

Recommendations for Creating, Updating and Amending CGA Standards
Regarding Construction, Repair, Testing And Operation of Water Wells and their Appurtenances

Adopted by the CGA Board of Directors on October 10, 1992

BACKGROUND

While the water well construction, testing and operation are subject to a plethora of federal, state and local enactments and regulations, many gaps exist in the regulatory scheme, and where the regulations are left to local entities, standards may vary widely on a given topic. The lack of standards can impact the groundwater contractor in a number of ways, including:

1. In the event of a dispute with a customer, the standard of care and construction used to resolve an issue is frequently "the general practice of the industry in the geographical area." Since individual practice may vary considerably from firm to firm, establishing a "general practice of the industry" may be a very subjective and after the fact determination. Without written standards to refer to, the contractor may be unable to prove its conduct conformed to industry practice (and may not even have realized this was a potential problem until after the claim was asserted).
2. To the extent federal and state regulations are missing, project standards may be supplied by local ordinance or through contract specifications. Given the wide range of skill, experience, and philosophies of the individuals writing these ordinances and specifications, the end product may be inadequate, irrelevant, incompetent or totally impossible. Whatever the result, this is almost assured to lead to disputes.
3. A lack of written standards can also put the conscientious contractor at an economic disadvantage, since its less scrupulous competitor can then cut corners without having to justify the creation of an inferior product. Attempts to persuade the customer that the competitor's product is no bargain will be dismissed as needless "goldplating" in the absence of established industry standards.

Beginning in 1991, the CGA Specifications Committee instituted an ongoing program to create uniform California groundwater standards, particularly in those areas not addressed by the Department of Water Resources Bulletin 74-81 and 74-90. The initial results have been so successful that CGA members have requested that standards be adopted in a rapidly increasing list of topics. Further, the Specifications Committee itself is now being asked informally for opinions on individual questions not previously submitted to the committee for adoption of formal standards.

In order to institute a regular procedure for adopting groundwater standards, a number of questions must be considered, including:

1. How should a new standard be proposed? Should they come solely from Committee Members, or may individuals, branches, or other committees request a new standard?
2. How should the proposal be written? Should it include a complete statement of the problem, background information, discussion and/or the actual wording of the proposed standard? Should the person proposing the standard assist the Committee as an advocate?
3. Should the proposal be reviewed by others prior to submittal (i.e. have a branch or Executive Committee endorsement, if not to content at least to the need for a standard in the particular area)? Is such review necessary if the proposal comes from a Specifications Committee member?
4. How should an individual proposal be prioritized? Is it practical to limit the Committee's consideration to a single proposal at a time? Is it necessary that all Committee members be involved in review of each individual standard? If not, should new standards require approval of the full committee? Should the full committee's review then be limited to approval only of the complete standard, or allow discussion and modification of individual parts?
5. At what point in consideration should the Specifications Committee seek review and comments from the Board? From the individual membership? From outside CGA (and is this necessary)? Should time deadlines be set for outside comments?
6. Should the outside comments and committee review be retained as part of the file for the standard? Should votes be recorded? Should these be published with the standard? Should they be available outside CGA?
7. How should a standard be formally adopted by the Specifications Committee? Should it require more than a majority vote for final approval? For approval of individual parts? Where the standard does not receive consensus support, is it ever appropriate to include a minority opinion as part of the published standard?

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8. What support should be provided by CGA staff? How should these standards be codified? Be published? Should they be disseminated to public agencies?
9. Should standards be subject to periodic review? Who should initiate the review? Should there be a limit on how often a standard is reviewed? Should the review be publicized and initiated by a period of comments and proposed changes from outside the Committee?
10. Should the informal opinion process be institutionalized? Who should provide these opinions? Should they be written and indexed? Should they receive Board or Executive Committee approval?

The California Groundwater Association has adopted the following recommendations with regard to procedures for adopting and modifying California groundwater standards:

A. Standards. The California Groundwater Association may adopt such general standards for the construction, repair, testing and operation of water wells and their appurtenances that are not in conflict with federal and state laws and regulations. Standards shall be approved by the Specifications Committee according to procedures herein, and shall thereafter be adopted by the Board of Directors.

B. Proposed standards.

1. **Persons initiating.** The Executive Committee, Board of Directors, or any individual branch or division may submit proposed standards to the Specifications Committee. The Committee may also propose standards for its own review by majority vote.
2. **Form of proposal.** Each proposal shall provide background of the extent of existing rules and regulations, if any, identify the necessity for the standard under a discussion section, and set forth a proposed standard for adoption.

C. Acceptance of proposal for review.

1. The Specifications Committee shall meet semi-annually at the first and third Board meetings to consider the need for each newly proposed standard. Rejection of a proposal for review shall require a two-thirds majority vote.
2. Once accepted for review, the Committee shall determine if the proposal contains sufficient information to initiate the review process. The committee may return the proposal to the persons or branch initiating the proposal for further writing and resubmittal.

D. Review procedure.

1. Once the proposal is in acceptable form for review, a subcommittee of at least three Committee members shall be designated by the chairperson to undertake the initial review of the proposal. This initial review shall include written comments, supporting exhibits if needed, and possible alternatives to the proposed standard. Since the purpose of the subcommittee's review is to fully explore alternatives, the comments of each individual subcommittee member shall be attached to each section of the proposed standard.
2. Once reviewed by the subcommittee, the proposal shall be scheduled for review at a Specifications Committee meeting. The subcommittee's review shall be distributed to all members at least thirty days prior to the meeting.
3. At the scheduled meeting, the Committee may take whatever action it deems appropriate for consideration of the proposal, including referral of the proposal back to subcommittee and amendment of individual portions of the proposal.

E. Tentative approval.

1. Once the proposal is in form and of content satisfactory to the Committee, the proposal shall require the affirmative vote of two-thirds of all Committee members present at the meeting for tentative approval.
2. A copy of proposals receiving tentative approval shall be mailed to each branch and the Board of Directors, and the proposal shall be open for member's comment for sixty days. Once the comment period has ended, all comments shall be compiled and provided to each Committee member.

F. Final approval.

1. The proposal shall then be scheduled for the next Committee meeting for final approval.
2. Final approval shall require the affirmative vote of two-thirds of all Committee members, in person or if not in attendance by written affirmation.
3. Proposals receiving final approval shall be sent to the Board for adoption.

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G. Modification.

Standards may be modified subject to the same procedures as initial approval, except that modifications which do not substantially change the meaning and intent of the standard may be approved by the Committee and adopted by the Board without the review and member notice procedures.

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