

**Minutes of the  
Arkansas Water Well Construction Commission Meeting  
August 2, 2013**

The regular meeting of the Arkansas Water Well Construction Commission was held on August 2, 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: Vice Chairman McDermott, Commissioners Pender, Hunt, Jones, Washington, and Randy Young, Executive Director of ANRC.

Arkansas Natural Resources Commission staff in attendance included: Edward Swaim, Chief of Water Resources Management Division; Cynthia Bearden, ANRC Controller; Crystal Phelps, General Counsel; Todd Fugitt, ANRC Geology Supervisor, Jacob Harvey, Water Well Inspector; Jackie Broach, Ground-Water Administrative Analyst, and Quinn Baber, Summer Tech help.

Vice-Chairman McDermott called the regular meeting of the Arkansas Water Well Commission to order.

**Approval of Minutes:**

Vice-Chairman McDermott presented the June 7, 2013 Minutes. Motion was made by Commissioner Washington to approve the Minutes as presented and was seconded by Commissioner Jones. Motion carried.

**Executive Secretary's Report:**

Executive Secretary noted that the Water Plan fact sheet was included in Commissioner and staff folders for their perusal. He then asked Ms. Cynthia Bearden to present the Financial Report.

**Financial Report:**

Cynthia Bearden, ANRC Controller, presented the monthly financial report ending June 30, 2013. She reported Total Revenue of \$195,075.22, Total Expenses of \$164,280.77 and YTD Net Revenue of \$30,794.45, leaving a Total Fund Balance of \$276,056.25. Ms. Bearden stated that increasing the licensing and registration fees a few years past has paid off and that AWWCC is now taking in more than they were spending.

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

Executive Secretary Young asked Mr. Todd Fugitt to give an update on the Arkansas Water Plan. Mr. Fugitt directed attention to information in their folders regarding the Water Plan and noted that that we are half way through the 2 year Water Plan. He noted the Newsletter and the ANRC website were a good way to keep updated

on the projects related to the Water Plan. He stated that as of the last public hearing, over 500 people had attended those hearings. He stated that there were good discussions at all of the meetings and good information was being exchanged as well as the updates given. He also reported that the next phase of the Water Plan would be the issues and recommendations phase.

Executive Secretary Young brought up the AWWCC Public Outreach plan and if there was money available for advertising and what the process was for bidding and getting an ad agency to provide the advertising. Ms. Cynthia Bearden, Agency Controller, responded that there were monies available and that she would have Ms. Jessica Wallace, ANRC Administrative Services Manager, to research it and report back to the Commission at the next meeting.

**Legal:**

There were no legal issues on the Agenda for discussion.

**Consideration of Applicants:**

Jackie Broach presented the following applicants for Commission approval:

**STATUS OF THOSE ALREADY APPROVED**

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
None		

**NEW DRILLER APPLICANT**

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Jeffrey L. Mross	Rice Well Company	Harrisburg, AR

**NEW PUMP INSTALLER APPLICANT**

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
None		

**NEW DRILLER APPRENTICE APPLICANT**

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Logan M. Scherm	Layne Christensen Company	Stuttgart, AR
Caleb W. Smith	Layne Christensen Company	Stuttgart, AR
Robert R. Baxter	Layne Christensen Company	Stuttgart, AR
Steven W. Hill	W.E. Pender & Sons	Texarkana, AR

Commissioner Washington made a motion to approve applicants as presented, seconded by Commissioner Hunt. Motion carried.

**NEW PUMP INSTALLER APPRENTICE APPLICANT**

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Thomas G. Tower	Layne Christensen Company	Stuttgart, AR
Jeffery T. Kirkdoffer	Layne Christensen Company	Stuttgart, AR
Stephen R. Dumond	Layne Christensen Company	Stuttgart, AR
Logan M. Scherm	Layne Christensen Company	Stuttgart, AR

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Commissioner Pender made a motion to approve applicants as presented, seconded by Commissioner Washington. Motion carried.

### **Inspector's Report**

- Entered 432 well reports
- Investigation of Illegal Drilling and Pump Installers (6)
- Unfit Well Inspections (2)
- Contractor Visits (10)
- County Health Office Visits (6)
- Training/ WW Database (5)
- Anonymous calls on unlicensed contractors (0)
- Answering Phone calls & emails
- Water Level Measurements
- Well Abandonment Inspections (2)

Mr. Jacob Harvey stated that illegal drilling and pump installation activities, as well as drilling and installation standards violations will be processed according to AWWCC operating procedures. Provisional orders are often issued through legal staff, but all cases involving unlicensed contractors, drillers, and pump installers will be brought before the AWWCC in the form of an administrative hearing. Details of some potential cases are not appropriate for discussion with this report, as a hearing may be required.

Commissioner Pender asked Mr. Harvey if any illegal operators were found to be in operation and Mr. Harvey responded there were none.

Inspectors Report approved.

### **Other Business:**

Commissioner Mike McDermott, Chairman of the Public Outreach Committee reported that the committee would like ANRC staff to come up with ideas for wording of advertisements for billboards and also what areas would be best for the billboards. Executive Secretary Young responded that Mr. Todd Fugitt, ANRC Geology Supervisor would help staff put together graph for areas to choose and with the advertisements. Mr. McDermott stated that the committee has not come up with a budget, but since monies are available, they project spending \$10,000.0 to \$15,000.00, at the least.

Commissioner David Washington, Chairman of the Rules, Regs and Fees Committee reported to the commission on the following:

1. Asked Legal staff if Pump Installation reporting can be dropped. General Counsel Crystal Phelps asked if they wanted the rules revised or amended to take them out of the rules and regulations. Executive Secretary Young

advised that they rules should be changed and that Mr. Todd Fugitt and Legal would get it worked out and report back.

2. If there should be any changes to requirements for registration of drilling Geothermal Wells
3. Do violators keep their license after violations and if so, are they eligible to be a Supervisor, and how long must they wait after paying their fines before being eligible to be a Supervisor. General Counsel Crystal Phelps asked the commission stand on contractors that are fined, and if fines not paid, can they renew their license. Mr. Todd Fugitt responded that around 1996, the commission made the decision that they did want to keep them licensed, even if they did owe fines, so that they could be monitored. Commissioners Pender and Washington both expressed that violators should not be licensed if fines not paid, or are meeting a payment schedule to pay them. Commissioner McDermott responded that they should request to appear before the commission to appeal if they are not paying their fines. Executive Secretary Young advised further discussion about licensing contractors who have not paid their fines.
4. Advised that the Commission should take a general look at hardship options.

Commissioner McDermott asked that all commissioners appear at the next Rules, Regs and Fees Committee Meeting to discuss these issues.

Meeting adjourned.

  
fo J. Randy Young, P.E.  
Executive Secretary

10-21-13  
Date