

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on February 14, 2003 by the
Date prior to or same as filing date.

Water Resources Commission
Agency and Division

690
Administrative Rules Chapter Number

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to become effective March 14, 2003 Rulemaking Notice was published in the November, 2002 Oregon Bulletin.**
Date upon filing or later Month and Year

RULEMAKING ACTION
List each rule number separately, 000-000-0000.

ADOPT:

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

See Attached

AMEND:

See Attached

REPEAL:

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

See Attached

Amend and Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

See Attached

Stat. Auth.: ORS 537.780, ORS 536.027

Other Authority:

Stats. Implemented: Sections 2 to 4, 6, 7 and 10 Chapter 496, Oregon Laws 2001 (ORS 537.765)

RULE SUMMARY

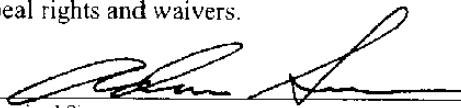
As part of the Ground Water Act of 1955, the Department is authorized to regulate and license well constructors. (ORS 537.747). Under previous law, after a license was issued, a well constructor could simply renew a license by paying a statutorily determined fee.

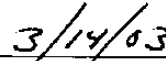
In 2001, the Legislative Assembly passed Senate Bill 579 (Chapter 496, Oregon Law 2001) establishing a well constructor continuing education program. The bill is codified in ORS 537.765. The goal of the continuing education program is to maintain a high level of competence in well constructors, which in turn helps to ensure wells are constructed in a manner that protects the ground water resource. Among other modifications, the 2001 legislation:

- established a Well Constructors Continuing Education Committee to make recommendations to the Water Resources Commission for the continuing education program;
- directed the Water Resources Commission to adopt rules necessary for the administration of a continuing education program for licensed well constructors; and
- required continuing education for renewal of well constructor's license on or after June 30, 2005.

The legislation establishing the well constructor continuing education program sunsets January 2, 2008.

The rules adopted by the Water Resources Commission implement the continuing education program established in Senate Bill 579 (Chapter 496, Oregon Laws 2001). Specifically, the rules added necessary definitions and clarify the continuing education requirements, and documentation; course approval and assignment of continuing education credits; course sponsor requirements; and appeal rights and waivers.


Authorized Signer


Date

*Copies include a photocopy of this certificate with paper copy of each rule listed in the Rulemaking Action.

**The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 p.m. on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 p.m. on the preceding workday.

Adopted

690-205-0035
690-205-0045
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Renumber

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**OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 240
WELL CONSTRUCTION STANDARDS**

**Construction, Maintenance, Alteration, Conversion and Abandonment
of Monitoring Wells, Geotechnical Holes and Other Holes in Oregon**

690-240-0005

Introduction

(1) Monitoring wells and geotechnical holes drilled to allow ground water and geologic determinations are constructed in a variety of environments and under a variety of conditions. Improper construction, maintenance, operation, and abandonment can allow deterioration of ground water quality and supply. Although enforcement actions may be exercised against other parties, the landowner of the property where the monitoring well or geotechnical hole is constructed is ultimately responsible for the condition, use, maintenance, conversion, and abandonment of the monitoring well, or geotechnical hole.

(2) Holes other than monitoring wells, water supply wells, or geotechnical holes which are drilled, excavated, or otherwise constructed in the earth's surface can also provide an avenue for deterioration of ground water quality. Improper construction, maintenance, use, and abandonment of other holes can pose a significant risk to ground water. Table 240-1 lists common subsurface borings and indicates which administrative rule governs the construction, conversion, maintenance, alteration, and abandonment of the boring.

(3) Ground water problems are difficult, expensive, and time consuming to correct. The Water Resources Commission (Commission) has been authorized to develop standards for wells drilled for the purpose of monitoring ground water in order to protect the state's ground waters. The Commission has also been authorized to develop standards for other holes through which ground water may become contaminated. The rules set forth herein are adopted to provide that protection. Their purpose is to prevent and eliminate ground water contamination, waste, and loss of artesian pressure.

(4) The Commission may develop additional rules as needed prescribing standards for the construction, operation, maintenance, and abandonment of other specific types of wells and holes to protect ground water.

(5) Except for the Commission's power to adopt rules, the Commission may delegate to the Water Resources Director the exercise or discharge in the Commission's name of any power, duty or function of whatever character, vested in or imposed by law upon the Commission. The official act of the Director acting in the Commission's name and by the Commission's authority shall be considered to be an official act of the Commission. The Commission delegates to the Director full authority to act in the Commission's name where that delegation is reflected in these rules.

(6) Under the provisions of ORS 537.780, the Commission is authorized to adopt such procedural rules and regulations as deemed necessary to carry out its function in compliance with

the Ground Water Act of 1955. In fulfillment of these responsibilities and to ensure the preservation of the public welfare, safety, and health, the Commission has established these rules and regulations as the minimum standards for the construction, alteration, abandonment, conversion, and maintenance of monitoring wells in Oregon.

(7) Monitoring wells are wells as defined in ORS 537.515(9). A license and licensing fee, bond, examination, well report, and start card are required for construction, conversion, alteration, or abandonment of a monitoring well. In addition, a start card fee is required for new construction and conversion.

(8) To protect the ground water resource, the Commission has the authority to regulate geotechnical holes under ORS 537.780(1)(c)(A). Construction of geotechnical holes requires either a water supply or monitoring well constructor's license or Oregon registration as a geologist or civil engineer. If any one of the criteria in OAR 690-240-0035(2)(a)-(d) is met, a geotechnical hole report must be submitted.

(9) To protect the ground water resource, the Commission has the authority, under ORS 537.780(1)(c)(A), to regulate any hole through which ground water may be contaminated. Construction of holes other than water supply wells and monitoring wells does not require a license and licensing fee, bond, examination, well report, start card, and start card fee.

