

HOUSE BILL REPORT

HB 2796

*As Reported By House Committee on:
Environmental Affairs*

Title: An act relating to delegation of water well construction enforcement authority.

Brief Description: Authorizing local governmental entities to administer and enforce portions of the water well construction program.

Sponsor(s): Representatives Bray, Horn, Rust, Ludwig, Valle, D. Sommers and Fraser.

Brief History:

Reported by House Committee on:
Environmental Affairs, February 4, 1992, DPS.

**HOUSE COMMITTEE ON
ENVIRONMENTAL AFFAIRS**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 11 members: Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; J. Kohl; Pruitt; D. Sommers; and Sprenkle.

Minority Report: *Without recommendation.* Signed by 2 members: Representatives Neher and Van Luven.

Staff: Harry Reinert (786-7110).

Background: The Department of Ecology (Ecology) has the state responsibility to oversee water well construction. Ecology's duties include a licensing program for well drillers, a notification program for proposed wells and abandoned wells, and construction standards for drilling and decommissioning wells.

Summary of Substitute Bill: The Department of Ecology (Ecology), by means of a memorandum of agreement, may delegate enforcement of certain portions of the water well program to local health districts and counties. Ecology must determine that the local government has the resources to accept the delegation. Notice of the proposed delegation and an opportunity to comment must be provided to well

drillers, contractors, and consultants. After the comment period, if Ecology believes a delegation of enforcement of well sealing and decommissioning elements of the water well construction program will be beneficial, it may enter into a memorandum of agreement with the local government for delegation of these responsibilities.

Ecology is responsible for monitoring the administration of a delegated program. It must also provide copies of well construction start cards to a local government with a delegated program.

Enforcement actions of a local government under a delegated program are appealable to Ecology. Ecology's decision is subject to review by the pollution control hearings board.

Ecology may not delegate licensing, reporting, or fee collection provisions of the water well program.

The authority to delegate elements of the water well construction program expires June 30, 1996.

Substitute Bill Compared to Original Bill: The substitute bill allows the Department of Ecology to delegate responsibility only to local health districts and to counties. The original bill would have also permitted delegation to cities and towns. The substitute bill provides for appeal of a local government decision to the Ecology and then to the pollution control hearings board. The original bill provided for direct appeal to the board.

Fiscal Note: Requested January 29, 1992.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Giving local governments limited authority to enforce water well construction requirements will enhance public health and improve inspection reliability and efficiency.

Testimony Against: None.

Witnesses: Dave Clark, Department of Health (pro); Chris Hansen, Washington State Drillers and Ground Water Association; Tim Lutman, Washington State Drilling and Ground Water Association (pro); Mike Krautkramer, Washington State Drillers and Ground Water Association (pro); Richard Szymarek, Department of Ecology (pro); Richard DeRemer, Washington State Drilling and Ground Water Association (pro); and Gregg Grunenfelder, Thurston County Health (pro).