

REP. DUANE STARK
House District 4, Grants Pass
Testimony on HB 2331
Before the House Committee on Natural Resources
April 4, 2019

HB 2331 was introduced on behalf of the Oregon Ground Water Association to protect our groundwater resources by encouraging the Water Resources Department to conduct a technical review of each well log at the time it is filed. Current practice by the Department does not include a timely technical review of well construction logs. This bill limits the Department's enforcement on wells constructed on or after the effective date of this bill in hopes of encouraging a more timely technical review of well logs, which will proactively protect the groundwater resource, the public's interest in well construction, the owner of the well being constructed, and the well constructor.

The Association has expressed concerns that when well logs are submitted to the Department at the time of well construction, they are being grammatically reviewed; however, the well logs do not receive a thorough technical review on the construction of the well, which could identify problems related to the construction. There have been instances where decades after a well was constructed, problems have arisen that could have been identified through a technical review of the well log.

Originally, the Association sought to address well construction enforcement issues in the past and moving forward, but understands the financial implications of such a change in the Department's current operations. Concessions were made to only address well construction after the effective date of the bill, with continued discussion of the relative issues at hand with the task force of this bill. Those discussions are reflected in the -2 amendments.

In doing so, the members of the Association including pump contractors, water treatment specialists, hydrogeologists, engineers, water well constructors, geotechnical drillers, and others hope to identify problems early on before aquifers, streams, lakes and other resources are compromised due to well construction related issues.

The components of the bill are simple:

- It clarifies a well construction specific three-year timeline for the Department to enforce against newly constructed wells. It is hoped that by implementing this timeline, it will provide incentive for the Department to conduct a timely technical review of well logs.
- If a well constructor misrepresents information contained on the well log, the prescribed limitation on enforcement would not apply for the well constructor on that well.
- At the request of the Department, HB 2331 sets up a task force on Oregon Well Construction Enforcement Activities for the Department to meet with stakeholders to study and make recommendations relative to construction, operation and maintenance of wells, and related issues.

Finally, for the record, HB 2331 does not acknowledge the existence nor absence of any other statute of limitation that may apply to well construction. The legislative intent of the bill is to clarify a well construction specific statute of limitation, but is not intended to override any statute of limitation which may already apply.