

Well Driller's Meeting Minutes
Date: Wednesday, October 8, 2014
Location: 286 Water Street, 3rd Floor

Attendees: Commission Members:
Dwight Doughty, Jr. Hydrogeologist, Maine DOT
Joe Gallant, Master Driller
Frank Hegarty, Master Pump Installer
Ike Goodwin, Master Driller
Tom Weddle, Hydrogeologist, Maine Geological Survey
David Braley, Sr. Geologist, MeCDC
Absent: Don Robbins, Certified Geologist, Public Member
Guest: Glenn Angell, State Site Evaluator, Daniel Locke, Hydrogeologist, Maine Geological Survey; Mr. Robert Hutchinson, and Danny Woodsome Public Members.
Legal Counsel: Deanna White, Assistant Attorney General – Office of the Attorney General

Minutes prepared by: Doris Labranche, Commission Clerk

PROCEEDINGS:

Dwight Doughty - Meeting called to order at 9:02 a.m.

TOPIC: APPROVAL OF AUGUST 2014 MINUTES

DISCUSSION: The August minutes were reviewed. There was no September meeting. Several revisions were made. Doris to update and distribute to members and post on DWP website.

TOPIC: ROBERT 'BOB' HUTCHINSON – Grandfathering Inquiry

The discussion revolved around Section 201.0 Grandfather Clause and the rules that were in the process of being implemented during that time. Mr. Hutchinson believed that in 2010 he was wrongfully denied master geothermal licensure. Mr. Hutchinson has been performing 'the inside' work, from the wall end for years. He is currently interested in obtaining a license in order to perform grouting.

Mr. Hutchinson presented copies of letters that he received in 2010 listing the requirements necessary to obtain a license along with copies of his 2010 renewal, work history, and IGSHPA Certification.

According to a letter he received, dated June 8, 2011, he did not qualify for grandfathering because grandfathering for closed loop geothermal was not available to pump installers. According to another letter he received, dated May 6, 2011, he was not eligible to receive a master geothermal license because he did not provide the 10 wells/boreholes (not jobs), etc.

Ike stated that according to the rules "you do not need a license to do horizontal work (not horizontal loops, but doing all of the piping to connect the vertical loops), or any work inside. What you do need a license for, is to drill the well, install grout, pressure testing, flushing & purging of the vertical bore holes, etc."

Ike also stated that under 201.3, the criteria which the Commission approved or did not approve the grandfathering of license, was that the applicant had to show that they had done at least 10. When the applications came in, if they had that documentation, then they were approved.

Mr. Hutchinson did not provided documentation, either at that time, or today, as evidence that he was the person who actually performed the work, and did not hired someone to do it.

David stated that absent grandfathering, the process is, work for a year as an apprentice (1,000 hours), work under someone with a journeyman or master's license, and if he has met all of the criteria, he can sit for the journeyman's exam. After 3 years, he could sit for the master's exam.

Dwight stated that the experience has to be relevant, per 202.10.

Mr. Hutchinson is stated that he has '0' interest in drilling. He is only interested in, when the hole is bored, afterwards, putting the pipe down the hole, and re-grouting it.

Dwight stated that we do not 'tease' out specific elements of the project. David reminded Mr. Hutchinson that we do offer a closed-loop geothermal license. Dwight stated that the Commission tries to work within the confines of the regulations, which is a process, it is adequate for a majority of those in the industry, but obviously, one size does not fit all.

Deanna stated that "I think the reason he was denied, was because he was doing something that did not require a license under the rules, and if he wasn't actually doing the installation, I don't see how he meets the minimum of 10 completed closed loop geothermal heat exchange wells. He does have the certification (IGSHPA)."

David Braley will research past minutes to see if there is anything in the record that may shed new light on this issue.

DANNY WOODSOME – Complaints: Brunner and Meehan.

David Braley recused himself – Glenn Angell sat in on the discussion.

Mr. Woodsome stated that although he had received information on the complaints, that he did not bring copies of the information requested.

Doris distributed copies of the fax that Mr. Woodsome had sent to the Commission.

Dwight stated that a series of violations were noted for both the Brunner and Meehan wells, and a third complaint was recently received from Mr. Nick Gray. During the August meeting, the Commission identified 5 violations, points, and associated costs were developed. He informed Mr. Woodsome that there was a fair hearing appeal process and that once notification was provided, that we could start that process as well.

