

IGWA Bulletin



A MESSAGE FROM THE EXECUTIVE DIRECTOR

LYNN TOMINAGA

This summer we will be following several state agency rulemakings and one collaborative process.

Submersible Pumps: During the 2016 legislative session, IGWA became aware of an issue with submersible pump installation that initially appeared to impact north Idaho drillers and pump installers, but it soon became apparent that this is a statewide issue. The issue arises from Idaho's incorporation by reference of the National Electric Code. Late in the session House Bill 643 was introduced, adopted in both legislative bodies, and signed into law by the governor. Going forward the Idaho Division of Building Safety (IDBS) has adopted an interim policy and undertaken a collaborative process to address the issue. *(See pages 13-15)* IGWA will be officially represented by Tom Richardson (north Idaho) and Legrand Baker (southern Idaho) in this process. Any driller or pump installer may participate in this public collaborative process.

During the session, legislation was introduced to allow irrigation districts to drill wells outside district service territories. IGWA opposed the legislation on the grounds that it could create an unfair advantage for the irrigation districts and the private sector.

The Idaho Department of Water Resources (IDWR) has received a petition from the City of Meridian to create an Area of Drilling Concern (ADC). Tom Neace outlines the requirements for drilling in an ADC. *(See page 7)*. A public hearing on the petition will be held on June 1, 2016. IGWA member Tony Hackett is following the issue as are several local drillers and myself.

We will also be following the rulemaking process to create the Digline Board under the auspices of IDBS when House Bill 454 takes effect on July 1, 2016. And, although no IGWA members appear to be currently engaged in the oil and gas development in southwestern Idaho, IGWA will follow the Idaho Department of Lands' negotiated rulemaking to clarify and revise the rules governing the conservation of oil and natural gas in the state of Idaho.

IGWA has completed its annual series of workshops where drillers earn their Continuing Education Credits for licensure. We would like to thank our sponsors—**Baroid, Flomatic, Franklin Electric, HD Fowler, Robertson Supply, and 2M**—for helping bring these regional workshops to drillers around the state and provide affordable, quality programming to the well drilling community. We will be back next fall, starting on November 18th, in Coeur d'Alene.

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Table of Contents:

1	A Message from the Executive Director
3	IGWA Board of Directors & Table of Contents
5	ID Oil & Gas Unique Opportunity <i>cont'd 11</i>
7	IDWR Proposed WAADC <i>cont'd 19 & 20</i>
9	NGWA: Crystalline Silica Rule <i>cont'd 18 & 22</i>
11	Unique Opportunity <i>cont'd from 5</i>
13	IDBS Submersible Pumps <i>cont'd 15</i>
15	Submersible Pump <i>cont'd from 13</i>
17	Community Milestones
18	NGWA New Video Tool
19 & 20	Notice of Public Hearing
22	NGWA Safety Products

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By Idaho Oil and Gas Conservation Commission

Chairman Chris Beck, Vice Chairman Margaret Chipman, Jim Classen, Ken Smith, and Sid Cellan



IDAHO OIL & GAS
CONSERVATION COMMISSION

OPINION

For Immediate Release

January 6, 2016

This past year has been a time of expansion for Idaho's oil and gas activity, but also a time of reflection for Idaho's Oil and Gas Conservation Commission. As Commissioners we have the unique opportunity to build a comprehensive framework for oil and gas regulation and development.

Idaho's oil and gas industry is still in the wildcat stage, which is the exploration of oil and natural gas wells drilled in areas with no known or historic production records. Idaho's natural gas production began in 2013. Compare that to some of our neighboring oil and gas producing states: Colorado – 1861, Montana – 1920's, Wyoming – early 1940's, and Utah – 1948.

Here are some of the highlights in Idaho over the past year:

- Alta Mesa finished its oil and gas processing facility and pipeline infrastructure to wells it had previously drilled. These are multimillion-dollar investments; the pipelines alone were a \$35 million investment.
- Six wells are now producing. Five went on line between August and October of 2015 with gas and condensate going to the processing facility. Additional permitted and drilled wells may be on line in 2016.
- Just a few weeks ago Alta Mesa began drilling two new wells.

