

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General provisions

785:35-1-2 Definitions [AMENDED]

Subchapter 3. Licensing and certifications

785:35-3-2. Expiration and renewal of licenses and certifications [AMENDED]

Subchapter 5. General requirement to maintain licenses and certifications

785:35-5-3. Requirements for multi-purpose completion report [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]

Subchapter 9. Minimum standards for pump installation

785:35-9-1. Minimum standards for pump installation [AMENDED]

Subchapter 11. Plugging and capping requirements

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

785:35-11-2. Plugging requirements for site assessment observation wells, monitoring wells and geotechnical borings [AMENDED]

SUMMARY:

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Add the definition "fresh water" to the definition section for this Chapter consistent with the statutory definition of "fresh water" which sets forth the scope of regulatory authority of the Board in the context of the Oklahoma Groundwater Law. The circumstances creating the need for this rule include staff's review of the rules for consistency with the statutes. The intended purpose of the rule is to clarify Board policy relating to the distinction between fresh water and other water that is needed in reviewing minimum standards for well construction, location, and plugging and the requirement that well drillers must plug a well drilled into salt water.

Amend the rule on continuing education for licensing of well drillers by specifying that one unit of the four per year (eight units for the two-year license period) must include review of Board rules about well driller licensing and minimum standards of construction of wells. The circumstances creating the need for the rule include staff's experiences in discussion rule requirements with licensees who are not familiar with current amendments to rules. The intended purpose of the rule is to ensure that licensees review the rules at least once every two years before being able to renew the license.

Amend the rule on grace periods for license renewal to allow an additional period based on a military service obligation. The circumstances for this rule include the

longer obligations being imposed on National Guard and Reserve units and those soldiers who hold a well driller or pump installer license. The intended effect of the rule is to provide a grace period for renewal to include the extended service obligations being imposed.

Amend the rule about multipurpose completion reports (“well logs”) to require the submittal of global positioning system (GPS) coordinates regarding actual well locations beginning July 1, 2009. The circumstances creating the need for the rule include the database program requirements and number of well logs being submitted online. The intended purpose of the rule is to ensure more accurate data about well locations is being included in the database.

Amend the general provision about minimum construction standards to recognize that more stringent standards apply in areas of known contamination as listed in Appendix H of Chapter 45, Oklahoma’s Water Quality Standards. The circumstances creating the need for the rule include questions from drillers as to potential areas of contamination that may already be on record through the Appendix H descriptions in Oklahoma’s Water Quality Standards. The intended purpose of the rule is to benefit well drillers to point out that there is already information about locations of known contamination for which more than minimum standards may be required.

Amend the rule on minimum distance from pollution source to include separation distances for aerobic (above ground) septic systems to include 15 feet from aerobic sprinkler spray, and 50 feet from an aerobic sprinkler head. The circumstances creating the need for this rule include information from the Well Drillers Advisory Council that there are more aerobic systems being installed in rural acreage subdivisions and a provision is needed to ensure proper placement of water wells. The intended purpose of the rule is to benefit well drillers and the public to ensure that wells are located at a consistent and safe distance from aerobic systems.

Amend the rule that allows for automatic variances of minimum distance locations from pollution sources if the landowner approves and if the water is to be used for other than drinking water, to restrict the exemption if the potential pollution source is an underground septic system (tank and lateral lines). The circumstances creating the need for the rule include the lack of clarity of the rules and questions from well drillers about responsibility for pollution if contamination occurs by drilling too close to a septic system. The intended purpose of the rule is to provide clarification of the minimum distance rule and further review to request a specific variance.

Amend the rule regarding minimum standards for casing of water wells to increase the height above ground level that the well casing must be installed from eight inches to twelve inches (8” to 12”) above the natural ground level. The circumstances creating the need for the rule include incidents of surface flooding of wells if the casing is only eight inches above the natural ground level, and need to more easily identify the well from a distance, and removal of mere preference language. The intended purpose of the rule is to better protect the public health and well owners to avoid flooding or damages to wells.

Amend the section on well sealing requirements to include an alternative sealing method that requires an addition amount of cement or bentonite grout installed in the area between the surface and production casings terminating within four feet (4’) of land surface. The circumstances creating the need for the rule include incidents reported by

the Well Drillers Advisory Council where insufficient sealing is installed if surface casing is used. The intended purpose of the rule is to provide guidance for the alternative construction using surface casing.

Amend the rule on heat exchange minimum standards to clarify that the provisions apply to the drilling of the borehole, installation of casing, installation of heat loop pipe, and the filling and/or grouting of the well, but that the manifolding of a heat exchange well loop pipe to complete a heat exchange system is not a regulated activity. The circumstances creating the need for the rule include questions by the Well Drillers Advisory Council as to the regulatory authority of the Board over heat pump installation. The intended purpose of the rule is to provide clarity relating to the Board's regulatory authority.

Amend the rule on well completions to address windmill driven pumps to clarify that construction of a cover plate designed to exclude pollution from the surface is required for windmill pumps. The circumstances creating the need for the rule include a review by staff and the Well Drillers Advisory Council noting that windmill wells are not addressed by the rules but that windmill installations still occur, but recognizing differing construction methods are used to complete such wells. The intended purpose of the rule is to address the gap about windmill well installations and the need to prevent pollution even with such wells.

Amend the section on test hole drilling and plugging requirements to provide more flexibility and options, to allow temporary casing and capping for test holes to prevent cave-ins, and that if a written statement is received from the landowner acknowledging the landowner's responsibility to plug a test well, the well driller would be allowed to remove the drilling equipment after obtaining the written statement is submitted to the Board. The circumstances creating the need for the rule include statements by the Well Drillers Advisory Council that landowners sometimes want to wait after drilling a test hole before deciding whether to complete the well, and that plugging test holes requires the equipment on site, and leaving the well driller equipment on site is not acceptable for a cost standpoint, and that most landowners are willing to take the responsibility to plug a test hole if a later decision is made not to complete the well. The intended purpose of the rule is to shift the burden, responsibility and cost of plugging test holes to the landowner if the landowner wants to delay the decision to complete the test hole.

Amend the rule on monitoring well plugging standards relating to the cement grout requirement to clarify the standard to ensure effective grouting a minimum of 95% of the original drilled borehole depth, and that if the total depth of the well is in excess of twenty feet (20') below land surface, the cement grout is to be placed by pumping from the bottom of the hole to the land surface. The circumstances creating the need for the rule include recommendation by the Well Drillers Advisory Council that monitoring well plugging requirements need to be more stringent in some circumstances. The intended effect of the rule is to provide additional requirements about plugging requirements for monitoring well in certain circumstances.

Other amendments may be considered as a result of public comments.

AUTHORITY:

Oklahoma Water Resources Board general authority and duties in 82 O.S. Section 1085.2; Oklahoma Groundwater Law in 82 O.S. Section 1020.1 and following, particularly Section 1020.16 on well driller and pump installer licensing.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

PUBLIC HEARING:

A public hearing is scheduled for January 8, 2008, beginning at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide to the OWRB, within the Comment Period from November 15, 2007 through January 7, 2008, 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 Kent Wilkins at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 7, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, upon prepayment of the copying charge, or on the Board's web site, www.owrb.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at www.owrb.state.ok.us.

CONTACT PERSON:

Kent Wilkins, Well Driller Licensing Administrator, 405-530-8800.