

HOUSE BILL REPORT

SSB 5810

As Reported By House Committee On:
Agriculture & Ecology

Title: An act relating to allowing for regulation of flowing wells within city limits.

Brief Description: Allowing for public access to an artesian well in specified cities.

Sponsors: Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser, T. Sheldon and Swecker).

Brief History:

Committee Activity:

Agriculture & Ecology: 3/30/99, 4/2/99 [DP].

Brief Summary of Substitute Bill

- Requires that a well completed into a confined aquifer be allowed to flow freely for public uses under certain circumstances and in a specified area.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 8 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; Grant; Reardon; Stensen and Wood.

Minority Report: Do not pass. Signed by 6 members: Representatives Koster, Republican Vice Chair; B. Chandler; Delvin; Fortunato; Schoesler and Sump.

Staff: Kenneth Hirst (786-7105).

Background:

The groundwater code prohibits groundwater that has been withdrawn from being wasted without economical beneficial use. The Department of Ecology (DOE) must require that flowing wells be capped or equipped with valves so that the flow of water can be completely stopped when the wells are not in use under the terms of the water rights or permits for the wells. Both flowing and nonflowing wells must be constructed and

maintained to prevent the waste of groundwater through leaky casings, pipes, fittings, valves, or pumps.

The DOE has issued an administrative order requiring the decommissioning or repair and sealing of a well located in downtown Olympia. The order followed an inspection by the department in which it found an unchecked artesian flow from the well, which the order states is in violation of the groundwater code. The date by which the well must be decommissioned or repaired has been extended to January 23, 2000.

In sections and communities where the use of water for irrigation purposes is necessary or customary, it is the duty of each person or entity possessing or controlling an artesian well to securely cap the well annually from October 15 to March 15 to prevent the flow or escape of water from the well.

Summary of Bill:

A well completed into a confined aquifer must be allowed to flow freely for public uses if the well is constructed according to state law and agency rules, has a discharge rate not exceeding 12 gallons/minute, and is owned, operated, and maintained by a recognized public body. The well must be within the limits of a city operating under the optional municipal code with a population of 36,000 or more and located within a county with a population of less than 400,000 and located west of the Cascade Mountains.

The "public body" owning, operating, and maintaining the well may be the state or any agency, political subdivision, taxing district, or municipal or public corporation of the state. The operator of the well must ensure the unused portion of the flow is piped from the well head and discharged directly into a surface water body within the limits of the city and the discharge cannot allow for any degradation of water quality.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: 1) Free-flowing artesian wells have been a part of the Olympia community for a hundred years. Only one remains for public use and it is on private property. The community hopes to cap that well and drill a replacement well for public access at one of three candidate sites. The bill is needed to allow the well to flow freely. 2) The Olympia well is extremely popular. At least 50 to 100 people visit the well each day. During one 24 hour period, 427 people provided their signatures to an observer while using the well; additional people used the well without providing their signatures.

3) Public access to this very pure source of water is important to residents in the area and brings people to downtown Olympia.

Testimony Against: None.

Testified: Representative Romero; Stan Biles, city of Olympia; Karen Lohman, Friends of Artesians; Paul Seibert, Olympia Downtown Association; Nikki McClure, citizen; and Patricia Wolery, citizen.