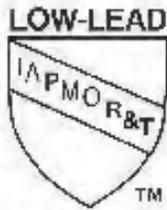
Commission members take our responsibilities seriously. We are looking to and talking with more mature oil and gas producing states. We want to use the best statutes, rules and practices while avoiding difficult lessons learned by others. As part of this process, Commissioners recently went to Utah to observe Board of Oil, Gas and Mining hearings. The delegation spent time talking with Board members and staff and will continue to use them as a resource. Idaho Department of Lands staff is discussing with the Interstate Oil and Gas Compact Commission, made up of oil and gas producing states, the potential to have a peer review of Idaho's statutes and rules. Both legislators and industry are supportive of our efforts.

Senator Abby Lee (R) District 9 - "I believe oil and gas production can bring huge benefits to the people of my district and to the people of Idaho if we have the right policies in place. I am pleased the Commission and Department of Lands is concerned about developing the program the right way. It is especially encouraging to know they are reaching out to other more mature oil and gas producing states to learn what has worked and what Idaho should consider."

Continued on page 11

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PROPOSED WEST ADA AREA OF DRILLING CONCERN

BY TOM NEACE, PGE

Idaho Code 42-238(15) authorizes the Director (Director) of the Idaho Department of Water Resources (Department) to designate as he determines necessary “areas of drilling concern” (ADC) within which water well drillers must comply with additional requirements to protect public health and to prevent waste or contamination of ground water or surface water. Wells drilled or modified within an area of drilling concern must comply with additional requirements including:

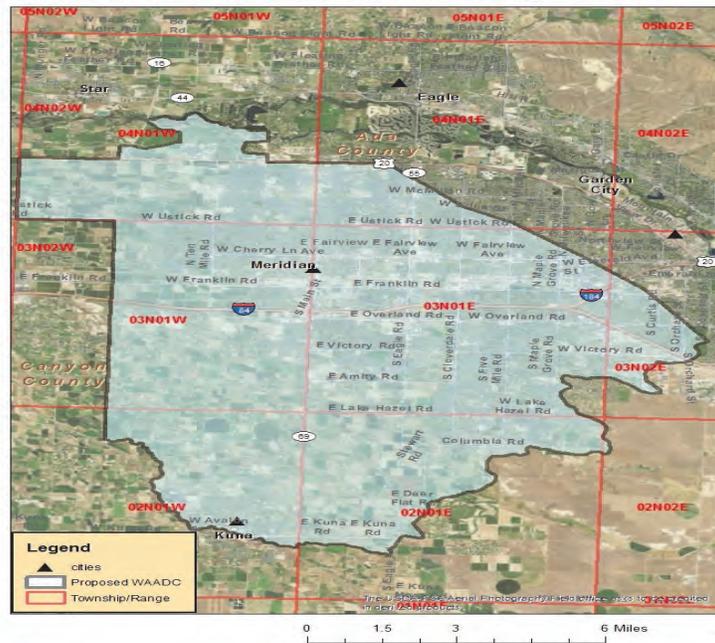
- 1) Additional bonding requirements, as determined by the Director.
- 2) Additional experience and knowledge in drilling wells encountering warm water or pressurized aquifers.
- 3) Documentation that specialized equipment (*is*) necessary to drill wells in an ADC.
- 4) Provide a notice of intent to drill, deepen or modify a well, submit plans and specifications, and a description of the drilling methods that will be used in a designated ADC.

The City of Meridian (Meridian) has submitted a petition to the Department for the designation of an ADC in a portion of western Ada County. Meridian’s petition for a West Ada Area of Drilling Concern (WAADC) includes a detailed report prepared by Meridian and Hydro Logic, Inc. documenting the hydrogeologic conditions and ground water contamination in the Meridian area. The report provides documentation of the ground water quality and artesian pressures of the different aquifers and sub-aquifers. The boundaries of the proposed WAADC are shown on the map.

The City of Meridian proposes the WAADC to protect the ground water resources by preventing the comingling of ground water from different aquifers and sub-aquifers (production zones). This includes additional sealing and sealing methods necessary to prevent comingling.

The Director is required to conduct a public hearing near the area to determine the public interest in the designation. The hearing will be held on June 1, 2016 at the Mountain View High School Auditorium starting at 6:30pm.

Proposed West Ada Area of Drilling Concern



Notice of Hearing is posted on page 19 and 20.

