

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF GEOLOGY AND LAND SURVEY
WELL INSTALLATION BOARD
Rolla, Missouri
May 7, 2010**

OPEN MINUTES

The regular meeting of the Well Installation Board was held on May 7, 2010 at the Missouri Department of Natural Resources' Division of Geology and Land Survey, Rolla, Mo. A quorum being present, Mr. Robert Lawrence, Chairman, called the meeting to order at 10:05 a.m.

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

Board Members Absent: None

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

DNR Staff Present: Mr. Steve Sturgess, Ms. Debbie Stogsdill, Ms. Sheri Fry, and Ms. Tracy Ray

Guests Present: Mr. Gary Weber, Mr. Ed St. Clair

INTRODUCTION

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

MINUTES OF FEBRUARY 22, 2010 BOARD MEETING

The Chair asked if there were any changes or correction to the minutes from February 22, 2010 meeting. Ms. St. Clair moved to accept the minutes as written. Mr. Flynn seconded the motion. Motion carried.

SECTION UPDATES

The Chair recognized Ms. Sheri Fry.

Ms. Fry presented two legal opinions received by the legal council for the Department's Division of Environmental Quality. In the past, if a well was drilled improperly, we took enforcement against the driller, as a person. The legal opinions state that we may also make the owner of the company responsible.

The second legal opinion states that we have statutory authority to conduct on-site inspections.

Ms. Fry presented each opinion, and then stated the Wellhead Protection Section plans to begin changing our policy and procedures and take steps to implement the legal opinions.

FUND UPDATES

The Chair recognized Ms. Sheri Fry.

Ms. Fry presented graphs from 2005 to present. Water well certification revenue is down. Heat pump certification revenue has doubled and monitoring well certification revenues are staying about even. Current revenue and expenditures were also presented. A fund balance of a little more than \$40,000 is projected at the end of FY10.

RULE PROMULGATION REQUIREMENTS

The chair recognized Mr. Steve Sturgess.

Mr. Sturgess addressed the board regarding a letter sent to the Department by the legislature. The letter requires the Department to ensure everything is in rule that needs to be. It additionally reminds the Department that policy is not a substitute for rulemaking.

RULE UPDATES

The chair recognized Mr. Steve Sturgess.

Mr. Sturgess provided an update about the monitoring rule. He stated that staff was planning to request a vote from the board to proceed. However, because we have not been able to get finality from some stakeholders, we are delaying the request.

The chair recognized Ms. Sheri Fry.

Ms. Fry stated we received approval from the Department to begin the rulemaking process for the heat pump amendments.

Ms. Fry also provided updates about further changes made to the apprentice rule (10CSR-23-1.050) amendments. These changes incorporate the direction provided by the board at the February meeting.

Mr. Flynn made a motion for the division to proceed to accept the draft apprentice rule amendments, with designated changes. Mr. Schoen seconded the motion. Motion carried.

PERMIT APPEALS

The chair recognized Ms. Sheri Fry.

Ms. Fry presented an appeal from Mr. Adam Hemby with Burge Irrigation. Burge Irrigation and Mr. Hemby requested a reduced apprenticeship term for Mr. Hemby. The board voted to accept the recommendation of staff to shorten his apprenticeship term. Motion was made by Ms. St. Clair. Mr. Flynn seconded the motion. Motion carried.

Ms. Fry presented an appeal by Mr. Travis Crawford. His permit was cancelled in 2008. He requested a waiver for the required proof of financial responsibility. The staff recommendation was to waive financial responsibility for Mr. Crawford. The board voted to approve staff recommendation. Motion was made by Ms. St. Clair. Ms. Beard seconded the motion. Motion carried.

Ms. Fry presented an appeal from Mr. Tony Smasal requesting return of his permit without posting bond. Staff recommendation was to allow Mr. Smasal to take the test and pay fees to become permitted and to waive \$25,000 bond. Motion was made by Mr. Broz to accept staff recommendation and Mr. Schoen seconded the motion. Motion carried.

BRANCH CHIEF'S UPDATES

The chair recognized Steve Sturgess.

Mr. Sturgess addressed the board, updating them about the status of the vacant board member position, information about budget issues, legislation and other items currently affecting the Department's Public Drinking Water Branch.

FUTURE MEETINGS

The board approved to hold the next meeting August 13 at 10 a.m. at the Department's Southwest Regional Office in Springfield, Mo. Motion made by Fred Schoe was seconded by Mr. Danny Flynn. Motion carried.

The board also approved to hold the November 5 meeting in Rolla at the Department's Division of Geology and Land Survey. Motion made by Ms. Annette St. Clair and Mr. Danny Flynn seconded the motion. Motion carried.

ENFORCEMENT UPDATE

No business was discussed.

MISSOURI WATER WELL ASSOCIATION COMMENTS

The Chair recognized Mr. David Schnell, Schnell Drilling.

No comments at this time.

OTHER BUSINESS

No other business was discussed.

PUBLIC COMMENT AND CORRESPONDENCE

No comments.

ROLL CALL VOTE FOR THE NEXT CLOSED SESSION

Ms. St. Clair made a motion for the Well Installation Board to meet in closed session at 9:30 a.m. at the next regular meeting on August 13, 2010 for the purpose of discussing matters protected from disclosure by law as provided for in Section 610.021, RSMo., including but not limited to: legal actions, pending litigation, and attorney-client privileged matters with the board's attorney. Mr. Schoen seconded the motion. A roll call vote was taken as follows: Mr. Flynn, yes; Mr. Gillman, yes; Ms. St. Clair, yes; Mr. Schoen, yes; Mr. Lawrence, yes; Ms. Beard, yes; Mr. Broz, yes. Motion carried.

ADJOURNMENT

Ms. St. Clair made a motion to adjourn. Mr. Schoen seconded. Motion carried.