

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

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Water Resources Department
Agency and Division

690
Administrative Rules Chapter Number

Well construction rules regarding measuring tubes, rule references, setbacks, well seals, geotechnical holes, TDS requirement.

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, 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 proposed rules require the installation of a dedicated measuring tube in all wells 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 the dedicated measuring tube, the Oregon Water Resources Department (Department) is also pursuing other rulemaking in the interest of protecting the groundwater resources and water users of the State. The proposed changes include:

- Clean-up out of date, or incorrect, rule, table, or appendix numbers.
- Clarify and clean-up existing rule language so that it is more clear and easy to read.
- Adds definitions for "petroleum" and "wet soil monitoring hole".
- Adds requirement for information on submitted well reports.
- Adds setback requirements from petroleum storage tanks.
- Clean-up and modify well construction sealing standards.
- Add requirement for dedicated measuring tubes.
- Clarify geotechnical hole requirements.
- Clarify piezometer abandonment requirements.
- Add requirements for direct push monitoring wells and piezometers.

Documents Relied Upon, and where they are available:

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

Fiscal and Economic Impact:

The Department anticipates that the proposed rules regarding the installation of dedicated measuring tubes will result in a small cost increase (~\$1 per foot with an average of \$400) to well owners who install, repair, or replace a pump, due to the requirement for 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. The Department has no way of determining how many well pumps are installed, repaired, or replaced in Oregon on a yearly basis, however, in 2015 there were 2,522 Start Cards for new water supply wells received. Each new well, if used, requires a pump installation. There also may be a minimal cost (~\$20 for meter) to well constructors to comply with the requirement to report total dissolved solids.

The Department does not anticipate a fiscal impact on the Department.

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 (~\$1 per foot with an average of \$400) to well owners if they install, repair, or replace, a pump in their well. This includes state agencies, unit of local government and the public. The Department does not anticipate a change in the cost of installing a well based on other rule modifications.

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 around 400 licensed well drillers and professionals will be subject to the proposed rules (See description of costs in fiscal impact statement).

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

The proposed rules will result in the reporting of total dissolved solids (TDS) content in well installations.

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

The Department anticipates that some drilling contractors will need to purchase a TDS meter to meet the TDS reporting requirement. TDS meters can be purchased for approximately \$20.00. The Department does not anticipate a cost increase for 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 eight Oregon drilling companies that will be subject to the proposed rules served as members of the Rules Advisory Committee that assisted the Department in the development of the proposed rules.

**Administrative Rule Advisory Committee consulted?: Yes
If not, why?:**

<u>06-29-2016 5:00 p.m.</u>	<u>Diana Enright</u>	<u>diana.m.enright@wrdd.state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address