Minutes of the
Arkansas Water Well Construction Commission Meeting
February1, 2013

The regular meeting of the Arkansas Water Well Construction Commission was held on February 1, 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, Jones, and Randy Young, Executive Director.

Arkansas Natural Resources Commission staff in attendance included: Edward Swaim, Chief of Water Resources Management Division; 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; and Jackie Broach, Ground-Water Administrative Analyst. Also present were Mr. and Mrs. Donald Ivy and Mr. and Mrs. Robin Munzner.

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

Approval of Minutes:

Chairman Gilbert presented the December 14, 2012 Minutes. Motion was made by Vice-Chairman McDermott to approve the Minutes as presented and was seconded by Commissioner Washington. Motion carried.

Executive Secretary's Report:

Commissioner Young reported that the Bill drafted to amend a portion of the Apprenticeship Training to remove obsolete language has not been introduced yet in legislation, but will provide a copy of it to the Commission when it is, and encouraged the commission to call their Senators and Representatives in support of this Bill.

Commissioner Young asked Todd Fugitt, ANRC Geology Supervisor, to report on the AWWCC Reception held at the AWWCA Meeting in January in Hot Springs. Mr. Fugitt stated that he had received a letter from Mr. Jerry Sollis, President of the AWWCA, stating that it would benefit the Commission to take advantage of communication between the Commission and the AWWCA. He further stated that the AWWCA would invite the Commission back in 2014 to their two annual meetings that are usually held in January and August. Mr. Sollis stated that it was the consensus of the membership that the Commission attend these meetings and they feel that a lot of good comes out of the joint meetings. Mr. Sollis also wanted to express thanks from the AWWCA for the Reception held by the Commission at the January meeting and felt that it was a great success. Chairman Gilbert responded that the AWWCC Reception was a success and was appreciated by all. Commissioner Washington expressed that he, too,

thought the Reception was a success and that as a member of the AWWCA Board, that the AWWCA does want to have the AWWCC back at their meetings.

Mr. Todd Fugitt, ANRC Geology Supervisor, brought up past discussion regarding CEU's and how it works. He stated that a few years ago there was discussion how CEU's came about and if they were called credits or hours. He stated that they are hours and that when they are turned in at renewal time, the staff looks for (6) hours of instruction or training. He stated that the AWWCA does not approve the courses for obtaining the CEU's, but that it came under the authority of the ANRC Director and that he stated that they would be done on the honor system, and trust that the contractor's would take the proper courses. He stated that they are checked when they are turned in and every course that has been turned in to date has been work related, safety related, and business related.

Commissioner Washington asked if the CEU is called a unit or an hour, and then asked Commissioner Pender how Texas classified their CEU's, units or hours. Commissioner Pender responded that they are hours and their courses are done on a pre-approved basis and that if you took a course that was not pre-approved, then you did not receive credit for it. Commissioner Washington asked if there were any specifications on if they were called units or hours and Chairman Gilbert responded that there was no specification. Commissioner Pender responded that most of them are specified as hours. Commissioner Washington stated that Missouri specified theirs as hours and asked if the Commission needed to address changing the term from units to hours. Commissioner Young responded that the staff would contact Missouri to come up with a resolution on the term of units or hours and would report back to the Commission.

Mr. Todd Fugitt also stated that it has been brought up, and supported by the AWWCA, that as an incentive, everyone that uses the online Construction Reporting be given (1) hour of credit and a (1) time (1) hour of credit for Jacob Harvey or Perry Dotson doing onsite training on how to enter the construction reports online. He stated that we were going to implement this unless ANRC Director Young states otherwise. Commissioner Young asked Todd to define what (1) time means. Mr. Fugitt stated that the training would just be (1) time, unless there was a personnel change. The incentive for doing online reporting would be for every year they would receive (1) credit for some length of time and at some point in time, if they were all being done online and there were no problems, then it would come back before the Commission as to whether to continue or discontinue the credit. Commissioner Pender felt that the credit for online reporting be given a shelf life and that at the end of that shelf life, that online reporting would be the only way to turn in a construction report. Vice-Chairman McDermott stated that he assumed that eventually the paper report would be eliminated and that the only way to turn in a construction report would be online. Commissioner Pender stated that would be desirable and also asked that the formation description on the construction report be expanded as there was not enough space given for reporting. Commissioner Washington responded that this was brought up at an AWWCA Meeting, and that especially for hard rock formation, there was not enough space given for description of the different formations and did not allow the option to add any. Commissioner Young

asked who developed the software for us. Mr. Fugitt stated that USGS did and thought that they could modify the construction report to add it. Commissioner Young directed that we get this changed.

Financial Report:

Jessica Wallace, Administrative Services Manager, presented the monthly financial report ending December 31, 2012. She reported Total Revenue of $179,371.58 and that we were within $1,000.00 of this amount the same time last year. She also reported Total Expenses of $74,900.60, leaving total balance in fund of $349,732.78. She stated that the budget was on track.

