

MINUTES

MAINE WATER WELL COMMISSION

Wednesday, October 14, 2020

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Meetings via Zoom – link on webpage, MEDWP.COM

### ATTENDEES:

#### Commission Members:

Dwight Doughty  
Chair, Hydrogeologist, DOT  
Daniel Locke  
Hydrogeologist, MGS  
Thomas Brennan  
Senior Geologist, DWP

Mike Otley  
Public Member  
Frank Hegarty  
Master Well Driller  
Glenn Dyer  
Master Well Driller

William Dawson  
DWP, Engineer

#### Guests:

Margaret Machaiek  
State of Maine, AAG  
Teresa Cloutier  
Boothby Silver LLC,  
Attorney at Law

Jason Densmore  
Complainant  
Rock Libby  
Complainant

#### Minutes Prepared By:

Tina Lemieux  
DWP Commission Clerk

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PROCEEDINGS: 9:00 AM

Review of Meeting Minutes:

Motion to accept the minutes from August 12, 2020, meeting.

- ❖ **MOTION:** Glenn Dyer **2nd:** Mike Otley **VOTE:** Unanimous
 - Tom Brennan – abstained from vote, as did not attend last meeting

Exam Applications:

1. THOMAS WEEKS-WILLIAMS_WD02276 (apprentice) – **APPROVED**

Motion to approve application for PI-J

- ❖ **MOTION:** Frank Hegarty **2nd:** Glenn Dyer **VOTE:** Unanimous

2. O’CONNOR_WD02185 (apprentice) – Journeyman WD & PI – **PENDING, complaints**
 - * Pending current complaint(s)

Motion to table until next meeting,

- ❖ **MOTION:** Frank Hegarty **2nd:** Glenn Dyer **VOTE:** Unanimous

*Tabled until next meeting, Tuesday, November 10, 2020

Specialty Well Applications – Commission Review:

NONE

Specialty Well Applications – In-House Approval:

- | | |
|-----------------------|------------------------|
| 1. ARNOLD-BURNS_SWA | 5. LINGLEY-LORD_SWA |
| 2. BOWEN-BURNS_SWA | 6. PITMAN-WEEKS_SWA |
| 3. LEWIS-LORD_SWA | 7. MARINO-GOODWIN_SWA |
| 4. LEWIS-STREETER_SWA | 8. SUSBURY-GOODWIN_SWA |

Other Business:

1. Exams: Should we start allowing people to sit for exams?
 - a. Received go-ahead for testing: Yes, if Covid-19 protocols can be met safely

Complaints:

1. DENSMORE-L&L WD – complaint, received 6-3-20 - open

- 6-4-20 – Notification of Complaint sent to Rock Libby of L&L Well Drilling
- 6-10-20 – Reviewed and discussed complaint.
- 7-7-20 – Received exhibits from Teresa Cloutier, Attorney
- 8-12-20 – Send Notice of Violations approved at July 8, 2020 MWWC meeting.
- 10-14-20 – Discussed and assigned violations and penalties.

Motion to assign and violations and assess penalties.

❖ **MOTION:** Frank Hegarty **2nd:** Glenn Dyer **VOTE:** Unanimous

Violations/Penalties:

300.1 General: Relating to general ethical principles of the profession. (5 points)

207.1 Contracts and complaints: Relating to lack of contract with property owner. (2 points)

407.1 Recommended minimum recovery rates for single-family homes: Relating to insufficient yield of well. (3 points)

803.5 Torque arrestors: Relating to improper number of torque arrestors for pump system. (1 point)

800.2 Securing the wire: Relating to electrical wires not securely fashioned. (1 point)

401.5.1 Twenty (20) foot minimum: Relating to depth and casing irregularities in required paperwork. Violation noted but Commission voted to not issue points. (0 points)

300.3.2 Each driller or installer is to be guided by the highest standards of ethics, personal honor, and professional conduct: Relating to Hydrofrack effort on the well. Violation noted but Commission voted to not issue points. (0 points)

The Commission evaluated each violation separately and voted to assess anywhere from 5 points to 0 points for each, for a total of 12 points. The Commission further voted to apply fines for the violations at the rate of \$150 per point for a total of \$1,800.00, in accordance with the Commission’s previously approved Guidelines.

2. **DYER-L&L WD – complaint, received 6-23-20 – open**

- 6-25-20 – Notification of Complaint sent to Rock Libby of L&L Well Drilling
- 7-8-20 – Reviewed and discussed complaint.
- 10-14-20 – Discussed and assigned violations and penalties.

