

SENATE BILL REPORT

SHB 2796

**AS REPORTED BY COMMITTEE ON AGRICULTURE & WATER RESOURCES,
FEBRUARY 27, 1992**

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

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

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: Do pass as amended.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, W. Hansen, and Newhouse.

Staff: Bob Lee (786-7404)

Hearing Dates: February 27, 1992

BACKGROUND:

The Department of 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:

The Department of 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.

Appropriation: none

Revenue: none

Fiscal Note: requested January 29, 1992

SUMMARY OF PROPOSED SENATE AMENDMENT:

It is clarified that the notice of intent to commence drilling a well is to continue to be sent to the Department of Ecology.

TESTIMONY FOR:

Because of limited staff at the Department of Ecology, having the ability to delegate to local governments will improve the coverage of monitoring water well construction.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Don Leaf, Thurston County; Richard Szymarek, Ecology; Lou Dooley, WA State Environmental Health Assn.; Chris Hansen, Rick DeRemer, Dean Hayes, Tim Lutman, Roger Oelke, Mike Matson, WA State Drilling & Ground Water Assn.; Dave Clark, Dept. of Health