
SUBSTITUTE HOUSE BILL 2733

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Johnson, Sheldon, Koster, Honeyford, Linville, Boldt, McMahan, Hymes, Stevens, Cooke, Mulliken, McMorris, Hargrove and Elliot)

Read first time 02/02/96.

1 AN ACT Relating to well construction; amending RCW 18.104.043;
2 creating a new section; repealing 1993 c 387 s 28 (uncodified);
3 repealing 1992 c 67 s 3 (uncodified); and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that experimental
6 delegation of portions of the well drilling administration and
7 enforcement authority of the department of ecology to willing and able
8 local governments has been successful to date. Delegation has provided
9 a more effective and efficient means of assuring proper well
10 construction and decommissioning and protection of public health and
11 safety than could be accomplished by the department of ecology acting
12 alone. The legislature further finds that without legislative action,
13 the authority for such delegation will expire June 30, 1996.
14 Therefore, it is the intent of the legislature to extend the authority
15 for delegation an additional four years.

16 **Sec. 2.** RCW 18.104.043 and 1993 c 387 s 5 are each amended to read
17 as follows:

1 (1) If requested in writing by the governing body of a local health
2 district or county, the department by memorandum of agreement may
3 delegate to the governing body the authority to administer and enforce
4 the well tagging, sealing, and decommissioning portions of the water
5 well construction program.

6 (2) The department shall determine whether a local health district
7 or county that seeks delegation under this section has the resources,
8 capability, and expertise, including qualified field inspectors, to
9 administer the delegated program. If the department determines the
10 local government has these resources, it shall notify well contractors,
11 consultants, and operators of the proposal. The department shall
12 accept written comments on the proposal for sixty days after the notice
13 is mailed.

14 (3) If the department determines that a delegation of authority to
15 a local health district or county to administer and enforce the well
16 sealing and decommissioning portions of the water well construction
17 program will enhance the public health and safety and the environment,
18 the department and the local governing body may enter into a memorandum
19 of agreement setting forth the specific authorities delegated by the
20 department to the local governing body. The memorandum of agreement
21 shall provide for an initial review of the delegation within one year
22 and for periodic review thereafter.

23 ~~((The local governing body shall exercise any authority~~
24 ~~delegated under this section in accordance with this chapter, other~~
25 ~~applicable laws, the memorandum of agreement, and applicable~~
26 ~~ordinances.)) With regard to the portions of the water well
27 construction program delegated under this section, the local governing
28 agency shall exercise only the authority delegated to it under this
29 section. If, after a public hearing, the department determines that a
30 local governing body is not administering the program in accordance
31 with this chapter, it shall notify the local governing body of the
32 deficiencies. If corrective action is not taken within a reasonable
33 time, not to exceed sixty days, the department by order shall withdraw
34 the delegation of authority.~~

35 (5) The department shall promptly furnish the local governing body
36 with a copy of each water well report and notification of start cards
37 received in the area covered by a delegated program.

1 (6) The department and the local governing body shall coordinate to
2 reduce duplication of effort and shall share all appropriate
3 information including technical reports, violations, and well reports.

4 (7) Any person aggrieved by a decision of a local health district
5 or county under a delegated program may appeal the decision to the
6 department. The department's decision is subject to review by the
7 pollution control hearings board as provided in RCW 43.21B.110.

8 (8) The department shall not delegate the authority to license well
9 contractors, renew licenses, receive notices of intent to commence
10 constructing a well, receive well reports, or collect state fees
11 provided for in this chapter.

12 (9) This section expires June 30, 2000.

13 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each
14 repealed:

15 (1) 1993 c 387 s 28 (uncodified); and

16 (2) 1992 c 67 s 3 (uncodified).

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