
SUBSTITUTE HOUSE BILL 2796

State of Washington

52nd Legislature

1992 Regular Session

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

Read first time 02/07/92.

1 AN ACT Relating to delegation of water well construction
2 enforcement authority; adding a new section to chapter 18.104 RCW;
3 creating a new section; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the public
6 health and safety and the environment would be enhanced by permitting
7 qualified local governmental agencies to administer and enforce
8 portions of the water well construction program.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.104 RCW
10 to read as follows:

11 (1) If requested in writing by the governing body of a local health
12 district or county, the department by memorandum of agreement may
13 delegate to the governing body the authority to administer and enforce

1 the well sealing and decommissioning portions of the water well
2 construction program.

3 (2) The department shall determine whether a local health district
4 or county that seeks delegation under this section has the resources,
5 capability, and expertise, including qualified field inspectors, to
6 administer the delegated program. If the department determines the
7 local government has these resources, it shall notify drilling
8 contractors, consultants, and operators of the proposal. The
9 department shall accept written comments on the proposal for sixty days
10 after the notice is mailed.

11 (3) If the department determines that a delegation of authority to
12 a local health district or county to administer and enforce the well
13 sealing and decommissioning portions of the water well construction
14 program will enhance the public health and safety and the environment,
15 the department and the local governing body may enter into a memorandum
16 of agreement setting forth the specific authorities delegated by the
17 department to the local governing body. The memorandum of agreement
18 shall provide for an initial review of the delegation within one year
19 and for periodic review thereafter.

20 (4) The local governing body shall exercise any authority delegated
21 under this section in accordance with this chapter, other applicable
22 laws, the memorandum of agreement, and applicable ordinances. If,
23 after a public hearing, the department determines that a local
24 governing body is not administering the program in accordance with this
25 chapter, it shall notify the local governing body of the deficiencies.
26 If corrective action is not taken within a reasonable time, not to
27 exceed sixty days, the department by order shall withdraw the
28 delegation of authority.

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

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

7 (7) Any person aggrieved by a decision of a local health district
8 or county under a delegated program may appeal the decision to the
9 department. The department's decision is subject to review by the
10 pollution control hearings board as provided in RCW 18.104.130.

11 (8) The department shall not delegate the authority to license
12 water well contractors, renew licenses, receive state notices of intent
13 and well reports, or collect state fees provided for in this chapter.

14 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act shall
15 expire June 30, 1996.