(10) Holes constructed under ORS chapters 517, 520, and 522, and rules promulgated from those statutes, are the responsibility of the Oregon Department of Geology and Mineral Industries and are not subject to these rules. These include, but are not limited to, holes constructed for the purposes of exploring for, or producing, petroleum, minerals, or geothermal resources.

(11) The rules and regulations set forth herein shall become effective upon adoption by the Water Resources Commission.

(12) Under no circumstances shall a monitoring well, piezometer, geotechnical hole, or other hole be constructed in a manner that allows commingling or leakage of ground water by gravity flow or artesian pressure from one aquifer to another. (See definition of aquifer.)

(13) The rules and regulations set forth herein provide the minimum standards for the construction, conversion, alteration, maintenance, and abandonment of monitoring wells, geotechnical holes, and other holes. After the effective date of adoption of these rules and regulations, no monitoring well, geotechnical hole, or other hole shall be constructed, altered, converted, or abandoned contrary to the provisions of these rules and regulations without prior approval from the Water Resources Department. Violation of these standards may result in enforcement under OAR chapter 690, division 240, including suspension or revocation of a constructor's license, imposition of civil penalties on the landowner or constructor, action on a bond, or other sanctions authorized by law.

[ED. NOTE: Tables referenced in this rule are available from the agency.]

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 14-1990, f. & cert. ef. 8-9-90; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 2-1995, f. 5-17-95, cert. ef. 7-1-95; WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0006

Special Standards

(1) Site conditions may require specific design, construction, and abandonment procedures to adapt to the existing local geologic and ground water conditions to fully utilize every natural protection to the state's ground water. Specific site conditions may require different design, construction, setback, or abandonment standards than required by the Monitor Well or Geotechnical Hole construction rules. Alternative technologies or methods not addressed in these rules may also exist which could be effectively utilized in the construction or abandonment of a monitoring well or geotechnical hole. Prior to the completion of the well, a bonded constructor must request and receive approval from the Department to use methods or materials that do not meet the monitoring well or geotechnical hole construction standards. The Department may approve such requests either orally or in writing. If oral approval is granted, the written request must be submitted to the Department within three working days of the date of the oral approval. Failure to submit a written request as described above may void the prior oral approval. The proposed methods or materials shall provide at least the same level of resource protection as that which is provided by these rules.

(2) The written request for special standards shall include:

(a) Name, license number and signature of the bonded well constructor;

(b) Location of the well by county, township, range, section, tax-lot (if assigned) and either the 1/4, 1/4 section or Latitude and Longitude as established by a global positioning system;

(c) Name and address of landowner;

(d) Address of the project/well site;

(e) Type of work;

(f) The reasons(s) that conformance to the rules and regulations for monitoring wells or geotechnical holes cannot be met;

(g) A diagram and written description showing the proposed monitoring well or geotechnical hole's design, construction, or abandonment;

(h) The well identification number, if assigned; and

(i) The start card number.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 14-1990, f. & cert. ef. 8-9-90; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 2-1995, f. 5-17-95, cert. ef. 7-1-95; Renumbered from 690-240-0140 by WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0007

Special Area Standards

If at any time, the Commission finds that different or supplemental standards are required for the safe development of ground water from any aquifer or area, special area standards for the construction and maintenance of monitoring wells, geotechnical holes, or other holes within such areas may be adopted as rules by the Commission. In the absence of such special area standards,

these rules constitute the sole administrative standards of the Water Resources Department governing construction, conversion, maintenance, alteration, and abandonment of monitoring wells, geotechnical holes and other holes.

Stat. Auth.: ORS 537.780

Stats. Implemented:

Hist.: WRD 2-1995, f. 5-17-95, cert. ef. 7-1-95; WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0010

Definitions

The following definitions apply to terms as used in monitoring well, geotechnical hole and other hole rules, OAR 690-240-0005 to 690-240-[0180]0640. No other definitions of these same words apply:

(1) "Abandonment, Permanent" means to remove all or any portion of a monitoring well from service by filling it in such a manner that vertical movement of water within the well bore and within the annular space surrounding the well casing is effectively and permanently prevented. This term is synonymous with "decommission".

(2) "Abandonment, Temporary" means to remove a drilling machine from a well site after completing or altering a well provided the well is not immediately put into service, or to remove a well from service with the intent of using it in the future.

(3) "Altering a Well" means the deepening, installation of seals, adding , removing or replacing casing, and any other material change in the design or construction of a well.

(4) "Annular Space" means the space between the drillhole wall and the outer well casing.

(5) "Aquifer" means a geologic formation, group of formations, or part of a formation that contains saturated and permeable material capable of transmitting water in sufficient quantity to supply wells or springs and that contains water that is similar throughout in characteristics such as potentiometric head, chemistry, and temperature. (Figure 240-1)

(6) "Area of Known or Reasonably Suspected Contamination" means a site that is currently under investigation by the Oregon Department of Environmental Quality, U.S. Environmental Protection Agency, or other state or federal agency for the presence of contaminants, or a site where a prudent person would suspect contamination after conducting an appropriate inquiry consistent with good commercial or customary practice as to the nature of the property.

(7) "Artesian Aquifer" means a confined aquifer in which ground water is under sufficient head to rise above the level at which it was first encountered whether or not the water flows at land surface. If the water level stands above land surface the well is a flowing artesian well. (Figure 240-1)

(8) "Artesian Monitoring Well" means a monitoring well in which ground water is under sufficient pressure to rise above the level at which it was first encountered, whether or not the water flows at land surface. If the water level stands above land surface the well is a flowing artesian monitoring well.

