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HOUSE BILL 2129

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State of Washington

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By Representatives VanDeWege, Hudgins, Morris, Eddy, Crouse, Hankins, McCoy, Takko, Hurst, McCune and Chase

Read first time 02/09/2007. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to geothermal resources; and amending RCW  
2 78.60.070, 78.60.100, 78.60.130, 78.60.200, 78.60.210, and 78.60.230.

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

4 **Sec. 1.** RCW 78.60.070 and 1974 ex.s. c 43 s 7 are each amended to  
5 read as follows:

6 (1) Any person proposing to drill a well or redrill an abandoned  
7 well for geothermal resources shall file with the department a written  
8 application for a permit to commence such drilling or redrilling on a  
9 form prescribed by the department accompanied by a permit fee of (~~two~~  
10 ~~hundred~~) one thousand dollars. The department shall forward a  
11 duplicate copy to the department of ecology within ten days of filing.

12 (2) Upon receipt of a proper application relating to drilling or  
13 redrilling the department shall set a date, time, and place for a  
14 public hearing on the application, which hearing shall be in the county  
15 in which the drilling or redrilling is proposed to be made, and shall  
16 instruct the applicant to publish notices of such application and  
17 hearing by such means and within such time as the department shall  
18 prescribe. The department shall require that the notice so prescribed  
19 shall be published twice in a newspaper of general circulation within

1 the county in which the drilling or redrilling is proposed to be made  
2 and in such other appropriate information media as the department may  
3 direct.

4 (3) Any person proposing to drill a core hole for the purpose of  
5 gathering geothermal data, including but not restricted to heat flow,  
6 temperature gradients, and rock conductivity, shall be required to  
7 obtain a single permit for each (~~(geothermal area)~~) core hole according  
8 to subsection (1) of this section, (~~(except that no)~~) a permit fee of  
9 one hundred dollars for each core hole shall be required, no notice  
10 need be published, and no hearing need be held. Such core holes that  
11 penetrate more than seven hundred and fifty feet into bedrock shall be  
12 deemed geothermal test wells and subject to the payment of a permit fee  
13 and to the requirement in subsection (2) of this section for public  
14 notices and hearing. In the event geothermal energy is discovered in  
15 a core hole, the hole shall be deemed a geothermal well and subject to  
16 the permit fee, notices, and hearing. Such core holes as described by  
17 this subsection are subject to all other provisions of this chapter,  
18 including a bond or other security as specified in RCW (~~(79.76.130)~~)  
19 78.60.130.

20 (4) All moneys paid to the department under this section shall be  
21 deposited with the state treasurer for credit to the general fund.

22 **Sec. 2.** RCW 78.60.100 and 1974 ex.s. c 43 s 10 are each amended to  
23 read as follows:

24 Any well or core hole drilled under authority of this chapter from  
25 which:

26 (1) It is not technologically practical to derive the energy to  
27 produce electricity commercially, or the owner or operator has no  
28 intention of deriving energy to produce electricity commercially, and

29 (2) Usable minerals cannot be derived, or the owner or operator has  
30 no intention of deriving usable minerals, shall be plugged and  
31 abandoned as provided in this chapter or, upon the owner's or  
32 operator's written application to the department of natural resources  
33 and with the concurrence and approval of the department of ecology,  
34 jurisdiction over the well may be transferred to the department of  
35 ecology and, in such case, the well shall no longer be subject to the  
36 provisions of this chapter but shall be subject to any applicable laws  
37 and (~~(regulations)~~) rules relating to wells drilled for appropriation

1 and use of ground waters. If an application is made to transfer  
2 jurisdiction, a copy of all logs, records, histories, and descriptions  
3 shall be provided to the department of ecology by the applicant.

4 **Sec. 3.** RCW 78.60.130 and 1974 ex.s. c 43 s 13 are each amended to  
5 read as follows:

6 Every operator who engages in the drilling, redrilling, or  
7 deepening of any well or core hole shall file with the department a  
8 reasonable bond or bonds with good and sufficient surety, or the  
9 equivalent thereof, acceptable to the department, conditioned on  
10 compliance with the provisions of this chapter and all rules and  
11 (~~regulations and~~) permit conditions adopted pursuant to this chapter.  
12 This performance bond shall be executed in favor of and approved by the  
13 department.

14 In lieu of a bond the operator may file with the department a cash  
15 deposit, negotiable securities acceptable to the department, or an  
16 assignment of a savings account in a Washington bank on an assignment  
17 form prescribed by the department. The department, in its discretion,  
18 may accept a single surety or security arrangement covering more than  
19 one well or core hole.

20 **Sec. 4.** RCW 78.60.200 and 1974 ex.s. c 43 s 20 are each amended to  
21 read as follows:

22 (1) The owner or operator of any well or core hole shall keep or  
23 cause to be kept careful and accurate logs, including but not  
24 restricted to heat flow, temperature gradients, and rock conductivity  
25 logs, records, descriptions, and histories of the drilling, redrilling,  
26 or deepening of the well.

27 (2) All logs, including but not restricted to heat flow,  
28 temperature gradients, and rock conductivity logs, records, histories,  
29 and descriptions referred to in subsection (1) of this section shall be  
30 kept in the local office of the owner or operator, and together with  
31 other reports of the owner or operator shall be subject during business  
32 hours to inspection by the department. Each owner or operator, upon  
33 written request from the department, shall file with the department  
34 ((a)) one paper and one electronic copy of the logs, including but not  
35 restricted to heat flow, temperature gradients, and rock conductivity

1 logs, records, histories, descriptions, or other records or portions  
2 thereof pertaining to the geothermal drilling or operation underway or  
3 suspended.

4 **Sec. 5.** RCW 78.60.210 and 1974 ex.s. c 43 s 21 are each amended to  
5 read as follows:

6 Upon completion or plugging and abandonment of any well or core  
7 hole or upon the suspension of operations conducted with respect to any  
8 well or core hole for a period of at least six months, one paper and  
9 one electronic copy of (~~the~~) logs, including but not restricted to  
10 heat flow, temperature gradients, and rock conductivity logs, core  
11 (~~record~~), electric log, history, and all other logs and surveys that  
12 may have been run on the well, shall be filed with the department  
13 within thirty days after such completion, plugging and abandonment, or  
14 six months' suspension.

15 **Sec. 6.** RCW 78.60.230 and 1974 ex.s. c 43 s 23 are each amended to  
16 read as follows:

17 (1) The records of any owner or operator, when filed with the  
18 department as provided in this chapter, shall be confidential and shall  
19 be open to inspection only to personnel of the department for the  
20 purpose of carrying out the provisions of this chapter and to those  
21 authorized in writing by such owner or operator, until the expiration  
22 of a twenty-four month confidential period to begin at the date of  
23 commencement of production or of abandonment of the well or core hole.  
24 After expiration of the twenty-four month confidential period, the  
25 department shall ensure all logs and surveys that may have been run on  
26 the well or core hole are preserved in an electronic data system and  
27 made available to the public.

28 (2) Such records shall in no case, except as provided in this  
29 chapter, be available as evidence in court proceedings. No officer,  
30 employee, or member of the department shall be allowed to give  
31 testimony as to the contents of such records, except as provided in  
32 this chapter for the review of a decision of the department or in any  
33 proceeding initiated for the enforcement of an order of the department,  
34 for the enforcement of a lien created by the enforcement of this

1 chapter, or for use as evidence in criminal proceedings arising out of  
2 such records or the statements upon which they are based.

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