



Missouri
Department of
Natural Resources

**Well Installation Board Meeting
Country Club Hotel & Spa Mediterranean Room B
250 Racquet Club Drive
Lake Ozark, Mo.
February 18, 2013**

Open Session Minutes

The regular meeting of the Well Installation Board was held February 18, 2013, at the Country Club Hotel & Spa, Mediterranean Room B, 250 Racquet Club Drive, Lake Ozark, Mo. A quorum being present, Mr. Danny Flynn, Chairman, called the meeting to order at 10:03 a.m.

Board Members Present: Mr. Danny Flynn, Chairman; Mr. Fred Schoen, Vice Chairman; Mr. Robert Broz; Mr. Joe Gillman; Mr. Robert Lawrence; Ms. Annetta St. Clair

Board Members Absent: Ms. Sharlene Morgan

Legal Counsel: Mr. Don Willoh, Assistant Attorney General

Staff Present: Ms. Carey Bridges, Mr. Kyle Rollins, Ms. Connie Edwards, Ms. Sheri Fry, Mr. Justin Davis, Ms. Hylan Beydler, Ms. Anne Keller, Mr. Steve Sturgess

Guests Present: Laurie Trimue, Ark-MO Well Drilling; James Cook, Ark-MO Well Drilling; Darrell Schroeffer, Schroeffer's Well Drilling; Kaly Erwin, Petroleum Storage Tank Insurance Fund; Harold Cooper, Cooper Well Drilling Inc.; Pam Cooper, Cooper Well Drilling Inc.; Mary Pelton, Ray Pelton, Adam Pelton, Ray Pelton Pump Co.; Shawn Schnell, David Schnell Drilling; Doc McClanhan, Brad Hoyt, Missouri Water Well Association (MWWA); Larry Tolbert; Beth Marsala, MWWA; Daren Belcher, Belcher Well Service; Kenny Boessen, Boessen Well Drilling; Brad Ocheskey, B & H Well Drilling; Sharon Brower, Dale Brower, Brower Custom Digging and Pump Service; Dave Schnell, David Schnell Drilling; Gerald Buechting, Buechting Drilling; Lindell Lindsey, A & M Pump Inc. and MWWA; Jim Klinkhardt, Goggins Drilling; Joe Foppe, Foppe Well & Pump Service

Introduction

Mr. Danny Flynn, Board Chairman, welcomed everyone to the meeting and introduced himself. He asked Board members to introduce themselves, followed by staff and the audience.

Election

Mr. Lawrence made a motion to nominate Danny Flynn as Chairman. Motion carried with a unanimous voice vote.

Mr. Broz made a motion to nominate Fred Schoen as Vice Chairman. Motion carried with a unanimous voice vote.

Minutes of the November 5, 2012, Meeting

The Chairman asked if there were any corrections to the minutes from the November 5, 2012, meeting. Ms. St. Clair offered a motion to accept the minutes. Mr. Schoen seconded the motion. Motion carried.

Program Updates

The Chairman recognized Ms. Bridges who informed the Board of current and upcoming online services, legislative updates and plans for the 160th year celebration of the Division of Geology and Land Survey on April 22-26, 2013.

Section and Fund Updates

The Chairman recognized Mr. Rollins who updated the Board on staffing changes, purchase of the cement bond logger, Type 3 cement blanket variance, apprentice bimonthly report, variances, and the Charitable or Benevolent Organization qualifications and forms.

Fund Update

The Chairman recognized Mr. Rollins who gave an update on the current and projected balance of the Groundwater Protection fund along with notice of the annual fund update being moved to the August meeting due to fiscal year deadlines. Mr. Rollins informed the board of an abandoned well plugging project which has been implemented with Missouri State Parks.

Ms. St. Clair made a motion to accept staff's recommended action to keep the Groundwater Protection Fees at their current levels. Mr. Schoen seconded the motion. Motion carried.