(9) "Casing" means the outer tubing, pipe, or conduit, welded or thread coupled, and installed in the borehole during or after drilling to support the sides of the well and prevent

caving. Casing can be used, in conjunction with proper seal placement, to shut off water, gas, or contaminated fluids from entering the hole, and to prevent waste of ground water.

(10) "Casing Seal" means the water tight seal established in the well bore between the well casing and the drillhole wall, above the filter pack seal, to prevent the inflow and movement of surface water or shallow ground water in the well annulus, or to prevent the outflow or movement of water under artesian or hydrostatic pressures.

(11) "Civil Engineer" means an individual registered by the State of Oregon to practice civil engineering.

(12) "Clay" means a fine-grained, inorganic material having plastic properties and with a predominant grain size of less than 0.002 mm.

(13) "Commission" means the Oregon Water Resources Commission.

(14) "Committee" means the Oregon Ground Water Advisory Committee created by ORS 536.090.

(15) "Confining Formation" means the "impermeable" stratum immediately overlying an artesian (confined) aquifer. (Figure 240-1)

(16) "Consolidated Formation" means materials that have become firm through natural rock-forming processes. It includes, but is not limited to, materials such as basalt, sandstone, shale, hard claystone, and granite.

(17) "Contamination" means any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance that does not occur naturally in ground water or that occurs naturally but at a lower concentration.

(18) "Continuing Education" means that education required as a condition of licensure under ORS 537.747, to maintain the skills necessary for the protection of ground water, the health and general welfare of the citizens of Oregon and the competent practice of the construction, alteration, abandonment, conversion, and maintenance of water supply wells, monitoring wells, and geotechnical holes.

(19) "Continuing Education Committee" means the Well Constructor Continuing Education Committee authorized under Chapter 496, Oregon Laws 2001 (ORS 537.765).

(20) "Continuing Education Course" means a formal offering of instruction or information to licensees that provides continuing education credits.

(21) "Continuing Education Credit" (CEC) means a minimum of 50 minutes of instruction or information approved by the Continuing Education Committee.

(22) [(18)] "Converting" a well means changing the use of an existing well or hole not previously used to either withdraw or monitor water such that the well or hole can be used to either withdraw or monitor water.

(23) [(19)] "Department" means the Oregon Water Resources Department.

(24) [(20)] "Director" means the Director of the Department or the Director's authorized representatives.

(25) "Documentation of Completion" means written evidence or documentation demonstrating attendance and completion of a continuing education course, including but not limited to: a certificate of completion, diploma, transcript, certified class roster, or other documentation as approved by the Continuing Education Committee.

(26) [(21)] "Excavation" means a free-standing cavity with greater width than depth

constructed in the earth's surface which has a primary purpose other than seeking water or water quality monitoring.

(27) [(22)] "Figure", when used herein, refers to an illustration and is made a part of the primary article and section by reference.

(28) [(23)] "Filter Pack" means the granular material placed in the annular space between the well screen and the borehole.

(29) [(24)] "Filter Pack Seal" means the fine grained sand or dry bentonite which is placed in the annulus above the filter pack and prevents grout infiltration into the filter pack.

(30) [(25)] "Geologic Formation" means an igneous, sedimentary or metamorphic material that is relatively homogeneous and is sufficiently recognized as to be distinguished from the adjacent material. The term is synonymous with "formation".

(31) [(26)] "Geologist" means an individual registered by the State of Oregon to practice geology.

(32) [(27)] "Geotechnical hole" means a hole constructed to collect or evaluate subsurface data or information, monitor movement of landslide features, or to stabilize or dewater landslide features. Geotechnical holes are not monitoring wells as defined below. Various classes and examples of geotechnical holes are listed in OAR 690-240-0035(6) [-]- (9).

(33) [(28)] "Grout" means approved cement, concrete or bentonite sealing material used to fill an annular space of a well or to abandon a well.

(34) [(29)] "Grout Pipe" means a pipe which is used to place grout at the bottom of the sealing interval of a well.

(35) "Hazardous Materials Training" means training as defined by OAR 437-002-0100 Adoption by Reference Subdivision H Hazardous Materials 1910.120 Hazardous Waste Operations and Emergency Response.

(36) [(30)] "Hazardous Waste" means a substance as defined by ORS 466.005.

(37) [(31)] "Health Hazard" means a condition where there are sufficient concentrations of biological, chemical, or physical, including radiological, contaminants in the water that are likely to cause human illness, disorders, or disability. These include, but are not limited to naturally occurring substances, pathogenic viruses, bacteria, parasites, toxic chemicals, and radioactive isotopes. Sufficient concentrations of a contaminant include but are not limited to contaminant levels set by the Oregon Department of Environmental Quality and Oregon Health Division.

(38) [(32)] "Health Threat" means a condition where there is an impending health hazard. The threat may be posed by, but not limited to: a conduit for contamination, or a well affecting migration of a contaminant plume, or the use of contaminated water. A well in which the construction is not verified by a monitoring well report or geophysical techniques may be considered a conduit for contamination in certain circumstances. Those circumstances include, but are not limited to: an unused and neglected well or a well for which no surface seal was required. A well in which the casing seal, filter pack seal, or watertight cap has failed, or was inadequately installed may be considered a conduit for contamination.

(39) [(33)] "Horizontal Well" means a well that intentionally deviates more than 20 degrees from true vertical at any point.

(40) [(34)] "Hydrologic Cycle" is the general pattern of water movement by evaporation

from sea to atmosphere, by precipitation onto land, and by return to sea under influence of gravity.

(41) [(35)] "Impermeable Sealing Material" means cement or bentonite which is used to fill the open annulus.

(42) [(36)] "Leakage" means movement of surface and/ or subsurface water around the well casing or seal.

