

SENATE BILL REPORT

SB 6425

As Reported By Senate Committee On:
Natural Resources, Energy & Water, February 5, 2004

Title: An act relating to water well construction.

Brief Description: Regulating water well construction.

Sponsors: Senators Morton and Swecker.

Brief History:

Committee Activity: Natural Resources, Energy & Water: 1/28/04, 2/5/04 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

Staff: Evan Sheffels (786-7486)

Background: The Department of Ecology (DOE) regulates water well design and construction. Generally, water wells may only be constructed by persons licensed under the Washington Well Construction Act (WWCA). A person may construct a well on their own farm or residential property without a license, though all other WWCA requirements apply.

Failure to timely submit a renewal application, fee, and proof of sufficient continuing education results in automatic license expiration. When a person with an expired license applies for a new license, DOE may waive written examination and on-site testing requirements.

A technical advisory group advises DOE on continuing education requirements, well construction standards, licensing and training requirements, fees, and other aspects of the well construction and licensing program. The group is composed of representatives from well contractors, health departments, and professional hydrogeologists.

Summary of Bill: Continuing education and credit verification requirements are established for licensed water well construction operators. Procedures are established for authorization of continuing education providers and courses, and for credit approval processes. DOE may provide some continuing education, but only as a last resort when other approved providers are not available.

A licensee's failure to properly file for renewal triggers a 90-day suspension period during which license-related work is prohibited. DOE must provide notice of suspension. If renewal requirements have not been met by the end of the suspension period the license expires.

Continuing education obtained during the 90-day suspension period may only be applied to the next renewal period. A person with an expired license may apply for a new license, but DOE may only waive examination and on-site testing for good cause. DOE may not renew a license for licensees who have not complied with a DOE order or paid a penalty, unless the penalty is under appeal.

Only those materially harmed by actions or inactions of a well contractor or operator are authorized to make a complaint under WWCA. DOE is granted discretion to investigate complaint validity. Appropriate orders must be issued where sufficient evidence establishes a violation.

Certain persons, including architects, engineers and hydrogeologists licensed under the Uniform Regulation of Business and Professions Act, are exempt from WWCA requirements with regard to duties covered under their respective licenses.

Technical advisory group qualifications are modified to ensure that certain members have expertise in drinking water wells, well design and construction, and hydrogeology. With technical advisory group assistance, DOE is to adopt rules as required for field investigator training criteria, continuing education standards, credit requirements, course approval methods, and licensing requirements.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This is primarily a housekeeping bill. It provides a grace period so drillers do not have to start from scratch when they miss the renewal date. CLE offerings need to be more professional, and private industry can better accomplish that.

Testimony Against: Concerns: Ecology is working with the drillers association on some language changes, but is not opposed to the general direction of the bill so long as drillers' needs are met and enough high quality, useful and affordable courses are offered.

Testified: William Neal, Washington State Ground Water Assn (pro); Ken Slattery, Department of Ecology (concerns).