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HOUSE BILL 2668

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Linville, Schoesler, Dunshee, Delvin and Chase; by request of Department of Ecology

Read first time 01/23/2002. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to well construction; and amending RCW 18.104.020  
2 and 18.104.055.

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

4 **Sec. 1.** RCW 18.104.020 and 2000 c 171 s 26 are each amended to  
5 read as follows:

6 The definitions (~~(set forth)~~) in this section apply throughout this  
7 chapter(~~(7)~~) unless (~~(a different meaning is plainly required by)~~) the  
8 context clearly requires otherwise.

9 (1) "Abandoned well" means a well that is unused, unmaintained, and  
10 is in such disrepair as to be unusable.

11 (2) "Constructing a well" or "construct a well" means:

12 (a) Boring, digging, drilling, or excavating a well;

13 (b) Installing casing, sheeting, lining, or well screens, in a  
14 well; (~~or~~)

15 (c) Drilling a geotechnical soil boring; or

16 (d) Installing an environmental investigation well.

17 "Constructing a well" or "construct a well" includes the alteration  
18 of an existing well.

1 (3) "Decommission" means to fill or plug a well so that it will not  
2 produce water, serve as a channel for movement of water or pollution,  
3 or allow the entry of pollutants into the well or aquifers.

4 (4) "Department" means the department of ecology.

5 (5) "Dewatering well" means a cased or lined excavation or boring  
6 that is intended to withdraw or divert ground water for the purpose of  
7 facilitating construction, stabilizing a landslide, or protecting an  
8 aquifer.

9 (6) "Director" means the director of the department of ecology.

10 (7) "Environmental investigation well" means a cased hole intended  
11 or used to extract a sample or samples of ground water, vapor, or soil  
12 from an underground formation and which is decommissioned immediately  
13 after the sample or samples are obtained. An environmental  
14 investigation well is typically installed using direct push technology  
15 or auger boring and uses the probe, stem, auger, or rod as casing. An  
16 environmental investigation well is not a geotechnical soil boring.

17 ~~(8) "Geotechnical soil boring" or "boring" means ((an uncased)) a~~  
18 ~~well drilled for the purpose of obtaining soil samples or information~~  
19 ~~to ascertain structural properties of the subsurface. ((Geotechnical~~  
20 ~~soil boring includes auger borings, rotary borings, cone penetrometer~~  
21 ~~probes and vane shear probes, or any other uncased ground penetration~~  
22 ~~for geotechnical information.~~

23 ~~(8))~~ (9) "Ground water" means and includes ground waters as  
24 defined in RCW 90.44.035.

25 ~~((9))~~ (10) "Instrumentation well" means a well in which pneumatic  
26 or electric geotechnical or hydrological instrumentation is permanently  
27 or periodically installed to measure or monitor subsurface strength and  
28 movement. Instrumentation well includes borehole extensometers, slope  
29 indicators, pneumatic or electric pore pressure transducers, and load  
30 cells.

31 ~~((10))~~ (11) "Monitoring well" means a well designed to obtain a  
32 representative ground water sample or designed to measure the water  
33 level elevation in either clean or contaminated water or soil.

34 ~~((11))~~ (12) "Observation well" means a well designed to measure  
35 the depth to the water level elevation in either clean or contaminated  
36 water or soil.

37 ~~((12))~~ (13) "Operator" means a person who (a) is employed by a  
38 well contractor; (b) is licensed under this chapter; or (c) who

1 controls, supervises, or oversees the construction of a well or who  
2 operates well construction equipment.

3 ~~((13))~~ (14) "Owner" or "well owner" means the person, firm,  
4 partnership, copartnership, corporation, association, or other entity  
5 who owns the property on which the well is or will be constructed.

6 ~~((14))~~ (15) "Pollution" and "contamination" have the meanings  
7 provided in RCW 90.48.020.

8 ~~((15))~~ (16) "Remediation well" means a well intended or used to  
9 withdraw ground water or inject water, air (for air sparging), or other  
10 solutions into the subsurface for the purpose of remediating, cleaning  
11 up, or controlling potential or actual ground water contamination.

12 (17) "Resource protection well" means a cased boring intended or  
13 used to collect subsurface information or to determine the existence or  
14 migration of pollutants within an underground formation. Resource  
15 protection wells include monitoring wells, observation wells,  
16 piezometers, spill response wells, remediation wells, environmental  
17 investigation wells, vapor extraction wells, and instrumentation wells.

18 ~~((16))~~ (18) "Resource protection well contractor" means any  
19 person, firm, partnership, copartnership, corporation, association, or  
20 other entity, licensed and bonded under chapter 18.27 RCW, engaged in  
21 the business of constructing resource protection wells or geotechnical  
22 soil borings.

23 ~~((17))~~ (19) "Water well" means any excavation that is constructed  
24 when the intended use of the well is for the location, diversion,  
25 artificial recharge, observation, monitoring, dewatering, or withdrawal  
26 of ground water.

27 ~~((18))~~ (20) "Water well contractor" means any person, firm,  
28 partnership, copartnership, corporation, association, or other entity,  
29 licensed and bonded under chapter 18.27 RCW, engaged in the business of  
30 constructing water wells.

31 ~~((19))~~ (21) "Well" means water wells, resource protection wells,  
32 ~~((instrumentation wells,))~~ dewatering wells, and geotechnical soil  
33 borings. Well does not mean an excavation made for the purpose of  
34 obtaining or prospecting for oil, natural gas, geothermal resources,  
35 minerals, or products of mining, or quarrying, or for inserting media  
36 to repressure oil or natural gas bearing formations, or for storing  
37 petroleum, natural gas, or other products.

38 ~~((20))~~ (22) "Well contractor" means a resource protection well  
39 contractor and a water well contractor.

1       **Sec. 2.** RCW 18.104.055 and 1993 c 387 s 9 are each amended to read  
2 as follows:

3       (1) A fee is hereby imposed on each well constructed in this state  
4 on or after July 1, 1993.

5       (2)(a) The fee for one new water well, other than a dewatering  
6 well, with a minimum top casing diameter of less than twelve inches is  
7 one hundred dollars.

8       (b) The fee for one new water well, other than a dewatering well,  
9 with a minimum top casing diameter of twelve inches or greater is two  
10 hundred dollars.

11       (c) The fee for a new resource protection(~~(, observation, and~~  
12 ~~monitoring)) well, except for an environmental investigation well, is  
13 forty dollars for each well.~~

14       (d) The fee for an environmental investigation well in which ground  
15 water is sampled or measured is forty dollars for construction of up to  
16 four environmental investigation wells per project, ten-dollars for  
17 each additional environmental investigation well constructed on a  
18 project with more than four wells. There is no fee for soil or vapor  
19 sampling purposes.

20       (e) The combined fee for construction and decommissioning of a  
21 dewatering well system shall be forty dollars for each two hundred  
22 horizontal lineal feet, or portion thereof, of the dewatering well  
23 system.

24       (3) The fees imposed by this section shall be paid at the time the  
25 notice of well construction is submitted to the department as provided  
26 by RCW 18.104.048. The department by rule may adopt procedures to  
27 permit the fees required for resource protection wells to be paid after  
28 the number of wells actually constructed has been determined. (~~The~~  
29 ~~department shall refund the amount of any fees collected for any wells~~  
30 ~~on which construction is not started.)) The department shall refund  
31 the amount of any fee collected for wells, borings, probes, or  
32 excavations as long as construction has not started and the department  
33 has received a refund request within one hundred eighty days from the  
34 time the department received the fee. The refund request shall be made  
35 on a form provided by the department.~~

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