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

Legal:

Associate General Counsel, Deanna Ray, reported that the Commission voted every year on consideration of receiving Stipend and Expense Reimbursement and asked what the Commissions wishes were in regards to receiving them for the 2013 year. Chairman Gilbert stated that he felt it was imperative that this Commission operate fairly and impartially so that it does not appear that the members of this Commission are out to serve themselves, and for this reason, they have voted every year not to accept them. Chairman Gilbert then asked for a vote on each separately. Vice-Chairman McDermott made a motion that the Commission not receive a stipend and was seconded by Commissioner Washington. Motion Carried. Commissioner Washington then made a motion that the Commission not receive an expense reimbursement, and was seconded by Vice-Chairman McDermott. Motion carried. Mr. Hunt commended the commission on both of these actions and stated that this commission led the state in being true public servants helping their industry.

Consideration of Applicants:

Jackie Broach presented the following applicants for Commission approval:

STATUS OF THOSE ALREADY APPROVED

	EMPLOYER NAME	CITY/STATE
EXAM		
Anthony E. Smith (PI) Passed	NEA Well Service	Paragould, AR
Michael D. Wright (Contractor Letter Pending)	Geothermal Advantage	McKinney, TX

(Mr. Wright was presented at the December Commission Meeting and Director Young has instructed to proceed based on a Commissioner's support & forthcoming letter)

NEW DRILLER APPLICANT

	EMPLOYER NAME	CITY/STATE
Robert L. Morgan	Great Southern Engineering, Inc.	Moulton, AL
Jeffrey D. Sammons	Apex Geoscience	Tyler, TX

Motion made by Commissioner Washington to approve these applicants, seconded by Commission Hunt. Motion carried.

NEW PUMP INSTALLER APPLICANT

	EMPLOYER NAME	CITY/STATE
None		

NEW DRILLER APPRENTICE APPLICANT

	EMPLOYER NAME	CITY/STATE
Bradley V. Kumpe	Frank Elder Well Supply	Carlisle, AR
Gregory D. Brizendine	Frank Elder Well Supply	Carlisle, AR
Kevin W. Kelley	Frank Elder Well Supply	Carlisle, AR
Mitchell D. Scott	Cart Well Company, Inc.	Weiner, AR
Chris H. Shipman	Shipman Well & Pump	Yellville, AR
John R. Bryant	Shipman Well & Pump	Yellville, AR

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

NEW PUMP INSTALLER APPRENTICE APPLICANT

	EMPLOYER NAME	CITY/STATE
Bradley V. Kumpe	Frank Elder Well Supply	Carlisle, AR
Gregory D. Brizendine	Frank Elder Well Supply	Carlisle, AR
Richard C. Tucker	Frank Elder Well Supply	Carlisle, AR
Michael B. Calva	Frank Elder Well Supply	Carlisle, AR
William F. Reader	Frank Elder Well Supply	Carlisle, AR
Blake J. Cates	TCS Water Solutions	Hot Springs, AR
Calvin C. Lyles	NEA Well Service	Paragould, AR
Michael E. Johnson	Carter Irrigation	Imboden, AR

Motion made by Commissioner Pender to approve these applicants, seconded by Commissioner Washington. Motion carried.

Inspectors Report

- **Entered 115 well reports**
- **Investigation of Illegal Drilling and Pump Installers (3)**
- **Contractor Visits**
    - **Talked with several contractors at the AWWCA winter meeting & trade show.**
- **County Health Office Visits**

- **Training/ WW Database**
- **Testing (1)**
- **Answering Phone calls & emails**

Jacob Harvey also reported that 2052 wells were entered into the database for the year 2012 and 2849 for the year 2011. Commissioner Pender asked if the reason was less wells drilled or less participation entering reports into the database. Mr. Harvey responded that he believed that it was less wells. Chairman Gilbert asked if that was total wells for database and the manual reports. Mr. Harvey responded that was total wells for both. Commissioner Pender and Vice-Chairman McDermott both stated they would like to know how many is being entered by staff and how many is being entered online by the contractors. Mr. Harvey responded that he thought about half was entered by staff. Commissioner Young stated that this was a good example of how to obtain one hour of CEU. Chairman Gilbert responded that the CEU incentive was a good incentive to get everyone on board to enter reports online.

Inspectors Report approved.

