

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF GEOLOGY AND LAND SURVEY
WELL INSTALLATION BOARD**

Springfield, Missouri

August 13, 2010

OPEN MINUTES

The regular meeting of the Well Installation Board was held on August 13, 2010 at the Missouri Department of Natural Resources, Springfield, Mo. A quorum being present, Mr. Robert Lawrence, Chairman, called the meeting to order at 10:03am.

Board Members Present: Mr. Robert Lawrence, Chairman; Mr. Fred Schoen, Vice-Chairman; Ms. Harriet Beard; Mr. Joe Gillman and Ms. Annetta St. Clair; and Mr. Danny Flynn by phone.

Board Members Absent: Mr. Robert Broz

Legal Counsel Present: Mr. Don Willoh, Assistant Attorney General

DNR Staff Present: Mr. Steve Sturgess, Ms. Jeanne Hoyle, Ms. Sheri Fry, Ms. Beth Marsala and Mr. Jerry Prewett

Guests Present: Mr. Gerald Buechting, Mr. Kent Elwin, Ms. Cathy Smith, Mr. Neal Farrar, Mr. Brad Rayburn and Mr. David Robinson

INTRODUCTION

Mr. Lawrence welcomed everyone to the meeting and introduced himself. He asked the Board to introduce themselves, followed by the audience.

MINUTES OF AUGUST 13, 2010 BOARD MEETING

The chair asked if there were any changes or corrections to the minutes from the May 7, 2010 meeting. Ms. Marsala suggested one correction under the agenda item on appeals. The results of Mr. Hamby's appeal did not include the apprenticeship being shortened. Ms. Beard moved to accept the minutes with corrections and Mr. Schoen seconded the motion. Motion carried.

Department Reorganization

Mr. Jerry Prewett addressed the board and introduced himself. He discussed how WHP had been moved from the Department's Division of Environmental Quality to the Department's Division of Geology and Land Survey and elaborated on the opportunities to improve the efficiency of the section.

Departure of former Staff Liaison

Mr. Steve Sturgess address the board thanking them for all of their dedicated service and their help to him. He also stated that he thought the reorganization was good for the Wellhead Protection Section.

Steve also addressed the board with the possibility of passing the precertification, and how beneficial it would be to the Department.

SECTION UPDATES

The Chair recognized Ms. Beth Marsala.

Ms. Marsala gave an update on activities the section is working on. She mentioned the three current rule packages; the monitoring well, heat pump, and apprentice rules. The section is also working to update the Area 1C map in Springfield and trying to get more persons out in the field conducting inspections. She described the section's enforcement initiative was to focus on form and fee submittal to help with enforcement and fund problems.

She also mentioned that the section has three fewer staff members at this time, and it is becoming more difficult to carry out the duties required by the law.

A question was asked about the forms being put online to complete with credit card. Joe Gillman stated that it was very close to being implemented.

FUND UPDATES

The Chair recognized Ms. Beth Marsala.

Ms. Marsala gave a brief update on the section funds; revenue has increased due to the new fee structure. She also compared the number of records the section received this year to the number of records received in the last two years.

PERMIT APPEALS

1. The board acknowledged Ms. Cathy Smith to present her appeal to the board. Cathy stated why she was having difficulty in paying her fees and penalty. She stated that she did not agree with the penalties that were assessed. She said she was not able to pay. Her well and pump permit was due in May 2010.

Mr. Schoen asked if sending in records would stop penalty fees. Mr. Flynn also stated that paperwork should be turned in as soon as work is completed. Ms. Fry stated that the Department recommends the permit be denied until she comes into compliance with fees.

Mr. Flynn made a motion to uphold the recommendation of the Department. Ms. St. Clair seconded the motion and all members voted to uphold the department's recommendation. Motion carried. Mr. Willoh informed Ms. Smith that she could ask for an official hearing before the board.

2. The board acknowledged Ms. Fry as she presented Mr. Schmidt's appeal. He asked the board to allow him to take the test, obtain his permit, and waive the \$25,000 proof of financial responsibility requirement. The rule requires that he would have to go through the apprenticeship, test and pay permit fees. The Department's recommendation was to allow him to take and pass the test, pay the appropriate fees to be permitted and waive the proof of financial responsibility requirement.

