

6.32.010 by proceeding under this section.

Passed the House March 12, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 212

[Engrossed House Bill No. 495]

WASHINGTON WATER WELL CONSTRUCTION ACT

AN ACT Relating to ground water wells; providing for the licensing of water well construction operators and for the regulation of water well construction; adding a new chapter to Title 18 RCW; providing penalties; and declaring an effective date.

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

NEW SECTION. Section 1. The legislature declares that the drilling, making or constructing of water wells using the ground water resources within the state is a business and activity of vital interest to the public. In order to protect the public health, welfare, and safety of the people it is necessary that provision be made for the regulation and licensing of water well contractors and operators and for the regulation of water well construction.

NEW SECTION. Sec. 2. As used in this act, unless a different meaning is plainly required by the context:

(1) "Constructing a well" or "construct a well" means and includes boring, digging, drilling, or excavating and installing casing, sheeting, lining or well screens, whether in the installation of a new well or in the alteration of a existing well.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology.

(4) "Examining board" means the board established pursuant to section 9 of this act.

(5) "Ground water" means and includes ground waters as defined in RCW 90.44.035, as now or hereafter amended.

(6) "Operator" means any person, other than a person exempted by section 18 of this act, who is employed by a water well contractor for the control and supervision of the construction of a water well or for the operation of water well construction equipment.

(7) "Water well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the well is for the location, diversion, artificial recharge, or withdrawal of ground water. "Water

well" does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas or other products.

(8) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity engaged in the business of constructing water wells.

NEW SECTION. Sec. 3. It is unlawful:

(1) For any water well contractor to construct a water well for compensation without complying with the licensing provisions of this act;

(2) For any water well contractor to construct a water well for compensation without complying with the rules and regulations for water well construction adopted pursuant to this act;

(3) For any water well construction operator to supervise the construction of a water well without having an operators license as provided in this act.

NEW SECTION. Sec. 4. The department shall have the power:

(1) To issue, deny, suspend or revoke licenses pursuant to the provisions of this act;

(2) To enter upon lands for the purpose of inspecting any water well, drilled or being drilled, at all reasonable times;

(3) To call upon or receive professional or technical advice from any public agency or any person;

(4) To make such rules and regulations governing licensing hereunder and water well construction as may be appropriate to carry out the purposes of this act. Without limiting the generality of the foregoing, the department may in cooperation with the department of social and health services make rules and regulations regarding:

(a) Standards for the construction and maintenance of water wells and their casings;

(b) Methods of sealing artesian wells and water wells to be abandoned or which may contaminate other water resources;

(c) Methods of artificial recharge of ground water bodies and of construction of wells which insure separation of individual water bearing formations;

(d) The manner of conducting and the content of examinations required to be taken by applicants for license hereunder;

(e) Reporting requirements of water well contractors;

(f) Limitations on water well construction in areas identified by the department as requiring intensive control of withdrawals in the interests of sound management of the ground water resource.

NEW SECTION. Sec. 5. In order to enable the state to protect the welfare, health and safety of its citizens, any water well

contractor shall furnish a water well report to the director within thirty days after the completion of the construction or alteration by him of any water well. The director, by regulation, shall prescribe the form of the report and the information to be contained therein.

NEW SECTION. Sec. 6. Notwithstanding and in addition to any other powers granted to the department, whenever it appears to the director, or to an assistant authorized by the director to issue regulatory orders under this section, that a person is violating or is about to violate any of the provisions of this act, the director, or his authorized assistant, may cause a written regulatory order to be served upon said person either personally, or by registered or certified mail delivered to the addressee only with return receipt requested and acknowledged by him. The order shall specify the provision of this act, and if applicable, the rule or regulation adopted pursuant to this act alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. A regulatory order issued hereunder shall become effective immediately upon receipt by the person to whom the order is directed, and shall become final unless review thereof is requested as provided in this act.

NEW SECTION. Sec. 7. Except as provided in section 18 of this act, no person may contract to engage in the construction of a water well and no person may act as an operator without first obtaining a license by applying to the department.

