

HOUSE BILL REPORT

HB 1685

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to water well construction requirements.

Brief Description: Regarding water well construction requirements.

Sponsors: Representatives Takko, Rivers, Upthegrove and Sullivan.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/9/11, 2/15/11 [DP].

Brief Summary of Bill

- Authorizes certain municipal water suppliers to adopt requirements regarding notification of proposed well construction and requires municipal water suppliers to publish these requirements.
- Prohibits any person from commencing construction of a well without complying with construction notification requirements adopted by a municipal water supplier.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 7 members: Representatives Blake, Chair; Stanford, Vice Chair; Dunshee, Lytton, Pettigrew, Rolfes and Van De Wege.

Minority Report: Do not pass. Signed by 6 members: Representatives Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Hinkle, Kretz and Orcutt.

Staff: Courtney Barnes (786-7194).

Background:

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.

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

Under the WWCA, it is unlawful: (a) to supervise, construct, alter, or decommission a well without complying with all applicable laws and rules; (b) for any person to cause a well to be constructed in violation of the standards for well construction; (c) for a prospective water well owner to have a water well constructed without first obtaining a water right permit, if a permit is required; (d) for any person to construct, alter, or decommission a well unless all required fees have been paid; (e) for a person to tamper with or remove a well identification tag except during well alteration; and (f) for any person to contract to engage in the construction of a well or to act as a well operator without first obtaining a license. The DOE may issue orders and civil penalties for violations of the WWCA.

A property owner or the owner's agent is required to notify the DOE of his or her intent to begin well construction, reconstruction, or decommissioning procedures. This notice must be submitted on forms provided by the DOE at least 72 hours in advance of commencing work.

Summary of Bill:

A municipal water supplier with no fewer than 1,000 customers may adopt requirements regarding notification of proposed well construction within the retail service area of the municipal water supplier, specifically requiring that a well driller provide the municipal water supplier with a copy of the notice of intent at least 72 hours in advance of commencing work. A municipal water supplier adopting such requirements must make the requirements known by publication on the supplier's website or by other means readily available to a property owner or owner's agent.

It is unlawful for any person to commence construction of a well without complying with well construction notification requirements adopted by a municipal water supplier.

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 purpose of the bill is to improve interagency coordination between local water purveyors and the DOE. The bill requires well drillers to send a copy of the notice of intent provided to the DOE to the water purveyor. The purveyor could then work with a property owner to make sure the property owner is fully informed about the impact of

drilling a new well instead of using municipal service. If a party has agreed to use municipal water exclusively, then the bill would allow the purveyor to know whether the party is planning on drilling a well in violation of that agreement.

The bill does not provide any additional enforcement authority to local governments or water purveyors. By requiring notice, the bill would help municipal suppliers make sure that there are no cross connections that could contaminate the municipal water supply.

The bill should be amended to address permit-exempt wells. Exempt wells should not go in an area that has an available municipal water source.

(Opposed) The bill adds another layer of regulation when well drillers are already heavily regulated by the DOE and the Department of Health. Requiring well drillers to provide a copy of the notice of intent to a water purveyor is unnecessary. The DOE has a copy of every notice of intent and water purveyors do not need legislation to receive a copy. Water service areas are not clearly defined and the bill would create an additional burden on well drillers to figure out which purveyor to notify. The bill would reduce efficiency and is unnecessary.

Water purveyors have no jurisdiction to tell property owners whether they can drill a permit-exempt well. The bill would allow private for-profit companies to receive information that they have no business knowing.

Persons Testifying: (In support) Gwenn Maxfield, Covington Water District; Steve Lindstrom, Sno-King Water District Coalition; Scott Hazlegrove, Washington Association of Sewer and Water Districts; Dave Monthie, King County; and Rachael Osbourn, Center for Environmental Law and Policy.

(Opposed) Glen Smith and Paul Anderson, Washington State Groundwater Association; and Stan Hardwick.

Persons Signed In To Testify But Not Testifying: None.