



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 343

PRINTERS NO. 2004

PRIME SPONSOR: Miller

COST / (REVENUE)

FUND	FY 2013/14	FY 2014/15
General Fund	\$0	See Fiscal Impact

SUMMARY: House Bill 343, Printer's Number 2004, amends Title 27 (Environmental Resources) to provide for water well construction standards.

ANALYSIS: This bill amends Title 27 (Environmental Resources) to establish minimum standards for water well construction and the decommissioning of abandoned wells.

All water wells shall be constructed by a water well driller in accordance with water well construction standards and all water well owners shall be responsible for decommissioning of abandoned wells. All rules and regulations related to construction and decommissioning shall be promulgated by the Environmental Quality Board with standards as recommended by the National Ground Water Association.

Water wells abandoned after the adoption of the regulations shall be decommissioned within one year following abandonment, and wells abandoned prior to the effective date shall be decommissioned within two years of the adoption of regulations. Counties or municipalities with existing ordinances relating to water well construction or decommissioning standards are exempt from the legislation. The bill also requires drillers to provide the Department of Conservation and Natural Resources (DCNR) with water well completion or decommissioning reports.

The Department of Environmental Protection (DEP) shall enforce penalties and may issue orders related to compliance. Any civil penalties received shall be deposited into the Safe Drinking Water Fund to be used to pay for any administrative costs associated with this program. The department shall post all construction and decommissioning standards, as well as the total amount of fines collected annually, on its publicly accessible Internet website.

The penalties that can be assessed are as follows:

- Construction or decommissioning of a well in violation of the standards shall constitute a summary offense, punishable by a fine of not more than \$1,000 and, in default, imprisonment for no more than 10 days.
- A person previously convicted of a summary offense under the bill who constructs a water well or causes a water well to be constructed in violation of the standards

commits a misdemeanor punishable by fine of not more than \$5,000 and, in default, imprisonment for no more than three months.

- Failure to file a water well completion or decommissioning report shall constitute a summary offense punishable by a fine of not more than \$250 and, in default, imprisonment for no more than 10 days.

The bill also states that nothing shall be construed to allow DEP or DCNR to require a permit of any kind for the construction or decommissioning of water wells; or that the Commonwealth or any municipality or any agency, authority, department or division thereof may meter, charge, tax or otherwise impose a fee for the usage of private water wells.

The legislation shall take effect in two parts upon enactment: standards and penalties take effect upon adoption of regulations and the remainder of the bill shall take effect in 30 days.

FISCAL IMPACT: Enactment of this bill will have no adverse fiscal impact on Commonwealth funds.

It is expected any program costs to address rules and regulations related to construction and decommissioning standards or enforcing such regulations would be covered under the Department of Environmental Protection's existing operations. Also, as established in the act, any civil penalties assessed by the department shall be deposited into the Safe Drinking Water Fund and used to pay for and offset administrative costs associated with this program.

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House Appropriations Committee (R)

DATE: June 26, 2014

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.