Water Plan:

Todd Fugitt reported that the major emphasis that ANRC has taken on is an update to the Arkansas Water Plan. Mr. Fugitt stated that the timeline for the completion of this plan is November of 2014. He further stated that the resources and technical work is being done by the Groundwater section as well as others in the agency and in conjunction with the USGS and encouraged the commission to attend the meetings and public hearings that will be held regarding this plan. Mr. Fugitt stated that of particular interest to the commission would be the Aquifers of Arkansas, which would be called the Atlas of the State's Aquifers and will cover Ground Water Quality and Quantity, Law, Rights, maps of locations, water levels, saturated thickness and state policy. He also pointed out that for the Alluvial Aquifer one year change from year 2011 to year 2012, 291 wells were measured and out of the 291 wells, 154 wells showed decline, but pointed out that they were pretty minimal and actually showed a + .9 increase overall. He also noted that for the 5 year change there was a -1.07 overall decline. Commissioner Pender responded that was pretty remarkable considering 2012 was such a dry year. Mr. Fugitt stated that he felt that due to the crop patterns and conditions that it wasn't profitable to pump water to them in these circumstances.

Mr. Fugitt reported on the one year change in the Sparta Aquifer. He stated that out of 178 Wells measured, only two showed decline of -.01, so really there was no change in this aquifer. He stated they could find water well data information in the report by aquifer, by county and by type of use.

Request To Appear-Donald Ivy:

Mr. Donald Ivy appeared before the commission asking the Commission to waive the 5 year ineligibility rule for Mr. Kenny Burson so he can become his supervisor. He stated that Mr. Burson is eligible to drill wells, but not to be a supervisor because of his violation. He stated he could not find another supervisor within the distance specified. Commissioner Pender stated he thought that Mr. Burson should have been present for the meeting. Mr. Ivy responded that he didn't know that he was supposed to have him present. Commissioner Young responded that the only way to get answers was to put this issue on hold until the next meeting and invite Mr. Burson to attend. Commissioner Young also stated that he wants staff to look at what the law and regulations say about waivers. Commissioner Pender responded that the law gives the commission the authority to set rules based on the waiver. Commissioner Young responded that the regulated community has a right to fully understand what is in our law and in our regulations and that the Commission can't enforce what is not in the law or regulations. Commissioner Pender responded that according to the regulations, if a person has a violation then they can't serve as a supervisor. Commissioner Young agreed, but stated that there is also information in the regulations about waiver requests and wants to be sure that the commission is on the same level with what the law and regulations say about waivers and not what they remember or think. Chairman Gilbert stated a motion was made to table this discussion until the next meeting and bring Mr. Burson in. Motion was seconded by Vice-Chairman McDermott. Motion carried.

Request To Appear-Robin Munzner:

Mr. Robin Munzner appeared before the Commission asking the Commission to continue his hardship license that was granted at the August 2012 Commission Meeting. He stated that he has supplied letters from customers, doctor, and his CEU's as required. He stated he had been in the Pump business a long time then retired. Commissioner Young stated that according to the rules, if you've gone more than ten years without renewing your license that you had to start all over. Commissioner Pender responded that he didn't want the commission to set a precedent for the idea that you can go out and buy equipment before you check into the licensing and consider that a hardship. He stated that he didn't consider that a hardship, but an error in judgment. Commissioner Young responded that he didn't think that was the issue in this case, that it was that he had gone a couple of months beyond the 10 year limit to renew. Commissioner Young made a motion that the Commission should continue the waiver for a year and at the end of the year, Mr. Munzner should file another report and if no problems turn up at the end of the year that he continue with his registration. Chairman Gilbert stated that he took this to mean it was extended until August, which would be the end of the current licensing year. Commissioner Young clarified the intent of his motion would be that it would be until extended until time for renewal in August, and if Mr. Munzner files

another report like the one they have received and there haven't been any negative reports, then that would be the end of the waiver and he would continue as licensed. Chairman Gilbert responded that he would then be re-licensed in a normal matter. He also stated that he felt Mr. Munzner could find a supervisor and that he go through the list of Contractors and find someone willing to supervisor. Commissioner Pender made a suggestion that he try to hire a supervisor. He felt he might be able to find a pump installer that is already licensed that he could hire and to act as his supervisor. Mr. Munzner asked for six months to see if he could find a supervisor and get all of the paperwork in order. Commissioner Washington made a motion to extend his waiver until August, and that at that time, Mr. Munzner was to have all paperwork in order and a supervisor in place to get his apprentice registration. He also stated that the supervisor had to have five years' experience to qualify as a supervisor. Motion was seconded by Commissioner Young. Motion carried.

Other Business:

Chairman Gilbert asked for the report from the committee on Publicity-How To Improve Public Recognition. Commissioner McDermott stated that the committee did not have a meeting because the AWWCA felt it was a big expense and wasn't interested. He did recommend having a committee meeting before the next Commission Meeting and that the Commission pursue some type of advertising. He wants the committee to choose the type and an area to start it in.

Chairman Gilbert then appointed a committee for Rules Regulations and Fees. He appointed Commissioner Washington as the Chairman, Commissioner McDermott, and Commissioner Hunt, but asked for the participation of Commissioners Young, Pender and Jones as well.

Meeting adjourned.

J. Randy Young, P.E.
Executive Secretary

4-9-13
Date