

**Minutes of the
Arkansas Water Well Construction Commission Meeting
January 28, 2011**

The regular meeting of the Arkansas Water Well Construction Commission was held Friday, January 28, 2011 at 10:00 AM, at The Clarion on Lake Hamilton, Hot Springs, Arkansas.

Commissioners in attendance: Chairman Pender, Vice Chairman Gilbert, Commissioners McDermott, Hart, and Washington. Deputy Director of ANRC, Jon Sweeney, attended in place of Commissioner Young.

Arkansas Natural Resources Commission staff in attendance included: Garry Kuykendall, Fiscal Supervisor; Edward Swaim, Chief of Water Resources Management Division; Crystal Phelps, General Counsel; Todd Fugitt, ANRC Geology Supervisor; Michael Ritchey, Chief Water Well Inspector; Perry Dotson, Water Well Inspector; and Jackie Broach, Groundwater Administrative Specialist III.

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

Recognition of Guests:

Chairman Pender recognized the AWWCA and guests that were present and introduced the AWWCC Commissioners and ANRC Staff.

Approval of Minutes:

Chairman Pender presented the December 3, 2010 Minutes. Motion was made by Commissioner McDermott to approve and Commissioner Washington seconded. Motion carried.

Executive Secretary's Report:

Mr. Jon Sweeney offered an apology on behalf of Commissioner Young for his absence, and explained he had a conflicting meeting with the Pollution Control and Ecology Commission, of which he is also a commissioner.

Mr. Jon Sweeney announced that Mrs. Crystal Phelps was now General Counsel for Arkansas Natural Resources Commission, which includes the Arkansas Water Well Construction Commission, replacing Mr. Edward Swaim, who is now the new Chief of Water Resources Management Division for Arkansas Natural Resources Commission, and also includes the Water Well Division.

Financial Report:

Garry Kuykendall reported that the fund balance as of January 13, 2011 is \$182,731.38; the Investment balance is \$35,091.16; and total is \$217,822.54. He also reported that the projected Revenue and Expenses are on track and in good shape.

Commissioner Washington made a motion to approve the Financial Report and Commissioner McDermott Seconded. Motion Carried.

Mr. Garry Kuykendall then announced that this was his last Financial Report to the AWWCC Commission, as he will be retiring in February of this year. Commissioner Pender, on

behalf of the Commission, thanked Mr. Kuykendall for all his good work for the Commission, and was met with a round of applause for Mr. Kuykendall.

Legal Issues:

General Counsel, Crystal Phelps introduced the consideration of Stipend and Expense Reimbursement for services rendered by the AWWCC Commissioners, and asked if they wanted reimbursement consideration for the 2011 year.

Commissioner McDermott made a motion that they take neither. Chairman Pender stated that it has been the practice of the Commission not to take stipend or reimbursement. Commissioner Washington seconded the motion. Motion Carried.

Inspectors Report:

**Inspectors Report
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- County health office visits
- Contractor visits
- Actively pursuing well abandonment issues
- New plugging rules are in effect
- Well plugging form on website as .PDF
- Receiving lots more plug reports
- Construction report database online
- Links and login info on Commissions web site
- More contractors have user names and passwords and are submitting online reports
- Online data base still evolving to meet our needs
- Planning contractor visits this winter to help get more contractors online.
- Handle numerous data / information requests
- Referring people from many states to website and database
- Next meeting will be 9:00 AM April 1
- Possible Administrative Hearing next meeting

Mr. Ritchey also stated the Water Well Abandonment Form is now available on the website and can be filled out online and turned in to the commission. He also stressed that Water Well Construction Logs are available online and is a valuable tool in producing historical data of water wells.

The Inspector's Report was approved.

Consideration of Applicants:

Todd Fugitt presented the following applicants for Commission approval:

Status Of Those Already Approved

Testing:

McCloud, Joseph C. Miller Drilling Company

Testing 2/4/11

New Pump Installer Apprentice Applicant

	<u>EMPLOYER'S NAME</u>	<u>CITY/STATE</u>	<u>EXAM</u>
Shadrick, Otis W.	Drillers, Inc.	Lowell, AR	
McMullan, Cody B.	May Water Service	Hope, AR	
White, Sammy G.	White Well Drilling	Beebe, AR	

New Driller Apprentice Applicant

	<u>EMPLOYER'S NAME</u>	<u>CITY/STATE</u>	<u>EXAM</u>
Shadrick Jr., Kenneth A.	Drillers, Inc.	Lowell, AR	Consolidated
McMullan, Cody B.	May Water Service	Hope, AR	Consolidated Unconsolidated

New Pump Installer Applicant

	<u>EMPLOYER'S NAME</u>	<u>CITY/STATE</u>	<u>EXAM</u>
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New Driller Applicant

	<u>EMPLOYER'S NAME</u>	<u>CITY/STATE</u>	<u>EXAM</u>
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Commissioner McDermott made a motion to approve and seconded by Commissioner Washington. Motion carried.

Mr. Fugitt also wanted to address a little confusion regarding apprenticeship: He stated that the law takes precedent over rule, and that the law requires that an apprentice has to have two years experience before obtaining an actual registration for a pump installer or a driller. He explained that after one year experience working for him, a contractor can ask for actual registration for his apprentice, as long as he has two years working experience. An apprentice, working on his own, can ask for registration, as long as he has three years' verified working experience.

Mr. Fugitt also addressed application fees: There is a \$25.00 application fee that is required for every application, and must be paid when the application is sent in before it can be processed. The reason for this is that, in the past, applications have been turned in and staff time was expended processing the application and verifying information so they could be put on the Agenda for Commission approval, then the application and registration fees were never paid and the applicant or contractor never pursued registration.

Other Business:

Chairman Pender, on behalf of the AWWCC Commission, thanked Mr. Marcus Flippin, President of the Arkansas Water Well Contractor's Association, and Tasha Dixon for the great job they did in putting on the winter meeting, and for hosting the AWWCC Commission at this meeting.

Mr. Flippin thanked ANRC and the AWWCC Commission for combining the two meetings and felt that it provided good working relationships for both.

Meeting was adjourned.



J. Randy Young, P.E.
Executive Secretary



Date