
SUBSTITUTE SENATE BILL 6349

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.

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