Mr. Woodsome stated that the Deborah Meehan complaint was a pump issue. According to Mr. Woodsome, F.W. Webb informed him in the spring that they may not go out for 5 years, they may cut back some. He informed Ms. Meehan that that may be the case. Mr. Woodsome and Mr. Meehan subsequently came to an agreement, and he charged her nothing. "She is happy with it, I deepened it, and I sunk the pump deeper into the well for her. She had concerns that the pump was set at 120' and it wasn't deep enough. I couldn't prove that it wasn't. So, I agreed to set it down to over 200'."

Mr. Woodsome stated that "Ms. Brunner had a 120' well, that in the height of the summer, was not sufficient, and he met with her in the spring, agreed to deepen it, unfortunately, he had a mechanical problem that delayed him getting there. He got there before the meeting, deepened it down to 220', and called her several times. She is very satisfied."

Mr. Woodsome stated that since both of the individuals who filed the complaints dropped their complaint, he was under the assumption that the cases would be dropped.

Dwight stated that although the Commission certainly encourages resolution of these issues before a complaint is filed, that once a complaint is filed, due diligence is still done to address the issue. The issue now is resolving the violations and associated penalties and points.

Deanna stated that because Mr. Woodsome did not ask for a fair hearing because of the confusion on how the process worked, that the Commission could give him 20 more days to request a fair hearing which would need to be set-up with an impartial hearing officer.

Dwight stated that the alternative would be a 30 day suspension with the points and a \$5,000 fine.

Mr. Woodsome requested an appeal.

Glenn moved to extend the fair hearing an additional 20 days.

Frank 2nd the motion.

Vote: Unanimous to extend.

Action: Deanna will contact the fair hearing officer. Today's activity was to determine that you (Danny Woodsome) have requested a fair hearing. Specific claims and violations will be discussed at that time.

DANNY WOODSOME – Complaint: Nick Gray of Nick Gray Builders.

Dwight – question to Mr. Woodsome: “Mr. Woodsome, did you receive the September 5th letter from the Commission dealing with Mr. Nick Gray of Elliot?” Response: Yes.

Mr. Woodsome stated that he received the September 5th letter from the Commission dealing with Nick Gray of Elliot, but he was not able to compile any of the information requested in that letter. Mr. Woodsome stated that he did not fill out a well completion report because the well was never finished. He stated that he drilled a 120' well and thought he had adequate water. Mr. Gray contacted him in the spring, informed him of the issue, and Mr. Woodsome stated to Mr. Gray, that ‘yes, we’ll have to deepen it’. According to Mr. Woodsome, the road was posted at that time. Mr. Woodsome stated that although he had received approval from the commission in the past (to travel on a posted road), that he feared DOT would give him a fine. Mr. Woodsome stated that ‘I expressed my concern about that and subsequently heard that Judd Goodwin had come in and drilled the well’, and ‘I would like to make it right with the man, I feel that I owe him a well at no charge, but I figured I had better come before you before I make any sort of offers’.

According to Mr. Woodsome, he never billed Mr. Gray because there was only a down-payment made.

Doris stated that Mr. Woodsome was notified of the complaint and request for information via certified mail, fax, and regular mail.

Mr. Woodsome stated that he had not received the certified mail, that the post office puts a yellow card in his box, and when he goes back home today, he’ll stop at the post office and ask. Mr. Woodsome did have the fax with him during today’s meeting. Mr. Woodsome stated that he received the fax on the 6th.

Ike stated that the rules require the licensee respond within 14 days. He (Mr. Woodsome) acknowledges receiving the fax 2 days ago.

Dwight stated that Mr. Woodsome has 12 days to get the information to us.

Mr. Woodsome stated that he did not have a well log because he never finished the job; he did not send him a bill, but was given a down payment of \$2,500.

Mr. Woodsome was instructed to explain to the Commission why he did not have the specific information requested, and to include any information that he feels is relevant or pertinent.

There is specific information that the Commission would like to have from Mr. Gray; copies of invoices from the other two companies that he hired and the dates that they did the work, copies of the contract, the name of the person who put the pump in.

Mr. Woodsome was given 12 calendar days to respond (October 20th) to the request for information.

Action: Further discussion at the next Commission meeting, scheduled for Wednesday, November 12th, 2014 at 9:00 a.m.

Fair Hearing – Deanna to coordinate meeting and schedules.

DWIGHT provided a status update on **A-Z Water systems**; the analytical is ‘clean’. David Philbrook did camera the well. He found no issues.

