

SENATE BILL 296

Introduced by Grosfield, et al.

2/02 Introduced
2/02 Referred to Natural Resources
2/02 First Reading
2/02 Fiscal Note Requested
2/08 Fiscal Note Received
2/08 Fiscal Note Printed
2/10 Hearing
2/15 Committee Report--Bill Passed
2/17 2nd Reading Passed
2/18 3rd Reading Passed

Transmitted to House
2/23 Referred to Natural Resources
2/23 First Reading
3/08 Hearing
3/11 Committee Report--Bill Concurred as Amended
3/13 2nd Reading Concur as Amended
Motion Failed

SENATE BILL NO. 296
INTRODUCED BY Groffeld Jazg
BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

6 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE 1992
7 STATE WATER PLAN REQUIRING WATER WELL DRILLERS UNDER CERTAIN
8 CIRCUMSTANCES TO GIVE PRIOR NOTIFICATION OF DRILLING; AND
9 AMENDING SECTION 37-43-202, MCA."

11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because
13 the bill gives the board of water well contractors the
14 authority to adopt administrative rules requiring drillers
15 known to have recently violated well construction standards
16 to report the location of their operations to the department
17 of natural resources and conservation prior to drilling and
18 requiring all drillers, on a rotating basis, to give prior
19 notice of their drilling operations to allow for department
20 inspections. It is the intent of the legislature that the
21 board consistently and diligently enforce well construction
22 standards and that the board adopt administrative rules that
23 enhance management of ground water quantity and quality by
24 allowing for reasonable inspections and proper enforcement
25 of construction standards.

1

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

3 **Section 1.** Section 37-43-202, MCA, is amended to read:

4 "37-43-202. Powers and duties. (1) The board may
5 exercise the authority granted to it by this chapter.

6 (2) The board shall adopt rules and orders to
7 effectuate this chapter.

8 (3) The board shall adopt rules to establish mandatory
9 water well construction standards and enforcement
10 procedures. The standards must address the protection of the
11 drilling site; specifications for casing materials;
12 materials and specifications for well screens; casing
13 perforations; well development procedures; proper sealing
14 and grouting; temporary capping; cleaning and disinfecting;
15 bonds; guaranties; contractors' and drillers'
16 qualifications; tests for yield and drawdown; reporting
17 procedures and requirements for water quality, well logs,
18 location of wells, and information relating to local
19 conditions; well filters; access ports; gravel packing;
20 sampling methods; plumbness and alignment of the hole and
21 casing; well abandonment procedures; and other necessary and
22 appropriate standards.

23 (4) The board shall adopt minimum standards regarding
24 the construction, use, and abandonment of monitoring wells.
25 The standards must be designed to protect the state's ground

1 water resource from degradation by contamination and loss of
 2 hydrostatic pressure. A It is not a violation of the
 3 standards ~~does--not--occur~~ if it can be shown that
 4 noncompliance results in equal or greater protection of the
 5 ground water resource.

6 (5) (a) The board may request the department to inspect
 7 water wells or monitoring wells drilled or being drilled,
 8 ~~and--the--department-has-access-to-these-wells-at-reasonable~~
 9 ~~times.~~

10 (b) (i) The board shall adopt rules requiring all
 11 drillers known to have recently violated construction
 12 standards to report the location of all drilling operations
 13 to the department prior to drilling.

14 (ii) The board shall adopt rules requiring all drillers,
 15 on a rotation basis, to report the location of all drilling
 16 locations to the department prior to drilling.

17 (c) Upon receipt of a report under subsection (5)(b),
 18 the department may have access to the drilling operation at
 19 reasonable times to monitor the drilling operation or to
 20 inspect the well for compliance with construction standards.

21 (6) The board may establish a program for training
 22 apprentices and licensed or prospective water well
 23 contractors, water well drillers, and monitoring well
 24 constructors to more effectively carry out this chapter.

25 (7) The board shall set and enforce standards and rules

1 governing the licensing, registration, and conduct of water
 2 well drillers, water well contractors, and monitoring well
 3 constructors.

4 (8) The board shall set fees commensurate with costs.
 5 The board may establish fees, including but not limited to
 6 fees for application, examination, renewal, reciprocity,
 7 late renewal, and continuing education. Board costs not
 8 related to specific programs may be equitably distributed as
 9 determined by the board. The board shall maintain records
 10 sufficient to support the fees charged for each program
 11 area.

12 (9) The rules of the board must be compiled in printed
 13 form for distribution to interested persons, for which the
 14 department may charge a fee. Sums realized from these sales
 15 must be deposited in the state special revenue fund for the
 16 use of the board.

17 (10) The board shall:

18 (a) authorize the department to issue licenses to
 19 qualified water well contractors, water well drillers, and
 20 monitoring well constructors in this state;

21 (b) cause examinations to be made of applicants for
 22 licenses;

23 (c) deny, revoke, or suspend licenses for good cause,
 24 after notice and opportunity to be heard;

25 (d) reinstate licenses previously revoked when

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1 justification is shown to the satisfaction of the board; and

2 (e) generally perform duties which will carry out this
3 chapter.

