



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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MEMORANDUM

TO: Water Resources Commission

FROM: Phillip C. Ward, Director

SUBJECT: Agenda Item Q, November 15, 2013
Water Resources Commission Meeting

Commission Approval of Appointments to the Groundwater Advisory Committee

I. Issue Statement

The nine-member Groundwater Advisory Committee (GWAC) has three members whose terms expire on November 30, 2013. OAR Chapter 690, Division 235 rules describe a process for soliciting candidates (Attachment 1). Staff used this process to generate a list of candidates for the three open positions.

II. Background

The Commission's Groundwater Advisory Committee is appointed and charged with certain duties pursuant to ORS 536.090 (Attachment 1). These duties include: (1) advice on all matters relating to rules for the development, securing, use, and protection of groundwater; (2) licensing and examination of well constructors; and (3) review of the proposed expenditures of start card fee revenue. GWAC consists of nine members who represent a range of interests and expertise, with at least three of the members actively engaged in some aspect of the water supply or monitoring well drilling industry.

The Commission's rules under OAR Chapter 690, Division 235 provide a process to identify GWAC candidates, prescribe a range of categories of expertise that may be represented on GWAC, and allow appointments for up to three years. The rules result in the expiration of three appointments each year, thus staggering membership. Any mid-term vacancy is filled for the remainder of the term. Each year, staff seek Commission action on GWAC appointments and/or reappointments. It is Commission direction that appointments be limited to two terms (six years).

III. Discussion

The terms for Jim Carlton, John Messner, and Garry Zollman expire on November 30th, 2013. Mr. Carlton, Mr. Messner, and Mr. Zollman are all completing their first terms. Mr. Messner is stepping down from the committee, and Mr. Carlton and Mr. Zollman would both like to serve a second term.

Mr. Zollman is a water well driller from Pendleton and serves in the “monitoring/water well industry” category. Mr. Carlton is a groundwater user in the Klamath Basin serving in the “groundwater user” category. Mr. Messner has been serving in the “environmental background” category. Mr. Zollman, Mr. Carlton, and Mr. Messner have provided their experience and expertise to the Department and the Commission during their tenure on GWAC. The Department appreciates their commitment and contributions.

In accordance with the rule process, GWAC has three positions that must be filled. In order to comply with statute, one of the positions must be filled by a person who is actively engaged in the water supply or monitoring well drilling industry. The other two positions represent other interests or expertise, including groundwater user and environmental background. Current GWAC membership is listed on Attachment 2.

Notice of the recruitment was sent to individuals on the GWAC mailing list maintained by the Department. The notices advised interested parties of the committee vacancies and asked that those wishing to be considered for a position on GWAC notify the Director. Recruitment for GWAC candidates included reviewing recommendations from individuals, organizations, and Department staff. Individuals, organizations, and Department staff also provided recommendations.

A total of three individuals expressed interest in filling the three vacant positions. The candidate’s qualifications provide a wide range of experience. The Department recommends the appointment to second terms for Mr. Garry Zollman and Mr. Jim Carlton; and the appointment of Mr. Chris Hyatt to replace John Messner in the environmental background category. Terms for these three members would begin on December 1, 2013 and continue through November 30, 2016.

Chris Hyatt is a geologist/hydrogeologist with over 20 years of consulting experience. Mr. Hyatt has experience in environmental geology, remedial investigations, feasibility studies, contaminant hydrogeology, water resources, and groundwater supply. Mr. Hyatt has worked in the Pacific Northwest, and understands environmental laws, regulations, water rights, and environmental issues.

IV. Alternatives

The Commission may consider the following alternatives:

1. Appoint Garry Zollman, Jim Carlton, and Chris Hyatt to GWAC terms from December 1, 2013 through November 30, 2016.
2. Direct staff to return to the next Commission meeting with another set of appointments, which reflects a different set of interest categories and/or candidates.

V. Recommendation

The Director recommends that the Commission follow Alternative 1 and appoint the recommended candidates for the stated terms.

Attachments:

1. ORS 536.090 and OAR 690-235
2. Current GWAC Membership

Ivan Gall
(503) 986-0847

Attachment 1

536.090 Ground water advisory committee; duties; qualification; term; expenses.

(1) In carrying out the duties, functions and powers prescribed by law, the Water Resources Commission shall appoint a ground water advisory committee to:

(a) Advise the commission on all matters relating to:

(A) Rules for the development, securing, use and protection of ground water; and

(B) Licensing of well constructors, including the examination of such persons for license.

