

MEMORANDUM

TO: Water Resources Commission

FROM: Barry Norris, Administrator

SUBJECT: Water Resources Commission Work Session
October 10, 2002

Informational Report on the Well Constructor Licensing Program and Continuing Education Rules

I. Issue Statement

In 2001 the Oregon Legislative Assembly passed Senate Bill 579 (codified at Oregon Revised Statutes 537.747 and 537.765), which modifies the well constructor licensing and license renewal process, including new requirements that well constructors obtain continuing education credits for license renewal. This staff report describes the well constructor licensing program, changes to the licensing program resulting from SB 579, and the development of rules implementing the continuing education program established by SB 579. *This is an informational report only; no Commission action is required.*

II. Well Constructor Licensing Program

The Department began licensing well constructors in 1962 under authority of the Ground Water Act of 1955 (ORS 537.747). Currently, 745 well constructors are licensed statewide: 456 water supply well constructors and 289 monitoring well constructors, with several individuals holding both licenses.

A. Licensing Requirements

To obtain a well constructor license, an applicant must be at least 18 years old, meet minimum drilling experience requirements with a licensed well driller on site, pay a \$20 examination fee, pass a written examination with a score of at least 70%, and pay a statutorily set licensing fee. The examination is offered quarterly and is periodically updated to reflect rule and statute changes and new technology. A separate examination is offered for each type of well constructor license — water supply well construction and monitoring well construction. SB 579 requires that the Department modify its licensing program by July 1, 2006, so that it has only one type of license with endorsements for different types of construction activities and/or machinery.

Currently, examinations for both types of well construction licenses cover the following material:

- Laws and rules pertaining to the appropriation and use of ground water, licensing requirements, construction of wells, and preparation and filing of well logs;
- Basic information on ground water geology, the occurrence and movement of ground water, and the design, construction and development of wells; and
- Knowledge of the types, uses and maintenance of drilling tools and equipment, drilling problems and corrective procedures, repair of faulty wells, sealing of wells, and safety rules and practices.

Over the past five years, 275 individuals have taken the water supply well constructor exam, and 195 individuals have taken the monitoring well constructor license exam. The combined average pass rate over the past five years is 47%, with an average pass rate of 39% for the water supply well constructor exam and 59% for the monitoring well constructor exam.

Prior to Senate Bill 579, the term of a well constructor license could be one year with a \$50 fee or five years with a \$200 fee. Both had a \$50 penalty for late renewals. With the passage of SB 579, the term of a well constructor license changed to two years, and the fees to obtain and renew a well constructor license changed to \$150 for a two-year renewal with a late fee of \$100.

B. Continuing Education Requirements

With the passage of SB 579, well constructors must also meet continuing education requirements to renew their license on or after June 30, 2005. 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.

Senate Bill 579 provides specific guidance for developing the well constructor continuing education program. The bill establishes a Well Constructors Continuing Education Committee to make recommendations to the Water Resources Commission for developing the continuing education program and directs the Commission to adopt rules necessary for the administration of the continuing education program. The law sunsets January 2008.

The Continuing Education Committee has met several times since November 2001 and has developed a draft set of rules for the continuing education program. Major provisions of the draft rules are:

- Well constructors will be required to obtain 14 continuing education credits (CEC) over each two-year licensing cycle (as directed by ORS 537.765).

- A CEC is defined as a minimum of 50 minutes of instruction approved by the Continuing Education Committee.
- Well constructors are responsible for maintaining their continuing education records.
- Any source or organization may submit an application to the Continuing Education Committee for approval of a continuing education course.
- Consistent with statutory requirements, continuing education requirements can be waived or exempted upon a request demonstrating inability to attend courses due to health, military duty or other circumstances beyond a well constructor's control.

The Department intends to hold three public rulemaking hearings on the continuing education rules in December 2002 — two hearings in Salem and one in Bend. The Department anticipates presentation of the draft rules to the Ground Water Advisory Committee this year and presentation of final rules to the Commission for adoption at the February 2003 meeting.

III. Summary

Senate Bill 579, passed during the 2001 regular legislative session, modifies the licensing and renewal process for well constructors. The primary change in the licensing program is the requirement that well constructors demonstrate continuing education credits in order to renew their licenses. The Department has been working with the Well Constructor Continuing Education Committee since November 2001 to develop draft administrative rules to implement the program and will present rules for Commission adoption in February 2003.

IV. Recommendation

This is an informational report only. No Commission action is required.

Tracy Eichenlaub
Well Construction Specialist
(503) 378-8455, ext. 283