Special Area 2 Impact Area Map

The Chairman recognized Mr. Justin Davis who updated the Board on the changes made to the 2013 Special Area 2 Impact Area map.

Mr. Broz made a motion to accept staff's recommended action to modify the Special Area 2 map to convert all of previous years' advisory areas into impact areas. Ms. St. Clair seconded the motion. Motion carried.

Permit Appeals

There were no permit appeals.

Rule Updates

The Chairman recognized Ms. Sheri Fry who updated the Board on the status of the following rulemakings:

The Appeals Hearing rulemaking – the proposed amendment has been filed with the Secretary of State's office and printed in the Missouri Register. The official comment period will end on March 15, 2013. Mr. Lawrence made a motion the board meet by conference call on March 19, 2013 at 10 a.m. to vote on the Order of Rulemaking for the Appeals rule. Ms. St. Clair seconded the motion. Motion carried.

Ms. Fry gave an update on the Public Well Permit rulemaking and the Continuing Education rulemaking.

The Heat Pump rulemaking – three additional stake holder meetings were held, comments considered and a draft rule proposed. After discussion, Mr. Schoen made a motion to postpone the vote on the draft language to the conference call in March to give the Association and the drilling community or industry people some time to comment on this last revised version of the new rule. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Broz, yes; Mr. Gillman, no; Mr. Lawrence, no; Mr. Schoen, yes; Ms. St. Clair, no. Motion failed. Mr. Gillman made a motion that the Board approve the draft rule with the recommended changes of the 500 foot depth and the definition of clean fill material and that through the remainder of the stakeholder process, we continue to take input from the Board as prescribed by statute and rule. Ms. St. Clair seconded the motion. A roll call vote was taken as follows: Mr. Broz, yes; Mr. Gillman, yes; Mr. Lawrence, yes; Mr. Schoen, no; Ms. St. Clair, yes. Motion carried.

Subdivision Rule

The Chairman recognized Mr. Steve Sturgess who addressed the board in regard to a recent federal court decision which has major ramifications for small community public water systems and wells installed for subdivisions. The decision affects how a public water system is defined in the state of Missouri. Mr. Sturgess added that this ruling may also affect the well drilling industry and the type of wells that can be installed at existing and new subdivisions. The Board asked Mr. Sturgess to keep the Board and staff up-to-date regarding this ruling, so that the industry can be better informed, and to return to the Board when more information is available.

Missouri Water Well Association Comments

Mr. Lindsey expressed the Association's concern with the lack of domestic water well abandonments when wells owners are connecting to public water systems. Staff stated plans are being made for one employee to follow up on these types of issues in the future. Mr. Schoen requested the current notification form be changed to reflect that the well is in good working order when they connect to the water supply. Discussion was made on the ability to enforce against the Public Water Supply Districts for failure to report these connections and following up with land owners on the continued use of their well.

Other Business

None.

Public Comment and Correspondence

Mr. Buechting asked if there were currently two vacancies on the Board. Mr. Gillman stated yes and that the board members are appointed by the Governor.

Future Meetings

The Board approved holding an open session meeting at 10 a.m. on August 23, 2013, at the Springfield Regional Office, Springfield, Mo. The motion was made by Mr. Schoen and seconded by Mr. Broz. Motion carried with a unanimous voice vote.

Roll Call Vote For Next Closed Session

Ms. St. Clair moved that the Well Installation Board meet in closed session at 9:30 a.m. at the next regular board meeting 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 attorney. The motion was seconded by Mr. Schoen. A roll call vote was taken as follows: Mr. Broz, yes; Mr. Gillman, yes; Mr. Lawrence, yes; Mr. Schoen, yes; Ms. St. Clair, yes. Motion carried.

Adjournment of Meeting

Ms. St Clair moved to adjourn the meeting. Mr. Lawrence seconded the motion. Motion carried. Meeting adjourned at 11:53 a.m.