

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

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ARCHIVES DIVISION
SECRETARY OF STATE

Water Resources Department
Agency and Division

690
Administrative Rules Chapter Number

Well Construction Rules Regarding Special Area Standards, Definitions, Rule Clarifications, Setbacks, Dug Wells and Piezometers.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

The amendment of Divisions 200, 205, 210, 215, 220 and 240 of Oregon Administrative Rules Chapter 690.

Statutory Authority:

ORS 183, ORS 536, ORS 537 & ORS 540

Other Authority:

Statutes Implemented:

ORS 183, ORS 536, ORS 537, & ORS 540

Need for the Rule(s):

The Mosier area of Wasco County has declining water levels due, in part, to improper well construction. These proposed rules address the construction of new wells in the Mosier area by requiring the licensed well constructor responsible for the work to consult with the Water Resources Department prior to the permanent installation of casing and seal material. In addition, the rules require an additional notice period prior to the start of construction activities to allow the Department time to research information regarding the location of the proposed well and to have discussions with the landowner and well constructor about the proposed construction methods. The proposed rules also require the installation of a dedicated measuring tube at the time of pump installation, repair or replacement so that the water level in the well can be determined at any time.

In addition to addressing Mosier water issues, the Oregon Water Resources Department is also pursuing other rulemaking in the interest of protecting the groundwater resources and water users of the State. The additional changes clarify well constructor and professional responsibilities regarding certain well and geotechnical hole construction, maintenance, alteration, conversion and abandonment activities. The changes include:

- Clarify the classification of injection wells installed for remediation purposes.
- Modify the definition of silt so that the definition in Division 200 matches the definition in Division 240.
- Correct old and incorrect rule and table references and removes dates in rule that have expired.
- Clarify the construction standards for dug wells.
- Establish setback standards from permanent structures for new water wells in order to allow access for drilling equipment.
- Clarify the protection methods for piezometers.
- Clarify the location where constructor information is placed on drilling machine.

Documents Relied Upon, and where they are available:

USGS Scientific Investigations Report 2012-5002: Evaluation of Long-Term Water-Level Declines in Basalt Aquifers near Mosier, Oregon.

Mosier Well Evaluation Report, Prepared for: The Wasco County Soil and Water Conservation District, August 27, 2014.

1988 Oregon Water Resources Mosier Groundwater Report.

All reports available at: http://wascoswcd.org/wcsxcd_024.htm

Oregon Water Resources Administrative Rules can be viewed at: <http://www.oregon.gov/owrd/pages/law/oar.aspx>

Fiscal and Economic Impact:

The typical cost to drill a new well in the Mosier area ranges from approximately \$20,000 to \$40,000. The Department anticipates that the proposed rules regarding the Mosier area will result in a small increase (~\$400) to well owners who install a pump due to the installation of a dedicated measuring tube. The cost will vary depending on the depth of the well. The measuring tube is needed so that the water level in the

well can be determined at any time. There are approximately 5 to 10 wells drilled in the Mosier area each year.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

As a result of the proposed rules, the Department anticipates a small cost increase (~\$400) to well owners in the Mosier area if they install a pump in their well. This includes state agencies, units of local government and the public. The Department does not anticipate a change in the cost of installing a well based on other rule changes.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

The Department estimates that approximately four to five drilling companies routinely install new wells in the Mosier area. In addition, the other proposed rules may affect about 400 licensed well drillers and professionals (See description of costs in fiscal impact statement, above).

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The Department anticipates that the proposed rules will result in additional discussions between well constructors and the Department, but that no additional costs are associated with the additional discussions. The additional discussions are necessary so that the appropriate case and seal depth can be determined for wells drilled in the Mosier area.

c. Equipment, supplies, labor and increased administration required for compliance:

The Department does not anticipate a cost increase for equipment, supplies, labor or administration.

How were small businesses involved in the development of this rule?

The owners of an Oregon consulting company as well as representatives of six Oregon drilling companies that will be subject to the proposed rules served as members of the Rules Advisory Committee. In addition, the Department also worked with the Mosier Watershed Council and the Wasco County Soil and Water Conservation District in the development of the Mosier specific standards.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

04-24-2015 5:00 p.m.	Joshua Spansail	joshua.a.spansail@wrd.state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address