This information is also available on our website, www.igwa.info

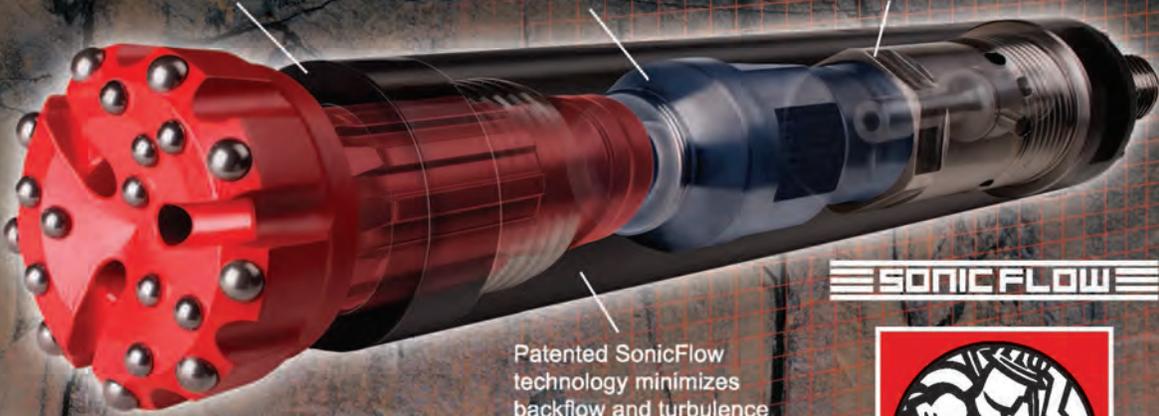
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Water Well Drilling Exempted from Additional Regulation in Final Crystalline Silica Rule

Following comments from the National Ground Water Association and years of deliberation by the U.S. Department of Labor, the final rule governing exposure to crystalline silica was released at the end of March.

The final rule stipulates that for vehicle-mounted drilling rigs no additional measures need to be taken when wet control methods are in use. The exemption from additional respiratory controls is in line with the language suggested in NGWA's comments filed.

The rule is being challenged by several industry groups who believe the law's new restrictions on silica exposure may not be technically feasible, and battles within the court system will likely drag on for years.

The final rule will save the water well drilling industry significant money that would have been necessary if additional exposure control methods were required.

Critical Issues Discussed by NGWA Members in Pair of February Events

NGWA's 2016 Groundwater Fly-In, February 22-23 in Washington, D.C., was attended by 50 participants who attended more than 80 meetings with members of Congress and their staffs.

Attendees spent a half-day on February 22 in a workshop hearing briefings on each issue, as well as presentations from Capitol Hill staff on the legislative agenda for 2016.

More than 100 public and private sector professionals attended several events February 22-23 as part of a "Making Groundwater Sustainable" workshop at the NGWA Fly-In.

The workshop featured two panels: one focused on agriculture and energy development's impact on groundwater, and the other on groundwater scarcity. Each panel was moderated by NGWA's director of science and technology, Bill Alley, Ph.D. The event concluded with a keynote address, given by the U.S. Environmental Protection Agency's top water official, Joel Beauvais, which also served as a kick-off to the legislative conference for NGWA Fly-In attendees.

NGWA also hosted a regional conference where nearly 120 people participated in Hydrology and Water Quality in the Southwest, February 23-24 in Albuquerque, New Mexico.

Daniel B. Stephens, Ph.D., kicked off the event with a well-received keynote address on challenges facing hydrogeologists in light of increasing population pressures, academic program choices, and climate change.

NGWA continued on page 18 & 22

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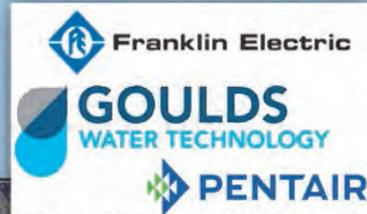
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UNIQUE OPPORTUNITY *continued from page 5*

President, SBS Associates Suzanne Budge - "Fully developing the resource is of benefit to all – mineral interest owners get royalties, the state gets severance fees and in some cases royalties, Idaho gets high paying jobs, and energy is homegrown, leading to state self-sufficiency and more independence as it pertains to energy."

There have been some staff changes this past year at the Idaho Department of Lands, with a new Bureau Chief in place and a hiring process underway for a new Oil & Gas program manager. With the combination of new IDL staff and the extensive research that is underway, the Commission and IDL will not bring forward any statute or rule changes this legislative session. We expect others might bring forward legislation to expedite time frames on applications and clarify informal adjudicative procedures.

