

WATER WELL DRILLERS ADVISORY COUNCIL

Meeting of September 9, 1999
E.O. Thompson Building
920 Colorado, 4th Floor Conference Room
Austin, Texas

Summary of Minutes

CALL TO ORDER

The regular bimonthly meeting of the Water Well Drillers Advisory Council was called to order at 9:30 a.m. on September 9, 1999. Roll call verified a quorum was present. The only member absent at this meeting was Gary D. Grant.

RECORD OF ATTENDANCE

Water Well Driller Advisory Council

Wayne Geistweidt
John V. Melcher
Lonnie C. Ball
Ray Reed
John H. Walker
Jim Garmon
Raymond O. Whisenant, Jr.

Texas Department of Licensing and Regulation

Jimmy Martin - Director of Enforcement
Steve Wiley - Program Administrator
Lee Parham - Sr. Environmental Investigator
W. L. Stribling - Environmental Investigator
David Gunn - Investigator
Dede McEachern - Professional and Business Licensing
Margaret Murrell - Professional and Business Licensing
Rachel Middleton - Legal Services

APPROVAL OF MINUTES

A motion to approve the minutes from the last meeting, which was held on July 22, 1999 was made (Whisenant), seconded (Garmon), and carried.

ELECTION OF OFFICERS

- Raymond Whisenant nominated Lonnie Ball for the position of Chairman of the Water Well Drillers Advisory Council. A motion to elect Mr. Ball was made (Melcher), seconded (Geistweidt), and carried.
- A motion to elect John Melcher as Vice-Chairman was made (Garmon), seconded (Whisenant), and carried.
- A motion to elect Ray Reed as Secretary was made (Walker), seconded (Melcher), and carried.

REPORT ON INVESTIGATIONS AND COMPLAINTS

Lee Parham presented information on the number of investigations, inspections and complaints handled during FY'99. There have been 277 consumer or industry complaints and 191 random well inspections for a total number of 468 field investigations and inspections; a good number considering that the agency lost an inspector during the year. Twenty-nine "Notice of Violation" letters were sent out. A total of 72 cases were closed without enforcement action (formal order) which broke down as follows: 31 were resolved; 21 warning letters were sent, 12 were dismissed due to a lack of evidence, 6 were deemed non-jurisdictional, one individual was reprimanded, and one was withdrawn by the department. The total number of orders issued for FY'99 was 23, all of which were new cases. In summary, the total number of cases closed, both requiring and not requiring orders, was 95. The administrative penalty collections totaled \$29,993.42 and were not budgeted as a revenue source.

DISCUSSION OF QUALIFICATIONS AND RECOMMENDATIONS ON APPLICANTS FOR CERTIFICATION IN THE WATER WELL DRILLER/PUMP INSTALLER PROGRAM

1. Motion to approve **Floyd Gilliland** for W, PK license exam (previously tabled) was made (Walker-W, Reed, PK), seconded (Garmon-W, Walker-PK), and carried.
2. Motion to reject **Chuck Sewell** for W, T license exam (previously tabled) was made (Whisenant), seconded (Garmon), and carried.
3. Motion to approve **Matt Andrus** for W, LPK license exam was made (Whisenant-W, Garmon-LPK), seconded (Reed-W, Whisenant-LPK), and carried.
4. Motion to approve **Jeffery Bingham** for W license exam was made (Walker), seconded (Melcher) and carried.
5. Motion to approve **Robby Flake** for W, P license exam was made (Garmon-W, Walker-P), seconded (Reed-W, Melcher-P), and carried.
6. Motion to approve **Billy Green, Jr.** for W, PK license exam was made (Melcher-W, Garmon-P only), seconded (Walker-W, Whisenant-P only) and carried (W and P only).
7. Motion to approve **James Hardin, Jr.** for W license exam was made (Walker), seconded (Reed) and carried.
8. Motion to approve **Andy Lambert** for M license exam was made (Walker), seconded (Melcher) and carried.
9. Motion to approve **Glendon Lee** for licenses W, I exam was made (Whisenant-W, Garmon-I), seconded (Garmon-W, Whisenant-I), and carried.
10. Motion to approve **Dottie Mayes** for W, I license exam was made (Reed-W, Whisenant-I), seconded (Garmon-W, Reed-I) and carried.
11. Motion to approve **Mark Mehloff** for W license exam was made (Garmon), seconded (Melcher) and carried.
12. Motion to table **John Mican** for W license exam was made (Whisenant), seconded (Garmon) and carried due to Mr. Mican's absence.
13. Motion to approve **Scott Stephens** for M license exam was made (Ball), seconded (Reed) and carried.
14. Motion to approve **Scott Stone** for W, PK license exam was made (Whisenant,-W, PK), seconded (Garmon-W, Reed-PK) and carried.