4 (11) The board shall pay to the department its share of
5 the assessed costs of the department in administering this
6 chapter."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0296, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: This bill proposes to amend the Board of Water Well Contractors duties (37-43-202, MCA), with the board adopting rules requiring water well drillers known to have violated well construction standards to report the location of their operations to the Department of Natural Resources and Conservation prior to drilling, and requiring all drillers, on a rotating basis, to give prior notice of their drilling operations to allow for unannounced inspections.

ASSUMPTIONS:

1. The Board of Water Well Contractors would adopt rules necessary to comply with the statutory changes.
2. Five pages of administrative rules would need to be published at a cost of \$35 per page. These costs would be absorbed by the current-level budget.
3. Water well license fees are not expected to increase.
4. Allocations of staff time by the Department of Natural Resources and Conservation to inspect well drilling operations would remain unchanged.
5. The Board of Water Well Contractors estimates that the number of construction violations found during field investigations may increase from 2 per year to 4 per year for which the board would incur legal costs. Legal costs have been approximately \$4,000 to \$9,000 per year per case. Each licensed well driller is required to have a performance bond currently set by the board at \$4,000. It may be cashed at the discretion of the board to offset these costs. Net additional cost is estimated at up to \$5,000 per case or \$10,000 per year.

FISCAL IMPACT:

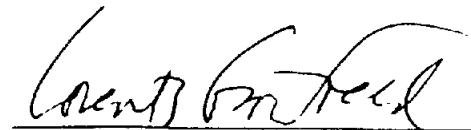
1. Based on the above assumptions, there would be no appreciable fiscal impact to the Department of Natural Resources and Conservation.
2. Funding sources for increased violations legal costs would include the well driller's performance bond and the water well contractors special revenue account.

LONG RANGE IMPACTS: The proposed random inspections may serve as a deterrent, reducing construction standards violations and related costs in the future.

TECHNICAL NOTES: The Board of Water Well Contractors currently has discretionary authority to require notification of drilling locations for well drillers as a disciplinary measure.

 2-6-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-8-93

LORENTS GROSFIELD, PRIMARY SPONSOR DATE

Fiscal Note for SB0296, as introduced

SB 296

APPROVED BY COMM. ON
NATURAL RESOURCES

SENATE BILL NO. 276
INTRODUCED BY Crosfield J. ...
BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

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21 board consistently and diligently enforce well construction
22 standards and that the board adopt administrative rules that
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5 exercise the authority granted to it by this chapter.

6 (2) The board shall adopt rules and orders to
7 effectuate this chapter.

(3) The board shall adopt rules to establish mandatory water well construction standards and enforcement procedures. The standards must address the protection of the drilling site; specifications for casing materials; materials and specifications for well screens; casing perforations; well development procedures; proper sealing and grouting; temporary capping; cleaning and disinfecting; bonds; guaranties; contractors' and drillers' qualifications; tests for yield and drawdown; reporting procedures and requirements for water quality, well logs, location of wells, and information relating to local conditions; well filters; access ports; gravel packing; sampling methods; plumbness and alignment of the hole and casing; well abandonment procedures; and other necessary and appropriate standards.

23 (4) The board shall adopt minimum standards regarding
24 the construction, use, and abandonment of monitoring wells.
25 The standards must be designed to protect the state's ground

1 water resource from degradation by contamination and loss of
 2 hydrostatic pressure. A It is not a violation of the
 3 standards does--not--occur if it can be shown that
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17 (c) Upon receipt of a report under subsection (5)(b),
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 24 after notice and opportunity to be heard;

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1 justification is shown to the satisfaction of the board; and
2 (e) generally perform duties which will carry out this
3 chapter.
4 (11) The board shall pay to the department its share of
5 the assessed costs of the department in administering this
6 chapter."

-End-

1 **Senate** BILL NO. **296**
 2 INTRODUCED BY *Gus Feld* *Jerry* *W. L. ...*
 3 BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES
 4 AND CONSERVATION

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-End-

HOUSE STANDING COMMITTEE REPORT

March 11, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 296 (third reading copy -- blue) be concurred in as amended.

Signed: Dick Knox
Dick Knox, Chair

And, that such amendments read:

Carried by: Rep. Fagg

1. Page 1, lines 17 through 20.

Strike: "and" on line 17 through "inspections" on line 20

2. Page 3, line 9.

Following: "~~times~~"

Insert: ", and the department has access to these wells at reasonable times"

3. Page 3, line 10.

Strike: "(i)"

4. Page 3, lines 14 through 20.

Strike: "(ii)" on line 14 through "standards." on line 20

HOUSE

Committee Vote:
Yes 11 No 4

SB 296
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