Motion to duplicate violations and suspension from Locke-Libby

- ❖ **MOTION:** Mike Otley **2nd:** Frank Hegarty **VOTE:** 5 yea / 0 nay
 - Glenn Dyer – recused from vote

Violations/Penalties:

200.1 General: A master or journeyman licensee must be present to supervise apprentice licensees at all times when activities covered by these regulations are in progress. (5 points)

300.1 General: All work shall be performed in accordance with State and local regulations and shall be performed with the customer’s best interest as a primary goal. (5 points)

800.1. Electric code: Pump installers shall comply with National Electrical Code requirements. (3 points)

803.5 Torque arrestors: On all wells cased 5 inches or larger for submersible pump installations, one (1) torque arrestor shall be installed within 5 feet of the discharge of the pump for all materials used. One (1) torque arrestor, cable guide, or acceptable centralizer shall be used at a minimum of 50-foot intervals for the first 200 feet above the discharge of the pump for all nonmetallic piping materials. (0 points)

- Total 13 points x \$150.00 = \$1,950; Double fines → \$3,900; Suspensions → 12 mths

3. **DOUGHTY-L&L – complaint, received 6-10-20 - open**

- 6-10-20 – Notification of Complaint sent to Rock Libby of L&L Well Drilling
- 7-8-20 – Reviewed and discussed complaint.
- 10-14-20 – Discussed and assigned violations and penalties.

Motion to duplicate violations and suspension from Locke-Libby

- ❖ **MOTION:** Glenn Dyer **2nd:** Frank Hegarty **VOTE:** 5 yea / 0 nay
 - Dwight Doughty – recused from vote

Violations/Penalties:

200.1 General: A master or journeyman licensee must be present to supervise apprentice licensees at all times when activities covered by these regulations are in progress. (5 points)

300.1 General: All work shall be performed in accordance with State and local regulations and shall be performed with the customer’s best interest as a primary goal. (5 points)

800.1. Electric code: Pump installers shall comply with National Electrical Code requirements. (3 points)

803.5 Torque arrestors: On all wells cased 5 inches or larger for submersible pump installations, one (1) torque arrestor shall be installed within 5 feet of the discharge of the pump for all materials used. One (1) torque arrestor, cable guide, or acceptable centralizer shall be used at a minimum of 50-foot intervals for the first 200 feet above the discharge of the pump for all nonmetallic piping materials. (0 points)

- Total 13 points x \$150.00 = \$1,950; Double fines → \$3,900; Suspensions → 12 mths

4. **LOCKE-L&L – complaint, received 5-4-20 - open**

- 5-7-20 – Notification of Complaint sent, to Rock Libby and Anthony O’Connor
- 5-12-20 – Response received from Mr. O’Connor & Mr. Libby via email
- 6-9-20 & 6-10-20 – Response from Boothby Silver, Attorney Ricker
- 6-10-20 – Reviewed and discussed complaint.
- 10-14-20 – Discussed and assigned violations and penalties.

Motion to reflect 2,600 fine and a 12-month suspension.

- ❖ **MOTION:** Frank Hegarty **2nd:** Mike Otley **VOTE:** 5 yea / 0 nay
 - Daniel Locke – recused from vote

Violations/Penalties:

200.1 General: A master or journeyman licensee must be present to supervise apprentice licensees at all times when activities covered by these regulations are in progress. (5 points)

300.1 General: All work shall be performed in accordance with State and local regulations and shall be performed with the customer’s best interest as a primary goal. (5 points)

800.1. Electric code: Pump installers shall comply with National Electrical Code requirements. (3 points)

803.5 Torque arrestors: On all wells cased 5 inches or larger for submersible pump installations, one (1) torque arrestor shall be installed within 5 feet of the discharge of the pump for all materials used. One (1) torque arrestor, cable guide, or acceptable centralizer shall be used at a minimum of 50-foot intervals for the first 200 feet above the discharge of the pump for all nonmetallic piping materials. (0 points)

- *Total 13 points x \$150.00 = \$1,950; Double fines → \$3,900; Suspensions → 12 mths*

Motion to adjourn.

- ❖ **MOTION:** Glenn Dyer **2nd:** Tom Brennan **VOTE:** Unanimous

ADJOURNMENT: **11:17 AM**