

ESSB 5470 - H COMM AMD
By Committee on Environment

ADOPTED 04/10/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 78.60.010 and 1974 ex.s. c 43 s 1 are each amended
4 to read as follows:

5 The public has a direct interest in the safe, orderly, and nearly
6 pollution-free development of the geothermal resources of the state,
7 as (~~hereinafter in RCW 79.76.030(1)~~) defined in RCW 78.60.030. The
8 legislature hereby declares that it is in the best interests of the
9 state to further the development of geothermal resources for the
10 benefit of all of the citizens of the state while at the same time
11 fully providing for the protection of the environment. The
12 development of geothermal resources shall be so conducted as to
13 protect the rights of landowners, other owners of interests therein,
14 and the general public. In providing for such development, it is the
15 purpose of this chapter to provide for the orderly exploration, safe
16 drilling, production, and proper abandonment of geothermal resources
17 in the state of Washington.

18 **Sec. 2.** RCW 78.60.070 and 2007 c 338 s 1 are each amended to
19 read as follows:

20 (1) Any person proposing to drill a well or redrill an abandoned
21 well for geothermal resources shall file with the department a
22 written application for a permit to commence such drilling or
23 redrilling on a form prescribed by the department accompanied by a
24 permit fee of two hundred dollars. The department shall forward a
25 duplicate copy to the department of ecology within ten days of
26 filing.

27 (2) Upon receipt of a proper application relating to drilling or
28 redrilling the department shall set a date, time, and place for a
29 public hearing on the application(~~, which hearing shall be in the~~
30 ~~county in which the drilling or redrilling is proposed to be made,~~
31 ~~and shall instruct the applicant to publish notices of such~~

1 ~~application and hearing by such means and within such time as the~~
2 ~~department shall prescribe. The department shall require that the~~
3 ~~notice so prescribed shall be published twice in a newspaper of~~
4 ~~general circulation within the county in which the drilling or~~
5 ~~redrilling is proposed to be made and in such other appropriate~~
6 ~~information media as the department may direct)). The public hearing~~
7 ~~on the drilling application shall be in the county in which the~~
8 ~~drilling or redrilling is proposed to be made.~~

9 (3) Any person proposing to drill a core hole for the purpose of
10 gathering geothermal data, including but not restricted to heat flow,
11 temperature gradients, and rock conductivity, shall be required to
12 obtain a single permit (~~for each~~) covering all core holes according
13 to subsection (1) of this section, including a single permit fee
14 (~~for each core hole, but no notice need be published, and no hearing~~
15 ~~need be held. Such core holes that penetrate more than seven hundred~~
16 ~~and fifty feet into bedrock shall be deemed geothermal test wells and~~
17 ~~subject to the payment of a permit fee and to the requirement in~~
18 ~~subsection (2) of this section for public notices and hearing. In the~~
19 ~~event geothermal energy is discovered in a core hole, the hole shall~~
20 ~~be deemed a geothermal well and subject to the permit fee, notices,~~
21 ~~and hearing)). Such core holes as described by this subsection are~~
22 not required to be the subject of a public hearing but are subject to
23 all other provisions of this chapter, including a bond or other
24 security as specified in RCW 78.60.130.

25 (4) All moneys paid to the department under this section shall be
26 deposited with the state treasurer for credit to the general fund.

27 **Sec. 3.** RCW 78.60.120 and 1974 ex.s. c 43 s 12 are each amended
28 to read as follows:

29 (1) Before any operation to plug and abandon or suspend the
30 operation of any well is commenced, the owner or operator shall
31 submit in writing a notification of abandonment or suspension of
32 operations to the department for approval. No operation to abandon or
33 suspend the operation of a well shall commence without approval by
34 the department. The department shall respond to such notification in
35 writing within ten working days following receipt of the
36 notification.

37 (2) Failure to abandon or suspend operations in accordance with
38 the method approved by the department shall constitute a violation of

1 this chapter, and the department shall take appropriate action under
2 the provisions of RCW (~~(79.76.270)~~) 78.60.270."

3 Correct the title.

EFFECT: Reinstates the requirement that a public hearing be held on geothermal well drilling applications, while preserving the current exception from public hearing requirements for geothermal core hole drilling applications. Eliminates the statement that the department of natural resources must review geothermal drilling applications as the lead agency under the state environmental policy act, where applicable.

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