

Open Meeting Minutes
Wednesday, June 23, 2021 @ 9:00 A.M.
Video/Teleconference via Google Hangouts Meet
Video Link: meet.google.com/paz-ykgi-nkt
Phone: + 1 321-558-2746 PIN: 794 573 470 #

Board Members Present

Hahns Hairston – Chairman/Public At Large
Larry Brenneman – Western MD
Dave Kelly – Central MD
Mike Hall – Eastern MD
Brad Hartman – Southern MD
Heather Quinn – DNR
Robert Peoples – MDE

MDE Staff Present

Duane Johnson – Executive Director
Gayatri Mostaghimi – Board Counsel
Dee Settar – MDE, Water Supply Program
John Boris – MDE, Wastewater Permits

Call to Order

With a quorum present, Chairman Hahns Hairston called the meeting to order at 9:07 a.m.

Review and Adoption of Meeting Agenda

Chairman Hairston presented the agenda for review and approval. A motion to approve the agenda with additions was made by Mike Hall and seconded by Brad Hartman. The motion was approved with one abstention by Hahns Hairston.

Board Chairman Comments

Chairman Hahns Hairston welcomed everyone to the meeting.

Review and Approval of May 26, 2021 meeting minutes

Chairman Hairston presented the minutes for the May 26, 2021 open meeting for review and approval and asked for any modifications. Dave Kelly made a motion to approve the minutes that were seconded by Mike Hall. The motion was approved with one abstention by Hahns Hairston.

Executive Director Comments

a. Draft Revenue and Expenditures

APRIL 2021	
REVENUE	\$44,500
EXPENDITURES	\$102,623
MAY 2021	
DRAFT REVENUE	\$8,675

Duane Johnson said he hopes to have a final report for May at the July 2021 meeting. Hahns Hairston asked if the Board is currently covering their expenses. Dee Settar said expenses are covered on an annual basis, but she is not sure. Hahns asked if the Board is going to have the Sunset Review this year which is an audit of the Board of Well Drillers files. Dee said when she spoke to Neil the review was waived for the Board of Well Drillers. Dee said she would look into it and give an update at the next meeting, and that she could also look at expenditures and revenue for an extended period of time through a couple of renewal cycles so that Board members could see how much money is coming in and being spent on an annual basis. Heather Quinn said she would like to see that done.

b. 2021 License Renewals Update

Duane Johnson said renewals have drastically decreased since the beginning of the 2021 renewal cycle. The 165 renewals that were waiting for documents are now down to 25.

New Business

a. Exam Qualifications

August 2021 Exam Qualifications

Name	Exam Type	Qualifications	Employer	Experience/Equipment	Recommendation
Daniel Ditman	AWD	Meets 1 year requirement Provided 10 locations where applicant assisted in installations MGD147 sponsor Letter of recommendation received	Robert Balter Company Since 2009	* Hollow Stem Augers * Mud Rotary	Approve
Eric Hunter	WCI	Provided 10 locations where applicant assisted in installations (all in 2021)	Clear Water Since 2007	* CTM 300,000 *HET 120,000 * CSM 600,000	Approve

		Letter of recommendation received AWC093 active since 2019			
German Landaverde	AWD	Meets 1 year requirement Provided 10 locations where applicant assisted in installations Letter of recommendation on file MWD326 sponsor	Allied Env. Services 2018 to present	* Rotary *Water Wells * Geothermal	Approve
Eric Carter	AWC	Meets 1 year requirement Provided 10 locations where applicant assisted in installations Letter of recommendation on hand Sponsor form on hand	Phelps Water Co. 2010 to present	* Well Pumps * Water Conditioner *Feeders *UV	Approve
Gordon Wright	MWD	JWD license (JWD406) Provided 10 locations where applicant assisted in installations	A.C. Schultes 2013 to present	* Irrigation Monitoring * Municipal Wells *Mud and Reverse Rotary	Approve

Mark Spade	AWD	Meets 1 year requirement Provided 10 locations where applicant assisted in installations Letter of recommendation on hand Sponsor form (MWD552)	Eichelbergers 2011 to present	* Atlas Copco T3W * 6620 DT Geoprobe * Soil Borings * Monitoring * Sanitary Wells	Approve
Matthew Virts	AWD	Meets 1 year requirement Provided 10 locations where applicant assisted in installations Letter of recommendation received	Wayne's Water N Wells 2011 to present	* Air Rotary * T3W Residential, Commercial * Injection Wells	Approve

Mike Hall made a motion to approve the above applicants to take the examination. Larry Brenneman seconded the motion. The motion was approved with one abstention by Hahns Hairston.

b. Exam Results

June 9, 2021 Exam Results

Passed	1
Failed	2
Pass %	33%
Failed %	67%
Average Grade	66 %

The following applicant passed the examination:

Shane Salta, MWD

A motion was made by Robert Peoples and seconded by Heather Quinn to approve Shane Salta's Master Well Driller license. The motion was approved with one abstention by Hahns Hairston.

c. Potential Changes to Well Drillers' Regulations

The following subjects were discussed by the Board:

In State vs Out-of-State Examination (COMAR 26.05.04.01), State vs Regional Conferences (26.05.03.03), and the Board's ability to add a monetary fine when considering a violation (COMAR 26.05.04.01).

