TITLE 785.  OKLAHOMA WATER RESOURCES BOARD
CHAPTER 35. WELL DRILLER AND PUMP INSTALLER LICENISING

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
785:35-1-2. Definitions [AMENDED]
785:35-1-5. Indemnity Fund [AMENDED]
785:35-1-6. Well Drillers and Pump Installers Advisory Council [AMENDED]

Subchapter 3. Licensing and Certifications
785:35-3-1. Licensing procedures [AMENDED]
785:35-3-2. Expiration and renewal of licenses and certifications [AMENDED]

Subchapter 7. Minimum Standards for Construction of Wells
785:35-7-1. Minimum standards for construction of groundwater wells, fresh water
observation wells, and water well test holes [AMENDED]
785:35-7-1.1. Minimum standards for construction of heat exchange wells [AMENDED]
785:35-7-3. Minimum standards for construction of marginal water wells [AMENDED]
785:35-7-4. Variances to minimum standards for construction of wells [NEW]

Subchapter 11. Plugging and capping Requirements for Wells and Test Holes
785:35-11-1. Plugging and capping requirements for groundwater wells, fresh water
observation wells, heat exchange wells and water well test holes [AMENDED]

SUMMARY:
Staff proposes to recommend that the Oklahoma Water Resources Board (“Board”) amend 785:35-1-2 to add definitions of “cathodic protection” and “deep anode groundbed” to address confusion related to professional activities regulated by the Oklahoma Corporation Commission and which involve well drillers which are licensed by the Board. A definition was added for “marginal water” to clarify certain new activities authorized by recent statutory and regulatory amendments. Further definitions were added for “beneficial use,” “groundwater,” “soil boring,” and “total dissolved solids” to clarify the meaning of terms which already appear in this chapter, but were defined elsewhere.

A recommendation is proposed to amend 785:35-1-5 to reduce the maximum amount of expenditures per well from fifteen thousand dollars to ten thousand dollars. This amendment is for the purpose of conforming the rules to recent legislative enactments.

A recommendation is proposed to amend 785:35-1-6 to change the terms for members of the advisory council to two years and directing that vacancies on the council be filled within sixty days. The proposed amendment is intended to give all members of the council the same term length.

A recommendation is proposed to amend 785:35-3-1 and 785:35-3-2 to add a new license category for marginal water well construction and continuing education requirements for the new category. The proposed amendments are for the purpose of administering new professional activities authorized by recent legislative enactments.

A recommendation is proposed to amend 785:35-7-1 to prohibit constructing fresh groundwater wells in marginal-quality water zones. This amendment is intended to protect against the contamination of fresh groundwater by comingling with marginal groundwater. Another proposed amendment to the same rule reduces the minimum amount of chlorine to be
used in drilling fluids to a level recommended by industry experts. The reduced minimum chlorine concentration is intended to preserve the function of polymers commonly found in drilling fluids.

A recommendation is proposed to amend 785:35-7-1.1 to modify construction standards for heat exchange wells by changes which include references to new industry standards and material specifications. It is further recommended to amend 785:35-11-1 to add a provision identifying and referencing industry standards for the plugging of vertical closed loop heat exchange wells. The amendments are intended update the Board’s rules to reflect current industry practices and available construction materials.

A recommendation is proposed to add a new section 785:35-7-3 which provides minimum construction standards for marginal water wells. The new section is necessary to administer professional activities authorized by recent legislative enactments. The section previously numbered 785:35-7-3 is proposed to be renumbered to 785:35-7-4.

AUTHORITY:
Oklahoma Water Resources Board; 82 O.S. § 1085.2; 82 O.S. § 1020.16.

COMMENT PERIOD:
Persons wishing to present data, views, or arguments orally or in writing may do so to Chrystal Krittenbrink at 3800 North Classen, Oklahoma City, Oklahoma 73118, or by email to chrystal.krittenbrink@owrb.ok.gov. Comments must be received by the OWRB no later than the close of the public hearing on January 15, 2019.

PUBLIC HEARING:
A public hearing will be held January 15, 2019 during the monthly meeting of the Board which will begin at 9:30 A.M. in the Board Room of the OWRB’s offices located at 3800 North Classen, Oklahoma City, Oklahoma, 73118.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:
The OWRB request that any business entities affected by these proposed rules provide the Board, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Chrystal Krittenbrink at 3800 North Classen, Oklahoma City, Oklahoma before the close of the comment period.

COPIES OF PROPOSED RULES:
Copies of the proposed amendments may be reviewed at the Board's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed rules may also be viewed on the Board web site at http://www.owrb.ok.gov.

CONTACT PERSON:
Chrystal Krittenbrink, Legal Secretary, 405-530-8800 or chrystal.krittenbrink@owrb.ok.gov.