

**Minutes of the
Arkansas Water Well Construction Commission Meeting
October 7, 2016**

The regular meeting of the Arkansas Water Well Construction Commission was held Friday, October 7, 2016 at 9:00 AM in the Arkansas River Room at the Arkansas Natural Resources Commission , 101 East Capitol, Suite 350, Little Rock, Arkansas 72201.

Commissioners in attendance: Chairman David Washington; Commissioners Tom Hunt Mike McDermott, Ernest Pender and David Gilbert.

Absent: Vice Chairman Lance Jones.

Arkansas Natural Resources Commission staff in attendance included: Crystal Phelps, ANRC General Counsel; Cynthia Bearden, Agency Controller; Edward Swaim, Chief, Water Resources Management Division; Jacob Harvey, Water Well Inspector; Tim Dreher, Water Well Inspector; and Jackie Broach, Administrative Analyst.

Chairman Washington called the regular meeting of the Arkansas Water Well Commission to order. Chairman Washington introduced guests, Jason Riddle with Pense Bros. Drilling, and John McKeller with Grubbs, Hoskyn, Barton and Wyatt, Inc.

Approval of Minutes:

Chairman Washington presented the July 29, 2016 Commission Minutes. Commissioner McDermott made a motion to accept the Minutes as presented, second by Commissioner Gilbert. Motion carried.

Executive Secretary's Report:

Edward Swaim, Chief, Water Resources Management Division reported that Executive Secretary, Bruce Holland, was in Cuba for a meeting and sent his regrets for being unable to attend the meeting. The AWWCC expressed their understanding with regrets that they did not get to meet him.

Financial Report:

Cynthia Bearden, Agency Controller presented the monthly financial report in Jessica Wallace's absence. She reported Total Revenue of \$164,471.29; YTD Total Expenses of \$41,926.86; YTD Net Revenue of \$122,544.43, leaving a Cash Balance \$390,243.55 and a Total Fund Balance of \$425,912.41.

Ms. Bearden reported that the majority of Revenue comes in the first three or four months of the year and that we've taken in pretty much most of what comes in every year already. She also reported that a good job was done in building cash reserves leaving a good total fund balance. Ms. Bearden also reported that there was one position open since Perry Dotson's retirement and at some point in the future, that position would be filled. She stated

that as of this date, all of Water Well Inspector, Tim Dreher, and half of Administrative Analyst, Jackie Broach salaries are paid by the AWWCC. Commissioner Pender asked Ms. Bearden how much was carried over from last year. Ms. Bearden responded that approximately \$50,000.00 was carried over. Commissioner Pender asked Ms. Bearden if all positions were filled and funded. Ms. Bearden responded that we were able to meet all our expenses and carry some forward. Commissioner Pender asked if there were any outstanding fines and penalties. Ms. Bearden responded that she was unsure.

Financial report was approved as presented.

Legal:

General Counsel, Crystal Phelps, reported there were no legal issues to report, but did respond that she was unsure of any fines and penalties and asked Administrative Analyst, Jackie Broach if she was aware if there were any outstanding. Ms. Broach responded that to her knowledge, all current outstanding ones had been paid.

Consideration of Applicants:

Jackie Broach, Administrative Analyst, presented the following applicants for approval:

STATUS OF THOSE ALREADY APPROVED

<u>EXAM</u>	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>	
Tye L. Wang Passed	A.A. Shipman Drilling Company	Yellville, AR	(D)
Bradley S. Elder Passed	Elder Drilling and Supply Company	Carlisle, AR	(D/PI)
Cody A. Norwood Passed	Elder Drilling and Supply Company	Carlisle, AR	(D/PI)

NEW DRILLER APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Richard A. Mooney	Cascade Drilling Company	Aiken, SC
Charles Clark	Associated Environmental	Norman, OK
Joseph N. Datin	Associated Environmental	Norman, OK
Wesley C. Foster	Associated Environmental	Norman, OK
Murray K. Schneider	Associated Environmental	Norman, OK
Joseph R. Moran	Charlie White Well Drilling	Beebe, AR
Derek A. Dwyer	Dwyer Water Wells	Fouke, AR
Nicholas C. Washington	White River Pump Company	Calico Rock, AR
Luke W. Woolsey	Freeman & Woolsey and Sons	Thayer, MO

Commissioner Pender made a motion to accept the Driller Applicants as presented and was seconded by Chairman Washington. Motion carried.

