

House Bill 2145

Well Construction Program Modernization



House Water Committee
Informational Hearing
February 18, 2021

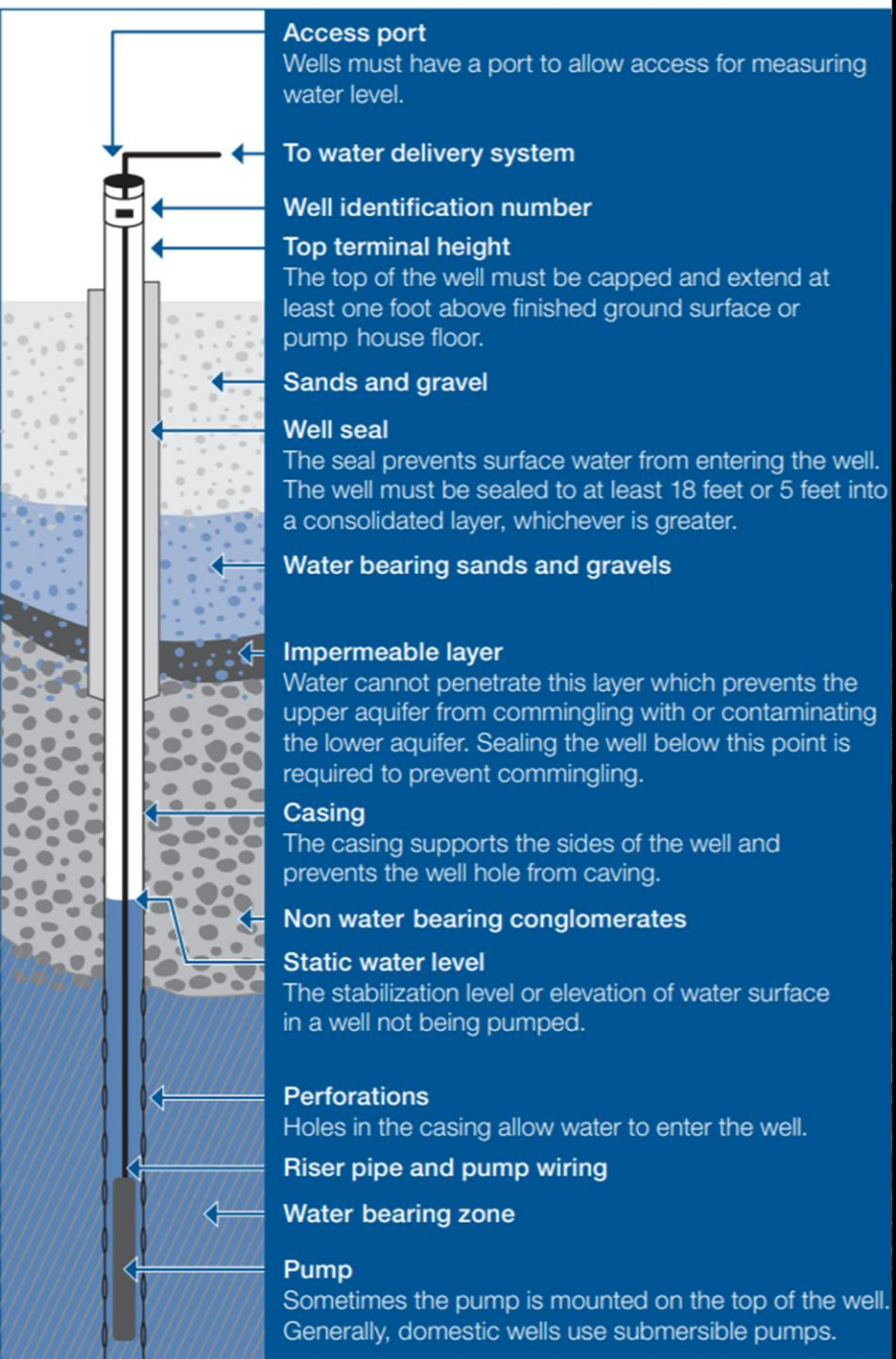
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- Background and Need for Modernization
- HB 2145 Status
- -1 Amendment
- -2 Amendment
- Third amendment under discussion
- Questions and comments

Water well diagram



Components of a Well



Protect Public Health & Safety

- Prevent wells from serving as a conduit for groundwater contamination
- EX. Improperly sealed well at gas station led to groundwater contamination in private wells used for drinking.



