

**Minutes of the  
Arkansas Water Well Construction Commission Meeting  
February 14, 2014**

The regular meeting of the Arkansas Water Well Construction Commission was held on February 14, 2014 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 Washington, Vice Chairman Jones, Commissioners Pender, Hunt, Gilbert, and Jon Sweeney, Deputy Director for Randy Young, Executive Director ANRC.

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, Inspector; Jackie Broach, Ground-Water Administrative Analyst, and Britt Hill, Engineering Technician.

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

**Approval of Minutes:**

Chairman Washington presented the December 13, 2013 Minutes. Motion was made by Commissioner Pender to approve the Minutes as presented and was seconded by Commissioner McDermott. Motion carried.

**Executive Secretary's Report:**

ANRC Deputy Director, Jon Sweeney, reported that Randy Young, Executive Secretary of AWWCC could not be present as he was at the Capitol regarding funding for ANRC. Deputy Director then asked Ms. Jessica Wallace, to present the Financial Report.

**Financial Report:**

Jessica Wallace, ANRC Administrative Services Manager, presented the monthly financial report ending January 31, 2014. She reported Total Revenue of \$180,945.84; Total Expenses of \$97,820.03; and YTD Net Revenue of \$83,125.81, leaving a Total Fund Balance of \$359,162.43. Ms. Wallace reported that finances are pretty consistent with this same time last year.

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

**Legal:**

Associate General Counsel, Deanna Ray, handed out the guidelines on Fairness and Ex Parte Communications and discussed them with the AWWCC. Commissioner Pender asked what to do when a customer called a commissioner to ask about a well already dug that becomes a problem and the commissioner is drilling a new well for them. Associate General Counsel Ray advised that would be a conflict of interest and that they contact another commissioner.

**AWWCC/AWWCA Meetings – Todd Fugitt:**

Mr. Todd Fugitt reported that in the past, AWWCC held two offsite meetings in cooperation with the AWWCA. In 2012, AWWCC voted to pull away and not have these offsite Commission meetings. Mr. Fugitt stated that the Vice-President of the AWWCA sent a letter to Randy Young, formally requesting AWWCC participate in these two meetings again and asked what AWWCC's position is on this for future years, beginning in 2015. Mr. Fugitt recommended that if the AWWCC voted to continue the meetings, that no hearings be held at these meetings.

Chairman Washington responded the he has had several from the AWWCA approach him requesting AWWCC to resume the meetings. He stated they felt that they are more involved and also, it helped the Contractors feel more at ease with the AWWCC. Commissioner Pender responded that the reason AWWCC withdrew from participation at these meetings was that one of the hearings drew the audience into a petitioner's cause and asked Legal to advise.

Associate General Counsel, Deanna Ray, responded that there was nothing wrong or illegal with what occurred at that meeting. After discussion, the issue was postponed until all commissioners could be present.

**Consideration of Applicants:**

Jackie Broach presented the following applicants for Commission approval:

**STATUS OF THOSE ALREADY APPROVED**

	<b><u>EMPLOYER NAME</u></b>	<b><u>CITY/STATE</u></b>
Jason W. Marchand (D/PI Passed)	Dwyer Water Wells	Fouke, AR

**NEW DRILLER APPLICANT**

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

**NEW PUMP INSTALLER APPLICANT**

	<b><u>EMPLOYER NAME</u></b>	<b><u>CITY/STATE</u></b>
Douglas M. Luther	Tiff City Pump	Tiff City, MO

Motion was made by Commissioner McDermott to approve this applicant, seconded by Vice Chairman Jones. Motion carried.

**NEW DRILLER APPRENTICE APPLICANT**

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

**NEW PUMP INSTALLER APPRENTICE APPLICANT**

	<b><u>EMPLOYER NAME</u></b>	<b><u>CITY/STATE</u></b>
Tyler B. Washington	Washington Pump	Brockwell, AR
Bill S. Vredenburg	Washington Pump	Brockwell, AR

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

**Inspector's Report**

- 155 well reports entered in December & January by the staff.
- 2826 total well reports entered in 2013
- Illegal Drilling and Pump Installers inspections
  - Crittenden Co. – No rig found
  - Franklin Co. – No violation Licensed rig
  - Independence Co.- Renew contractor's license
  - Izard Co.- Well abandonment
  - Jefferson Co. – Licensed contractor
  - Lincoln Co. – Ongoing
  - Logan Co. – No violation licensed contractor & rig
  - Madison Co. – Ongoing
  - Searcy Co. – Ongoing
- Contractor Visits
  - Arkansas Co. (3)
  - Conway Co. (1)
  - Independence Co. (1)
  - Izard Co. (1)
  - Lawrence Co. (1)
  - Lonoke Co. (3)
  - St. Francis Co. (1)
  - White Co. (1)
  - Yell Co. (1)
- Training/ WW Database –
  - Johnson County contractor
- Anonymous calls on unlicensed contractors (0)
- Answering Phone calls & emails
- Water level Measurements
- Well inspections
- Benton Co. – Inspection for ANRC monitoring.

Mr. Harvey reported that total number of well reports entered in 2013 was up by 369 reports over the year 2012.

Commissioner Pender brought up a question regarding the proper grouting of wells. After discussion, it was referred to the Rules, Regulations and Fees Committee. The Inspectors Report was approved.

**Other Business:**

Britt Hill, Engineering Tech, did a power point presentation of a map showing the most strategic places to do billboard advertising. After discussion, it was concluded they didn't have to decide on all of the locations today, but to go ahead and start with at least two. A motion was made by Commissioner McDermott proceed to place a billboard in Mt. Ida and one in Harrison. Commissioner Pender seconded. Motion carried.

Deputy Director Jon Sweeney asked if there was any way to monitor the outcome to see if it is effective? Britt Hill responded that the AWWCC phone number would also be on the billboard.

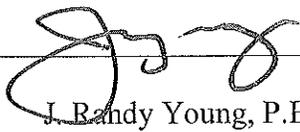
Chairman Washington presented the recommendations of the Rules, Regulations and Fees Committee. They recommended removing 4.2 and 4.3 and to modify 3.10.2.2.B to add the definition of construction violations to #2 and to have Mr. Hunt work with staff on Geothermal wells, and to revamp item #4 of Section #3. He also recommended under advisement of Associate General Counsel Ray to make modifications on all the rules and for the Committee to work with her over the next few months regarding this.

Commissioner Hunt asked what the statute of limitations was on well violations. General Counsel Crystal Phelps responded that it was five years. Commissioner Hunt asked commission how to protect pollution of aquifers and customers. Commissioner Pender stated that he would like to see sanitarians with the Health Department to be better trained on what to look for and report. He also stated they need to be addressed in the rules.

Commissioner Washington recused himself from being Chairman of the Rules, Regulations and Fees Committee and appointed Commissioner Gilbert as the Chairman of this Committee and Commissioner McDermott as Vice Chairman.

Commissioner McDermott brought up the stipend and travel expense reimbursement and stated that he would like to decline both.

Meeting adjourned.

  
\_\_\_\_\_  
J. Randy Young, P.E.  
Executive Secretary

  
\_\_\_\_\_  
Date