- **In State vs Out-of-State Examination**

Gayatri Mostaghimi suggested that the staff should list the exact language of the COMAR regulation and what the Board wants to change and why.

Mike Hall asked Gayatri Mostaghimi if the Board could create a sub-committee to look into regulation changes and report back to the Board. Gayatri said she would have to research the issue and get back to the Board at the next meeting.

Gayatri said staff need to make a referral to OAG requesting guidance to set-up a sub-committee to review current Board regulations. Mike Hall suggested including other drillers in the state on the sub-committee.

Heather Quinn said the Board might want to think about reciprocity and how other states use it.

Gayatri suggested creating a chart with the current regulation, the proposed changes, and why the changes are proposed. She said this will be very helpful when communicating with MDE to explain what the Board wants to do in terms of regulation changes. Gayatri asked the Board for language they want to change in column B of COMAR 26.05.01.04. Dave Kelly said he is not sure if he wants to change what an out-of-state driller has to do, but that he is more concerned about making it fair to in-state drillers.

- **State vs Regional Conferences (COMAR 26.05.03.03)**

Mike Hall asked Gayatri Mostaghimi if the Board needs a regulation change to change an organization's name. Gayatri said yes, the regulation needs to be updated and amended if it is not current. Robert Peoples mentioned defining a

“state association meeting” vs a regional meeting. Gayatri said she would suggest using the exact citation, what the language says, and what changes the Board would like to see.

Robert Peoples said under COMAR 26.05.03.03 part (D)(3) courses conducted by a water well-drilling contractor shall have the prior approval of the Board. He asked if it is something the Board wants to do or not, or if the Board approves things retroactively. He asked if that language should be changed or not, and asked Duane if there is anything on the training form that might need to be added to A- F. Robert suggested drillers could submit all of their CEU’s all at one time to make CEU tracking to be a lot easier on the Executive Director.

- **Board’s ability to add a monetary fine when considering a violation**

Hahns Hairston asked if the Board needs certain approval from MDE and if this needs to be put in the regulations. Gayatri Mostaghimi suggested talking about this in a closed meeting because the Board is seeking legal advice. Gayatri said to add this to the list of subjects to be discussed and suggested the Board prepare a proposal and discuss it with MDE. Gayatri also suggested creating a chart with the specific regulation, proposed changes and why the Board wants to change the regulation.

Dee Settar provided some statistical data concerning well rig operators who took the apprentice examination vs well rig operators who were licensed without taking the apprentice examination. Dee said the majority of well rig operators never took the apprentice examination and that this information could be helpful when looking at regulation changes. The Board suggested that staff routinely send a notice to drillers when their apprentice licenses are about to expire. Gayatri suggested continuing this discussion in a closed meeting.

Old Business

- a. **Online Permitting Discussion**

Dee Settar said she had discussions about creating a simple electronic reporting form. John Boris shared what he found on West Virginia’s website as it relates to fillable pdf forms that could be sent to the counties. It could be filled out electronically or printed and then filled out. Besides the payment portion this would be a good option for online permitting. Heather Quinn said the backside to this would be data collection.

Naomi Hill, Program Manager, Wastewater Permits asked what the Board’s objective is for the online form. The Board said they are just looking for a form that they can fill out and send to county health departments. Naomi said she can work with IT to get a digital form that’s uniform for everyone.

b. Corps of Engineer Discussion

Dee Settar said that as it related to federal agencies and assigning a number to identify them, it was suggested to use OTH (other) or N (non-profit) and a code along with a contact number to reflect that they did not have an actual driller's license.

The Board decided to continue having Zoom meetings until notified by MDE of any changes.

Board Vote to Move into Closed Session

Pursuant to General Provisions Article ("GP") § 3-305(b), on a motion made by Brad Hartman and seconded by Dave Kelly, the following Board members voted in favor to move into closed session on June 23, 2021 at 11:33 AM via Google Hangouts video/ teleconference for the purpose of complying with certain provisions of the Open Meetings Act: Larry Brenneman, Brad Hartman, Dave Kelly, Mike Hall, Heather Quinn, and Robert Peoples. Chairman Hairston abstained, and the motion carried.

Specifically, the Board discussed correspondence and the violation status associated with two license holders in closed session pursuant to the General Provisions Article ("GP"):

GP § 3-305(b)(2) - To protect the privacy and reputation of the license holders

GP § 3-305(b)(7) - To consult with counsel to obtain legal advice; and

GP § 3-305(b)(8) - To consult with staff, consultants or other Individuals about pending or potential litigation.

A motion was made by Mike Hall and seconded by Brad Hartman to adjourn the open meeting at 11:34 AM. The motion passed with one abstention by Hahns Hairston.