A person shall be qualified to receive a water well construction operators license if he:

- (1) Has made application therefor to the department and has paid to the department an application fee of twenty-five dollars; and
- (2) Has passed a written examination as provided for in section 8 of this act: PROVIDED, That should any applicant establish his illiteracy to the satisfaction of the department, such applicant shall be entitled to an oral examination in lieu of the written examination authorized herein.

Licenses hereunder shall, in order to construct water wells, be exempt from the registration requirements of chapter 18.27 RCW.

NEW SECTION. Sec. 8. The examination, which is made a prerequisite for obtaining a license hereunder, shall be prepared to test knowledge and understanding of the following subjects:

- (1) Washington ground water laws as they relate to well construction;
- (2) Sanitary standards for water well drilling and

construction of water wells;

(3) Types of water well construction;

(4) Drilling tools and equipment;

(5) Underground geology as it relates to water well construction; and

(6) Rules and regulations of the department and the department of social and health services relating to water well construction.

Examinations shall be held at such times and places as may be determined by the department but not later than thirty days after an applicant has filed a completed application with the department. The department shall make a determination of the applicant's qualifications for a license within ten days after the examination.

NEW SECTION. Sec. 9. Examinations hereunder shall be prepared, administered and evaluated by a three member examining board. The director shall accept the examining board's determination with regard to examination results and shall not substitute his judgment in such matter for that of the examining board. The examining board shall be appointed as follows: One member shall be named from the department by the director, one member from the department of social and health services by the secretary, and one member shall be appointed by the governor for a term of two years, expiring on June 30 of each odd-numbered year; the latter being a person other than one employed by the state, actively engaged in water well drilling activities at the time of his appointment. The member appointed by the governor shall serve without compensation, but shall be reimbursed twenty-five dollars per diem for each day or portion thereof he performs services as a board member, and shall be paid his necessary traveling expenses while engaged in the business of the board as prescribed in chapter 43.03 RCW.

NEW SECTION. Sec. 10. The term for the effectiveness of any license issued pursuant to this act shall be one year, commencing on the date the license is issued. Every license shall be renewed annually upon payment of a renewal fee of ten dollars. If a licensee fails to submit an application for renewal, together with the renewal fee, before the end of the effective term of his license, his license shall be suspended for thirty days on notice by the director. If his renewal fee is paid prior to the end of said suspension period, the suspension shall automatically terminate. If during the period of suspension renewal is not completed, his license shall be revoked: PROVIDED, That the director shall give the licensee ten days notice prior to the revocation of any license for failure to renew.

A person whose license is revoked under this section and who thereafter desires to engage in the supervision of construction of water wells must make application for a new license and pay twenty-five dollars as provided in section 7 of this act.

NEW SECTION. Sec. 11. In cases other than those relating to the failure of a licensee to renew a license, any license issued hereunder may be suspended or revoked by the director for any of the following reasons:

(1) For fraud or deception in obtaining the license;

(2) For fraud or deception in reporting under section 5 of this act.

(3) For violating the provisions of this act, or of any lawful rule or regulation of the department or the department of social and health services.

No license shall be suspended for more than six months. No person whose license is revoked shall be eligible to apply for a license for one year from the effective date of the final order of revocation.

NEW SECTION. Sec. 12. Any person with an economic or noneconomic interest may make a complaint against any water well contractor or operator for violating the provisions of this act or any regulations pursuant hereto to the pollution control hearings board established pursuant to chapter 43.21B RCW. The complaint shall be in writing, signed by the complainant, specify the grievances against said licensee and be accompanied by a ten dollar filing fee.

NEW SECTION. Sec. 13. Any person who feels aggrieved by an order of the department issued pursuant to this act shall be entitled to a hearing before the pollution control hearings board upon request. No such request shall be entertained unless it contains the following:

- (1) Requestor's name and address;
- (2) The date of the order for which the request for review is taken;
- (3) A statement of the substance of the order complained of;
- (4) Clear, separate and concise statements of each and every error which the requestor alleges to have been committed by the department;
- (5) Clear and concise statement of facts upon which the requestor relies to sustain his statements of error;
- (6) A statement setting forth the relief sought.