(b) Review the proposed expenditure of all revenues generated under ORS 537.762(5). At least once each year, and before the expenditure of such funds on new program activities, the Water Resources Department and the ground water advisory committee shall develop jointly a proposed expenditure plan for concurrence by the Water Resources Commission. The plan may be modified, if necessary, upon the joint recommendation of the department and the ground water advisory committee with concurrence by the commission.

(2) The committee shall consist of nine members who represent a range of interests or expertise. At least three of the members shall be individuals actively engaged in some aspect of the water supply or monitoring well drilling industry. Members shall serve for such terms as the commission may specify.

The committee shall meet at least once every three months and at other times and places as the commission may specify.

(3) A member of the committee shall not receive compensation, but at the discretion of the commission may be reimbursed for travel expenses incurred, subject to ORS 292.495.

Oregon Administrative Rules

690-235-0005 Ground Water Advisory Committee: Appointments, Terms, and Qualifications

(1) There is created the Ground Water Advisory Committee consisting of nine members appointed by the Commission: Three of whom shall be individuals actively engaged in some aspect of the water supply or monitoring well drilling industry. Members shall be residents of Oregon.

(2) Each member shall be appointed for a term of up to three years. When a vacancy occurs before the expiration of a term, the vacancy shall be filled by appointment for the remainder of the unexpired term only. Terms shall be staggered. Three of the terms shall expire each year.

(3) The Commission shall consider geographic representation, population representation, as well as a range of interests and expertise in the selection of members. The committee shall be

composed of individuals with expertise in and representing interests of one or more of the following: well drilling industry, hydrogeology, irrigation, local government, Indian Tribes, environment, public health, industry, commerce, water project development, watershed enhancement, instream flow, agriculture, well pump installation, exempt ground water users, any other category with a ground water interest. The Commission shall give consideration to individuals with multiple category backgrounds.

(4) Officers of Committee: The Committee shall select one of its members as Chair and another as Vice-Chair. Maximum terms of officers shall be two years for each position within six consecutive years.

(5) Meetings of the Committee: The Committee shall meet at least once every three months at locations specified by the Director.

(6) Members may receive travel expenses subject to [ORS 292.495](#).

(7) The Department shall solicit candidates for the committee in anticipation of an appointment. The Department shall mail notice seeking candidates to all persons and organizations which have filed with the Department a written request to be included on the mailing list maintained for the Ground Water Advisory Committee. Appointments to the committee are not limited to individuals submitted for consideration as a result of the solicitation process set forth above.

690-235-0020 Ground Water Advisory Committee Duties

The Committee shall consider and advise the Commission on all matters relating to:

(1) Rules, legislation, and public policy for the development, securing, use, and protection of groundwater.

(2) Licensing of well constructors, including the examination of such persons for license.

(3) Review the proposed expenditure of all revenues generated under [ORS 537.762\(5\)](#). At least once a year, and before the expenditure of such funds on new program activities, the Water Resources Department and the Committee shall develop jointly a proposed expenditure plan for concurrence by the Water Resources Commission. The plan may be modified, if necessary, upon the joint recommendation of the Department and the Committee with concurrence by the Commission.

Attachment 2

| Groundwater Advisory Committee Members | |
|--|---|
| Rob Turkisher Benton County Health Department Corvallis, Oregon | Serving in Local Government Category Chair 2nd Term Expires 11/30/2014 |
| Said Amali Amali Consulting Beaverton, Oregon | Serving in Multiple Backgrounds Category 1st Term Expires 11/30/2015 |
| Michael Campana Oregon State University Corvallis, Oregon | Serving in the Hydrogeologist Category 1st Term expires 11/30/2014 |
| Jim Carleton Merrill, Oregon | Serving in the Groundwater User Category 1st Term Expires 11/30/2013 |
| Kevin Gill Clouser Drilling Grants Pass, Oregon | Serving in Monitoring/Water Well Industry Category Vice-Chair 2nd Term Expires 11/30/2014 |
| Kevin Kelty Soil Solutions Portland, Oregon | Serving in Monitoring/Water Well Industry Category 1st Term Expires 11/30/2015 |
| John Messner West Linn, Oregon | Serving in Environmental Background 1st Term Expires 11/30/2013 |
| Rod Rice Washington County Administrative Office Hillsboro, Oregon | Serving in Multiple Backgrounds Category 1st Term Expires 11/30/2015 |
| Gary Zollman Zollman's Larry Burd Well Drilling, LLC Pendleton, Oregon | Serving in Monitoring/Water Well Industry Category 1st Term Expires 11/30/2013 |