NEW PUMP INSTALLER APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
John J. Plyler	John Plyler Plumbing & Heating	Glenwood, AR
Joseph R. Moran	Charlie White Well Drilling	Beebe, AR
Derek A. Dwyer	Dwyer Water Wells	Fouke, AR
Luke W. Woolsey	Freeman & Woolsey and Sons	Thayer, MO

Commissioner Pender made a motion to accept the Pump Installer Applicants as presented and was seconded by Commissioner Gilbert. Motion carried.

NEW DRILLER APPRENTICE APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Jason L. Riddle	Pense Brothers Drilling, Inc.	Fredericktown, MO

Commissioner Pender made a motion to accept the Driller Apprentice Applicant as presented and was seconded by Commissioner Gilbert. Motion carried.

NEW PUMP INSTALLER APPRENTICE APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Tim D. Summers	Buffalo Creek Water Systems	Anderson, MO
Shane T. Pepper	R&R Pump Service	Bella Vista, AR
Daniel N. Reichert	Dwyer Water Wells	Fouke, AR

Commissioner Gilbert made a motion to accept the Pump Installer Apprentice Applicants as presented and was seconded by Commissioner McDermott. Motion carried.

Commissioner Pender stated that it was his understanding that it was reported at the July meeting that Patton Drilling still had an outstanding fine and also has not renewed their license. Ms. Broach responded that she was not at that meeting and was unaware of the question, but would research it and report back on it at the next AWWCC meeting. Commissioner Pender also stated that at that meeting he had reported to Mr. Todd Fugitt that a contractor had not turned in any construction reports in two or three years, but since then, that contractor has turned in five or six reports and wanted to know if there was any resolution. Ms. Broach deferred that question for Inspector Dreher when he gives his report.

Inspector's Report October 7, 2016:

Tim Dreher, Water Well Inspector, gave the Inspector's Report as follows:

- Illegal Driller and/or Pump Installer
 - Stone County – Plumber (not a registered pump installer) caused irreparable damage to water well. A case is being compiled against the plumber.

- Field Visits
 - Pike County – visited job site for drilling of a water well in a consolidated formation
 - Clark and Hot Spring Counties – Database (construction report) QAQC checks to verify accuracy of reported information
 - Sharp County – visited with Gentryville Water Association representative to address concerns about nearby water wells being constructed to supply poultry houses

Update

Per our discussion at the closing of our June 3, 2016 meeting, we are updating (ongoing basis) a list of contractors who have submitted fewer than 10 reports in 2015 and 5 reports in 2016. We are contacting these contractors to inquire about their status. Also, we are contacting geothermal well drillers who have not submitted reports for 2016 to see if they have drilled any wells this year and failed to report. We have found a couple of cases where they were not reported. Reports have since been sent to us.

Water well database Report (August 1, 2016 – October 5, 2016)

- 292 well reports entered by staff (including an intern who is entering old hard copies dating back to the mid-1970s)
- 252 well reports entered by contractors
- Total well reports entered to date (October 5, 2016) – 1907

In response to Commissioner Pender's previous question regarding Keeton Water Well Drilling, who had not submitted any construction reports for five or six years, but now has submitted some, Mr. Dreher stated he was unaware of it, but would research it and report back at the next AWWCC meeting.

Commissioner Hunt asked for clarification on who the contractor was drilling Geothermal wells in Arkansas. Inspector Dreher responded the contractor was Paschal Heating and Air from Fayetteville. Commissioner Hunt asked how long a contractor has to turn in construction reports after drilling a well. Inspector Dreher responded they have ninety days. Mr. Hunt asked if there were penalties if reports aren't submitted within the ninety days. Commissioner Pender responded that there were. Mr. Edward Swaim, Chief, Water Resources Management Division, also responded that late reports were in violation of the Water Well Law and the Rules and Regulations, and that a penalty can be charged. He stated that a provisional order would be issued for late reports. Commissioner Hunt asked what the amount of the penalty was. General Counsel, Crystal Phelps responded that

the maximum fee was actually \$2500.00, but in the case of a construction report that is late, \$250.00 has been the amount assessed in the last few years.

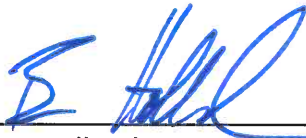
Chairman Washington stated that he believed that more than one contractor was drilling Geothermal wells and asked if we were making sure they were reporting. Inspector Dreher responded that the ones he contacted reported they weren't drilling any and you wouldn't know unless the construction reports were turned in or the contractor was reported to the commission. Inspector Dreher reported he was working with contractors who were having difficulty with the online reporting and is doing more training with them. Chairman Washington responded that the AWWCA winter meeting would be a good time to do some training as well.

Other Business:

None.

Adjourn:

The meeting adjourned.



Bruce Holland
Executive Secretary



Date