

**Minutes of the  
Arkansas Water Well Construction Commission Meeting  
August 12, 2011**

The regular meeting of the Arkansas Water Well Construction Commission was held in conjunction with the AWWCA Annual Summer Meeting on Friday, August 12, 2011 at 1:00 PM, in the Palisades Room of the Doubletree Hotel, 424 W. Markham Street, Little Rock, AR.

Commissioners in attendance: Chairman Pender, Vice Chairman Gilbert, Commissioners McDermott, Hart, Washington, Walden, and Deputy Director, Jon Sweeney, who filled in for 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 Dorrough, Associate General Counsel; Cynthia Bearden, ANRC Agency Controller; Todd Fugitt, ANRC Geology Supervisor; Perry Dotson, Water Well Inspector; Raymond Englerth, Water Well Inspector; and Jackie Broach, Ground-Water Administrative Specialist III.

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

**Recognition of Guests:** Chairman Pender welcomed the Arkansas Water Well Contractors Association (AWWCA) to the Commission Meeting, and had each Commissioner introduce himself to the members of the AWWCA.

**Approval of Minutes:**

Chairman Pender presented the June 3, 2011 Minutes. Motion was made by Commissioner McDermott to approve and Commissioner Washington seconded. Motion carried.

**Executive Secretary's Report:**

Deputy Director Sweeney introduced Raymond Englerth as the new ANRC Water Well Inspector, replacing Michael Ritchey. Mr. Sweeney also noted that Mr. Englerth is a Registered Professional Geologist. Todd Fugitt reported that Mr. Englerth has been familiarizing himself with the construction report database and will be visiting each registered water well contractor, driller and pump installer in Arkansas.

Mr. Fugitt reported that the license renewal period was drawing to a close. He reported that July 31 is the deadline to renew, but the month of August is a grace period for renewal without having to pay a penalty. He noted that out of 208 registered Contractors and independent Drillers and Pump Installers, 88 have not yet renewed and encouraged those to do so before the grace period ends August 31, 2011.

Mr. Fugitt then reported that the Enforcement Committee, as directed by the Commission, asked Mr. Fugitt and Mr. Englerth to meet with the Health Department and the Environment Health Specialists (EHS) regarding enforcement activities. Mr. Fugitt and Mr. Englerth met with them on July 13, 2011 and reported that there is at least one EHS in every county, and asked their assistance in providing information on what is going on in their county

regarding water well drilling and development of water resources. Mr. Fugitt presented a rig permit decal that must be displayed on any rig operating in the State of Arkansas and asked for their assistance in providing information on where development is taking place, who is doing the drilling in the county, and if they see or know of any rigs that they have not seen before, and do not have the rig permit displayed. He asked that if they do not see a rig permit displayed to report it to either Inspector Dotson or Englerth.

Mr. Fugitt also stated that it was brought to his attention in the meeting with the Department of Health, that there are some wells in Northwest Arkansas that may not have been abandoned properly. He stated that sometimes a well is abandoned before either of the two Inspectors could get to it, and that this issue would be addressed at a later meeting. He stated that the agency has a very good working relationship with the Health Department, Commissioner Hart and Terry Paul, who is employed by the Health Department, and the EHS, and thanked them for all their assistance.

Commissioner Washington stated that he had received a call from a designated representative asking if a registered well driller was the only one who could abandon a well and that he responded that was correct. The designated representative stated that the EHS he had spoken with were not aware of that and thought the septic installers or homeowners were the ones who could abandon the wells. Mr. Fugitt stated that this issue was discussed during the meeting with the Health Department EHS, and he responded that well abandonment had to be done by a licensed water well contractor, driller, pump installer, or the property owner. He stated that a property owner could drill his own well or abandon his own well, as long as it is done up to standard. He asked that if anyone says anything contrary to this, to please let either of the Inspectors know who you talked to and AWWCC will correct that with them, and he reiterated that all the EHS were given this information in their meeting with them.

Commissioner Pender stated that it should be noted that if a property owner abandoned a well, they are obligated to meet the same standards as a water well contractor.

