



**Testimony of  
Michael Klobes, Government Affairs Committee Chair  
OREGON GROUND WATER ASSOCIATION  
Before the Ways and Means Subcommittee  
on Natural Resources  
In Support of SB 5545**

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**22 March 2021**

Dear Co-Chair Taylor, Co-Chair Reardon and Subcommittee Members:

Thank you for the opportunity to provide testimony in support of SB 5545, the budget bill for the Oregon Department of Water Resources.

The Oregon Ground Water Association (OGWA) is a nonprofit membership organization composed of water well constructors, well pump and water treatment contractors; hydrogeologists and engineers; manufacturers and suppliers of equipment; and other various trades engaged with the groundwater resource. The mission of the Association is to promote sustainable groundwater development and management for maximum beneficial use without waste or contamination. Organized in 1949, the Association has sought to encourage responsible stewardship of the groundwater resource with its leadership in industry education, public outreach, and legislation.

The OGWA strongly urges the add-back of Policy Option Package 107 (attached) which would allow the Department to incorporate the technical review of every well construction log submitted. Given the current limited resources, only 30% of newly constructed wells receive an in-person inspection while the remaining 70% receive no form of scrutiny.

Achieving this technical review process is the number one legislative priority for the OGWA to help further protect the groundwater resource. A mandated technical review of the well construction log would be the most efficient means to undergo a limited vetting of 100% of wells constructed in the state. Identifying and correcting well construction deficiencies proactively and timely should be our primary goal for a regulatory model, rather than reacting to the results of construction deficiencies after irreparable damage may have already occurred.

Historically, the Association has expressed growing concern regarding the absence of a proactive and thorough technical review process for well logs submitted to the Department. The Department's current process of well construction log scrutiny includes only grammatical and form completeness review. Resultantly, non-compliant wells are routinely overlooked, creating a serious challenge for the public and endangering the groundwater resource. The significant ramifications of this process can be observed in the Mosier area where groundwater levels are declining due to the commingling of aquifers, in which many of the deficient wells causing this issue could have been identified with a thorough scrutiny of the well construction log.

The OGWA is committed to assisting the Department in identifying funding sources for this vital activity and further protect the groundwater resource with more proactive regulation. We appreciate your attention to our testimony and urge your support of SB 5545 including the add-back of Policy Option Package 107.

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# BUDGET NARRATIVE

## Policy Option Package #107: Protect Groundwater Supplies and Public Health

### Purpose

Wells are inspected to ensure they meet well construction, repair, alteration, and abandonment standards as provided in rule, ensuring that wells are not a conduit for contamination, and that wells do not commingle multiple aquifers, which can waste groundwater and impact artesian pressure.

Currently there are five well inspectors responsible for inspecting water wells and monitoring wells in the 98,000 square miles and 36 counties of Oregon. Each year, approximately 3,000 new water wells and 400 new monitoring wells are drilled in Oregon. The well inspectors typically are able to inspect about 30% of the new water wells drilled each year, and about 35% percent of monitoring wells. Construction deficiencies are found in approximately 10-12% of inspected wells each year requiring repair or abandonment of the well.

For each well constructed, the driller submits a well log report that details information including location, owner, and the specifics of the well itself, such as depth, diameter, material encountered, seal interval, and how much water the well is estimated to produce. Well inspectors review the well construction report on wells they inspect; however, the remaining 70% of wells are not inspected, and many of those wells also do not have the well report reviewed for compliance with construction requirements.

The timely review of well reports and the identification and resolution of construction deficiencies could prevent contamination of Oregon's groundwater aquifers, waste of groundwater, commingling of multiple aquifers, and enhance well constructor education to avoid future deficiencies. The timely review of well reports would increase the likelihood that any construction deficiencies identified on the well report are corrected by the well contractor and not left to the landowner or a community to finance an expensive repair in the future. Landowners often cannot determine whether a well is constructed properly because the infrastructure is underground. The Department believes that by reviewing all of the submitted well reports, and working with the drilling community in a cooperative manner to bring deficient wells into compliance, the groundwater resource, the public, and the drillers will all benefit from improved water and well construction quality.

