

Well Driller's Meeting Minutes
Date: Wednesday, June 11, 2014
Location: 286 Water Street, 3rd Floor

Attendees: Commission Members:

Joe Gallant, Master Driller
Frank Hegarty, Master Pump Installer
Daniel Locke, Hydrogeologist, Maine Geological Survey
David Braley, Senior Geologist, Maine CDC and Prevention
Dwight Doughty, Jr. Hydrogeologist, Maine DOT
Ike Goodwin, Master Driller; and
Don Robbins, Certified Geologist

Legal Counsel:

Deanna White, Assistant Attorney General – Office of the Attorney General

Absent: Tom Weddle, Hydrogeologist, Maine Geological Survey

Guests: Cindy Killer, Well Driller/Pump Installer

Minutes prepared by: Doris Labranche, Commission Clerk

PROCEEDINGS:

Dwight Doughty - Meeting called to order at 9:05 a.m.

TOPIC: APPROVAL OF MAY 2014 MINUTES

DISCUSSION: Don motioned to review the May minutes; Joe 2nd the motion. The minutes were amended. Don amended his original motion to include the new SWA language. The May minutes will include the most recent revision. The May minutes were approved by unanimous vote, with Don and Ike abstaining because they were not in attendance. Doris to revise and then disseminate to the Commission.

TOPIC: CURRENT COMPLAINTS – Ms. Lisa Pulieris of Windham, ME / Cindy Killer of Atlantic Water Solutions, Alfred, ME.

DISCUSSION: Issue; the pump remains stuck in the well. Still no response from the homeowners. What happens when a pump gets stuck? Who is responsible? Is the casing seal proper? Are there any near surface fractures? Ike reminded the commission that the independent inspector uses years of knowledge and experience in making a professional judgment call. The independent inspector is a neutral party. If there is a physical reason that we cannot inspect the well, the homeowner has to address that issue in order for the inspection to be performed. The homeowner needs to contact us after it has been removed.

David B. distributed “Maine Revised Statutes, 4700-G, Title 32: Professions and Occupations, Chapter 69-C, Maine Water Well Commission, Paragraph 3 – Investigate complaints”.

Deanna W., Assist. Attorney General stated “the rules finalize the decision. If the alleged violator wants someone else other than the neutral inspector, the violator has to pay for it. (See Chapter 9 of the rules, page 30, Section 900.3).

The discussion revolved around the Maine Statute (MRS Title 14, Chapter 741: Tort Claims Act), the Memorandum of Agreement (or Understanding), contract workers vs state workers, insurance rider(s), warranty, liability and violations – if any, and public notification of meetings/workgroups. (It was noted that all Commission meetings are posted on the WDC website, and that the meeting was publicized but no one came.)

Although there were numerous motions, amendments, re-amendments, etc., the end of the discussion is summarized as follows:

Motion: Ike moved to table the complaint and consider the discussion at the July meeting.

2nd by: Joe

Vote: Unanimous vote to table.

Action:

- Deanna to contact David Fitz, DAFS, to discuss insurance riders.
- David to draft letter to send to the homeowners regarding their options. An attempt was made; however, the Commission cannot move forward with the inspection until the pump is removed.
 - Letter to include:
 - a) timeframe for deadline on removal of pump, or complaint will be closed,
 - b) recommend homeowner(s) and all interested parties to be present during the inspection,
 - c) release/waiver information, and;
 - d) thresholds.
- David to update the complaint form to include release/waiver guidelines, and timeline for complainant to respond.
- David to develop SOP for standard inspections and similar situations to include:
 - release/waiver information,
 - guidance for independent inspector,
 - thresholds, and;
 - administrative procedures for support staff.
- Deanna to research the State of Maine warranty law regarding home improvement.
- Deanna to provide additional info regarding the Maine Tort Claims Act.
- Dwight to provide Deanna with sample documents on similar issues.
- Dwight to research DOT credit card billing/funding between State agencies.
- Dwight to follow-up on MOU between DOT and DWP.
- Doris to send ALL Commission correspondence via U.S. Certified mail.

TOPIC: CURRENT COMPLAINTS – Melissa Hackett of Bowdoinham, ME / Carl Levesque of A-Z Water Systems, Gray, ME.

DISCUSSION: David Philbrook was not in attendance at today’s meeting.

Motion: David moved to table the complaint pending the return of lab results.

2nd by: Don

Vote: Unanimous to table.

Action: Complaint tabled until the July meeting.

DISCUSSION: The discussion revolved around whether or not any possible licensing violations had occurred.

Action:

- Review of possible licensing violations will be conducted at the July meeting.
- Don to contact the Plumbing Board and the Electrical Board

TOPIC: Complaint received from Ms. Deborah Meehan. Complaint not accepted due to lack of information and improper complaint form used to submit information.

TOPIC: SPECIALTY WELL APPLICATIONS (SWP)

Anne Morrison & John Sheskey, Homeowners – Temple Well Drilling Company

DISCUSSION: This is a proposed specialty well that is “to use a 360’ deep abandoned well for a closed loop geexchange that is 33 feet from a new drinking water well”.

Motion: Don moved to approve the SWA to include the new language, with the change on the last paragraph, to end with ‘zoned off’.

2nd by: David Braley

Vote: Unanimous to approve.

Action: Doris to proceed with standard operating procedures including Well Variance Deed Covenant, and other standard supporting documentation regarding the SWA.

TOPIC: EXAM APPLICATIONS:

DISCUSSION: The following exam application(s) were reviewed;

RIDEOUT, Scott – PI-J

The application was not accepted for review.

TOPIC: OTHER DISCUSSION:

- Chapter 2, Section 203.3 Examination fee of the rules was discussed. No application will be accepted for review without being complete. Application will be considered ‘incomplete’ and returned to the individual.

- Sunset clause on exam applications.
Motion: Ike moved to establish a policy that all licensing exam applications remain in effect for 1 year and that notification of the effective date be stated in the letter sent to the exam candidate.
2nd by: Don
Vote: Unanimous to approve.
Action: Doris to incorporate language in letters to exam candidates. David B. to develop SOP.

- Data collection on renewal applications.
Motion: Frank motioned that we add a section on the renewal applications, for Journeymen PI & WD and for Master PI & WD, for the applicant to indicate whether or not they are to be considered 'active' or 'in-active', as some individuals wish to 'renew' their license, but they are not actively performing the work.
2nd by: David
Vote: Unanimous to approve.
Action: Doris to update application.

- Master License(s)
The discussion revolved around masters 'employed' by a company.
 - David to draft a letter to send to the Maine Ground Water Association seeking input from the regulatory committee. Refer to the rules Chapter 2, section 200.1.

TOPIC: PUBLIC COMMENTS – none at this time.

MEETING ADJOURNED: 12:12 p.m.