Building a strong, comprehensive framework for oil and gas regulation and development will benefit the state, the industry, and local communities. What we hear from industry and citizens is the desire for predictability and consistency.

Idaho has already seen millions of dollars in oil and gas lease bonuses, and now royalties and severance taxes are being generated. Approximately \$11,000 in royalties has been received on endowment lands, with about half coming in with the new well production since August. The first couple months of new production also brought in \$15,000 in severance taxes, with more than \$9,000 going into the Oil and Gas Conservation fund. With lack of historical data, we don't yet know how big of an industry this will be for Idaho.

As the Idaho Oil and Gas Conservation Commission moves forward in this new frontier, we are committed to executing our statutory responsibilities regulating the oil and gas industry in a way that brings predictability for industry, mineral rights owners and the people of Idaho, while ensuring the conservation of oil and gas and the protection of surface and groundwater.

Edited under the direction of the Idaho Department of Lands, Public Information Officer

The Idaho Oil and Gas Conservation Commission regulates the exploration, drilling and production of oil and gas resources to ensure the conservation of oil and gas and the protection of surface and groundwater. The IDL serves the administrative arm of the Commission.

<http://www.idl.idaho.gov/oil-gas/commission/index.html>

IDAPA 20.07.02: Rules Governing Conservation of Oil and Natural Gas in the State of Idaho The Idaho Department of Lands (IDL) has commenced a negotiated rulemaking. According to IDL, implementation of the rules approved in 2015 has revealed some changes that are needed for clarity of the rule. In addition, several terms are used throughout the rule that are not defined. Lastly, changes are required due to the recent statute changes enacted during the 2016 legislative session. More information is available at <http://www.idl.idaho.gov/rulemaking/20.07.02/index.html>



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ISSUE: THE PERMANENT INSTALLATION OF DIRECTLY CONNECTED SUBMERSIBLE WELL PUMPS FOR DOMESTIC WATER AND OR IRRIGATION USE

Warren Wing, Electrical Program Manager
Idaho Division of Building Safety

Background:

The 2016 Idaho Legislature enacted House Bill 643, and the Governor signed that bill on Tuesday, April 5, which changes the regulatory backdrop for the installation of submersible well pumps in lakes and other bodies of water in Idaho. A collaborative effort, between the Division of Building Safety, the Idaho Electrical Board, pump manufacturers, installers, end users, Department of Lands and other interested parties, began on April 15, 2016. This collaborative is tasked with coming up with rules for the safe installation of submersible well pumps within the State of Idaho. During this rules drafting period the Division of Building Safety will approve the installation of submersible well pumps utilizing the following policy.

Policy:

Pending the results of the rulemaking process mandated in House Bill 643 the following interim provisions shall apply to the installations of submersible well pumps employed in lakes, rivers, ponds, and streams in Idaho, and shall supplement the requirements traditionally imposed on such installations:

Listed and approved submersible well pumps may continue to be installed and utilized in the lakes, rivers, streams and ponds of Idaho subject to the following restrictions:

1. All submersible well pumps must be labeled and listed in compliance with UL778 or another approved standard.
2. Article 682.10 does not apply to the specific use of submersible well pumps.
3. Article 682.11 will not apply to service equipment that is located on or at the dwelling unit and not susceptible to flooding.
4. Wiring methods such as HDPE schedule 80 Electrical conduit or its equivalent or greater, clearly marked to indicate it contains electrical conductors shall be approved. It shall be buried whenever possible and in accordance with other regulatory agency policies.
5. Any listed and approved splices required to be made at the submersible well pump itself shall be covered with a heavy duty heat shrink or other equivalent method approved by the Authority Having Jurisdiction. One acceptable method would be to install a heat shrink over the sleeve the submersible well pump is installed in and then recover the heat shrink over the HDPE and the water line. At least 6" shall be over the sleeve and at least 12" over the HDPE and water line.

continued on page 15



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SUBMERSIBLE WELL PUMPS

continued from page 13

6. Submersible well pumps shall be considered directly connected and shall be anchored in place. Ballast is an acceptable form of anchoring.
7. A motor controller circuit in a non-conductive enclosure shall be accepted as a required disconnecting means it shall be placed no closer than five feet from but within sight of the shoreline. It shall be elevated not less than 12" above the datum plane.
8. An equipotential plane is not required on disconnects with non-conductive enclosures.
9. An equipment grounding conductor shall be sized in accordance with 250.122 but in no case shall be smaller than #12 AWG copper.
10. All circuits rated not more than 60 amperes at 120 through 250 volts, single phase, shall have Ground Fault Circuit interruption or Ground Fault Equipment Protection designed to trip at 30 milliamps or less.
11. Other articles and sections of the adopted National Electric Code not specifically addressed by House Bill 643 may apply.