Mr. Schoen made a motion to support the Department's recommendation and Ms. Beard seconded the motion. The chair took a verbal vote and all members voted yes. Motion carried.

3. Mr. Robison explained to board what type of pump he was interested in installing. They were solar pumps and supporting gear for the solar pumps. He asked the board to waive the apprenticeship and any financial responsibility fees. The department's recommendation was that he serves an apprenticeship, or obtains a permit with another state, which would allow him to take and pass required tests and submit proof of financial responsibility to obtain a Missouri permit.

Mr. Flynn made a motion to uphold the Department's recommendation and Ms. St Clair seconded the motion. The chair asked for a verbal vote and all members voted yes. Motion carried.

4. Mr. Clint Madison's Missouri permit was cancelled for failure to renew. He had no prior violations and asked that he be able to retest, be permitted and waive the \$25,000 financial responsibility. The Department's recommendation was that he be allowed to take and pass the test to be permitted and to waive the proof of financial responsibility requirement.

Ms. Beard made a motion to accept the Department's recommendation and Mr. Schoen seconded the motion. The chair asked for a verbal vote and all members voted yes. Motion carried.

RULE UPDATES

The chair recognized Ms. Sheri Fry.

Ms. Fry stated that the apprentice rule is being review by Department legal staff. Once approved, it will be forwarded for interagency review. The other agencies have thirty (30) days to review the rule and any comments will be forwarded to staff. We anticipate the draft rule will be presented to the board in November when a vote will be taken regarding filing the proposed rule with the Secretary of State's Office. WHP removed financial responsibility for applicants who have previously been permitted as long as they were in good standing when their permit was cancelled. The testing section of the rule was changed to prevent an applicant from taking the test numerous times the same day.

The draft amendment to the heat pump rules is being finalized by staff. Changes are the addition of a table and a map for grouting requirements and GPS requirements. WHP hopes to have a draft ready for the board by November's meeting.

The monitoring well amendments are being reviewed by legal staff prior to filing them with the Secretary of State's Office for publication in the *Missouri Register*.

Enforcement updates

The chair recognized Ms. Sheri Fry.

As of July 30, 2010, WHP issued 36 letters of warning, six (6) administrative NOV's. Six (6) administrative NOV's were resolved. There were 142 administrative cases initiated and 36 field cases initiated. WHP resolved 51 field cases and entered into 12 probation agreements. There were four

referrals to the Attorney General for possible litigation and 76 permits were not renewed for various reasons.

Missouri Water well

The chair recognized Mr. Buetching.

Mr. Buetching asked about the grant money for well plugging. He wanted to know if it was being used properly and who was keeping track. He also asked about the federal stimulus money. He wanted to know if any was available for well abandonments. He stated that the association wanted to ensure that old abandoned wells are properly plugged.

Mr. Sturgess stated that there would soon be another round of grants going out to public water supplies to address plugging wells that may impact their water systems.

OTHER BUSINESS

Ms. Beard asked to look at the solar issue and see if it can be changed or if the rules can be reviewed regarding this issue. It was explained that there are avenues currently available for allowing this type of work in Missouri. She wanted staff to look at the rules to ensure that when the water well rules are amended that alternative energy sources are addressed. Staff agreed to do so.

PUBLIC COMMENT AND CORRESPONDENCE

Mr. Neal Farrar from Sunbelt Environmental made a statement about how nice the Division of Geology and Land Survey is to work with and that he considers the staff to be very helpful to the public.

Future Meetings

The board approved to hold the next open meeting November 5, 2010 at 10 a.m., at the Division of Geology and Land Survey in Rolla, Mo. The motion was made by Fred Schoen, seconded by Annetta St. Clair. Motion carried with a unanimous voice vote. They also voted to have the February 21, 2011 meeting in conjunction with the Missouri Water Well Convention at the Country Club at Lake Ozark, Mo. The motion was made by Fred Schoen, seconded by Annetta St. Clair. Motion carried with a unanimous voice vote.

Mr. Fred Schoen made a motion for the next closed session to be held at 9:30 a.m. at the next meeting November 5, 2010. Ms. Harriet Beard seconded the motion. The motion carried with a unanimous voice vote.

ADJOURNMENT

Ms. St. Clair moved to adjourn. Ms. Harriet Beard seconded. Motion carried. Meeting adjourned at 11:49 a.m.