

**Minutes of the
Arkansas Water Well Construction Commission Meeting
October 5, 2012**

The regular meeting of the Arkansas Water Well Construction Commission was held on October 5, 2012 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; Crystal Phelps, General Counsel; Cynthia Bearden, ANRC Agency Controller; Todd Fugitt, ANRC Geology Supervisor; Jacob Harvey, Water Well Inspector; Perry Dotson, Water Well Inspector; and Jackie Broach, Ground-Water Administrative Analyst and Donald Ivy, Arkansas Water Well Contractor.

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

Approval of Minutes:

Chairman Gilbert presented the August 10, 2012 Minutes. Motion was made by Commissioner Washington to approve the Minutes as presented and was seconded by Vice-Chairman McDermott. Motion carried.

Executive Secretary's Report:

Executive Secretary, Randy Young, introduced newly appointed Commissioner, Tom Hunt, to the Commission and ANRC staff.

Financial Report:

Cynthia Bearden, ANRC Agency Controller, presented two financial reports, the Year End Fiscal Data for fiscal year 2012 which ended on June 30, 2012, and the monthly financial report, ending August 31, 2012.

Mrs. Bearden reported that revenue was projected rather than budgeted, based on the fact that anticipated revenue comes in fairly evenly throughout the year, and that the Projected Revenue for the year ending June 30, 2012 was \$171,500.00. She reported that actual revenue was \$201,000.00, a big increase that was due to fines and penalties that were assessed, but are not budgeted nor are considered part of our normal course of business. She stated that one large increase was due to a \$10,000.00 penalty. Mrs. Bearden reported that Total Expenses were less than what were budgeted, due to the fact that we were short an Inspector for part of the year and were not at full staff. She

reported that we were back to having two Inspectors at year end and that Total Cash Balance was \$245,178.67

For Financial Report ending August 31, 2012, which is the first report of the current fiscal year, Mrs. Bearden reported that the majority of our revenue comes in the first part of the fiscal year and that we have taken in \$149,678.46 YTD Revenue and YTD Expenses are \$23,750.11, leaving a Total Balance of \$371,123.05 in the fund.

There were no questions, and both Financial Reports were approved.

Legal:

Legal had nothing to report at this time.

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>
David A. McMellon (PI) Passed	Reliable Pump Service, Inc.	Berryville, AR

NEW DRILLER APPLICANT

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

NEW PUMP INSTALLER APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Sammy G. White	Charlie White Well Drilling	Beebe, AR

NEW DRILLER APPRENTICE APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Jonathan G. Jackson	B&M Drilling Company, Inc.	Witts Springs, AR
Doug A. Woods	Woods Water Well Drilling	Conway, AR
Brandon Sullinger	Sullinger & Son Well Drilling	Pocahontas, AR

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

Inspector's Report:

- Entered 135 well reports
- Investigation of illegal Drilling and Pump Installers (5)
- Well Inspections (4)
- Contractor Visits (9)
- County Health Office Visits
- Water Well Database Training
- Monette Water Well & Pump received training on well report entry
- Answering Phone calls and emails

Inspectors Report was approved.

Online Construction Reporting for CEU Credit:

Mr. Todd Fugitt, ANRC Geology Supervisor, reported that the CEU program was doing quite well and that, by far, most of the CEU credits obtained by the Contractors are obtained every year by the courses provided by the AWWCA at their annual meetings. Mr. Fugitt commended the AWWCA for providing the courses and for making the program the success that it is. He also stated that the AWWCA has expressed interest in the proposal made by ANRC staff at the last Commission Meeting to allow one CEU credit for Contractors submitting their own construction reports to the online Water Well Construction Reports program. Mr. Fugitt stated that Mr. Jerry Sollis, President of AWWCA, has advised that they will have it on their Agenda to discuss it with the AWWCA members at the next meeting to obtain the recommendation to move forward with it. Commissioner Pender asked if the credit was for utilizing the submission of the construction reports to the online program or if it was for the training in online submission. Mr. Fugitt responded that he was unable to advise until the AWWCA meets to discuss it with all their members, probably at the January meeting in Hot Springs, and reports back to the commission. Mr. Fugitt stated that he was just updating the commission on the brief discussion of it at the last AWWCA/Commission Meeting in Heber Springs and with Mr. Sollis via phone.

