



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Ecology AO # 06-08

- Permanent Rule
- Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing:
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose:

See attached.

Citation of existing rules affected by this order:

Repealed: Chapter 173-162-140 WAC
 Amended: Chapter 173-160 WAC and Chapter 173-162 WAC
 Suspended: N/A

Statutory authority for adoption: Chapter 18.104 RCW

Other authority : N/A

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 06-17-129 on August 21, 2006
 Describe any changes other than editing from proposed to adopted version:

See attached.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted:

11/21/06

NAME (TYPE OR PRINT)

Jay J Manning

SIGNATURE

TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

NOV 21 2006

TIME 1007 AM/PM AM

WSR 06-23-121

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>1</u>	Amended	<u>9</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>3</u>	Amended	<u>26</u>	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>4</u>	Amended	<u>35</u>	Repealed	<u>1</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>4</u>	Amended	<u>35</u>	Repealed	<u>1</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

PURPOSE:

Ecology was directed by the 2005 legislature to revise the existing well construction and licensing rules. Additionally, Ecology met with the Well Drilling Technical Advisory Group to make other revisions that improve organization and readability, addresses technical issues and other driller concerns, makes the rule easier to understand, and enhances public health and welfare. This rulemaking will adopt these amendments to Chapter 173-160 WAC, Minimum Standards for Construction and Maintenance of Wells and Chapter 173-162, Rules and Regulations Governing the Regulation and Licensing of Well Contractors and Operators.

PERMANENT RULE ONLY (Including Expedited Rule Making):

Describe any changes other than editing from proposed to adopted version:

- In WAC 173-160-171, the term “or building drain” was deleted and a new sentence was added identifying the point from which the siting setback shall be measured.
- In WAC 173-160-271(3)(b), the length of time that a temporary dewatering well can be in place has changed from eighteen months to twelve months.
- In WAC 173-160-271((3)(b)(i), all temporary dewatering wells regardless of depth will have a three foot surface seal.
- In WAC 173-160-271(3)(b)(ii), the citation that “temporary dewatering wells that are installed deeper than twenty-five feet must have a minimum of five feet of surface seal” was deleted.
- In WAC 173-160-371, the phrase “Within a consolidated formation” was added at the beginning for clarity.
- In WAC 173-160-381(1) and WAC 173-160-381(2), the term “drilled” was removed from the beginning of the citation for clarity.
- In WAC 173-160-410(2), the term “geotechnical information” was deleted and replaced with the term “structural properties” to clarify the definition.
- In WAC 173-160-450, a typographical error for the citation of the sealing guidelines was corrected.
- In WAC 173-160-460(1)(a)(iii), the word “or” was added to separate the two decommissioning methods.
- In WAC 173-160-460(2)(b), the requirement of capping a well after it has been decommissioned was deleted.
- In WAC 173-162-030, the term “geotechnical information” was deleted and replaced with the term “structural properties” to clarify the definition.