Minutes of the
Arkansas Water Well Construction Commission Meeting
April 5, 2013

The regular meeting of the Arkansas Water Well Construction Commission was held on April 5, 2013 at 9:00 AM in the Arkansas River Room at Arkansas Natural Resources Commission, 101 East Capitol, Suite 350, Little Rock, Arkansas.

Commissioners in attendance: Chairman Gilbert, Vice Chairman McDermott, Commissioners Pender, Washington, Hunt and Randy Young, Executive Director.

Arkansas Natural Resources Commission staff in attendance included: Edward Swaim, Chief of Water Resources Management Division; Crystal Phelps, General Counsel; Deanna Ray, Associate General Counsel; Jessica Wallace, ANRC Administrative Services Manager; Todd Fugitt, ANRC Geology Supervisor, Jacob Harvey, Water Well Inspector; Perry Dotson, Water Well Inspector; Jackie Broach, Ground-Water Administrative Analyst and Carla Broach, Legal Administrative Specialist III. Also present were Kenny Burson with Excel Water Well Drilling Company; Donald Ivy with Excel Water Well Drilling Company; Brandon Waters with May Water Services; Cody McMullen with May Water Services; Everett Burge with Layne Arkansas; Doug Waters with May Water Services; Casey Harrison, Well Owner; Jack Coe with Jack Coe Drilling; Robert May with May Water Service; and Peggy Johnson, Hearing Officer.

Chairman Gilbert called the regular meeting of the Arkansas Water Well Commission to order.

Approval of Minutes:

Chairman Gilbert presented the February 1, 2013 Minutes. Motion was made by Executive Secretary Randy Young to approve the Minutes as presented and was seconded by Commissioner McDermott. Motion carried.

Executive Secretary's Report:

Executive Secretary Young greeted everyone and asked Ms. Jessica Wallace to present the Financial Report.

Financial Report:

Jessica Wallace, Administrative Services Manager, presented the monthly financial report ending March 31, 2013. She reported Total Revenue of $187,704.31, Total Expenses of $111,393.33, YTD Net Revenue of $76,310.98, and stated that we were on track with the previous year. She reported Total Balance in fund of $321.572.78.

There were no questions, and the Financial Report was approved.

Legal:

Associate General Counsel, Deanna Ray provided commissioners with a copy of a Memorandum she had provided to Randy Young, Executive Director of ANRC, summarizing Hardship Waivers and Apprenticeship Requirements according to Arkansas Law and Rules and Regulations. There have been questions regarding Waivers and Apprenticeship Requirements in the past and thought the Memorandum would answer any and all questions that have been raised concerning the waivers and requirements.

Associate General Counsel Ray noted that Kenny Burson and Donald Ivy were present at the AWWCC meeting in response to a request to appear before the commission regarding a waiver for Kenny Burson to act as Supervisor for Mr. Donald Ivy during his apprenticeship. After questions and answers with Mr. Burson regarding the request for waiver, Commissioner Washington made a motion to approve the waiver request and was seconded by Executive Secretary Young. Motion carried.

Associate General Counsel Ray then presented the May/Coe Hearing to the Commission. She also noted that Commissioner Ernest Pender has recused himself from this case. Peggy Johnson, Hearing Officer, then presented the May/Coe case to the Commission. The issue at hand is that a well was dug for Mr. Casey Harrison by May Water Services, but the pump was installed by Jack Coe of Jack Coe Drilling and the well is pumping a lot of sand. After witness testimony from Brandon Waters and Cody McMullen of May Water Services and Jack Coe, of Jack Coe Drilling, as well as testimony from Mr. Everett Burge of Layne Arkansas, Perry Dotson and Jackie Broach with ANRC, deliberations were held by the Commission. After deliberation, Executive Secretary Young stated the Commission could not find enough evidence that pointed to anyone in particular but that all three parties involved have responsibility in this. He stated that a property owner can do his own work, but that it must be done to state code and made a motion that a Letter of Caution be sent to all three parties explaining the nature of the violations and a reminder to each one to never conduct business without a signed contract. Commissioner Washington seconded the motion. Motion approved.