(43) [(37)] "Monitoring Well" means a well designed and constructed to determine the physical (including water level), chemical, biological, or radiological properties of ground water.

(44) [(38)] "Monitoring Well Constructor" means any person who has a current, effective monitoring well constructor license issued in accordance with ORS 537.747(3).

(45) [(39)] "Monitoring Well Drilling Machine" means any driving, jetting, percussion, rotary, boring, auguring, or other equipment used in the construction, alteration, or abandonment of monitoring wells.

(46) [(40)] "Order" means any action satisfying the definition given in ORS chapter 183 or any other action so designated in ORS 537.505 to 537.795.

(47) [(41)] "Other Hole" means a hole other than a water supply well, monitoring well, or geotechnical hole, however constructed, in naturally occurring or artificially emplaced earth materials through which ground water can become contaminated. Holes constructed under ORS chapters 517, 520, and 522 are not subject to these rules. Examples of other holes are listed in OAR 690-240-0030.

(48) [(42)] "Perched Ground Water" means ground water held above the regional or main water table by a less permeable underlying earth or rock material. (Figure 240-1)

(49) [(43)] "Permeability" means the ability of material to transmit fluid, usually described in units of gallons per day per square foot of cross-section area. It is related to the effectiveness with which pore spaces transmit fluids.

(50) [(44)] "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the Federal Government and any agencies thereof.

(51) [(45)] "Petcock Valve" is a valve used to contain pressure which when opened will drain the line or pipe.

(52) [(46)] "Piezometer" means a type of monitoring well designed to obtain ground water levels. Piezometers are prohibited in areas of known or reasonably suspected contamination. This term is synonymous with observation well.

(53) [(47)] "Porosity" means the ratio of the volume of voids in the geologic formation being drilled to the overall volume of the material without regard to size, shape, interconnection, or arrangement of openings.

(54) [(48)] "Potable Water" means water which is sufficiently free from biological, chemical, physical, or radiological impurities so that users thereof will not be exposed to or threatened with exposure to disease or harmful physiological effects.

(55) [(49)] "Potentiometric Surface" means the level to which water will rise in tightly cased wells. (Figure 240-1)

(56) [(50)] "Pressure Grouting" means a process by which grout is confined within the drillhole or casing by the use of retaining plugs or packers and by which sufficient pressure is

applied to drive the grout slurry into the annular space or zone to be grouted.

(57) [(51)] "Professional" means any person licensed or registered by the State of Oregon to construct monitoring wells, water supply wells, or practice geology or civil engineering.

(58) [(52)] "Public-at-Large" means a person not actively engaged in the well industry.

(59) [(53)] "Refusal to Renew" means a provision in an order, or as allowed by ORS 537.747, that prohibits renewal of a well constructor's license, for a specified term not to exceed one year from the expiration date of the current license.

(60) [(54)] "Remediation Well" means a well used for extracting contaminated ground water from an aquifer. This term is synonymous with "extraction well" and "recovery well".

(61) [(55)] "Respondent" means the person against whom an enforcement action is taken.

(62) [(56)] "Responsible Party" means the person or agency that is in charge of construction or maintenance, or the landowner of record and is either in violation as specified in a notice of violation or who may benefit from that violation.

(63) [(57)] "Rough Drilling Log" means a record kept on the well site of the information needed to complete the well report for the well being constructed.

(64) [(58)] "Revoke" means termination of a well constructor's license.

(65) [(59)] "Sand" means a material having a prevalent grain size ranging from 2 millimeters to 0.06 millimeters.

(66) [(60)] "Silt" means an unconsolidated sediment composed predominantly of particles between 0.06 mm and 0.002 mm in diameter.

(67) "Sponsor" means an institution, professional organization, individual, or business that offers continuing education courses to licensees. This term is synonymous with provider.

(68) [(61)] "Static Water Level" means the stabilized level or elevation of water surface in a well not being pumped.

(69) [(62)] "Stratum" means a bed or layer of a formation that consists throughout of approximately the same type of consolidated or unconsolidated material.

(70) [(63)] "Suspension" means the temporary removal of the privilege to construct wells under an existing license for a period of time not to exceed one year.

(71) [(64)] "Unconsolidated Formation" means naturally occurring, loosely cemented, or poorly indurated materials including clay, sand, silt, and gravel.

(72) [(65)] "Upper Oversize Drillhole" means that part of the well bore extending from land surface to the bottom of the surface seal interval.

(73) [(66)] "Violation" means an infraction of any statute, rule, standard, order, license, compliance schedule, or any part thereof and includes both acts and omissions.

(74) [(67)] "Water Supply Well" means a well, other than a monitoring well, that is used to beneficially withdraw or beneficially inject ground water. Water supply wells include, but are not limited to, community, dewatering, domestic, irrigation, industrial, municipal, and aquifer storage and recovery wells.

(75) [(68)] "Water Supply Well Constructor" means any person who has a current, effective water supply well constructor license issued in accordance with ORS 537.747(3).

(76) [(69)] "Water Table" means the upper surface of an unconfined water body, the surface of which is at atmospheric pressure and fluctuates seasonally. The water table is defined

by the levels at which water stands in wells that penetrate the water body. (See Figure 240-1)

(77) [(70)] "Well" means any artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure, or is artificially withdrawn or injected. This definition shall not include a natural spring, or wells drilled for the purpose of exploration or production of oil or gas. Prospecting or exploration for geothermal resources as defined in ORS 522.005 or production of geothermal resources derived from a depth greater than 2,000 feet as defined in ORS 522.055 is regulated by the Department of Geology and Mineral Industries.

[ED. NOTE: Figures referenced in this rule are available from the agency.]

