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ENGROSSED SUBSTITUTE SENATE BILL 5470

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AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

**State of Washington**                      **65th Legislature**                      **2017 Regular Session**

**By** Senate Energy, Environment & Telecommunications (originally sponsored by Senators Brown, Hobbs, Rivers, Becker, Takko, Ericksen, Honeyford, and Schoesler)

READ FIRST TIME 02/10/17.

1            AN ACT Relating to advancing the development of renewable energy  
2 by improving the permitting process for geothermal resources  
3 exploration; and amending RCW 78.60.010, 78.60.070, and 78.60.120.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 78.60.010 and 1974 ex.s. c 43 s 1 are each amended  
6 to read as follows:

7            The public has a direct interest in the safe, orderly, and nearly  
8 pollution-free development of the geothermal resources of the state,  
9 as ((hereinafter in RCW 79.76.030(1))) defined in RCW 78.60.030. The  
10 legislature hereby declares that it is in the best interests of the  
11 state to further the development of geothermal resources for the  
12 benefit of all of the citizens of the state while at the same time  
13 fully providing for the protection of the environment. The  
14 development of geothermal resources shall be so conducted as to  
15 protect the rights of landowners, other owners of interests therein,  
16 and the general public. In providing for such development, it is the  
17 purpose of this chapter to provide for the orderly exploration, safe  
18 drilling, production, and proper abandonment of geothermal resources  
19 in the state of Washington.

1       **Sec. 2.** RCW 78.60.070 and 2007 c 338 s 1 are each amended to  
2 read as follows:

3       (1) Any person proposing to drill a well or redrill an abandoned  
4 well for geothermal resources shall file with the department a  
5 written application for a permit to commence such drilling or  
6 redrilling on a form prescribed by the department accompanied by a  
7 permit fee of two hundred dollars. The department shall forward a  
8 duplicate copy to the department of ecology within ten days of  
9 filing.

10       (2) Upon receipt of a proper application relating to drilling or  
11 redrilling the department shall set a date, time, and place for a  
12 public hearing on the application(~~(, which hearing shall be in the~~  
13 ~~county in which the drilling or redrilling is proposed to be made,~~  
14 ~~and shall instruct the applicant to publish notices of such~~  
15 ~~application and hearing by such means and within such time as the~~  
16 ~~department shall prescribe. The department shall require that the~~  
17 ~~notice so prescribed shall be published twice in a newspaper of~~  
18 ~~general circulation within the county in which the drilling or~~  
19 ~~redrilling is proposed to be made and in such other appropriate~~  
20 ~~information media as the department may direct)). The public hearing  
21 on the drilling application shall be in the county in which the  
22 drilling or redrilling is proposed to be made.~~

23       (3) Any person proposing to drill a core hole for the purpose of  
24 gathering geothermal data, including but not restricted to heat flow,  
25 temperature gradients, and rock conductivity, shall be required to  
26 obtain a single permit (~~(for each))~~ covering all core holes according  
27 to subsection (1) of this section, including a single permit fee  
28 (~~(for each core hole, but no notice need be published, and no hearing~~  
29 ~~need be held. Such core holes that penetrate more than seven hundred~~  
30 ~~and fifty feet into bedrock shall be deemed geothermal test wells and~~  
31 ~~subject to the payment of a permit fee and to the requirement in~~  
32 ~~subsection (2) of this section for public notices and hearing. In the~~  
33 ~~event geothermal energy is discovered in a core hole, the hole shall~~  
34 ~~be deemed a geothermal well and subject to the permit fee, notices,~~  
35 ~~and hearing)). Such core holes as described by this subsection are  
36 not required to be the subject of a public hearing but are subject to  
37 all other provisions of this chapter, including a bond or other  
38 security as specified in RCW 78.60.130.~~

39       (4) All moneys paid to the department under this section shall be  
40 deposited with the state treasurer for credit to the general fund.

1       **Sec. 3.** RCW 78.60.120 and 1974 ex.s. c 43 s 12 are each amended  
2 to read as follows:

3       (1) Before any operation to plug and abandon or suspend the  
4 operation of any well is commenced, the owner or operator shall  
5 submit in writing a notification of abandonment or suspension of  
6 operations to the department for approval. No operation to abandon or  
7 suspend the operation of a well shall commence without approval by  
8 the department. The department shall respond to such notification in  
9 writing within ten working days following receipt of the  
10 notification.

11       (2) Failure to abandon or suspend operations in accordance with  
12 the method approved by the department shall constitute a violation of  
13 this chapter, and the department shall take appropriate action under  
14 the provisions of RCW (~~(79.76.270)~~) 78.60.270.

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