

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1467

Chapter 196, Laws of 2011

62nd Legislature
2011 Regular Session

WATER WELL CONSTRUCTION--DEFINITION OF WELL

EFFECTIVE DATE: 07/22/11

Passed by the House April 13, 2011
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 30, 2011
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved April 29, 2011, 3:37 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1467** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 29, 2011

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1467

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

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

READ FIRST TIME 02/16/11.

1 AN ACT Relating to the definition of a well; and amending RCW
2 18.104.020.

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

4 **Sec. 1.** RCW 18.104.020 and 2005 c 84 s 1 are each amended to read
5 as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Abandoned well" means a well that is unmaintained or is in
9 such disrepair that it is unusable or is a risk to public health and
10 welfare.

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;

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 groundwater 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 groundwater, 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 a well drilled for
18 the purpose of obtaining soil samples or information to ascertain
19 structural properties of the subsurface.

20 (9) "Ground source heat pump boring" means a vertical boring
21 constructed for the purpose of installing a closed loop heat exchange
22 system for a ground source heat pump.

23 (10) "Groundwater" means and includes groundwaters as defined in
24 RCW 90.44.035.

25 (11) "Grounding well" means a grounding electrode installed in the
26 earth by the use of drilling equipment to prevent buildup of voltages
27 that may result in undue hazards to persons or equipment. Examples are
28 anode and cathode protection wells.

29 (12) "Instrumentation well" means a well in which pneumatic or
30 electric geotechnical or hydrological instrumentation is permanently or
31 periodically installed to measure or monitor subsurface strength and
32 movement. Instrumentation well includes borehole extensometers, slope
33 indicators, pneumatic or electric pore pressure transducers, and load
34 cells.

35 (13) "Monitoring well" means a well designed to obtain a
36 representative groundwater sample or designed to measure the water
37 level elevation in either clean or contaminated water or soil.

1 (14) "Observation well" means a well designed to measure the depth
2 to the water level elevation in either clean or contaminated water or
3 soil.

4 (15) "Operator" means a person who (a) is employed by a well
5 contractor; (b) is licensed under this chapter; or (c) who controls,
6 supervises, or oversees the construction of a well or who operates well
7 construction equipment.

8 (16) "Owner" or "well owner" means the person, firm, partnership,
9 copartnership, corporation, association, other entity, or any
10 combination of these, who owns the property on which the well is or
11 will be constructed or has the right to the well by means of an
12 easement, covenant, or other enforceable legal instrument for the
13 purpose of benefiting from the well.

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

16 (18) "Remediation well" means a well intended or used to withdraw
17 groundwater or inject water, air (for air sparging), or other solutions
18 into the subsurface for the purpose of remediating, cleaning up, or
19 controlling potential or actual groundwater contamination.

20 (19) "Resource protection well" means a cased boring intended or
21 used to collect subsurface information or to determine the existence or
22 migration of pollutants within an underground formation. Resource
23 protection wells include monitoring wells, observation wells,
24 piezometers, spill response wells, remediation wells, environmental
25 investigation wells, vapor extraction wells, ground source heat pump
26 boring, grounding wells, and instrumentation wells.

27 (20) "Resource protection 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 resource protection wells or geotechnical soil borings.

31 (21) "Water well" means any excavation that is constructed when the
32 intended use of the well is for the location, diversion, artificial
33 recharge, observation, monitoring, dewatering, or withdrawal of
34 groundwater. "Water wells" include ground source heat pump borings and
35 grounding wells.

36 (22) "Water well contractor" means any person, firm, partnership,
37 copartnership, corporation, association, or other entity, licensed and

1 bonded under chapter 18.27 RCW, engaged in the business of constructing
2 water wells.

3 (23)(a) "Well" means water wells, resource protection wells,
4 dewatering wells, and geotechnical soil borings.

5 (b) Well does not mean an excavation made for the purpose of:

6 (i) Obtaining or prospecting for oil, natural gas, geothermal
7 resources, minerals, or products of mining, or quarrying, or for
8 inserting media to repressure oil or natural gas bearing formations, or
9 for storing petroleum, natural gas, or other products;

10 (ii) Siting and constructing an on-site sewage disposal system as
11 defined in RCW 70.118.020 or a large on-site sewage system as defined
12 in RCW 70.118B.010; or

13 (iii) Inserting any device or instrument less than ten feet in
14 depth into the soil for the sole purpose of performing soil or water
15 testing or analysis or establishing soil moisture content as long as
16 there is no withdrawal of water in any quantity other than as necessary
17 to perform the intended testing or analysis.

18 (24) "Well contractor" means a resource protection well contractor
19 and a water well contractor licensed and bonded under chapter 18.27
20 RCW.

Passed by the House April 13, 2011.

Passed by the Senate March 30, 2011.

Approved by the Governor April 29, 2011.

Filed in Office of Secretary of State April 29, 2011.