug Woodcock provided a background to the 1995 Scenic Waterway statute and how that law effects the appropriation of water. Cumulative new ground water uses can reduce scenic waterway flows by 1 cfs or 1% of the average daily flow, whichever is less. The 1 cfs limit was triggered in the Grande Ronde Basin about January, restricting additional appropriation. There is local litigation concerning the restriction. At this time encroachment by new uses is limited to the alluvium. Other basins have not tripped the reduction trigger. In response to Greg's question, Doug noted that mitigation can be used to overcome the interference of a proposed new use.

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VII. Public Comment

No public comment was offered.

Greg raised a potential legislative concept for a future session after 2007. He sees difficulties in the water right system when property is split up. A property with water rights can be split up amongst new owners but there is no provision to split up the associated water right permit or certificate. This leads to perfection issues, extension issues, and more work for the Department and owners. Paul suggested that this topic be placed on the agenda for the next GWAC meeting.

Audiotapes of the entire meeting are available.