

# House Bill 2331

Sponsored by Representatives STARK, WITT, Senator HANSELL; Senator THOMSEN (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that Water Resources Commission has certain amount of time to enforce general or special standards related to well construction activities.

## A BILL FOR AN ACT

1  
2 Relating to enforcement time limits for well construction activities; amending ORS 537.780.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 537.780 is amended to read:

5 537.780. (1) In the administration of ORS 537.505 to 537.795 and 537.992, the Water Resources  
6 Commission may:

7 (a) Require that all flowing wells be capped or equipped with valves so that the flow of ground  
8 water may be completely stopped when the ground water is not actually being applied to a beneficial  
9 use.

10 (b) Enforce:

11 (A) General standards for the construction and maintenance of wells and their casings, fittings,  
12 valves, pumps and back-siphoning prevention devices; and

13 (B) Special standards for the construction and maintenance of particular wells and their casings,  
14 fittings, valves and pumps.

15 (c)(A) Adopt by rule and enforce when necessary to protect the ground water resource, stan-  
16 dards for the construction, maintenance, abandonment or use of any hole through which ground  
17 water may be contaminated; or

18 (B) Enter into an agreement with, or advise, other state agencies that are responsible for holes  
19 other than wells through which ground water may be contaminated in order to protect the ground  
20 water resource from contamination.

21 (d) Enforce uniform standards for the scientific measurement of water levels and of ground wa-  
22 ter flowing or withdrawn from wells.

23 (e) Enter upon any lands for the purpose of inspecting wells, including wells exempt under ORS  
24 537.545, casings, fittings, valves, pipes, pumps, measuring devices and back-siphoning prevention de-  
25 vices.

26 (f) Prosecute actions and suits to enjoin violations of ORS 537.505 to 537.795 and 537.992, and  
27 appear and become a party to any action, suit or proceeding in any court or before any adminis-  
28 trative body when it appears to the satisfaction of the commission that the determination of the  
29 action, suit or proceeding might be in conflict with the public policy expressed in ORS 537.525.

30 (g) Call upon and receive advice and assistance from the Environmental Quality Commission or  
31 any other public agency or any person, and enter into cooperative agreements with a public agency

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 or person.

2 (h) Adopt and enforce rules necessary to carry out the provisions of ORS 537.505 to 537.795 and  
3 537.992 including but not limited to rules governing:

4 (A) The form and content of registration statements, certificates of registration, applications for  
5 permits, permits, certificates of completion, ground water right certificates, notices, proofs, maps,  
6 drawings, logs and licenses;

7 (B) Procedure in hearings held by the **Water Resources** Commission; and

8 (C) The circumstances under which the helpers of persons operating well drilling machinery may  
9 be exempt from the requirement of direct supervision by a licensed water well constructor.

10 (i) In accordance with applicable law regarding search and seizure, apply to any court of com-  
11 petent jurisdiction for a warrant to seize any well drilling machine used in violation of ORS 537.747  
12 or 537.753.

13 (2) Notwithstanding any provision of subsection (1) of this section, in administering the pro-  
14 visions of ORS 537.505 to 537.795 and 537.992, the commission may not:

15 (a) Adopt any rule restricting ground water use in an area unless the rule is based on substan-  
16 tial evidence in the record of the Water Resources Department to justify the imposition of re-  
17 strictions.

18 (b) Make any determination that a ground water use will impair, substantially interfere or un-  
19 duly interfere with a surface water source unless the determination is based on substantial evidence.  
20 Such evidence may include reports or studies prepared with relation to the specific use or may be  
21 based on the application of generally accepted hydrogeological principles to the specific use.

22 (c) **Enforce general or special standards related to repairing, constructing, altering,**  
23 **abandoning or converting a well unless the commission determines that the activity did not**  
24 **meet the standards for well repair, construction, alteration, abandonment or conversion in**  
25 **effect at the time that the well repair, construction, alteration, abandonment or conversion**  
26 **was completed.**

27 (d) **Enforce general or special standards related to repair, construction, alteration,**  
28 **abandonment or conversion of a well:**

29 (A) **More than six years after the log required by ORS 537.765 has been filed with the**  
30 **commission for logs filed before the effective date of this 2019 Act; or**

31 (B) **More than three years after the log required under ORS 537.765 has been filed with**  
32 **the commission for logs filed on or after the effective date of this 2019 Act.**

33 (3) **Subsection (2)(d) of this section applies to wells repaired, constructed, altered, aban-**  
34 **doned or converted for which a report and fee required by ORS 537.762 and the log required**  
35 **by ORS 537.765 have been filed with the commission.**

36 (4) **Notwithstanding subsection (2)(d) of this section, if the commission finds that the log**  
37 **contains a material misrepresentation related to an enforcement of general or special stan-**  
38 **dards related to repair, construction, alteration, abandonment or conversion of a well, the**  
39 **commission may enforce only those standards related to the material misrepresentation**  
40 **contained in the log after the time period described in subsection (2)(d) of this section.**

41 [(3)] (5) At least once every three years, the commission shall review any rule adopted under  
42 subsection (2) of this section that restricts ground water use in an area. The review process shall  
43 include public notice and an opportunity to comment on the rule.

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