Well Construction Technical Advisory Group (TAG)
Meeting Minutes

DATE: October 29, 2015

TIME: 9:00 AM to 4:00 PM

LOCATION: Department of Ecology
300 Desmond Dr. SE
Lacey, WA 98503

MEMBERS PRESENT:

Del Boyce	Larry Gregory	Ron Wiley	Anisa Harnden	Jay Graham
Matt Kennedy	Elijah Rutledge	Mark Ader	Scott Malone	Joel Purdy
Tom Colligan	Ben Volk	Mike Means	Avery Richardson	

INTRODUCTION

New TAG members are attending today: Tom Colligan, Joel Purdy and Jay Graham.

There were no concerns with the minutes of the previous TAG, in April. The minutes will be posted on the TAG website shortly.

DROUGHT IMPACTS

Ecology asked members to speak about how the current drought impacted their work:

Monitoring wells and piezometers are drying up.

Dewatering is easier!

The drought doesn't affect deeper wells. The town of Forks, on the peninsula, is relying on a water table aquifer that is being impacted.

Emergency drought wells are being authorized in the Yakima area – began authorizing in June-July. Farmers want to construct new wells however there are a limited number of qualified drillers that perform this work. Emergency wells can cost between $250K and $1000K and take up to two months to construct, all for a well that they may or may not use. Many farmers are desperate to rehabilitate existing wells but there is no time. We still have customers needing work on wells.

We are seeing piping extensions for surface water. Farmers are building new reservoirs. Most of this work is too little too late.

WELL CONSTRUCTION AND LICENSING FEE STRUCTURE

Ecology has queried the state agencies in the western United States for their licensing and renewal and well construction fees. When you look at the renewal fees, WA is second lowest in the western states. We feel the water well fees are adequate at the time. We are more concerned about the resource protection wells NOI fees.

Ecology is seeking advice from TAG regarding updating fees. Resource protection well fees have not been raised since their inception. Fees were lowered around 1993 for some RP wells.

Since Oregon's fees are significantly higher we will contact them to ascertain compliance and success rate.

There are administrative costs with every well, non-fee wells are being subsidized by fee wells. Half the volume of RP well reports are non-fee wells.

The fee for dewatering wells could easily be doubled. These fees do not even add up to ¼ of the cost of the projects.

In addition, decommissioning fees could be raised as well as driller licensing application fees.

Part of the discussion about no fee wells has to do with "What is a site?" or "What is a project?" On a site basis or a project basis, that is where a fee might make sense. Striking a balance there will be challenging.

Fronting the money for decommissioning of water wells in the initial construction fee. Also some conversation about using some mitigation funds to help with decommissioning expenses.

An idea was presented that water well fees could be raised to make a fund that would be used to decommission wells that are not likely to be decommissioned properly otherwise. The idea was that an additional fee of $50 attached to water well NOIs could be used to fund the program.

Another suggestion was made to issue low interest loans or grants to help cover these expenses as well, but this would drive up administrative costs.

More conversation about resource protection well fees. Some believe fees for things like remediation wells are too high and fees for other wells are too low. A more equitable system would be appreciated.

Step increases based on size for water wells were also discussed.

CHEMICAL CONDITIONING AND WELLS

Jeremy Bach, President of the WSGWA, brings his concerns to the TAG regarding unlicensed work on water wells with regard to development and chemical conditioning.

What constitutes cleaning versus what constitutes improving? The line is very thin and there are a number of people out there not following the permitting rules for well enhancement through chemical conditioning. There are even some who don't realize that the pump needs to be removed to add the chemicals. Generally there are people doing the work who do not have the knowledge to be doing the job properly. There is a desire for chemical conditioning to fall under some type of license.

No matter who is doing the work, they still need to meet the requirements of the regulations. Since the pump has to be removed at least a licensed pump installer should be there.

Enhancing the yield requires a licensed driller.

What is unclear about the regulations is that you can use the same chemicals to clean as you would to improve or enhance. This needs to be clarified. The only stated exception to the regulations seem to be "disinfecting" and "cleaning" of wells. We need to clarify what disinfecting and cleaning means (i.e. brushing and baling would be considered cleaning).

A suggestion is made to contact one of the chemical suppliers in order to gain more information about how widespread this problem seems to be.

STANDARD COST MODEL PILOT STUDY

There is an effort directed by the Governor to take a look at our administrative burden. The Wells Construction and Licensing office was selected to do a pilot study using the Standard Cost Model. They interviewed around 9 drilling businesses - these interviews were conducted by the Office for Regulatory Innovation and Assistance. They are looking for ways within the state to relieve some of the administrative burden and create greater efficiency. We have some results and wanted to share that this was going on. Ecology will be share the results when they are available.

