



MARYLAND STATE BOARD OF WELL DRILLERS

Minutes of Open Meeting
Liberty Conference Room
Maryland Department of the Environment
1800 Washington Boulevard, Baltimore, MD 21230
December 18, 2019

Board Members Present

Hahns Hairston – Chairman
Larry Brenneman – Vice-Chairman
Brad Hartman
Dave Kelly
Mike Hall
Heather Quinn – DNR

Staff Present

Elaine Nolen – Executive Director
Neil Winner – MDE, Water Supply Program
John Boris – MDE, Wastewater Permits Program
Ellen Cohill, Esq. – Board Counsel

Board Members Absent

Robert Peoples – MDE

Call to Order

With a quorum present, Chairman Hairston called the meeting to order in the Liberty Conference Room at 9:25 a.m.

Review and Adoption of Proposed Meeting

Chairman Hairston presented the agenda for review and approval. A motion to approve the meeting agenda as amended was made by Mike Hall and seconded by Dave Kelly. The motion was approved unanimously with no abstentions.

Review of Open Meeting Minutes

Chairman Hairston presented the minutes of the August 26, 2019 open meeting for review and approval and asked for any modifications. A motion to approve the meeting minutes with one modification to add explanatory text to the continuing education chart was made by Mike Hall and seconded by Dave Kelly. The motion was approved unanimously with no abstentions.

Review of Closed Meeting Minutes

Chairman Hairston presented the minutes of the August 26, 2019 closed meeting for review and approval and asked for any modifications. A motion to approve the meeting minutes with no modifications was made by Heather Quinn and seconded by Mike Hall. The motion was approved unanimously with no abstentions.



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Board Chair Comments

Chairman Hairston welcomed all attendees to the meeting. He stated that Elaine Nolen has faithfully served as Executive Director of the Board for three years and seven months and that she will be greatly missed after her retirement January 1, 2020.

Director's Report

- a. Revenues and Expenditures – As of July 31, 2019

Appropriation FY 2020	\$114,663.00
Expenses	\$ 41,915.65
Revenue	\$ 7,425.00

- b. Elaine Nolen provided Board members with the Apprenticeship Extension Request form available online. The regulations allow apprentices to request up to six-month extension for good cause, for example, to allow them time to pass an exam.
- c. Elaine Nolen provided Board members with a brief description of an update to the well drillers' database. Twenty-four new checkbox fields have been added to the employers table, one for each Maryland county. This modification will allow future collection of data regarding Maryland counties in which each company employs Maryland licensees and offer their services.

New Business

- a. October 2, 2019 exam results:

# pass	5
# fail	4
% pass	56%
% fail	44%
Average Grade	64%

- b. December 4, 2019 exam results:

# pass	13
# fail	3
% pass	81%
% fail	19%
Average Grade	78%



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A motion to approve everyone who passed both exam dates with a grade of 70 and above was made by Larry Brenneman and seconded by Brad Hartman. The motion was approved unanimously with no abstentions.

c. Review and discussion of Continuing Education requests:

Organization	Name of Course	Location	Dates	License Categories	Approved Hours Asterisk * indicates total of 10 hours accepted
Virginia Water Well Association	2019 Fall Field Day	Blacksburg, VA	10/4/2019	All Licensees	7.0
DNREC	CCR (Certified Construction Reviewer) Recertification Course	Dover, DE	10/17/2019	MWD, MGD, MSD, JWD, JGD, JSD, WRO, AWD	6.5*
NGA - National Groundwater Association	2019 Groundwater Week	Las Vegas, NV	12/2-5/2019	All Licensees	Credit given for technical sessions attended, code required. Plus 1.0/day national attendance
Delaware Technical Community College	Application of Membrane Technology	Online	1/27-5/8/2020	MWD, MGD, MSD, JWD, JGD, JSD, WRO, AWD, WCI, AWC (not PIO, API)	8.0



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Delaware Technical Community College	Basic Electricity Online Course	Online	1/27-5/8/2020	All licenses	8.0*
Delaware Technical Community College	Chlorination Technology	Online	1/27-5/8/2020	All licenses	8.0
Delaware Technical Community College	Math Review for Water Wastewater Operators Online Course	Online	1/27-5/8/2020	All licenses	6.0*
Delaware Technical Community College	Pumps, Motors, and Controls Online Course	Online	1/2-5/8/2020	All licenses	8.0
Delaware Technical Community College	Valves Online Course	Online	1/27-5/8/2020	All licensees	8.0
Delaware Technical Community College	Watersheds and Their Impact on the Environment Online Course	Online	1/27-5/8/2020	All licensees	4.0*
Delaware Technical Community College	Chemistry Basics for Water/Wastewater Professionals	Georgetown, DE	2/7/2020	All licenses	6.0*
Delaware Technical Community College	Chlorination Technology	Georgetown, DE	2/20/2020	All licenses	7.0
Delaware Technical Community College	Valves	Georgetown, DE	2/26-27/2020	All licensees	7.0
Delaware Technical Community College	Water Supply Hydrology, Sources and Water	Georgetown, DE	3/19/2020		7.0