The hazards associated with electrical equipment in water are very real. During the organizing of the collaborative it was apparent that all parties concerned want to ensure the safe installation of submersible well pumps. I welcome any feedback and concerns you may have with the installation of submersible well pumps in Idaho's lakes and other bodies of water.

Warren Wing
Electrical Program Manager
Idaho Division of Building Safety
Phone: (208) 332-7147
warren.wing@dbs.idaho.gov

IGWA is participating in this collaborative effort. Meetings are being held in Coeur d'Alene, Boise and Pocatello at the IDBS offices where the public may participate either in person or via video conferencing. Tom Richardson and Legrand Baker are IGWA's designated representatives, but any interested party may attend.



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Enjoying Rules & Regs

Six-year old Oakley and dad Scott Tunison (Crux Subsurface) are **obviously** enjoying IGWA's Rules & Regs at our CEC workshop in Lewiston on April 29th. **The next CEC workshop is scheduled for November 18, 2016 in Coeur d'Alene. Don't miss out on the fun!**

Speedy recovery wishes

Roger Buchanan, Andrew Well

Drilling Services, is recovering from a stroke and subsequent heart surgery. His prognosis for a full recovery is excellent.

Cory James, Gregory Drilling in Redmond, WA, is recovering from a heart procedure.

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NGWA *Continued from page 9*

New Video Tool to Help with Private Well Financing Is Available for Groundwater Industry

A new video tool is available for water well contractors to help customers find smart ways to finance needed new well construction or major renovation, NGWA announced.

The video covers financing options including:

- Contractor-offered financing
- Credit cards
- Mortgage options
- Home equity improvement loans
- Line of credit
- Government long-term, low-interest loans.

Not only is the video helpful to water well contractors, it is something water well industry manufacturers and suppliers can provide to their customers—including contractors—to help stimulate domestic well construction and renovation.

Because of the size of the video file, it is recommended the video be made available using the following link via computers, smartphones, tablets, or other devices that connect with the web:

www.youtube.com/watch?v=mQK9UvHnriQ&feature=youtu.be.

“We encourage you to link to this video from your website, share the link on social media, email the link to your customers, and click on the link while meeting with customers,” says Cliff Treyens, NGWA director of general public outreach. You can learn more about well financing at www.WellOwner.org under “Find a Contractor”.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE PROPOSED)
CREATION OF A WEST ADA AREA OF)
DRILLING CONCERN)
_____)

NOTICE OF PUBLIC HEARING

The Director (“Director”) of the Idaho Department of Water Resources (“Department”) may designate, as he determines necessary, Areas of Drilling Concern (“ADC”) on an aquifer-by-aquifer basis to protect public health and to prevent waste or contamination of ground or surface water. Idaho Code § 42-238(15) authorizes the Director to designate an ADC.

NOTICE IS HEREBY GIVEN, pursuant to Idaho Code § 42-238, that the Department will conduct a public hearing regarding the proposed designation of the West Ada Area of Drilling Concern (“WAADC”):

PUBLIC HEARING FOR PROPOSED CREATION OF THE WAADC

Wednesday, June 1, 2016
6:30 PM
Mountain View High School Auditorium
2000 South Millennium Way
Meridian, Idaho

The Department is considering designation of the WAADC based on a petition it received from the City of Meridian (“Meridian”). Meridian has completed a detailed ground investigation resulting in the following conclusions:

1. Some aquifers underlying the Meridian area are contaminated by naturally occurring arsenic and uranium, as well as anthropogenic contamination including nitrate, pesticides, herbicides, chlorinated solvents, bacteria and other pathogens.
2. Current well industry practices are insufficient to protect the ground water quality. Specific drilling and well construction methods and well sealing requirements are necessary to protect ground water resources.
3. The designation of the ADC is necessary to protect the deeper aquifers used for municipal water supplies.