Protect Groundwater Resources for Use

- Prevent draining of aquifers and groundwater declines
- EX. Commingling in Mosier.
 - Water levels dropped ~4 ft/year
 - Total 150-200 feet



Commingling: Depletes the aquifer like pumping 24 hours a day every day of the year until fixed

Current Status



- 250,000+ wells in Oregon
- 5 inspectors funded by start card fees
- ~3,000 new wells each year
 - ~30% average inspection rate
- 2019: 932 wells inspected
 - 10% with deficiencies

Need for Program Improvements

- 2016 Secretary of State Audit
- 2017 Integrated Water Resources Strategy
- 2019-2024 Strategic Plan
- Insufficient Resources
- Maximize limited resources to reduce well construction deficiencies, protect the public, and groundwater resources



Objectives

- **Provide Assistance:** Help landowners address well issues
- **Prevent Deficiencies:** Ensure licensed well drillers have proper knowledge and experience
- **Identify Deficiencies:** Improve Department's ability to plan inspection workloads to increase inspection efficiency; timely identify and correct deficiencies
- **Driller Responsibility:** Address driller concerns about time responsible for deficiencies, while considering WRD's limited resources and responsibility on landowners

HB 2145 Status

- Stakeholder Engagement Ongoing
- House Bill 2145 Intro
- Amendment -1
 - Has some errors that will require correction
 - Replaces measure. Removes section 2 of HB 2145 Intro.
- Amendment -2
 - Replaces measure. Only contains section 2 of HB 2145 Intro.
- Third amendment proposal under discussion
 - Technical well log reviews

-1 Amendment

Well Repair, Replacement, and Abandonment Fund

Problem

- Droughts, groundwater declines, aging wells, deficient wells
- Owners may not have resources to fix or abandon
- Household water source
- Reduce threats to groundwater resource and public health



Abandonment of a dug well contaminated by oil

Well Repair, Replacement, and Abandonment Fund



Well burned over in Obenchain fire

Proposal

- Establish authority for program to repair, replace, or abandon:
 - deficient wells
 - household uses for persons of lower or moderate income
 - household uses in areas of declining groundwater levels
- to address other water management purposes

Well Constructor Skills

Problem

- Improper welding and seal placement
- Major construction deficiency
- Contribute to contamination or commingling



Bad weld allowing water to leak at joint

Well Constructor Skills



Solution

- Complete an arc welding training, professional certification, or proficiency test
 - New driller – to obtain license
 - Existing driller – if deficiency found
- Driller allow Department to observe and inspect work as being performed

Well Constructor Skills

Problem

- Continuing Education program sunsets in 2022
- Continuing Education Committee limited representation

Proposal

- Extends sunset date to 2030
- Modify Committee to include:
 - groundwater quality or public health
 - employee safety

Well Inspection Efficiency

Problem

- No time limit for submitting start cards
- Department does not know when actual work begins or when seal placement will occur
- Difficulty finding well with location information
- Hinders inspections
- Mailed start cards may not be received timely
 - Start card and well log manually entered

Well Inspection Efficiency

Proposal

- No later than 72 hour start card submission; 60-day expiration
- Specifies required info on start card including GPS location
 - Construction and seal placement timelines
 - Notification 4 hours prior to seal placement if different
- Notification on day work begins
- Waiver of timelines (*-1 amendment wrong*)
- GPS required on well log
- Electronic submission of well log and start cards by 2024

Timely Enforcement

Problem

- Need to be able understand deficiencies associated with a driller
- Identify deficiencies quickly for timely correction
- Enforcement takes time, until enforcement complete can continue to drill

Proposal

- Specify on well log bonded driller as well as those that did the work
- Provide agency with injunction authority

Other Solutions (not included in -1)

- Third proposal related to technical well log reviews
- Demerit system for future

Other

- Clarifies existing processes, Department vs. Commission
- Clarifies start card and well log required for individuals constructing their own well (*-1 amendment wrong*)
- Operative dates of most provisions of the bill are July 2023 or July 2024
 - Exceptions 2022
 - Well repair, replacement, and abandonment fund
 - Continuing Education Program

-2 Amendment

Problem

- Drillers responsible for deficiencies for the life of license
- Landowner responsible if driller is not
- Department cannot inspect every well with existing resources
 - 10% 2019 wells inspected have deficiencies
 - 70% of wells not inspected
- Difficult for owner to know if a well is properly constructed



Improper seal

Driller Responsibility



Improper seal: Wrong type of materials

Proposal

- 3 years: seal placement observation and well log review
- 10 years: well log review
- 15 year maximum

Other Proposals

Amendments Under Discussion

Additional Proposal

Under Discussion

- Technical well log review
- Add two positions for well log technical review
 - How to pay for? Increase start card fee?
- Shift responsibility of map and exempt use fee submittal to well driller, allowing the Department to reallocate work of 1FTE to technical well log review

Well Log Reviews

- Complement but not replacement to the Department's inspections
- With limited resources can be a tool to broaden the scope of review to identify some deficiencies
 - Test: 6% of logs reviewed indicated a potential deficiency
- Not all deficiencies can be identified through well log review
 - Does not mean the well is properly constructed
 - 10% of wells inspected deficient

OREGON



WATER RESOURCES
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