

## Joint Data Collection, EPO, Livestock/CAFO, RCIM and Regulatory Meeting on Abandoned Wells

### Charge from Groundwater Management Area Advisory Committee

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#### Working Group Members

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See working group memberships for Data Collection, EPO, Livestock/CAFO, RCIM and Regulatory Framework Working Groups

#### Meetings/Calls Dates

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Meeting: Department of Ecology, 1250 West Alder Street, Union Gap, WA

When: December 5, 2016 from 1:00pm to 3:00 PM

Call: (360) 407-3780 PIN: 387313#

#### Participants

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Jim Davenport (Facilitator for Joint Meeting on Abandoned Wells), Kathleen Rogers, Stu Turner, Vern Redifer, Avery Richardson, David Bowen, Stuart Crane, Joye Redfield-Wilder, Ignacio Marquez, Dan DeGroot, Lisa Freund, Ginny Stern\*, Andres Cervantes\* and Bobbie Brady (Yakima County Support Services).  
\*via telephone

#### Key Discussion Points

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Jim Davenport opened the meeting at 1:04 PM and explained the purpose was to bring various group members together who had expressed an interest in abandoned wells for further discussion and decision making. Jim referenced a document he had prepared and provided entitled "Abandoned Wells per Avery Richardson" which substantively reviewed the discussions of two previous working group meetings and reports made by Avery to each. He added that the notes reflected the groups' brainstorming efforts and no conclusions had been reached.

Avery Richardson affirmed that the Department of Ecology (Ecology) had an electronic summary of known permitted wells since 1972 but the database doesn't correlate original owner to current well owner. Avery indicated that records are by quarter quarter section and each can contain lots of small acreage with 10 to 30 wells in one quarter-quarter section. He also noted that for the most part in Yakima County, dug wells are uncommon because wells can be drilled easily at a relatively low cost due to the accessibility to the aquifer. Therefore, most homes have their own well and each produces more than the average household needs. Avery stated that the cost to decommission a well still impedes the process. Ecology charges the homeowner a \$50 fee (Notice of Intent) per well and the cost for a driller to do the decommissioning is very variable depending on a multitude of factors.. Other issues impede the process as well, e.g., wells may be cut off five feet below land surface and may not be possible to decommission effectively, or wells were built

four to five inches in diameter and can't be cleaned out and decommissioned because equipment doesn't exist to do this anymore.

A member wanted to know what Avery had done to identify decommissioned wells specifically when urban growth areas are incorporated into a city. Avery didn't believe that this was a problem because in his experience cities encouraged people to connect to municipal water systems by paying to decommission their wells. He said that this allowed cities to acquire a tiny water right under city municipal code which allowed them to expand further. After some discussion, the group agreed this might be a newer practice and some cities might not be aware of the law.

As the group's discussion continued the following suggested solutions were made by members regarding abandoned wells in the GWMA:

1. Send out a postcard to 10 percent of the known property owners on record as having a well. The responses could be used to find out how many wells are in use and to cross-reference those that have been decommissioned for data purposes. Avery indicated that many property owners don't know where and how many wells are actually on their land and this endeavor may not produce the desired sampling of results.
2. Compare Google Earth or Yakima County GIS Department images to determine building changes and thus possible well usage changes. The search could focus on a hotspot high density area in the GWMA, perhaps a square mile in size, to provide an informational data base. Once well usage changes had been identified the group would need to "ground truth" their existence. Vern felt this would be possible, but tedious. Avery indicated that previous efforts to do this had produced sparse results. A member suggested that ground truth could be accomplished with ground penetrating radar. Other members were concerned that this equipment would pick up other pipes and noted it worked better on horizontal piping. Avery said that in his experience many of the homes built from 1890 to 1930 had big cisterns (not wells) or water was obtained from irrigation sources or the river. Vern said the County GIS has aerial photos from 1937 that can be overlaid on a screen, turned off and on and viewed but are not high quality.
3. Vern felt that the real question was what could be done practically and pragmatically in the next 12 months – a study or a notation in the legislative report that abandoned wells are a problem in the GWMA that someone should address down the road. Jim Davenport wanted to know if the group felt abandoned wells were a large enough contributor so that it could decide how much money, time and effort should be invested. A member also asked if the group had a responsibility to quantify whether someone else should come along and fix the problem. Ginny Stern believed the group needed to determine the ranking of contribution from abandoned wells and a had duty to become knowledgeable about the resources available to homeowners.
4. A member suggested an educational approach to work with real estate agents and the banking industry so that homeowners disclose wells when a real estate transaction occurred. Concern was voiced that homeowners may not desire to disclose this information as it may cause issues with the sale. There was also some discussion on whether declaring a well abandoned

could be driven by the importance to sustain water rights which ultimately could add value to the property.