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 14-1990, f. & cert. ef. 8-9-90; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 2-1995, f. 5-17-95, cert. ef. 7-1-95; WRD 7-2001, f. & cert. ef. 11-15-01; WRD 2-2003, f. & cert. ef. 3-14-03

690-240-0011

Organic Materials

Organic materials which foster or promote undesired organic growth or have the potential to degrade water quality shall not be employed in the construction of a well. This includes, but is not limited to, brans, hulls, grains, starches, and proteins.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0012

Public Safety

No monitoring well, geotechnical hole, or other hole shall be constructed, maintained, or abandoned in such a manner as to constitute a health threat, or health hazard or a menace to public safety.

Stat. Auth.: ORS 737.780

Stats. Implemented:

Hist.: WRD 2-1995, f. 5-17-95, cert. ef. 7-1-95; WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0013

Wells Cannot Be Used for Disposal of Contaminants

No monitoring well, geotechnical hole, or other hole shall be used as a disposal pit for sewage, industrial waste, or other materials that could contaminate the ground water supply.

Stat. Auth.: ORS 537.780

Stats. Implemented.:

Hist.: WRD 2-1995, f. 5-17-95, cert. ef. 7-1-95; WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0014

Water Used Must be Potable

All water used in the construction, alteration, repair or abandonment of monitoring wells and geotechnical holes shall be potable.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0015

Delegation of Responsibility for Monitoring Wells, Geotechnical Holes and Other Holes

(1) The Director may, by memorandum of understanding, delegate to another state agency direct control and management of monitoring wells, geotechnical holes and other holes when the other state agency implements these standards, as a minimum, for the construction, operation, maintenance, and abandonment of monitoring wells, geotechnical holes and other holes.

(2) Such delegation shall be revoked at such time as the agency intentionally or repeatedly fails to enforce the standards.

(3) The Water Resources Department shall provide notice to all Oregon licensed monitoring and water supply well constructors and professional geologists and civil engineers registered in Oregon whenever authority is delegated to or revoked from another state agency.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 14-1990, f. & cert. ef. 8-9-90; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 2-1995, f. 5-17-95, cert. ef. 7-1-95; WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0016

Unattended Wells

All wells, when unattended during construction, shall be covered to protect public health and safety.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0020

Delegation Conditions

In order for the Director to delegate responsibility for monitoring wells, geotechnical holes and other holes to another agency, construction, operation or use, maintenance, and abandonment standards developed by that agency pursuant to OAR 690-240-0015 shall include, but not be limited to, provisions to address the following factors:

(1) Reporting well or hole location.

- (2) Reporting intended use of the well or hole.
- (3) Reporting well or hole design or construction.
- (4) Assigning responsibility for compliance.
- (5) Protecting ground water through minimum standards for the construction, operation or use, maintenance, and abandonment of the monitoring well, geotechnical hole or other hole that provide ground water protection equivalent to that provided by OAR 690-240-0005 to 690-240-[0139]0540.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 14-1990, f. & cert. ef. 8-9-90; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 2-1995, f. 5-17-95, cert. ef. 7-1-95; WRD 7-2001, f. & cert. ef. 11-15-01; WRD 2-2003, f. & cert. ef. 3-14-03

690-240-0024

Well Identification Label

(1) Within 30 days of completion of well construction, conversion, or alteration, the constructor shall permanently affix a well identification label to the wellhead as described in Appendix 240-1. The identification number shall be recorded on the well report. The well identification label shall be attached in such a manner as to be easily readable upon inspection. Identification labels shall be furnished by the Department.

(2) If a well identification label is already affixed to an existing well that is being altered, converted, or abandoned, the constructor shall record the identification number on the well report.

(3) When a well that has a well identification label (tag) on it is permanently abandoned, the well identification tag shall be destroyed. The well identification tag shall not be reused.

[ED. NOTE: Appendix referenced are available from the agency.]

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0026

Well Identification Label Maintenance

The well identification label shall not be removed from the wellhead and shall be maintained by the land owner in an accessible location and in a readable condition. See Appendix 240-1 for well identification label placement instructions.

[ED. NOTE: Appendix referenced are available from the agency.]

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0030

Other Holes: General Performance and Responsibility Requirements

(1)(a) Other holes are constructed for a variety of purposes which may or may not encounter ground water. Other holes are constructed using a wide variety of equipment and are not typically designed to access water in order to collect subsurface information. Other holes include but are not limited to: temporary (abandoned within 72 hours) wetland delineation holes, gravel pits, pits for removal of underground storage tanks (UST), pilings, tunnels, post holes, excavation and construction holes, elevator shafts, and trenches.

(b) Although enforcement actions may be exercised against other parties, the landowner of the property where the other hole is constructed is ultimately responsible for the condition and use of the other hole.

(2)(a) In order to protect ground water, all other holes shall be constructed, operated or used, maintained, and abandoned in such a manner as to prevent contamination or waste of ground water;

(b) In order to protect ground water, all other holes, when abandoned, shall be abandoned in such a manner that water cannot move vertically in them with any greater facility than in the undisturbed condition prior to construction of the other hole;

(c) Conversion of other holes to a water supply well, monitoring well, or geotechnical hole shall be considered by the Water Resources Department on a case-by-case basis;

(d) If the other hole is an excavation for removal of an underground storage tank, water samples may be taken without adhering to the licensing, start card/fee, monitoring well report and monitor well conversion requirements.

