

## **MAINE WATER WELL COMMISSION**

Minutes of October 10, 2012 Meeting

### **Members Present:**

Donald Robbins, Chairman  
Tom Weddle, MGS  
Joseph Gallant, Driller  
Dwight Doughty, DOT  
Ike Goodwin, Driller  
David Braley, DHHS  
Frank Hegarty

### **Others Present:**

Doris Poirier, Board Clerk  
Paul Gauvreau, AAG  
James Bisson, Well Driller  
Mr. & Mrs. Austin  
Tom Mason, Well Driller  
William Fortin  
Dennis Fortin

### **Call to Order:**

The meeting was called to order at 9:10 a.m.

### **Approval of September, 2012 meeting minutes:**

Dwight motioned to approve the minutes. Tom 2<sup>nd</sup> the motion. Passed unanimously.

### **Pending Complaints:**

#### **Complaint received from: Anonymous**

Owner: Mr. & Mrs. Austin.

Allegation: Well drilled does not meet the minimum requirement of no closer than 100 feet to the leach field.

Well Drilling Company: Affordable Well Drilling

Responsible Master Driller: James Bisson.

#### **Commission Discussion:**

The Commission, the Austins, and Mr. James Bisson, the well driller, discussed the construction of the liner and seal(s) in the well on the Austin's property. The Austin's provided the Commission with pictures showing the installation of the liner with top and bottom seals attached as evidence that the well was properly constructed as ordered by the Commission in November of 2011. Mr. Bisson stated that his company had only been to the site once to install the liner and seals. His office manager's written response to the Commission confirming the installation was dated January 17, 2012 and satisfied the 60 day time limit for corrective action required by Maine statute. The Commission's independent inspector performed a video inspection of the well in June of 2012

which showed water flowing over the top of the liner, indicating either a leaking seal or that no top seal had been installed.

The inspector returned to do another inspection in August of 2012 to confirm the top seal was in place and found that no water was flowing over the top of the liner. The Commission failed to see the joints inside the liner that showed that a top seal was in fact in place during a review of the video in September. During the October commission meeting, Mr. Bisson pointed out the location and joints indicating the top seal during a second review of the video.

Several Commission members questioned the Austin's and Mr. Bisson regarding the stated timeline regarding the corrective action. After much discussion Mr. Braley questioned the honesty and completeness of the information that had been presented to the Commission. Affordable Well Drilling had notified the Commission in writing that the liner and seal had been installed prior to January 17, 2012. When questioned by the Commission's clerk concerning a top seal, Affordable Well Drilling amended its written submittal to include a top seal, stating that the first notification was in error.

The Austin's claimed to have been on site during the installation of the seals and provided the pictures as evidence to the commissioners. The pictures clearly showed the liner and top and bottom seals being installed by individuals in summer cloths, with leaves on the trees, no snow on the ground, and no ice on the lake. It appeared, from the photos, the work was occurring in warm weather, not January in Maine. In addition, Mr. Braley noted that the Austin's had clearly stated they live in Florida for the winter. Therefore, the Austin's could not have been present during a January installation. The information being provided by the Austin's and Mr. Bisson did not appear to be truthful or accurate.

Mr. Braley advised the parties that this matter would be much easier for all concerned to resolve if the truth was presented to the Commission. The Austin's requested a five-minute recess to talk with Mr. Bisson. r. When the Austin's and Mr. Bisson returned from the hallway, Mr. Bisson admitted that he had in fact returned to the site after the June inspection and placed a new top seal on the liner to replace a leaking seal. He did not clarify the actual date of installation of the original liner and seals beyond stating several times during discussions that it occurred sometime in the spring, which was well after the required deadline for completion of corrective action and contradicted the written notice provided to the Commission in January.

#### Commission Action:

Mr. Ike Goodwin moved, "Let the record show that this finding of fact included an acknowledgement that Mr. James Bisson provided additional information while reviewing the video – Mr. Bisson pointed out the joint between the seal and the top liner. The Commission acknowledges that yes, they do see evidence that the top seal was installed, and confirmed on the second inspection.

Mr. Ike Goodwin motioned the original finding of fact be modified based on the additional information provided. In addition, Mr. David Braley stated that the new top seal is found to not be leaking based on findings of the second inspection and that the well is now properly constructed. Mr. Joe Gallant 2<sup>nd</sup> the motion. Motion was approved unanimously.

Mr. Ike Goodwin raised the issue of ethics. The Commission expects every licensed driller to be open, honest, and fully cooperative. The Commission was not properly informed regarding the actions of the driller, and false or misleading information was provided. The Commission noted on the record to Mr. James Bisson that during the consideration of any future complaints, the Commission expects full cooperation. No further warning will be granted. With regards to ethics the discussion revolved around the Code of Ethics (Chapter 3, 300.3.2, 300.3.3 and 300.3.4). Mr. David Braley stated that in all future interactions, the Commission expects total honesty, and open communication. This matter could have been resolved months ago had the driller and property owners been open and honest when communicating with the Commission. Mr. Frank Hegarty requested that the minutes reflect what happened today and that we move forward.

