



**MINUTES OF THE
WELL INSTALLATION BOARD MEETING
Missouri Geological Survey
111 Fairgrounds Road, Rolla, Mo.**

November 2, 2018

The regular meeting of the Well Installation Board was held November 2, 2018, at the Missouri Geological Survey, 111 Fairgrounds Road, Rolla, Mo. A quorum being present, Chairman Danny Flynn called the meeting to order at 10:04 a.m.

Board Members Present: Mr. Danny Flynn, Mr. Fred Schoen, Mr. Jerry Prewett (representing Mr. Joe Gillman), Mr. Robert Broz, and Ms. Sharlene Morgan.

Board Members Absent: None.

Legal Counsel: Mr. Ross Keeling, Assistant Attorney General.

Staff Present: Mr. Kyle Rollins, Ms. Amber Steele, Ms. Karen Smith, Ms. Connie Edwards, Mr. Justin Davis, Ms. Kimberly Ward, Ms. Hylan Beydler, Mr. Justin Davis, Mr. Scott Kaden, and Ms. Suzanne McKenna (via teleconference), Mr. Larry Pierce.

Guests Present: Mr. Richard Linebaugh, Ms. Kaly Erwin, Mr. James Cook, Ms. Linda Cook, Mr. Kurt Harke, and Ms. Pam Schoen.

INTRODUCTION

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

MINUTES OF THE AUGUST 17, 2018, MINUTES

The Chairman asked if there were any corrections to the minutes from the August 17, 2018, meeting. Ms. Morgan offered a motion to accept the minutes. Mr. Broz seconded the motion. Motion carried.

DIRECTOR'S REPORT

The Chairman recognized Ms. Amber Steele, Geological Survey Program Director, Missouri Geological Survey, who updated the Board on Board vacancies, and the McCracken Core Library and Research Center open house. Ms. Steele gave an overview on the proposed changes for each rule in the current Red Tape Reduction effort.

RED TAPE REDUCTION

The Chairman recognized Mr. James Cook, representing the Missouri Water Well Association (MWWA), who expressed his concern of too much language being removed from the proposed rules, the impact it may have on industry members, and the quick turnaround in review of the draft rules. He asked if a reference would be noted in the rules as to where to find the issue in Missouri Statute. Ms. Amber Steele, presented an overview of the red tape reduction process. The following Order of Rulemakings were voted on:

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-1.010, Definitions.

Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes;

Ms. Morgan, yes; Mr. Schoen, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-1.030, Type of Wells.

Ms. Morgan seconded the motion. A roll call vote was taken as follows: Mr. Schoen, yes;

Mr. Broz, yes; Ms. Morgan, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-1.040, Modification by the

Division. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Broz, yes;

Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-1.050, Qualifications.

Mr. Prewett seconded the motion. A roll call vote was taken as follows: Ms. Morgan, yes;

Mr. Schoen, yes; Mr. Prewett, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Ms. Morgan made a motion to adopt Order of Rulemaking 10CSR 23-1.060, Application for a

Permit. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes;

Ms. Morgan, yes; Mr. Schoen, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-1.075, Disciplinary Action

and Appeals. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Schoen,

yes; Mr. Broz, yes; Ms. Morgan, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Ms. Morgan made a motion to adopt Order of Rulemaking 10CSR 23-1.080, Denial of

Application. Mr. Prewett seconded the motion. A roll call vote was taken as follows: Mr. Broz,

yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-1.090, Permit Requirement.

Mr. Schoen seconded the motion. A roll call vote was taken as follows: Ms. Morgan, yes;

Mr. Schoen, yes; Mr. Prewett, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Schoen made a motion to adopt Order of Rulemaking 10CSR 23-1.105, Permit Renewal.

Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes;

Ms. Morgan, yes; Mr. Schoen, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-1.130, Reinstatement.

Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Schoen, yes; Mr. Broz,

yes; Ms. Morgan, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Ms. Morgan made a motion to adopt Order of Rulemaking 10CSR 23-1.140, Vehicle and Machine Registration. Mr. Prewett seconded the motion. A roll call vote was taken as follows: Mr. Broz, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-1.155, Well Drilling and Pump Installation Machine Registration. Mr. Prewett seconded the motion. A roll call vote was taken as follows: Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Schoen made a motion to adopt Order of Rulemaking 10CSR 23-1.160, Mail and Notification Procedures. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Ms. Morgan made a motion to adopt Order of Rulemaking 10CSR 23-2.010, Fee Structure. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Schoen, yes; Mr. Broz, yes; Ms. Morgan, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-2.020, Certification and Registration. Mr. Prewett seconded the motion. A roll call vote was taken as follows: Mr. Broz, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-3.010, Location of Wells. Mr. Broz seconded the motion. A roll call vote was taken as follows: Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-3.020, General Protection of Groundwater Quality and Resources. Ms. Morgan seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-3.030, Standards for Construction of Water Wells. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Schoen, yes; Mr. Broz, yes; Ms. Morgan, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-3.040, Well Casing Seals and Connections. Mr. Prewett seconded the motion. A roll call vote was taken as follows: Mr. Broz, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-3.050, Pump Installation. Mr. Broz seconded the motion. A roll call vote was taken as follows: Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-3.060, Certification and Registration Reports. Mr. Schoen seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Schoen made a motion to adopt Order of Rulemaking 10CSR 23-3.070, Plastic Well Casing. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Schoen, yes; Mr. Broz, yes; Ms. Morgan, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-3.080, Liners. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Broz, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-3.090, Regionalization. Mr. Schoen seconded the motion. A roll call vote was taken as follows: Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Schoen made a motion to adopt Order of Rulemaking 10CSR 23-3.100, Sensitive Areas. Mr. Prewett seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-3.110, Plugging of Water Wells. Mr. Schoen seconded the motion. A roll call vote was taken as follows: Mr. Schoen, yes; Mr. Broz, yes; Ms. Morgan, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-4.010, Definitions. Mr. Schoen seconded the motion. A roll call vote was taken as follows: Mr. Broz, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Ms. Morgan made a motion to adopt Order of Rulemaking 10CSR 23-4.020, Certification and Registration of Monitoring Reports. Mr. Prewett seconded the motion. A roll call vote was taken as follows: Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-4.030, Location of Wells. Mr. Schoen seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-4.050, General Protection of Groundwater Quality and Resources. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Schoen, yes; Mr. Broz, yes; Ms. Morgan, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-4.060, Construction Standards for Monitoring Wells. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Broz, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-4.080, Plugging of Monitoring Wells. Mr. Prewett seconded the motion. A roll call vote was taken as follows: Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Schoen made a motion to adopt Order of Rulemaking 10CSR 23-5.010, Definitions. Mr. Prewett seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-5.020, Certification and Registration of Heat Pump Systems. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Schoen, yes; Mr. Broz, yes; Ms. Morgan, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-5.030, General Protection of Groundwater Quality and Resources. Mr. Schoen seconded the motion. A roll call vote was taken as follows: Mr. Broz, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-5.040, Location of Heat Pump Wells. Mr. Schoen seconded the motion. A roll call vote was taken as follows: Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-5.050, Construction Standards for Closed-Loop Heat Pump Wells. Mr. Schoen seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-5.060, Construction Standards for Open-Loop Heat Pump Systems That Use Groundwater. Mr. Schoen seconded the motion. A roll call vote was taken as follows: Mr. Schoen, yes; Mr. Broz, yes; Ms. Morgan, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-5.080, Plugging of Heat Pump Wells. Mr. Schoen seconded the motion. A roll call vote was taken as follows: Mr. Broz, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-6.010, Definitions. Mr. Broz seconded the motion. A roll call vote was taken as follows: Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-6.020, General Protection of Groundwater Quality and Resources. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Schoen made a motion to adopt Order of Rulemaking 10CSR 23-6.030, Location of Test Holes. Mr. Prewett seconded the motion. A roll call vote was taken as follows: Mr. Schoen, yes; Mr. Broz, yes; Ms. Morgan, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Prewett made a motion to adopt Order of Rulemaking 10CSR 23-6.040, Construction Standards for Test Holes. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Broz, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

Mr. Broz made a motion to adopt Order of Rulemaking 10CSR 23-6.050, Plugging of Test Holes. Mr. Schoen seconded the motion. A roll call vote was taken as follows: Ms. Morgan, yes; Mr. Schoen, yes; Mr. Prewett, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Mr. Schoen made a motion to adopt Order of Rulemaking 10CSR 23-6.060, Confidentiality of Registration Report Forms. Mr. Prewett seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes; Ms. Morgan, yes; Mr. Schoen, yes; Mr. Broz, yes; Chair Flynn, yes. Motion carried.

Chair Flynn commended the Board, staff, and the public on their contributions to the rule changes.

SECTION UPDATES

The Chairman recognized Mr. Rollins updated the Board on the following items: staff updates, GovDelivery electronic notifications, and annual permit renewal statistics.

MISSOURI WATER WELL ASSOCIATION

The Chairman recognized Mr. Jim Cook who asked for clarification of what issues go before the Well Installation Board and what issues go before the Administrative Hearing Commission (AHC). Ross Keeling stated disciplinary actions would go to the AHC and permitting issues would go before the Board. Mr. Cook invited the Board to hold the next Well Installation Board meeting at the Missouri Water Well Association annual convention on Monday, February 18th, 2019.

OTHER BUSINESS

None.

PUBLIC COMMENT AND CORRESPONDENCE

None.

FUTURE MEETINGS

The next board meeting is tentatively scheduled to be held 10 a.m., Monday, February 18th, 2019, in conjunction with the MWWA Convention at the Ramada Convention Center, Springfield, MO. Additional tentative 2019 meeting dates include: May 17, August 23, and November 2, 2019.

ROLL CALL VOTE FOR NEXT CLOSED SESSION

Mr. Schoen moved that the Well Installation Board meet in closed session 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's attorney. Mr. Broz seconded the motion. A roll call vote was taken as follows: Mr. Schoen, yes, Mr. Broz, yes; Ms. Morgan, yes; Mr. Prewett, yes; Chair Flynn, yes. Motion carried.

ADJOURNMENT OF MEETING

Mr. Broz moved to adjourn the meeting. Ms. Morgan seconded the motion. Motion carried. Meeting adjourned at 11:25 a.m.

Minutes taken at the Well Installation Board meetings are not verbatim records of the meeting. Consequently, the minutes are not intended to be and are not a word-for-word transcription.