Wells drilled or modified in a designated ADC may be subject to specific bonding and well construction requirements.

The Department will present information at the hearing regarding statutory authority for designation of an ADC and requirements for drilling or modifying wells within an ADC. The City of Meridian will present information concerning the proposed boundaries of the WAADC, existing contamination, potential for spreading contamination between aquifers and recommendations for constructing wells to prevent spreading contaminants to the deeper aquifers. The hearing will be held in accordance with the Department’s Rules of Procedures (IDAPA 37.01.01). These rules may be viewed at the Idaho Department of Administration’s website as follows:

<http://adminrules.idaho.gov/rules/current/37/0101.pdf>

NOTICE OF PUBLIC HEARING, *continued from page 19*

Information regarding the proposed WAADC, including a map showing the boundaries, the City of Meridian petition for the WAADC and the Department Staff Memorandum evaluation of the petition can be viewed on the Department's website at: (<http://idwr.idaho.gov/wells/areas-of-drilling-concern.html>)

Information and testimony presented at the hearing on June 1, 2016, will create a record upon which the Director will rely to determine whether designation of the WAADC is appropriate. It is important that well drillers, realtors, well owners and the general public understand the proposed action and participate in the hearing process. Jeff Peppersack, Department Water Allocation Bureau Chief, will serve as the hearing officer. Persons attending the hearing will be provided an opportunity to make an oral presentation regarding the proposed action. Written comments may be submitted to the hearing officer at the hearing or at any time prior to the close of the written comment period on June 15, 2016. Written comments not presented at the hearing should be sent to the Director, Department of Water Resources, PO Box 83720, Boise, Idaho, 83720-0098.

The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. Should you require special accommodations in order to attend, participate in or understand the hearing, please contact the Department at least five days prior to the hearing.

Questions concerning this notice may be directed to the Department's state office at (208) 287-4800 or Regional office at (208) 334-2190.

DATED this 9th day of May, 2016

Gary Spackman
Director

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Idaho Ground Water Association

P.O. Box 2624 Boise, ID 83701-2624

4477 W Emerald, Ste C-250 Boise, ID 83706-2000

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NGWA continued from page 18

Variety of Products to Keep You Safe at Job Site Offered by NGWA

An assortment of products from NGWA are available for you to consider to stay safe at the job site, including:

- Produced in collaboration with the video production company Training Without Boredom, *Drill Safe, Drill Smart* is a 30-minute DVD produced in an informative but fun fashion that keeps viewers alert to the important details. Suitable to the drilling of both domestic water supply and environmental wells because many of the same hazards apply, the video is not just for new drill crew employees, but also seasoned workers who may need a refresher on safe practices. *Drill Safe, Drill Smart* covers the most common causes of drill site accidents: slips, trips, and falls; materials handling; chemicals; machine guarding; and electrocution. In addition to the video, the DVD includes printable documents—a job safety analysis form, lighting guidelines, pre-trip inspection form, and safety assessment plan.
- *Drill Safe, Drill Smart* and a similar DVD, *Pump Safe, Pump Smart*, are both available in Spanish. The two items are an ideal way to train Spanish-speaking crew members to assure they always practice safe habits when at job sites.
- Detailed discussions on safety are now easy to have with *Safety Meetings for the Groundwater Industry*. A set of 52 sheets printed on two-part carbonless paper, the safety sheets are designed to enable companies to have weekly safety meetings on a different industry-specific subject each week of the year. Each sheet contains talking points, areas to write down related topics and employee recommendations, and employee and manager signatures. Among the topics covered are heat-related illnesses, eye protection, excavation safety, slips and falls, confined spaces, and safe footwear.
- NGWA's *Model Environmental Health and Safety (EHS) Manual—CD* provides a complete safety program manual for those working in the groundwater industry. It can be viewed on a computer or printed and stored in a three-ring binder. It also contains a version you can edit so you can add specific company information. NGWA's 18-page *Employee Safety Manual* handbook is a companion to the *Model Environmental Health and Safety (EHS) Manual—CD* and covers 30 safety-related topics.

To learn more or to purchase these products, visit the NGWA bookstore at www.NGWA.org, or call (800) 551-7379 (614-898-7791).



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