Commissioner Hart stated that the question is occasionally asked of the EHS on the proper distance between a septic tank and a well, and that they sometimes weren't installed according to where each was marked. Mr. Fugitt responded that the regulations state that if the well goes in first, that the septic installer is to respect that, and if the septic tank is installed first, that the contractor is supposed to respect that. Commissioner Pender responded that there should be an engineered plat and that both water well contractors and septic installers should consult the plat before doing any work, and that the engineered plat should be respected. Mr. Sweeney suggested that AWWCC look at the law and see if regulations can clarify the issue of responsibility for compliance in this issue. Mr. Fugitt thanked everyone for their input and stated that there would be further discussion at a later time and he would report the findings.

Mr. Fugitt also reminded the contractors to turn in their CEU's for the year. He stated that a copy of their certificates would be sufficient. He also reminded everyone to use the online reporting for their construction reports, and if they had any questions or problems to call the office and let Jackie Broach know, or they can let an Inspector know. He stated they can also contact Barry Jackson of USGS.

**Financial Report:**

Cynthia Bearden, ANRC Agency Controller, reported the total revenue as of June 30, 2011, which is also fiscal year end, is \$185,000.00, which exceeded what was projected to take in as revenue. Expenses were \$148,000.00, which is less than budgeted. She stated that the Commission actually received more than what was expended, leaving an excess revenue over expenses of \$36,989.00, which makes our cash and our investment of \$168,444.11. She stated that we had a very good financial year.

Financial Report was approved.

**Legal:**

Crystal Phelps introduced Deanna Dorrough, our new Associate General Counsel. She reported that Ms. Dorrough has been practicing law for three years at Wilson and Associates and is very well versed in Bankruptcy, Foreclosure and Title Insurance law. She obtained an Environmental Sciences degree from Baylor University and has some knowledge of aquifers and how groundwater travels, and obtained a law degree from the University of Arkansas at Little Rock. Everyone welcomed her to the Commission.

**Consideration of Applicants:**

Todd Fugitt presented the following applicants for Commission approval:

**NEW DRILLER APPRENTICE APPLICANT**

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Mike Milton	Arkansas Well Supply, Inc.	McCrory, AR
Willie L. Green	Arkansas Well Supply, Inc.	McCrory, AR
Joshua D. Voyles	Arkansas Well Supply, Inc.	McCrory, AR

**NEW PUMP INSTALLER APPRENTICE APPLICANT**

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Mike Milton	Arkansas Well Supply, Inc.	McCrory, AR
Willie L. Green	Arkansas Well Supply, Inc.	McCrory, AR
Joshua D. Voyles	Arkansas Well Supply, Inc.	McCrory, AR

A motion was made by Commissioner Walden to accept the Apprentice applicants, seconded by Commissioner Hart. Motion carried.

**NEW DRILLER APPLICANT**

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Brian K. Campbell	Campbell Well Drilling, Inc.	McKenzie, TN
Richard G. Moore	Environmental Loop Service	Tulsa, OK
Bruce H. Trimble	Sunbelt Environmental Services	Springfield, MO
Ronald R. Willis	Environmental Loop Service	Tulsa, OK
Doyan Booth	Booth Drilling Company	Hollister, MO

**NEW PUMP INSTALLER APPLICANT**

	<b><u>EMPLOYER NAME</u></b>	<b><u>CITY/STATE</u></b>
Brian K. Campbell	Campbell Well Drilling, Inc.	McKenzie, TN

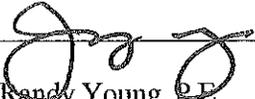
A motion was made by Mr. Sweeney to accept the Driller and Pump Installer applicants, seconded by Commissioner Walden. Motion carried.

**Inspector's Report - August 12, 2011:**

- Entering Well Reports (125)
- Answering Phone Questions
- Investigation of Illegal Drilling and Pump Installers (2)-Madison Co., Miller Co.
- Inspections (3) Baxter Co., Garland Co., Arkansas Co.
- Contractor Visits (3) Baxter Co., Madison Co.
- Water Level Measurements
- County Health Office Visits (2) Ozark, Madison

**Other Business:**

Meeting was adjourned.

  
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J. Randy Young, P.E.  
Executive Secretary

10-10-11

Date