Stat. Auth.: ORS 537.780

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 14-1990, f. & cert. ef. 8-9-90; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 2-1995, f. 5-17-95, cert. ef. 7-1-95; WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0035

Geotechnical Holes: General Performance and Responsibility Requirements

(1) Excavations that are dug to evaluate subsurface data are geotechnical holes. Geotechnical holes may be either cased or uncased and are constructed to evaluate subsurface data or information (geologic, hydrogeologic, chemical, or other physical characteristics). Geotechnical holes are not "wells" because their construction and/or duration of use are different than wells and therefore are not subject to the same requirements as wells. Geotechnical holes are broken into the following classifications:

- (a) Temporary (abandoned within 72 hours) geotechnical holes;
- (b) Cased permanent geotechnical holes;
- (c) Uncased permanent geotechnical holes; or
- (d) Slope stability geotechnical holes.

(2) A geotechnical hole report, signed by the responsible professional, must be submitted to the department if any of the criteria listed in subsections (a) through (d) below is met. The geotechnical hole is:

- (a) Greater than 18 feet deep; or
- (b) Within 50 feet of a water supply or monitoring well; or
- (c) Used to make a determination of water quality; or
- (d) Constructed in an area of known or reasonably suspected contamination.

(3) Geotechnical holes greater than ten feet in depth and less than eighteen feet in depth that do not meet any of the criteria spelled out in OAR 690-240-0035(2) shall have a professional person as described in OAR 690-240-0035(4)(c) responsible for the construction and abandonment of the geotechnical hole but do not require a 'Geotechnical Hole Report' to be filed.

(4)(a) Although enforcement actions may be exercised against other parties, the landowner of the property where the geotechnical hole is constructed is ultimately responsible for the condition, use, maintenance, and abandonment of the geotechnical hole;

(b) Conversion of a geotechnical hole to a water supply or monitoring well shall be considered by the Water Resources Department on a case by case basis;

(c) When a geotechnical hole report is required, or if it is between 10' and 18', any person (professional) who is responsible for the construction, alteration or abandonment of a geotechnical hole shall have one of the following certifications:

- (A) A current Oregon Monitoring Well Constructor License;
- (B) A current Oregon Water Supply Well Constructor License;
- (C) Be registered by the State of Oregon as a Professional Geologist; or,
- (D) Be registered by the State of Oregon as a Professional Civil Engineer.

(d) The professional shall show proof of license or registration and a current photo identification to Department employees upon request.

(e) In order to protect the ground water resource, all geotechnical holes shall be constructed, operated, used, maintained, and abandoned in such a manner as to prevent contamination or waste of ground water, or loss of artesian pressure.

(f) If the geotechnical hole is completed above ground, it shall have a minimum casing height of one foot above finished grade and a lockable cap with lock shall be attached to the top of the casing. If a geotechnical hole, except a slope stability hole, is completed flush with the land surface, a lockable watertight cap with lock, shall be attached to the top of the casing. A vault or monument designed to be watertight, level with the ground surface, shall be installed to prevent the inflow of surface water. The cover must be designed to withstand the maximum expected loadings.

(5)(a) A 'Geotechnical Hole Report' shall be prepared for each geotechnical hole, including unsuccessful geotechnical holes, constructed, altered, converted, or abandoned if the hole meets any of the requirements of OAR 690-240-0035(2) above.

(b) The 'Geotechnical Hole Report' shall be filed with the Department within 30 days of the completion of the geotechnical hole;

(c) The report shall be prepared in triplicate on forms furnished or previously approved in writing by the Water Resources Department. The original shall be furnished to the Director, the first copy shall be retained by the professional, and the second copy shall be given to the landowner or customer who contracted for the construction of the geotechnical hole;

(d) In the event any drilling equipment or other tools are left in a geotechnical hole the professional shall enter this fact on the Geotechnical Hole Report;

(e) A copy of any special authorizations or special standards issued by the Director shall

be attached to the Geotechnical Hole Report. See OAR 690-240-0006 for information concerning special standards;

(f) The report of geotechnical hole construction shall include, as a minimum, the following:

(A) Landowner name and address;

(B) Started/Completed date;

(C) Location of hole by county, township, range, section, tax lot number (if available), street address and either the 1/4, 1/4 section or latitude and longitude as established by a global positioning system (GPS).

(D) Use of geotechnical hole;

(E) Type of geotechnical hole;

(F) Depth

(G) Map showing location of geotechnical hole on site must be attached and shall include an approximate scale and a north arrow;

(H) General hydrologic and geologic information as indicated on the Geotechnical Hole Report; and

(I) Such additional information as required by the Department.

(6) Temporary geotechnical holes:

(a) Temporary geotechnical holes include but are not limited to: drive points, soil and rock borings, temporary sample holes, permeability test holes, and soil vapor holes;

(b) Temporary geotechnical holes shall be abandoned within 72 hours of initial construction;

(c) Any temporary casing that has been installed shall be removed as part of the abandonment.

(7) Cased permanent geotechnical holes:

(a) Cased permanent geotechnical holes include but are not limited to: gas migration holes, cathodic protection holes, and vapor extraction holes;

(b) If permanent casing is installed in a geotechnical hole, it shall meet the casing requirements in OAR 690-240-[0115]0430, OAR 690-210-0210, or OAR 690-210-0190 and the sealing requirements in OAR 690-240-[0130]0475.

(8) Uncased permanent geotechnical holes:

(a) Uncased permanent geotechnical holes include but are not limited to: pneumatic and electrical piezometers;

(b) Temporary casing can be used during the construction of the uncased permanent geotechnical hole but must be removed prior to completion. Surface casing (5 feet maximum) may be installed for placement of logging or recording equipment.

(9) Slope stability holes. All holes constructed for studying, monitoring movement of landslide features, or dewatering landslides or other mass-wasting features shall be considered slope stability holes. Such holes shall be constructed, operated, used, maintained, and abandoned in such a manner as to prevent contamination or waste of ground water. Slope stability holes in areas of known or reasonably suspected contamination shall be constructed to meet monitoring well standards. Slope stability holes that are used to obtain ground water levels shall be constructed to meet piezometer standards under OAR 690-240-[0137]0525.