Mrs. Austin stated that “the Board needs to handle the complaint process differently.” She also mentioned a delay in communication due to mailing issues. The Austin’s own more than one home and Mrs. Austin indicated her correct mailing address to the Commission clerk.

Mr. Paul Gauvreau recommended the Commission review its complaint notification procedures. In addition, Mr. Gauvreau indicated that for future practice, that the Commission routinely obtains from the contractor/well-driller/pump installer the appropriate contact information of the property owner.

### **Pending Complaints:**

**Complaint received from: William Fortin vs. Moosehead Water Wells, LLC.**

Allegation: Low Yield - GPM

Well Drilling Company: Moosehead Water Wells, LLC.

Responsible Master Driller: Tom Mason

Commission Discussion:

Mr. Fortin described the well construction that had occurred, including the driller “casing off” shallow fractures that may have increased the well yield. Several Commission members commented that the rules encourage drillers to exclude water from shallow fractures to prevent surface or near surface water from entering the well. These fractures have a high likelihood of being contaminated with bacteria and viruses found at the surface. Mr. Frank Hegarty inquired regarding the purpose of the well. Mr. Fortin stated that he currently had 5 camps and would like to increase the number from 5 to 10 camps in the future. Mr. David Braley noted that 10 camps at 2.5 individuals per camp would be a regulated Public Water System.

Mr. Ike Goodwin commented that a low yield of water is not a violation of the rules. “There is no guarantee on the amount of water.” Mr. Fortin believed that his complaint was also a ‘Code of Ethics’ complaint. Mr. Fortin tried to compare his issue with the prior complaint issue. Again, the Commission stated that the Rules require drillers to exclude surface and near surface waters from entering a well and that no violation had occurred in the rules and with regards to ethics.

### Commission Action:

The Commission reviewed the complaint and determined that no violation of the rules had occurred.

Mr. Ike Goodwin motioned that there was **no violation**, 2nd the motion. The motion passed unanimously.

### New Complaints:

Dupuis vs. Hillock Well Drilling Co. –The complaint was received via e-mail. A response was sent to Mr. Dupuis and the well driller by Mr. David Braley, seeking additional information and notifying both parties that this complaint would be discussed by the Commission at the next meeting in October. Mr. Dupuis did not attend the meeting.

Mr. Joseph Gallant was ‘fact witness’ and recused himself from actively participating in the Commission’s consideration of this complaint. The Commission briefly discussed the e-mail complaint.

Mr. Joseph Gallant informed the Commission that the homeowner installed the pump himself and that the well is located in a farm field. There was not enough information in the complaint to determine whether the well was for human consumption or for agricultural uses. Mr. David Braley reminded the Commission that it does not regulate agricultural wells, only drinking water wells.

Mr. Donald Robbins recommended sending Mr. David Philbrook out to inspect the well. Ike motioned to authorize staff to determine the purpose of the well. If the purpose of the well falls within the DWP’s jurisdiction, then follow up is needed, if within agriculture’s jurisdiction, then no further action on our part. David 2<sup>nd</sup> the motion. The vote was unanimous with Mr. Joseph Gallant and Mr. Frank Hegarty abstaining.

### New Complaint:

Mr. Mark Murray vs. Pine State Services - Mr. Frank Hegarty recused himself from the discussion. Mr. Donald Robbins summarized the e-mailed complaint. The customer indicated that they had ‘water pressure’ problems and contacted Pine State Services. The Commission was not certain if Pine State Services was a plumbing service or a well drilling / pump installer service. If a plumbing service, then this commission does not have jurisdiction.

Mr. Paul Gauvreau inquired as to whether or not Pine State Services had engaged in any activities that they were not licensed for. Mr. Ike Goodwin stated that licensed master plumbers are approved by statute to install pumps. He also indicated that we cannot do anything at this time until we know which license they hold and whether to refer the customer to the Plumbers Examining Board, if the complaint should remain with the Commission, or if no license, then to the Attorney General’s Office for practicing without a license. Mr. David Braley confirmed that Pine State Services was not a licensed pump installation company.

Mr. Ike Goodwin motioned that the complaint be referred to the Plumbers Examining Board. David Braley 2<sup>nd</sup> the motion and the motion passed unanimously.

**Specialty Well Application(s):**

Mr. Donald Robbins discussed a specialty well application from Rolfe's Well Drilling. The well will be 52 feet from the owner's disposal field, and 38 feet from the owner's tank. All others are more than 100 feet away.

Mr. Ike Goodwin motioned to approve the application with 100' of casing. Frank 2<sup>nd</sup> the motion. Motion passed unanimously.

**New Business:**

No new business at this time per Mr. David Braley.

**Meeting Dates for 2012**

January 11, 2012	July 13, 2012
February 8, 2012	August 8, 2012
March 14, 2012	September 12, 2012
April 11, 2012	October 10, 2012
May 9, 2012	November 14, 2012
June 13, 2012	December 12, 2012

Meeting Adjourned at 12:20 p.m.