

HOUSE BILL REPORT

SHB 2796

As Passed Legislature

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): By House Committee on Environmental Affairs (originally sponsored by Representatives Bray, Horn, Rust, Ludwig, Valle, D. Sommers and Fraser).

Brief History:

Reported by House Committee on:
Environmental Affairs, February 4, 1992, DPS;
Passed House, February 18, 1992, 95-3;
Amended by Senate;
Passed Legislature.

**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 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.

Fiscal Note: Requested January 29, 1992.

Effective Date: 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).