5. Ginny Stern noted that poorly abandoned wells have been an issue to the water sources in the State and have affected public health. She agreed that there needed to be an educational/outreach component helping people understand the liability of an ill-secured well. She suggested an effort be made to get property owners to secure and register their wells while offering them a form of protection. Others added that education and outreach could include a call-in hotline to report an abandoned well and to help current property owners keep their wells safe and secure.

6. Avery suggested the group ask the Legislature to make a change in the WAC on decommissioning standards in the GWMA. He explained that the WAC requires the homeowner to go in and clean out what is in the well or fill it with sealant. However, Ecology is allowed to issue a variance in some cases which is, in his opinion, 95 percent as good of a job and reduces the cost of decommissioning a well from \$5,000 to \$500, in some cases. Ecology cannot issue this variance for economic reasons. Avery believed that if the Legislature would allow this, more people would come forward to decommission wells. He felt it would be more effective to have more people do something that is 95 percent effective than it is for less people do something 100 percent effective.

7. Ginny suggested that the group put together a pilot program in order to estimate the size of the problem. She suggested the program educate people so they understand why the GWAC is looking for abandoned wells, the risk of abandoned wells and the liability to each homeowner. Funding for the pilot program could come from the Source Water Protection Program and would help identify the people who have wells that may not be secure or safe (the funding would not help to decommission the wells). A pilot program of this nature would provide the group with informational data that would be useful when a request for funding is made to the legislature. The group could then determine how to decommission these wells.

Vern summarized the above solution suggestions as follows:

1. Education – health risk/etc./liability which could be done now. This should include the drilling community;
2. Investigation – determine the scope of the problem before the group puts anything in the program – aerial photos/land proofing;
3. Legislative or Ecology variance standards. Significant enough problem lessen the standard will get 95 percent of the value; and,
4. Incentive programs because the problem is so significant a state-funded abandonment program in the GWMA would be appropriate.

A member desired to add:

5. Poorly constructed wells. Members pointed out that there is no RCW governing this issue unless it is detrimental to someone else, while there is a specific RCW pertaining to the abandoned well issue and the four solution suggestions noted above. Also, the remedy for a poorly constructed well is to hook up to an alternative water supply or drill a new well. Avery

thought poorly constructed wells were not as big of an issue because they are in the top 20 to 30 feet of depth while a 200 foot well is a bigger issue because nitrates at this depth are far more difficult to remove. Dan DeGroot (Chair of the RCIM Working Group) noted that the risk of contamination from things like onsite sewage systems is very high and the GWMA is not supposed to distinguish between various groundwater supplies, either they are polluted or not. While it may be easier to “clean-up” shallow aquifers people are still at risk.

Vern reminded the group that the GWAC would be reviewing its budget at the next meeting (December 15) and since some of the items on the group’s list would require funding the group needed to resolve the issue now. He also agreed that the Legislature will want data to support the GWMA’s requests. Ginny added that the money available through the Source Water Protection Program is federal money and on a different cycle than State legislative funding. The group could ask for funding based on the fact that there are public water systems in areas with high nitrates in the GWMA and the impact abandoned wells would have on the aquifer that supplies these public water systems. A search for abandoned wells in these areas would therefore help identify a contributor to the problem and thus help out numerous public water systems.

The group agreed that Vern should recommend the following to the GWAC:

1. Education - to begin immediately.
2. Pursuit of Ginny’s Source Water Protection Fund for hot spot areas near public water systems in Sunnyside, Outlook, Buena, Mabton and Fairview. If the work can get done in time then the group can develop the other strategies for the program. Otherwise the group will have to tell the Legislature that this needs more investigation but we know it’s a problem.

### **Resources Requested**

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### **Recommendations for GWAC**

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### **Deliverables/Products Status**

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### **Proposed Next Steps**

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