

## WELL DRILLING LICENSE RENEWAL AND ENFORCEMENT ACTIONS

Resource Contact: Coordination and Hydrology Section

Effective Date: 1/25/94

Revised: NEW

References: Chapter 18.104 RCW  
Chapter 43.27A RCW  
Chapter 173-160 WAC  
Chapter 173-162 WAC

Purpose: In accordance with RCW 18.104.100, the Water Resources Program will not renew a well driller's license if there is an outstanding enforcement action against the driller. This document will provide Water Resources Program with procedures for tracking the status of well drilling violations, and making licensing decisions when enforcement actions are outstanding.

1. An enforcement action is outstanding if total payment or regular scheduled payments have not been made toward a civil penalty, or if the directives of an administrative order have not been completed within the required timeframe.
2. The Central Program Enforcement Unit tracks the status of civil penalties, and will notify the regions and the Headquarters Enforcement Coordinator of the status of penalties against well drillers.
3. The Regional Well Drilling Coordinator will notify Headquarters of the status of administrative orders against well drillers by pursuing enforcement actions until completion. Orders of Satisfaction will be issued in a timely manner when a driller completes the directives of an order, (see Ecology's Enforcement Policy). The Order of Satisfaction uses the same docket number as the original order. The Regional Coordinator may write a Memo to File in lieu of an Order of Satisfaction. This is acceptable in the case where an order is open-ended, with no specified timeframe:

Example: "Do not fail to comply with well log requirements in the future."

Copies of the Order of Satisfaction, or Memo, will be routed to the Enforcement Coordinator and to the Central Program Enforcement Unit.

4. The Enforcement Coordinator will track Water Resources enforcement actions against licensed well drillers, and subsequent appeals to the Pollution Control Hearings Board. On a monthly basis, the information will be supplied to the Headquarters Licensing Coordinator.
5. The Licensing Coordinator will review the enforcement status of drillers in the month before license renewal. The license of a driller with outstanding enforcement actions will not be renewed in accordance with RCW 18.104.100. The driller will be notified by certified letter

of the decision to not renew the license. This decision is appealable to the Pollution Control Hearings Board. A conditional license may be granted to enable a driller with a lapsed license to comply with the directives of an order.

6. When the driller is in compliance with the outstanding enforcement action, the license may be renewed upon application by the driller.
7. Special procedures for appeals: If a driller has appealed an enforcement action, and the license is due for renewal during the appeal period, the Licensing Coordinator will renew the license in accordance with RCW 18.104.100. The driller's enforcement status will be reviewed again when the appeal is resolved, and a decision made accordingly.

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**Special Note:** These policies and procedures are used to guide and ensure consistency among water resources program staff in the administration of laws and regulations. These policies and procedures are not formal administrative regulations that have been adopted through a rule-making process. In some cases, the policies may not reflect subsequent changes in statutory law or judicial findings, but they are indicative of the department's practices and interpretations of laws and regulations at the time they are adopted. If you have any questions regarding a policy or procedure, please contact the department.