

SENATE BILL REPORT

SB 5684

As Reported by Senate Committee On:
Environment, February 3, 2012

Title: An act relating to water well construction requirements.

Brief Description: Regarding water well construction requirements.

Sponsors: Senators Rockefeller, Fain, Fraser, Shin and Chase.

Brief History:

Committee Activity: Environment: 1/24/12, 2/03/12 [DPS, DNP].

SENATE COMMITTEE ON ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 5684 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Chase, Fraser and Pridemore.

Minority Report: Do not pass.

Signed by Senators Honeyford, Morton and Sheldon.

Staff: Karen Epps (786-7424)

Background: The Washington Well Construction Act (WWCA) governs the design, construction, alteration, and decommissioning of wells in this state. The Department of Ecology (DOE) regulates well design, construction, and maintenance.

Under the WWCA, it is unlawful: (1) to supervise, construct, alter, or decommission a well without complying with all applicable laws and rules; (2) for any person to cause a well to be constructed in violation of the standards for well construction; (3) for a prospective water well owner to have a water well constructed without first obtaining a water right permit, if a permit is required; (4) for any person to construct, alter, or decommission a well unless all required fees have been paid; (5) for a person to tamper with or remove a well identification tag except during well alteration; and (6) for any person to contract to engage in the construction of a well or to act as a well operator without first obtaining a license. Ecology may issue orders and civil penalties for violations of the WWCA.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A property owner or the owner's agent is required to notify DOE of the owner's intent to begin well construction, reconstruction, or decommissioning procedures. This notice must be submitted on forms provided by Ecology at least 72 hours in advance of commencing work.

Summary of Bill (Recommended Substitute): A municipal water supplier with no fewer than 1000 customers may adopt requirements regarding notification of proposed water well construction within the retail service area of the municipal water supplier, specifically requiring that a well driller provide the municipal water supplier with a copy of the notice of intent at least 72 hours in advance of commencing work. A municipal water supplier adopting such requirements must make the requirements known by publication on the supplier's website or by other means readily available to a property owner or owner's agent.

It is unlawful for any person to commence construction of a water well without complying with well construction notification requirements adopted by a municipal water supplier.

EFFECT OF CHANGES MADE BY ENVIRONMENT COMMITTEE (Recommended Substitute): Clarifies that the notification requirements apply to the drilling of a water well.

Appropriation: None.

Fiscal Note: Requested on February 6, 2012.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: There are concerns from some of the municipal water suppliers. The municipal water suppliers need to know where the exempt wells are going in the area where they are supplying water, since it could impact their withdrawals. It is essential for municipal providers to know what is going on with the water resource, especially within their service area or in the service area into which they plan to expand, as required by an urban growth area or as part of their plan. It is important that the property owner have an understanding of what an exempt well can be used for under the exemption. Providing notice to municipal suppliers will improve their planning efforts. It is a step towards encouraging people to hook up to a municipal water supply. That is better water management. This would duplicate the notice that DOE already gets when someone is drilling a well. This bill provides for similar notice to large water purveyors.

CON: Well drilling notifications are already available to water purveyors. DOE has a record of every well drilling notification they receive. Water purveyors do not need legislative authority to receive a copy of this notice. Water purveyors are not required to post their boundaries or include their boundaries on maps or other public documents. State codes are already in place that provide for safeguard to water access and public health.

Persons Testifying: PRO: Steve Lindstrom, Suzanne Skinner, Sno-King Water District Coalition; Evan Sheffels, DOE.

CON: Glen Smith, WA State Groundwater Assn.