The request shall be delivered to said pollution control hearings board's office in Olympia, Washington, either personally or by registered mail, within thirty days following the rendition of the order sought to be reviewed. All orders issued by the department as to which a hearing has been requested shall be stayed pending the completion of the hearing process and the issuance of a final order by the pollution control hearings board with the exception of regulatory orders issued pursuant to section 6 hereof. Any final

order shall be subject to judicial review in accordance with chapter 43.21B RCW.

The issuance of a regulatory order hereunder, the granting or denial of a license hereunder and the revocation or suspension of a license pursuant to section 11 of this act shall be deemed to be orders for the purposes of this section.

NEW SECTION. Sec. 14. Proceedings authorized by section 13 of this act shall be governed by chapter 43.21B RCW and, to the extent not superseded or modified thereby, by chapter 34.04 RCW.

NEW SECTION. Sec. 15. All receipts realized in the administration of this act shall be paid into the general fund.

NEW SECTION. Sec. 16. Any person who shall violate any provision of this act, shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than two hundred fifty dollars, or imprisonment in a county jail for a term not to exceed thirty days, or both. Criminal prosecutions for violations of this act shall be prosecuted by the prosecuting attorney in the county in which the violation occurred.

NEW SECTION. Sec. 17. The remedies provided for in this act shall be cumulative and nothing herein shall alter, abridge or foreclose alternative actions at common law or in equity or under statutory law, civil or criminal.

NEW SECTION. Sec. 18. No license hereunder shall be required of:

(1) Any individual who personally drills a well on land which is owned or leased by him or in which he has a beneficial interest as a contract purchaser and is used by the individual for farm or noncommercial domestic use only.

(2) Any individual who performs labor or services for a water well contractor in connection with the drilling of a well at the direction and under the supervision and control of a licensed operator.

NEW SECTION. Sec. 19. This act shall be known and may be cited as the "Washington Water Well Construction Act".

NEW SECTION. Sec. 20. This act shall take effect on July 1, 1971.

NEW SECTION. Sec. 21. If any provision of the act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. Sections 1 through 19 of this act shall constitute a new chapter in Title 18 RCW.

Passed the House May 8, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 213

[House Bill No. 451]

CHILD SUPPORT ENFORCEMENT SERVICES

AN ACT Relating to the department of social and health services; authorizing child support enforcement services; and amending section 5, chapter 322, Laws of 1959 as amended by section 3, chapter 206, Laws of 1963 and RCW 74.20.040.

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

Section 1. Section 5, chapter 322, Laws of 1959 as amended by section 3, chapter 206, Laws of 1963 and RCW 74.20.040 are each amended to read as follows:

Whenever the department of public assistance receives an application for public assistance on behalf of a child and it shall appear to the satisfaction of the department that said child has been abandoned by its parents or that the child and one parent have been abandoned by the other parent or that the parent or other person who has a responsibility for the care, support, or maintenance of such child has failed or neglected to give proper care or support to such child, the department shall take appropriate action under the provisions of this chapter, the abandonment or nonsupport statutes, or other appropriate statutes of this state to insure that such parent or other person responsible shall pay for the care, support, or maintenance of said dependent child. ((Such action shall be taken by the department only in those cases where the child is or is about to become a recipient of public assistance.))

The secretary may accept applications for support enforcement services from custodians of minor children who are not recipients of public assistance and may take action as he deems appropriate to establish or enforce child support obligations against the parent or parents of said children. Action may be taken under the provisions of chapter 74.20 RCW, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including administrative remedies, to establish and enforce said child support obligations. The secretary may establish by regulation, such reasonable standards as he deems necessary to limit applications for support enforcement services. Said standards shall take into account the income, property, or other resources already available to support said minor children.