Associate General Counsel Ray then presented the Jack Coe/Coe Drilling Case. Associate General Counsel Ray cited Violation Codes 17-50-104A and 17-50-104B in regards to filing of construction reports. After presenting evidence and testimony from Perry Dotson and Jackie Broach, Associate General Counsel Ray recommended to the commission that Mr. Coe be fined in the amount of $2500.00 for failure to file a construction report on the afore-mentioned May Case. She noted that Mr. Coe has been fined for repeat violations of failure to file construction reports and other violations. Executive Secretary Young made a motion that Mr. Coe be fined the amount of $2500.00 recommended by Legal counsel. Commissioner McDermott seconded and motion carried.

Consideration of Applicants:

Jackie Broach presented the following applicants for Commission approval:

- County Health Office Visits (6)
- Training/ WW Database(2)
- Testing (4)
- Anonymous calls on unlicensed contractors (0)
- Answering Phone calls & emails
- 2012 Contractors entering well reports(34)
- 2012 Well Reports entered by Contractors (1,084)
- 2012 Well Reports entered by WW Staff (968)

2012 Total Well Reports entered (2052)

Inspectors Report approved.

Other Business:

Chairman Gilbert asked for the report from the committee on How To Improve Public Recognition. Commissioner McDermott, Chairman of the committee, asked staff to recommend an Advertising Agency so that the committee can obtain information on the best method of advertisement and can also recommend a budget. Executive secretary Young asked ANRC Administrative Services Manager, Jessica Wallace, to advise. Mrs. Wallace responded that anything over $5,000.00 they must procure three bids and anything over $25,000.00 must have legislative review. Commissioner McDermott responded that the committee was not sure of an amount and noted that is why they would like to get an Advertising Agency to help.

Chairman Gilbert then asked for the report from the Rules, Regulations and Fees Committee. Commissioner Washington, Chairman of the committee, stated that the committee needed to meet again before any suggestions or comments can be made.

Meeting adjourned.

J. Randy Young, P.E.
Executive Secretary

6-11-13
Date

STATUS OF THOSE ALREADY APPROVED

	EMPLOYER NAME	EXAM
Michael D. Wright	Geothermal Advantage	(D) Passed
Robert L. Morgan	Great Southern Engineering, Inc.	(D) Passed

NEW DRILLER APPLICANT

	EMPLOYER NAME	CITY/STATE
Anthony E. Smith	NEA Well Service	Paragould, AR
James B. Meins	Hagger Well Service	Brinkley, AR

Commissioner Washington made a motion to approve these applicants, seconded by Commissioner McDermott. Motion carried

NEW PUMP INSTALLER APPLICANT

	EMPLOYER NAME	CITY/STATE
James B. Meins	Hagger Well Service	Brinkley, AR
Ryan C. Huston	Huston's Pump Service	Anderson, MO

Commissioner Young made a motion to approve these applicants, seconded by Commissioner Washington. Motion carried.

NEW DRILLER APPRENTICE APPLICANT

	EMPLOYER NAME	CITY/STATE
Larry H. Burrow	Pender Water Wells, Inc.	Texarkana, Ar
Cody A. Norwood	Elder Drilling & Supply, Inc.	Carlisle, AR
Dale C. Brainard	Elder Drilling & Supply, Inc.	Carlisle, AR

Commissioner Washington made a motion to approve these applicants, seconded by Commissioner McDermott. Motion carried.

NEW PUMP INSTALLER APPRENTICE APPLICANT

	EMPLOYER NAME	CITY/STATE
Robert Dunn	Cart Well Company, Inc.	Weiner, AR
Randle L. Nofzinger	Nofzinger Well Repair	Hunter, AR
Cody A. Norwood	Elder Drilling & Supply, Inc.	Carlisle, AR
Jeremy M. Youngblood	Elder Drilling & Supply, Inc.	Carlisle, Ar
Dale C. Brainard	Elder Drilling & Supply, Inc.	Carlisle, AR
Winston E. Whitted	Abbott Supply Company, Inc.	McGehee, Ar
Michael D. Haynes	Abbott Supply Company, Inc.	McGehee, Ar
John Gray	Pender Water Wells	Texarkana, AR

Commissioner Washington made a motion to approve these applicants, seconded by Commissioner Young. Motion carried.

Inspectors Report

- Entered 55 well reports
- Investigation of Illegal Drilling and Pump Installers (2)
- Contractor Visits (19)