

**SENATE BILL REPORT**

**SB 5306**

**AS OF FEBRUARY 6, 1991**

**Brief Description:** Revising provisions for regulation of water wells.

**SPONSORS:** Senators Metcalf, Owen and Barr; by request of Department of Ecology.

**SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES**

**Staff:** Bob Lee (786-7404)

**Hearing Dates:** February 5, 1991; February 7, 1991

**BACKGROUND:**

The Water Well Construction Act was enacted in 1971. It provided the Department of Ecology with various authorities over the construction of wells to utilize the groundwater resource including: (1) licensing persons who drill wells; (2) establishing well construction and maintenance standards; (3) requiring well drillers to provide notice to the department 72 hours in advance of beginning well construction; and (4) require submission of well logs at the completion of drilling. The department may enforce the requirements of the chapter and related administrative rules through civil fines up to \$100 per day; suspension or revocation of drillers' licenses; issuance of cease and desist orders; and filing of criminal charges having penalties that range up to \$250 and/or 30 days in jail.

Current law allows a person to drill a well on his own land without obtaining a license if the water will be used for farm or noncommercial domestic purposes only.

**SUMMARY:**

New definitions are provided for various types of wells including monitoring wells, observation wells, resource protection wells, dewatering wells, abandoned wells, and water supply wells. A resource protection well is defined as a well used to determine the existence or migration of pollutants within an underground formation.

The requirement that a licensed operator supervise construction of a water well is modified to licensed operator must be on site when the well is being drilled. A person that is enrolled in the Department of Ecology's well drilling apprentice program may be substituted for a licensed operator.

It is a violation if a water right permit is required and not obtained prior to drilling a water supply well; and to tamper with a water well identification tag.

The Department of Ecology personnel may enter upon lands to sample, take measurements or tag wells.

The department may require the water well contractor and the property owner to take whatever measures necessary to guard against the waste or contamination of the groundwater resource.

The department may require water well owners to decommission a water well that is abandoned, unusable or is an environmental, safety or public health hazard, or for which a water right has been relinquished due to nonuse or failure to register.

A schedule of fees is established for the drilling of wells as follows: (1) \$100 for a new water supply well serving a single residence and/or providing stock water; (2) \$200 for all other new water supply wells; (3) \$50 for resource protection well but the total fee for wells drilled per gas station cannot exceed \$150; (4) \$50 for well decommissioning; and (5) \$100 for a dewatering project \$100 for up to 20 wells, and \$200 when the dewatering project is for greater than 20 wells. The fees are submitted at the same time as the water well report.

Two categories of well drilling licenses are established. A water well construction operator's license application fee is changed from \$25 to \$200. A resource protection well operator's license application fee is \$200. In order to obtain either license, two years of drilling experience is required or one year of experience with one year of qualified training. The applicant also must pass a written examination.

The frequency of renewal of an existing license is changed from annually to once every two years. The \$25 annual renewal fee is changed to \$100 each two-year period. The completion of an eight-hour refresher course is required to obtain a license renewal.

The fees for drilling water wells and the license fees are paid into the reclamation revolving account. This account, subject to legislative appropriation, is to be allocated and expended for administering the water well construction statute.

The department may delegate to the governing board of a county, city or town administrative portions of the water well construction program if the department determines the governing body has the expertise and ability to administer the program. If a local government is authorized to administer the water well construction program, it must utilize existing rules established by the department pertaining to construction and maintenance of water wells. The local governments may adopt construction standards that are more stringent than the

state construction standards but these must be approved by the director prior to their adoption. Delegation to a local government must be through a memorandum of agreement. This agreement is limited to a four-year term and subject to withdrawal if the local government is not properly administering the program. The department may transfer well drilling fees collected in the area of a delegated program to the local government for administration of the local program.

Appeals of civil fines or other enforcement actions taken by local governments shall be to the state Environmental Hearings Office.

The department establishes pilot projects for identifying and tagging existing water wells.

The civil penalty is increased from \$100 per day to \$10,000 per day. The department is directed to adopt rules to establish criteria for determining appropriate penalty levels for various classes of violations. Until those rules are adopted, the department may levy a civil fine not to exceed \$1,000.

A licensed operator must be present at the drilling site. The exemption allowing a person to drill a well on his own land without a license is repealed.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 29, 1991