(10) Geotechnical Holes abandonment:

- (a) Geotechnical holes shall be abandoned so that they do not:
 - (A) Connect water bearing zones or aquifers;
 - (B) Allow water to move vertically with any greater facility than in the undisturbed condition prior to construction of the geotechnical hole; or
 - (C) Allow surface water to enter the hole.
- (b) Temporary geotechnical holes constructed to collect a water quality sample shall be abandoned in accordance with OAR 690-240-[0135]0510.

Stat. Auth.: ORS 537.780

Stats. Implemented:

Hist.: WRD 2-1995, f. 5-17-95, cert. ef. 7-1-95; WRD 7-2001, f. & cert. ef. 11-15-01; WRD 2-2003, f. & cert. ef. 3-14-03

690-240-0055

License Required to Construct Monitoring Wells

(1) Unless otherwise provided in these rules, any person who constructs, alters or abandons monitoring wells for another person shall have a Monitoring Well Constructor License or work under the supervision of a licensed Monitoring Well Constructor.

(2) If a person advertises services and/or enters into contracts for the construction, alteration or abandonment of monitoring wells for another person, that person shall furnish a \$4,000 Monitoring Well Constructor Bond or Irrevocable Letter of Credit to the Water Resources Commission and must be a licensed monitoring well constructor. This bond or letter of credit is separate from the bond or letter of credit required for construction of water supply wells.

(3) A property owner who constructs, alters, or abandons a monitoring well on their own property shall have a Landowner Well Permit as described in OAR 690-240-[0082]0340 for each monitoring well on which work is done.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 14-1990, f. & cert. ef. 8-9-90; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 7-2001, f. & cert. ef. 11-15-01; WRD 2-2003, f. & cert. ef. 3-14-03

690-240-0060

Monitoring Well Constructor License Examination

(1) The Water Resources Department administers the written examination required under ORS 537.747. Separate examinations are administered for each license type. The Department schedules the examination on the second Monday during the months of January, April, July and October. Only one examination may be taken during each testing period. Examinees must pay a \$20 exam fee. Special accommodations may be given to those individuals who cannot attend the regularly scheduled examination dates. Requests shall be considered on a case-by-case basis. The examination tests the applicant's knowledge of:

(a) Oregon laws and administrative rules on the use of ground water, monitoring well constructor licensing requirements, the construction of monitoring wells and/or geotechnical holes, and the preparing and filing of Start Cards and Monitoring Well Reports;

(b) Hydrogeology, the occurrence and movement of ground water and contaminants, and the design, construction and development of monitoring wells; and

(c) Types, uses, and maintenance of drilling tools and equipment, drilling problems and corrective procedures, repair of faulty monitoring wells, sealing of monitoring wells, and safety rules and practices.

(2) An applicant who fails to pass the examination may retake the examination after three months and the payment of another examination fee.

(3) Passing examination scores are valid for three years from the date of the examination.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 14-1990, f. & cert. ef. 8-9-90; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0065

Monitoring Well Constructor License, Experience Requirements and Trainee Card

(1) License. To qualify for a Monitoring Well Constructor License, a person shall:

(a) Be at least 18 years old;

(b) Pass a written examination;

(c) Have a minimum of one year experience (52 weeks), during the previous 36 month period, in monitoring well construction, alteration, or abandonment. This experience shall include the operation of well drilling machinery for monitoring well construction, alteration, conversion, or abandonment on a minimum of fifteen monitoring wells or a demonstration of equivalent experience in the operation of well drilling machinery. The following are acceptable as evidence of experience:

(A) Monitoring well reports or rough well logs with applicant's name entered for each of the 15 wells. The name, address and telephone number of the person responsible for the construction of each monitoring well shall be included on each report or log;

(B) Income tax returns showing source of drilling income for a period of time, or worker's compensation account information or the equivalent may be established to satisfy the one year of active construction requirement;

(C) Any other evidence the Director may deem suitable;

(D) A license held in another state shall not substitute for required evidence of experience.

(d) Pay a license fee.

(2) Trainee. If an applicant passes the written monitoring well constructor examination, but cannot meet the experience requirement the Commission may issue a trainee card. To qualify for a monitoring well constructor trainee card, a person must:

(a) Be at least 18 years old;

(b) Pass a written examination; and

(c) Be supervised by a person who holds a Monitoring Well Constructor License.

(3) A trainee card is valid for three (3) years from the date the exam was passed.

(4) Supervision as it relates to any person who holds a Monitoring Well Constructor Trainee Card:

(a) A trainee may operate a cable tool monitoring well drilling machine without a licensed monitoring well constructor physically present at the well site only if:

(A) The licensed constructor can reach the well site within two hours if so requested by an authorized representative of the Department; and

(B) The licensed constructor has signed the rough drilling log within eight working hours prior to the representative's visit.

(b) A licensed constructor must physically be on the site at all times when a cable tool drilling machine is:

(A) Drilling within a flowing artesian well;

(B) Setting or advancing casing;

(C) Setting liner;

(D) Perforating casing;

(E) Setting well screens;

(F) Placing packers;

(G) Drilling into, through, or below ground water suspected or known to be contaminated; and

(H) Placing casing seals.

(c) A trainee may operate a non-cable tool monitoring well drilling machine without a licensed monitoring well constructor physically present at the well site only during removal of the drill stem from the monitoring well.

(d) Activities under subsection (3)(c) of this rule shall proceed only if:

(A) The licensed constructor can reach the site within one hour if so requested by an authorized representative of the Department; and

(B) The licensed constructor has signed the rough drilling log within eight working hours prior to the representative's visit.

