

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6349

Chapter 32, Laws of 2000
(partial veto)

56th Legislature
2000 Regular Session

WATER WELL DELEGATION--EXPIRATION DATE

EFFECTIVE DATE: 6/8/00

Passed by the Senate February 7, 2000
YEAS 48 NAYS 1

BRAD OWEN
President of the Senate

Passed by the House February 29, 2000
YEAS 97 NAYS 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved March 17, 2000, with the
exception of section 2, which is
vetoed.

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the
Senate of the State of Washington, do
hereby certify that the attached is
SUBSTITUTE SENATE BILL 6349 as passed
by the Senate and the House of
Representatives on the dates hereon
set forth.

TONY M. COOK
Secretary

FILED

March 17, 2000 - 2:48 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6349

Passed Legislature - 2000 Regular Session

State of Washington 56th Legislature 2000 Regular Session

By Senate Committee on Environmental Quality & Water Resources
(originally sponsored by Senators Eide, Morton, Swecker, Prentice,
Fraser, McAuliffe and Rasmussen)

Read first time 01/24/2000.

1 AN ACT Relating to extending the expiration date of the water well
2 delegation program; amending RCW 18.104.043; and providing an
3 expiration date.

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

5 **Sec. 1.** RCW 18.104.043 and 1996 c 12 s 2 are each amended to read
6 as follows:

7 (1) If requested in writing by the governing body of a local health
8 district or county, the department by memorandum of agreement may
9 delegate to the governing body the authority to administer and enforce
10 the well tagging, sealing, and decommissioning portions of the water
11 well construction program.

12 (2) The department shall determine whether a local health district
13 or county that seeks delegation under this section has the resources,
14 capability, and expertise, including qualified field inspectors, to
15 administer the delegated program. If the department determines the
16 local government has these resources, it shall notify well contractors,
17 consultants, and operators of the proposal. The department shall
18 accept written comments on the proposal for sixty days after the notice
19 is mailed.

1 (3) If the department determines that a delegation of authority to
2 a local health district or county to administer and enforce the well
3 sealing and decommissioning portions of the water well construction
4 program will enhance the public health and safety and the environment,
5 the department and the local governing body may enter into a memorandum
6 of agreement setting forth the specific authorities delegated by the
7 department to the local governing body. The memorandum of agreement
8 shall provide for an initial review of the delegation within one year
9 and for periodic review thereafter.

10 (4) With regard to the portions of the water well construction
11 program delegated under this section, the local governing agency shall
12 exercise only the authority delegated to it under this section. If,
13 after a public hearing, the department determines that a local
14 governing body is not administering the program in accordance with this
15 chapter, it shall notify the local governing body of the deficiencies.
16 If corrective action is not taken within a reasonable time, not to
17 exceed sixty days, the department by order shall withdraw the
18 delegation of authority.

19 (5) The department shall promptly furnish the local governing body
20 with a copy of each water well report and notification of start cards
21 received in the area covered by a delegated program.

22 (6) The department and the local governing body shall coordinate to
23 reduce duplication of effort and shall share all appropriate
24 information including technical reports, violations, and well reports.

25 (7) Any person aggrieved by a decision of a local health district
26 or county under a delegated program may appeal the decision to the
27 department. The department's decision is subject to review by the
28 pollution control hearings board as provided in RCW 43.21B.110.

29 (8) The department shall not delegate the authority to license well
30 contractors, renew licenses, receive notices of intent to commence
31 constructing a well, receive well reports, or collect state fees
32 provided for in this chapter.

33 (~~(9) This section expires June 30, 2000.~~)

34 ****NEW SECTION. Sec. 2. RCW 18.104.043 expires June 30, 2006.***

35 ****Sec. 2 was vetoed. See message at end of chapter.***

Passed the Senate February 7, 2000.

Passed the House February 29, 2000.

Approved by the Governor March 17, 2000, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 17, 2000.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 2,
3 Substitute Senate Bill No. 6349 entitled:

4 "AN ACT Relating to extending the expiration date of the water well
5 delegation program;"

6 This bill would have extended the authority of the Department of
7 Ecology to delegate the administration and enforcement of tagging,
8 sealing, and decommissioning of water wells to local health districts
9 or counties until June 30, 2006. By vetoing section 2, the
10 Department's authority will be made permanent.

11 Currently, delegation of authority is only provided to local
12 governments that meet the strict requirements of the Department, as set
13 forth in a memorandum of understanding for each delegation. This
14 program has been in place since 1992 and has already received two
15 sunset reviews. It is time to make the program permanent because it is
16 cost effective, and has a proven success record that is resulting in
17 enhanced public health and environmental protections.

18 For these reasons, I have vetoed section 2 of Substitute Senate
19 Bill No. 6349.

20 With the exception of section 2, Substitute Senate Bill No. 6349 is
21 approved."