Request to Appear on Application Denial – Donald Ivy:

Mr. Donald Ivy appeared before the commission to request approval for his Driller and Pump Installer Apprenticeship applications that were denied at the last Commission Meeting held August 10, 2012. Mr. Ivy explained that he bought out H20, Inc. and formed his own company, Excel Water Well Drilling. He stated that Mr. Kenny Burson, proprietor of H20, has renewed his Driller and Pump Installer registrations and works for him to help him get Excel Water Well Drilling up and going. Mr. Ivy stated that he has been advised that Mr. Burson cannot operate in a supervisory capacity to him because of a past violation and fine. Mr. Ivy asked the commission to reconsider his applications to the apprenticeship programs as he has already bought the equipment, but

is unable to work himself until he obtains his apprenticeship. He stated that he helped Mr. Burson on and off for nine years, then transferred to oil drilling and worked overseas. He stated he came back to the USA to work in Water Well drilling and pump installation in Arkansas so that he doesn't have to go out of state and can be with his family, and took the opportunity to purchase H20, Inc., and has payments to make on all the equipment. After much discussion with Mr. Ivy, Mr. Pender stated that he could not recommend that Kenny Burson be a Supervisor due to the fact he was just fined over an improper well installation and then recused himself from the discussion. Chairman Washington asked if there was any registered driller in his area he could get to act as his supervisor since, as Commissioner Pender has advised, the law does not allow Mr. Burson to supervise since he had just been fined. General Counsel, Crystal Phelps, advised that the issue is that Mr. Burson has a record of construction violations, not really the fines, and that in order for Mr. Burson to be a Supervisor, the commission would have to waive the record of construction violations. The commission made the decision that they would not waive the construction violations for Mr. Burson. Commissioner Hunt made a recommendation that the commission have Mr. Ivy find an appropriate licensed contractor to act as his supervisor. Chairman Gilbert asked for a motion on the recommendation. Commissioner Washington made a motion, seconded by Mr. Hunt. Motion carried.

Chairman Gilbert advised Mr. Ivy to find a contractor in his area who would supervise him as an apprentice. General Counsel, Crystal Phelps asked for clarification if the commission was referring to having a registered driller rather than a contractor as the supervisor. Chairman Gilbert responded that he meant a registered driller, not a contractor. Commissioner Pender stated that it must be a registered driller in good standing within one hour drive of any job and be in regular telephone contact. Commissioner Washington asked if there could be multiple supervisors. Commissioner Pender responded that there is a provision in the law for multiple supervisors within a company and that a supervisor could hand off his supervisory duties to another qualified supervisor. Commissioner Washington asked if he could have two supervisors, such as one in one direction, and another in another direction if he has problems finding a supervisor. Executive Director Young stated that he thought that he could, and then stated that Mr. Ivy provide to the commission, written documentation of who the Supervisor(s) are. Mr. Ivy agreed. Commissioner Pender stated that, due to the unusual nature of this, that if the person doing the work for Excel is not on his payroll fulltime, that he submit, previous to drilling, location of all drill sites to the commission for the first year of operation so that the Inspectors are able to determine supervision because of some deception concerning the well Mr. Burson was in violation with. Mr. Ivy responded that he would be glad to furnish all the information the commission needed. Mr. Ivy was excused. Commissioner Pender then brought up if a motion was made to have Mr. Ivy submit, previous to drilling, all drill sites to the commission for the first

year of operation and if not, he would make the motion. Commissioner McDermott was in disagreement with it, and after further discussion, Chairman Gilbert ruled that the motion to provide location of drill sites previous to drilling or pump installation died for lack of a second.

Other Business:

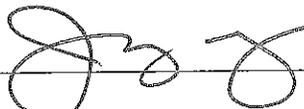
Commissioner McDermott reported that the AWWCA has not appointed a committee to meet yet to report on Advertising and for Reporting of Illegal Operators, but that they would get a committee and meet prior to the next Commission Meeting and will have a report for the commission. Commissioner Washington stated he would get with Jerry Sollis, President of AWWCA to prepare a report and Commissioner McDermott will present it at the next Commission Meeting.

Chairman Gilbert appointed Commissioners Washington, Jones, and Executive Secretary, Randy Young to the committee to select the 2013 officers for the AWWCC. He appointed Commission Washington as acting chairman of this committee.

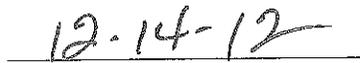
Commissioner McDermott brought up the fact that the December 7 AWWCC Commission was in conflict with the National Groundwater Association Meeting and that most of the commissioners attended that meeting. After discussion, Commissioner McDermott made a motion to move the AWWCC Commission Meeting from December 7 to December 14 and was seconded by Executive Secretary, Randy Young. Motion carried.

Commissioner Pender made a motion to cease combining the January and August AWWCC Commission Meetings with the AWWCA. After discussion, it was seconded by Commissioner McDermott. Motion carried.

Meeting adjourned.



J. Randy Young, P.E.
Executive Secretary



Date