(e) An authorized representative of the Department in whose jurisdiction the monitoring well is being constructed has the authority to:

(A) Grant an extension to the time limits stated above when a request, showing good cause, is received from the bonded constructor in advance for each particular well; and

(B) Place additional restrictions on the trainee, including requiring the constructor to be on the site at all times while the drilling machine is operating, when the Department representative determines that either the drilling environment or the knowledge and/or experience of the trainee warrant closer supervision.

(f) For a trainee to operate a monitoring well drilling machine without a licensed monitoring well constructor present, the trainee's card must be endorsed with the name of the bonded monitoring well constructor responsible for the construction of the monitoring well.

(5) Other supervision requirements for persons not licensed or permitted to construct monitoring wells, or who do not hold a monitoring well trainee card:

(a) Persons who are in the act of constructing, altering, converting or abandoning monitoring wells must be supervised by a licensed Monitoring Well Constructor who is physically present at the well site at all times during construction, alteration, conversion, or abandonment activity.

(b) The supervising Monitoring Well Constructor is responsible for all applicable statutes and rules in construction, alteration, conversion, or abandonment of the monitoring well.

(6) Persons who satisfy all requirements of ORS 537.747(3) shall be issued a Monitoring Well Constructor's License. The responsibilities for securing and issuing a Monitoring Well Constructor License or trainee card are listed in subsections (a) and (b) of this section.

(a) The monitoring well constructor license applicant is responsible for:

(A) Completing an application or renewal form for a new or renewed license or trainee card;

(B) Submitting the application or renewal form to the Water Resources Department along with the required fees;

(C) Carrying the license or trainee card whenever constructing, altering, converting, or abandoning any monitoring well; and

(D) Providing the Water Resources Department, within 30 days, notification of any change of mailing address.

(E) Providing the Water Resources Department documentation satisfying the continuing education requirements set forth in OAR 690-240-0200 through OAR 690-240-0280.

(b) The Water Resources Department is responsible for:

(A) Designing and providing Monitoring Well Constructor licenses and trainee cards;

(B) Designing and providing application forms and renewal forms for licenses and application forms for trainee cards;

(C) Processing applications and renewals for licenses and applications for trainee cards; and

(D) Returning incomplete application and renewal forms to applicants for completion.

(E) Sending new and renewed licenses to applicants who have completed the application or renewal form and submitted the required fee. This does not preclude refusal to renew as outlined in OAR 690-240-0070(4).

(7) Bonded monitoring well constructor. For a person to possess a bonded Monitoring Well Constructor's License, the person shall provide to the Department a properly executed monitoring well constructor's bond or irrevocable letter of credit. The Water Resources Department shall indicate on the constructor's license a bonded classification.

(8) Representatives of the Water Resources Department may ask anyone constructing, altering, or abandoning a monitoring well to present their license or trainee card as proof of eligibility to construct, alter, convert, or abandon monitoring wells in the State of Oregon. Licensed individuals shall display their license or trainee card and photo identification when they are requested to do so by Water Resources Department personnel or other agency personnel to whom monitoring well regulation has been delegated.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 14-1990, f. & cert. ef. 8-9-90; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 7-2001, f. & cert. ef. 11-15-01; WRD 2-2003, f. & cert. ef. 3-14-03

690-240-0070

Terms of Monitoring Well Constructor License and License Fees

(1) The Department issues all monitoring well constructor licenses. License fees are

established by ORS 537.747. A penalty applies to late renewals.

(2) Fees for new licenses and renewal licenses are the same. The fee for a two year license is \$150. All licenses expire on June 30 of the second year.

(3) A \$100 penalty applies when a licensee renews a license after the expiration date. There is no charge for a Trainee Card.

(4) Monitoring well constructors who have not made arrangements with the Water Resources Department to pay civil penalties which are assessed against them shall not be issued a license renewal or a new license until after arrangements for payment have been agreed to by the Department. Monitoring well constructors who have made arrangements for payment of civil penalties and have failed to meet the terms of the agreement, except in certain cases of bankruptcy, may not have their license renewed or a new license issued until all outstanding civil penalties owed to the Department have been paid.

Stat. Auth.: ORS 537 & ORS 742

Stats. Implemented: ORS 537 & ORS 742

Hist.: WRD 14-1990, f. & cert. ef. 8-9-90; WRD 7-2001, f. & cert. ef. 11-15-01

690-240-0200

Continuing Education Committee

A Continuing Education Program and Continuing Education Committee are established under chapter 496, Oregon Laws 2001 (ORS 537.765). The duties of the Well Constructors Continuing Education Committee are to review and approve continuing education courses and assign continuing education credits.

Stat. Auth.: ORS 537 & ORS 742

Stats. Implemented: ORS 537 & ORS 742

Hist.: WRD 2-2003, f. & cert. ef. 3-14-03

690-240-0210

Continuing Education Requirement

(1) As of June 30, 2005, each individual licensed under ORS 537.747 is required to obtain a minimum of 14 continuing education credits (CECs) during each licensing period regardless of the number of licenses or endorsements held. Continuing education credits may be obtained through clinics, schools, professional organizations, seminars, lectures or other continuing education courses that relate to the practice of well construction and are approved by the Continuing Education Committee.

(2) A minimum of two (2) CECs shall pertain to ground water and well construction statutes under ORS 537.505 to 537.795 and 537.992, and administrative rules under OAR 690-200 through OAR 690-240 during each licensing period.

(3) A maximum of eight (8) CECs may be obtained through approved safety/first aid/CPR/Hazardous Materials courses during each licensing period. Of the eight (8) CECs, a maximum of four (4) CECs may be obtained through Hazardous Materials training courses and a maximum of four (4) CECs may be obtained through safety/first aid/CPR