DISCUSSION AND RECOMMENDATIONS ON APPLICATION FOR DRILLER APPRENTICE REGISTRATION

Motion to approve 1-17 Well Driller Trainees was made (Reed), seconded (Ball) and carried.

Motion to approve 1-4 Monitor Well Trainees was made (Whisenant), seconded (Melcher) and carried.

COUNCIL WILL TAKE TESTIMONY AND MAKE RECOMMENDATIONS TO THE DEPARTMENT ON THE FOLLOWING CONSUMER COMPLAINTS

- Daniel Plagens Complaint on Alan Dreyer (#2845 W-tabled) – Staff informed the council that Dreyer has plugged the wells and will refund the landowner her money. A motion to remove the case from the table was made (Melcher), seconded (Garmon) and carried. The case was removed from the table.
- Jeff Manie Complaint on Joe Richardson (#50140 WPK-tabled) – Staff spoke with both Mr. Manie and Mr. Richardson. They asked that their case be tabled one more time in the hopes that they can resolve this issue between themselves. Council accepted the request.
- Gary Ellard Complaint on Kathy Cox (#50140 WP-tabled) – A motion to remove this case from the table was made (Whisenant), seconded (Garmon) and carried. The complaint went before the house. Mr. Ellard claimed that there were high levels of iron and sand, so staff pulled samples and tested TDS, Iron, and pH levels. Results indicated that no significant levels were present in the samples and Mr. Ellard has been notified of this. A motion to close the case was made (Garmon), seconded (Ball) and carried.

STAFF REPORTS

- Rules - Steve Wiley reported on new rules proposed by TNRCC. The proposed rules state that a water well must be located at least 100 ft. from any septic field lines, regardless of whether those lines are located on the same property as the well. In other words, a water well located on property A has to be located 100 ft. from property A's septic lines as well as any lines that might run through adjoining properties.
- Fees - Jimmy Martin updated the Council on fees. He briefly mentioned that Article 9100, which is the rules that govern TDLR, is now under Chapter 51 of the Occupations Code. He also noted that effective FY'99, TDLR will begin regulating service contract providers. He also advised the Council that the Commission has approved license fee increases across the board. Water well fees will increase \$45 for renewals and first-time licensees. Water well revenue has increased significantly since FY'98 and there are currently around 2,114 licensees. Also, the agency will get 4 new vehicles this year, which will be used primarily by water well drillers and there is also about \$110,000 being spent across all statutes to improve the agency's imaging department, which will cut down on labor costs. A question was asked of how penalty fees are accounted for in yearly revenues. Mr. Martin stated that while they can't plan for penalty fees, they do apply towards the total yearly revenue.

- Renewals – Dede McEachern reported on renewals. Approximately 1,500 licenses are going to expire on August 31. Seventy-five percent of companies have already requested renewals, but only 14% have decided to stagger. There was discussion about the pros and cons of staggering. With or without staggering, the amount of work remains constant. The difference is whether the work is spread throughout the year or concentrated at times. So far this year, the agency has brought in \$180,000 in renewals and is caught up with all the requests.
- New Executive Director - Jim Muse advised the Council that William Kuntz, Jr. would be replacing Rachelle Martin as the new Executive Director of the agency. He was previously the executive director of the Texas Real Estate Commission and is currently over the legal section at TNRCC.

PUBLIC COMMENTS

Leroy Goodson said that interim committees would begin holding meetings prior to the next legislative session to discuss groundwater regionalization and aquifers. He encouraged Council members to attend.

SCHEDULE NEXT MEETING

The next meeting was scheduled for November 18, 1999, at 9:30 a.m. at the E. O. Thompson Building.

ADJOURNMENT

A motion to adjourn today's meeting was made (Whisenant), seconded (Reed), and carried.

Respectfully submitted:

Minutes prepared by Robert McCann

Lonnie Ball, Chairman

Verbatim proceedings available on audiocassette