

HOUSE BILL REPORT

SHB 1467

As Passed Legislature

Title: An act relating to the definition of a well.

Brief Description: Modifying the definition of a well for the purposes of chapter 18.104 RCW.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Buys, Blake, Chandler, Pearson, Fagan, Overstreet, Harris, Wilcox, Johnson, Haler, Warnick, McCune and Kelley).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/1/11, 2/11/11 [DPS].

Floor Activity:

Passed House: 2/26/11, 97-0.

Senate Amended.

Passed Senate: 3/30/11, 47-0.

House Concurred.

Passed House: 4/13/11, 96-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Modifies the definition of a "well" under the Washington Well Construction Act.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Blake, Chair; Stanford, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dunshee, Hinkle, Kretz, Lytton, Orcutt, Pettigrew and Van De Wege.

Minority Report: Without recommendation. Signed by 1 member: Representative Rolfes.

Staff: Courtney Barnes (786-7194).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Washington Well Construction Act (WWCA) governs the design, construction, alteration, and decommissioning of wells in this state. The Department of Ecology regulates well design, construction, and maintenance. A "well" is defined in the WWCA.

A "well" means water wells, resource protection wells, dewatering wells, and geotechnical soil borings. A "well" is not an excavation made for the purpose of obtaining or prospecting for oil, natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to re-pressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

Summary of Substitute Bill:

The definition of a "well," as defined in the WWCA, is modified to exempt the following activities from the definition:

- siting and constructing an on-site sewage disposal system or a large on-site sewage system; or
- inserting any device or instrument less than 10 feet in depth into the soil for the sole purpose of performing soil or water testing or analysis or establishing soil moisture content as long as there is no withdrawal of water in any quantity other than as necessary to perform the intended testing or analysis.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill removes the requirement for certain soil samplings to be considered a resource protection well. The bill is needed for clarity because routine agricultural practices are now being treated as resource protection wells. This practice is contrary to the stated intent of the WWCA. Many soil samplings and water sensors are shallow or hollow and should not be treated or licensed as a well. All of the definitions in the WWCA should be reviewed and clarified and other activities should be exempted. Without the bill, statutory requirements and fees relating to wells would apply to agricultural monitoring activities that are clearly not wells. The bill may need to be amended to include a depth limitation or make it clear that shallow sampling cannot be conducted on contaminated sites.

(With concerns) There is a need for a better definition of a well under the current law. The intent of the bill is good, but the current language needs refinement. The intent of the WWCA is to protect groundwater, and the current language may be overly broad. A narrow definition should be crafted to meet the objectives of the bill's proponents.

(Opposed) None.

Persons Testifying: (In support) Representative Buys, prime sponsor; George Boggs, Whatcom Conservation District; Jim Halstrom, Washington State Horticultural Association; Jack Field, Washington Cattlemen's Association; Glen Smith, Washington State Groundwater Association; Jay Gordon, Washington State Dairy Federation; and Scott Dahlman, Washington Farm Bureau.

(With concerns) Jaclyn Ford, Washington State Department of Agriculture; and Ken Slattery, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.