Joe motioned to close the complaint.

Frank 2nd.

Vote: Unanimous to close.

DAVID provided an update on recent dialogue with the **Plumbing & Electrical Board**.

The discussion revolved around the following:

- Can a Journeyman Plumber, working under a Master Plumber’s license, install and repair pumps. The statute says a Master Plumber does not require a pump installer’s license to do pump work. The Plumbing Examining Board would like a licensed Journeyman Plumber to also be able to work on pumps as long as they are working under a master’s license. The statute is silent on that.
- Compliance with the internal plumbing code. The drillers have worked out an agreement with the Plumbers Board, relating to treatment/installation regarding the work a pump installer can do inside the house relating to the number of feet. In 2009 the State of Maine adopted the National Plumbing Code. Whatever agreement that may have been in place before 2009, is null and void. Their Board would like to establish a Memorandum of Understanding. Maine does not accept the National Plumbing Code in full, at least on the Electricians end. There is a written understanding with the electrical board and they offer a ‘limited’ license.
- The Plumbing & Electrical Board inquired “what do you do to test the system”? Frank informed the Commission that they (the plumbing & electrical board) wanted a hydro-static test on the line. David stated that according to them (the plumbing & electrical board), the internal code requires the town issue a certificate of portability after everything is done. Brent Lawson, the State Plumbing Inspector will start attending their meetings which are held every 2 months. The Commission selected Frank, David, and possibly Joe, as a sub-committee to continue the dialogue with the plumbing and electrical board on behalf of the Commission and to help develop a Memorandum of Agreement.
- Water Treatment – Ike stated that there are many licensed master plumbers who install water treatment equipment, but it does not work. Water treatment equipment is specialized. You need to understand water chemistry and how the system works. The fact that someone has a plumber’s license, does not mean that the individual knows anything about that (water treatment equipment), and many states have been going to a separate license.
- Public Water Supply – there is a requirement for public water supplies to have their pump tested. Smaller systems must perform a 48 hour pump test. Is it necessary? The current pump data is about yield on small systems. Is there another option based on volume? Why make them go through the expense of doing that? It was suggested to do away with the 48

hour pump test and replace it with something relating to developing so that drillers know what is expected of them when drilling a Public Water Supply. The discussion revolved around the significant chemistry changes that occur within the first 30 days (uranium, iron, and manganese – all change). The discussion revolved around Transient Water Supplies, testing within 48 hours (acute contaminants, arsenic and uranium) the things that are most likely to be found. Decisions need to be made on the thresholds needed to get over. Frank suggested that the pump test run at least a day's supply of water out of the well, and that every project has a designed 'gallons per day' so that whatever the design is, they need to document it. Field staff do not see any value from performing a 48 hours pump test, but see it as a financial burden, and there is no analysis of the data. No one is measuring drawn-down.

COMPLAINT INTAKE FORM – David and Deanna to continue revising the form. It was noted it is the homeowner's responsibility to make the pump/well accessible, and that someone should be home. The complaint form should include the request for copies of: well log, Maine Geological Survey report, water test results, copies of all contracts and all invoices, name of person who drilled the well, name of person who installed the pump, a description of the work performed, and any other pertinent information in order for the Commission to 'consider the complaint' at the next meeting. The public and all interested parties are encouraged to attend.

The Commission will decide whether to accept the complaint or not.

The Commission may decide to send out an independent inspector.

The Commission will make a determination if a violation has occurred or not. If a violation has occurred the Commission will determine corrective action.

The independent inspector may perform a final inspection.

SYSTEMS COMPLIANCE WITH RULES – The discussion revolved around when someone is servicing a well or pump system, and they recognize that something is out of code, are they responsible to bring it up to code? "Who is responsible to bring things up to code"? Should the driller or pump installer inform the homeowner in writing and indicate the issues that need to be addressed? David Braley will develop a policy statement/guidelines that differentiate between repairs and alterations, and if a Specialty Well Application is required. It was noted that alterations should require that it be brought up to code.

ANONYMOUS COMPLAINT - Merl 'Sam' Dunham

Additional information is needed to consider the complaint. Doris to send letter to the driller informing him of the complaint.

VACANT COMMISSION SEAT – Don Robbins is moving on. Don has someone in mind who will fax an application to the Governor's office.

Dan Locke will be taking Tom Weddle's position on the Commission. He has received permission from his Commissioner.