

Well Driller's Commission Meeting Minutes

Date: Wednesday, January 9, 2013

Location: 286 Water Street, 3rd Floor

Attendees: Joe Gallant, Master Driller, Stanley E. Hillock Well Co
Frank Hegarty, Master Pump Installer, Hegarty Plumbing & Heating, Inc.
Tom Weddle, Hydrogeologist, Maine Geological Survey
Donald Robbins, Certified Geologist, A.E. Hodsdon Consulting Engineers
Paul Gauvreau, Deputy Attorney General – Office of the Attorney General
David Braley, Senior Geologist, Maine CDC and Prevention
Dwight Doughty, Jr. Division Manager, Maine DOT
Ike Goodwin, Master Driller, Goodwin Well & Water Inc.

Invitees: Ed Bowie, Prior Commission Chairman

Minutes prepared by: Doris Poirier, Commission Clerk

AGENDA

1. Review and approve minutes from the December 2012 meeting.
 2. Discuss old business, complaints, pending matters, responses, and SWA applications.
 3. Discuss new business.
 4. Public comments (if any) and other items.
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PROCEEDINGS:

Don Robbins - Meeting called to order at 9:04 a.m.

TOPIC: APPROVAL OF DECEMBER 2012 MINUTES

DISCUSSION: Revisions of the December 2012 minutes provided to Doris.

Motion: It was motioned to accept the revised minutes.

2nd by: Tom Weddle

Vote: Unanimous (without Ike Goodwin due to his absence at the December meeting).

Action: Doris to make revisions.

Follow-up: Final copy to be sent to Commission Members.

TOPIC: OLD BUSINESS – NONE

TOPIC: NEW BUSINESS – NEW COMPLAINT (Ms. Mora G. Camenga - Winthrop)

DISCUSSION: David Braley distributed a complaint that was submitted to the Commission, via e-mail on Tuesday, January 8, 2013, by Ms. Mora G. Camenga regarding well driller Delwin Philbrick.

- The complaint was reviewed and it was determined that the Commission would accept the complaint. The discussion revolved around public health and safety.
- Paul Gauvreau discussed 900.5 of the rules, and whether or not an initial determination had been made that a violation of the rule had been made. (900.5

Suspension and/or revocation: The commission will determine if a violation has occurred and shall notify the responsible well driller, well drilling company, closed loop geothermal installer, closed loop installation company, pump installer or pump

installation company by certified or registered mail of the violation and order the responsible party to correct the violation within sixty (60) days of receipt of the notification, or within 48 hours of receipt of the notification if the commission makes a determination that the violation has resulted in a significant threat to public health, including but not limited to verified or potential contamination by pathogenic organisms. If the violation is not corrected within sixty (60) days, or within 48 hours of receipt of the notification if the commission makes a determination that the violation has resulted in a significant threat to public health, or if the commission finds a violation of any section of these rules, the commission may initiate revocation or suspension of the license of the responsible party or parties. The duration of the suspension shall be determined by the commission upon a review of the number of violations accumulated by the licensee, the severity of the violation and its potential impact on public health, and the level of cooperation with the commission by the licensee to resolve the violation. A violation committed by either a licensed well driller or licensed pump installer is chargeable against both the individual licensee and the company for whom the individual is employed. A registrant who receives a written notice of a violation or of a proposed revocation or suspension of license under this rule may request a hearing before the commission. The commission shall conduct a hearing in accordance with the Administrative Procedures Act and issue its decision within thirty (30) days of the request for a hearing. A decision of the commission under this rule is a final agency action.)

- Because the complaint was not specific, additional information is needed:
 - Dwight Doughty to:
 - Conduct a site visit of the property which is tentatively scheduled for Thursday, January 10, 2013, and
 - Interview the homeowner if she is available.
 - David Braley to call the homeowner and inform her of the site visit.
 - Doris Poirier to send a letter to the well driller regarding the complaint and indicate to the well driller to not make any alterations to the well unless prior approval has been received by the Commission.
 - Advise both the well driller and home owner to be present at the next meeting.

MOTION: It was motioned to accept the above action.

2nd by: David Braley

Vote: Unanimous

Action: Action will be taken as indicated above.

Follow-up: Follow-up at the February meeting.

TOPIC: SPECIALTY WELL APPLICATIONS (SWP) – NONE

TOPIC: PUBLIC COMMENTS: None

TOPIC: OTHER ITEMS

Regarding 703.1, Paul Gauvreau stated that the next time the rules are updated, the reference of 501.1 (page 26) needs to be updated to 701.1.

The Commission awarded Paul Gauvreau, AAG, and Ed Bowie, prior Commission member, certificates for their years of service. Congratulations to Paul and Ed!

MEETING ADJOURNED: 9:56 a.m.

The next Well Driller Commission Meeting is scheduled for Wednesday, February 13th, 2013 at 286 Water Street, 3rd floor conference room.