In addition to the review and follow-up on well report issues, the Department is also proposing to establish a Water Well Abandonment, Repair, and Replacement Revolving Fund that will provide funding assistance to well owners to address legacy well issues that have the potential to impact public health and safety, as well as groundwater quality and quantity. Older wells are more commonly deficient, however, as long as the well continues to work, well owners – particularly domestic well owners – may not have the financial resources to address the deficiency and protect themselves, their families, renters, and Oregon water supplies for the economy, communities and ecosystems. The funding program will help Oregonians that rely on wells for drinking water purposes and experience groundwater level declines. The Department anticipates that this will help users that rely on wells for drinking water to adapt to climate change. Specifically, the new revolving fund will provide financial assistance for the permanent abandonment, repair, or replacement of wells that due to construction deficiencies may lead to groundwater level declines, serve

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as a conduit for contamination or otherwise be a detriment of public health and safety; repair or replacement of wells for water for household purposes for lower income populations; or in areas of declining groundwater levels, where other sources of water are not feasible.

This package advances the Department's Strategic Plan priority to "Modernize our management of Oregon's surface water and groundwater resources to meet instream and out-of-stream uses" and the objective to "increase protection of public safety and health." This package is consistent with the Integrated Water Resources Strategy recommended actions 7.A (Develop and Upgrade Water and Wastewater Infrastructure), 11.E (Develop Additional Groundwater Protections), and 12.A (Ensure the Safety of Oregon's Drinking Water).

### How Achieved

The Department proposes to hire two Natural Resource Specialist (NRS) 2 Well Construction Compliance Reviewers to evaluate water well and monitoring well reports for compliance with minimum construction requirements and one NRS 3 Well Construction Specialist to assist well constructors with statute and rule interpretation, to follow-up on required repairs, and to assist in the formal enforcement process when voluntary compliance cannot be achieved. A comprehensive and timely review of well reports will help to identify construction deficiencies immediately after they occur, be more protective of groundwater quality, and protect against aquifer commingling and waste. This timely review will also provide the Department with the opportunity to cooperatively work with well constructors and property owners to repair or decommission wells that do not meet minimum construction standards.

Staff will review incoming well reports for construction compliance at the time they are submitted. Staff will then coordinate with well constructors or landowners to address deficiencies that are found. The timely review of well reports and early identification of problems will provide training opportunities for well constructors who may have a misunderstanding of the well construction rules, as well as offer more protection to the groundwater resource by resolving construction problems before permanent harm is done or neighboring wells are negatively impacted.

The Water Well Abandonment, Repair, and Replacement Revolving Fund, is also proposed to be established. The Department proposes an initial \$100,000 General Fund investment. This investment will be maximized by utilizing these funds on a cost-share basis to address as many well construction issues as possible. When considering where funds will be allocated, the Department proposes to focus spending on wells that will impact shared groundwater resources, where there is a pressing and emergency need for a well repair or replacement to provide drinking water, and that will help lower income Oregonians. The Department hopes that this initial investment will allow the Department to establish the program and further refine it to maximize benefits to Oregonians.

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## Staffing Impact

Position	Class/Pay Opt	Class Desc	Working Title	Type	Months	FTE	2021-23	2023-25
9921010	OAO C8502 AP	Natural Resource Specialist 2	Well Construction Compliance Reviewer	PF	21	.88	\$173,601	\$213,901
9921011	OAO C8502 AP	Natural Resource Specialist 2	Well Construction Specialist	PF	21	.88	\$192,207	\$236,037
9921012	OAO C8503	Natural Resource Specialist 3	Well Specialist	PF	21	.88	\$209,605	\$257,611

## Quantifying Results

Progress regarding the proposed Water Well Abandonment, Repair, and Replacement Revolving Fund will be evaluated based on the results of the assistance provided to property owners and the protection supplied to Oregon's groundwater aquifer system.

The review of well construction reports, statute and rule interpretation, follow through on deficiency resolution, and timely enforcement, will protect property owners, well constructors, and the groundwater resource, by ensuring that water wells are constructed to standards, as well as by providing information and education to the drilling community to prevent future occurrences. Progress with the well report review program would be identified by monitoring the number of deficiencies discovered by well inspectors, as well as deficiencies detected by reviewers. In addition, deficiency types and voluntary compliance in resolving deficiencies will be tracked and will help inform the Department's Well Construction and Compliance Section on needed training for licensed well constructors.

## Funding Source

Total Costs: \$675,413

General Fund Cost:

Staffing \$575,413

Well Abandonment Replacement Funds \$100,000