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College	Conservation				
Delaware Technical Community College	Pumps: Installation, Maintenance, and Repair	Georgetown, DE	3/27/2020	All licenses	7.0
Delaware Technical Community College	Excavation Safety	Georgetown, DE	4/27/2020	All licenses	6.0*
Delaware Technical Community College	Math Review for Water and Wastewater Operators	Georgetown, DE	5/14-21/2020	All licenses	6.0*
Delaware Technical Community College	Intro to Variable Frequency Drives (VFD)	Georgetown, DE	5/26-27/2020	MWD, MGD, MSD, JWD, JGD, JSD, WRO, AWD, PIO, API (not WCI, AWC)	7.0
Delaware Technical Community College	Application of Membrane Technology - Online Course	Online	6/1-8/7/2020	MWD, MGD, MSD, JWD, JGD, JSD, WRO, AWD, WCI, AWC (not PIO, API)	8.0
Delaware Technical Community College	Basic Electricity Online Course	Online	6/1-8/7/2020	All licenses	8.0*
Delaware Technical Community College	Chlorination Technology Online Course	Online	6/1-8/7/2020	All licenses	8.0
Delaware Technical Community College	Math Review for Water Wastewater Operators Online Course	Online	6/1-8/7/2020	All licenses	6.0*
Delaware Technical Community College	Pumps, Motors, and Controls Online Course	Online	6/1-8/7/2020	All licenses	8.0
Delaware Technical	Valves Online Course	Online	6/1-8/7/2020	All licensees	8.0



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Community College					
Delaware Technical Community College	Watersheds and Their Impact on the Environment Online Course	Online	6/1-8/7/2020	All licensees	4.0*
Delaware Technical Community College	10-Hour General Industry OSHA Course	Georgetown, DE	2/29-3/14/2020	All licensees	10.0*
Delaware Technical Community College	Small Engine Repair I	Georgetown, DE	2/6-3/19/2020	MWD, MGD, MSD, JWD, JGD, JSD, WRO, AWD, PIO, API (not WCI, AWC)	10.0*
Delaware Technical Community College	Small Engine Repair II	Georgetown, DE	4/2-5/14/2020	MWD, MGD, MSD, JWD, JGD, JSD, WRO, AWD, PIO, API (not WCI, AWC)	10.0*
Allegany College of Maryland	Small Engine Maintenance	Cumberland, MD	10/3-24/19	MWD, MGD, MSD, JWD, JGD, JSD, WRO, AWD, PIO, API (not WCI, AWC)	8.0*
Allegany College of Maryland	Small Engine Maintenance II	Cumberland, MD	10/31-11/21/19	MWD, MGD, MSD, JWD, JGD, JSD, WRO, AWD, PIO, API (not WCI, AWC)	8.0*
Delaware Water Well Licensing Board	15th Annual Fall Seminar	Dover, DE	12/6/2019	All licensees	4.5

A motion to approve the courses/events for the hours and license types indicated on the chart above was made by Mike Hall and seconded by Brad Hartman. The motion was approved unanimously with no abstentions.



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Old Business

- a. Existing violations and complaints: A motion to go into an Administrative Function Meeting to discuss existing violations and complaints was made by Mike Hall and seconded by Dave Kelly. The motion was approved unanimously with no abstentions.

Board members reviewed and discussed the handling of existing violations associated with licensees employed by one specific company.

A motion to come out of Administrative Function in order to continue the meeting was made by Mike Hall and seconded by Larry Brenneman. The motion was approved unanimously with no abstentions.

BOARD VOTE TO MOVE INTO CLOSED SESSION

CLOSED SESSION: Pursuant to General Provisions Article ("GP"), § 3-305(b), on motion by Mike Hall, seconded by Brad Hartman, the Board members unanimously voted to move into a closed session on December 18, 2019 at 11:56 a.m., in the Liberty Conference Room, for the purpose of complying with certain provisions of the Open Meetings Act.

During the closed meeting, the following board members were present: Chairman Hairston, Vice-Chairman Larry Brenneman, Brad Hartman, Dave Kelly, Mike Hall, and Heather Quinn. Absent was Robert Peoples.

Specifically, the Board, with a quorum present, discussed taking enforcement action against certain individuals for violations of Maryland's well drilling laws and regulations in closed session pursuant to the General Provisions Article ("GP") as stated below:

GP § 3-305(b)(2) - To protect the privacy and reputation of an applicant's licensing information;

GP § 3-305(b)(7) - To preserve the attorney-client privilege;

GP § 3-305(b)(8) - To consult with staff and others regarding pending investigations involving potential litigation against certain individuals;

GP 3-305(b)(12) - To discuss an investigative proceeding on possible criminal conduct and to protect the privacy of the individual who is the subject of that investigation; and

GP § 3-305(b)(13) - To comply with the PIA, specifically, GP § 4-333, to protect the confidentiality of an applicant's or a licensee's licensing information.



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Regarding the first individual discussed by the Board, with a quorum present, the Board members voted unanimously to send the individual a Notice of Intent to Penalize to the Office of the Attorney General for MDE/Board. As for the second individual discussed by the Board, with a quorum present, the Board members, except for Vice-Chairman, Larry Brenneman, who recused himself because he knows the individual, voted to send the individual a Notice of Intent to Penalize to the Office of the Attorney General for MDE/Board.

A motion to conclude the closed session and return to open session was made by Michael Hall and seconded by Dave Kelly. All Board members were in favor. Motion carried. The closed session was concluded at 1:30 p.m., and the Board returned to open session.

Industry Correspondence/State of the Industry

Dave Kelly raised the topic of applicants who are unable to pass the written exam after taking it multiple times. He was contacted by an in-state driller who has not been successful in passing the apprentice exam. Ellen Cohill cited COMAR 26.05.02.04, which states that upon prior approval of the Board, an applicant can take the exam “orally in whole or in part upon a showing of the existence of exceptional circumstances, for example, the applicant suffers from dyslexia or other reading disability.” The Board discussed the fact that applicants could request to take the exam orally. In that case, the exam is read to the applicant by someone who is not familiar with the topics in the exam.

Adjournment

A motion to adjourn the meeting was made by Dave Kelly and seconded by Heather Quinn. The motion passed at 1:36 p.m. The motion was approved unanimously with no abstentions.