GEOLOGIST LICENSING EXEMPTION

Gene St. Goddard, a member of the Geologist Licensing Board, spoke of his proposed geologist exemption to licensing requirements for well construction, similar to what engineers currently have. Gene made it clear that the board is not pushing or arguing for this legislation, geologist licensees are pressing for this exemption. The issue arose 4-5 years ago, around a licensed hydrogeologist who was stopped from pushing 12 to 14 foot probes. They have been working with developing legislation since. The licensed hydrogeologist has to practice within their field of expertise. This is not a blanket exemption. They are searching for common language that might be helpful for getting this legislation in place.

The primary reason geologists are seeking an exemption is to use hand tools, such as hand augers, posthole diggers, and powered posthole diggers to ease the burden on their clients.

Concerns were raised about the requirements to become a licensed driller and the absence of these requirements for geologists, such as hands-on experience.

Kenneth Neal joined the group to discuss the proposed geologist's exemption.

Well decommissioning appears to be an issue. How would wells be decommissioned by geologists using hand tools?

Response that hydrogeologists have the knowledge of how to seal with bentonite.

There was some concern over how this exemption would affect the supervision including the ability of an unlicensed person to do the drilling. The clarification was made that geologists would be exempt only in certain drilling categories, and would still need to hire a licensed driller for projects beyond that scope. If the geologist hired someone to drill who was not licensed to drill, they would both be breaking the law.

There were also concerns about the hazards of drilling and what would happen if they came upon a hard layer or something unexpected like an artesian condition.

The general agreement in the TAG was that there are ways to do this without an exemption: staying under the 10 foot depth limitation being the primary method.

No decisions were made and no voting was conducted.

PRIORITIZING STATUTE AND RULE REVISIONS

The TAG was provided with a list of possible statute and rules revisions and invited members to bring additional recommendations to the attention of either the entire TAG or send them on to the chairperson. Ecology is looking to make a rule change in order to increase the Well Construction and Licensing fees. This would be a housekeeping bill and we are looking toward the 2017 legislative session. Ecology would be looking to the TAG for advice and work in consultation to devise suggested language for the legislative changes.

Glen Smith, the WSGWA Lobbyist, mentioned that consensus is key to the success of this project. Whatever is brought to the legislators needs to be succinct, well organized, and heavily supported by a broad group.

Our assignment: send an email to the chair after the meeting telling him which three items you are most invested in and any additional items you were like to see addressed. We want to focus on the RCW first.

TAG votes on pursuing the idea of changing the RCW: members vote in favor.

Next steps for Ecology is to get the Director's approval to move forward with this process.

Ecology is looking to schedule another meeting in a month or two and to hold monthly meetings in order to have a new legislative package put together in May.

DECOMMISSIONING DEWATERING WELLS

There is some concern that dewatering wells are not being decommissioned properly. The issue is that there is typically a large volume of pea gravel in the annulus and there might be some unscrupulous decommissioning practices where wells are not being adequately sealed. Dewatering wells are commonly drilled with a large annulus filled with pea gravel. The main concern is that bentonite chips do not penetrate and seal throughout the pea gravel annulus when decommissioned by construction standards.

In general most drillers are trying to follow the regulations, but there are likely some issues at times with how well these practices actually work. It might be helpful to detail more information about decommissioning dewatering wells, which we have avoided in the past.

WELL REPORT ISSUES

Maggie Gresham presented an issue to the TAG regarding Ecology's well report database. When searching well reports, the information is regularly inconsistent and or incorrect. There are a number of well reports that when you investigate further into the well logs, the information has not been properly transferred and the reports differ between the search page and the actual log. The correct information is present on the logs, but did not make it into the well report summary. These inconsistencies have to be fixed on a case by case basis. When you come across one that is incorrect, please let the regional trackers know so it can be changed.

SOLID WASTE LANDFILLS

Guests Eric Sonnstoggen and Jodie Snyder from Waste Connections and Kevin Lakey from SCS Engineers were invited to share concerns with well construction regulations in regards to operating within a lined solid-waste landfill.

Modern landfills are highly engineered and regulated already. There are concerns that regulating vapor extraction wells constructed within waste do not necessarily help protect water resources, but merely hinder land fill operations.

Currently every time they modify a well they have to submit an NOI as well as a request for a variance. Some of the stipulations that have come back with the variances are challenging, for example, you have a condition that required wells be decommissioned by a licensed resource protection well driller, and sometimes they have to decommission a well in a quick fashion or modify and adjust heights as waste comes around it. None of these wells are installed on native soils or native materials.

While deregulation would be ideal for the facilities, the engineers are willing to work with the rules and regulations to figure out better practices. The issue is really within the definition of the kinds of wells that are being drilled within the landfill and the speed at which they need to be altered. Given the currently language in the RCW, at this point Ecology will have to work on a variance level to address the issue. Having an engineer on site to observe the drilling would solve the current problem, but you would still need a variance for things like a permanent cap. It was agreed that some brainstorming was needed to help address this issue. Representatives from Waste Connections would come back at a later date with some further ideas.