

# **WATER WELL STANDARDS & CONTRACTORS' LICENSING BOARD MEETING**

## **August 21, 2019**

Tonny Beck, Chairman, called the meeting to order at 10:01 a.m. with roll call. The meeting was held at the Atrium Building located at 1200 N Street in Lincoln, Nebraska. Copies of the agenda were emailed to board members and other interested parties prior to the meeting. The meeting was advertised in the Public Meeting Calendar on the Nebraska.gov website. The Open Meetings Act was posted at the front entrance of the room.

### **Item 1. Roll Call:**

#### **PRESENT:**

Tonny Beck	Katie Cameron (Alternate)
Cody Christensen	David Miesbach
Mike Thompson	Scott Grosch
Lynn Webster	Dave Hansen
Sue Dempsey	Brian Whitesel

#### **ABSENT:**

Sue Lackey

**ALTERNATE:** Katie Cameron-UNL Conservation & Survey, alternate for Sue Lackey

**OTHERS:** Jason Orton, Lee Orton, Pam Miller, Dan Egeland, Mark Graf, Tom Buell, Claire Covert-ByBee-DHHS-Licensure

### **Item 2. Adoption of Agenda**

Mr. Webster moved that the agenda be adopted. Ms. Dempsey seconded the motion. Voting yes: Beck, Cameron, Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, Dempsey, and Whitesel. Voting no: none. Abstain: none. Motion carried.

### **Item 3. Consideration of Minutes from the June 21, 2019 Board Meeting**

Mr. Thompson moved that the minutes be adopted. Mr. Christensen seconded the motion. Voting yes: Beck, Cameron, Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, Dempsey, and Whitesel. Voting no: none. Abstain: none. Motion carried.

### **Item 4. Consideration of Revised Minutes for the April 10, 2019 Board Meeting**

It was noted, in the Program Report, that Dick Grosch should be corrected to Scott Grosch as a Task Force Member. Also noted by DHHS Legal Services, the minutes did not reflect the reason for going into closed session. These changes have been made to the April 10, 2019 minutes and presented for consideration.

Mr. Whitesel moved that the minutes be adopted with the completed revisions presented. Ms. Dempsey seconded the motion. Voting yes: Beck, Cameron, Christensen, Miesbach,

Thompson, Grosch, Webster, Hansen, Dempsey, and Whitesel. Voting no: none. Abstain: none. Motion carried.

**Item 5-Continuing Education Requests:**

**#1 – Wellhead Protection Network Meeting, York, NE, by Groundwater Foundation** was held June 27, 2019; Sara Brock

Requests: 3 hrs.

Recommended: 1

**#2 – Data Quality and Efficiency in Labs-Part 4-So Many Choices in Data Delivery, So little Time, webinar, by Eurofins/Test America** was held April 2, 2019; Nancy Harris

Requests: 1 hrs.

Recommended: 1

**#3 – SD/ND Convention, Deadwood, SD, by SD/ND Well Drillers Convention** was held March 11-12, 2019; Lanny Forster

Requests: 8 hrs.

Recommended: 7

**#4 – PFAS Contamination in Minnesota: Lessons Learned, Fate and Transport, and Reducing Exposure, webinar, by Regenesi Remediation Solutions** was held April 30, 2019; Nancy Harris

Requests: 1 hr.

Recommended: 0

**#5 – TPH-A Simple Concept, webinar, by Eurofins/Test America** was held June 4, 2019; Nancy Harris

Requests: 1 hrs.

Recommended: 1

**#6 – Groundwater Remediation Course, Las Vegas, NV, by Princeton Groundwater Inc.** was held on June 10-14, 2019; Megan Seymour

Requests: 40 hrs.

Recommended: 40

**#7 – 1, 4-Dioxane: Part 1: Occurrence, Fate, Transport and Remediation, webinar, by Midwest GeoSciences Group** on demand, 2019/20; Nancy Harris

Requests: 1.5 hrs.

Recommended: 1.5

**#8 – 1, 4-Dioxane: Part 2: Occurrence, Fate, Transport and Remediation, webinar, by Midwest GeoSciences Group** on demand, 2019/20; Nancy Harris

Requests: 1.5 hrs.

Recommended: 1.5

**#9 – Environmental Isotopes for Contaminant Source Identification: Advances in Tools, Technologies and Applications, webinar, by Midwest GeoSciences Group** on demand, 2019/20; Nancy Harris

Requests: 1.5 hrs.

Recommended: 1.5

**#10 – Designing and Optimizing Ground Water Monitoring Systems in Sedimentary Sequences: Part 1: Deciphering Sedimentary Sequences and Targeting Meaningful Monitoring Units, webinar, by Midwest GeoSciences Group** on demand, 2019/20; Nancy Harris

Requests: 1.5 hrs.

Recommended: 1.5

**#11 – Designing and Optimizing Ground Water Monitoring Systems in Sedimentary Sequences: Part 2: Well Placement, Hydraulic Properties and Hydrogeological Factors for Monitoring, webinar, by Midwest GeoSciences Group** on demand, 2019/20; Nancy Harris

Requests: 1.5 hrs.

Recommended: 1.5

**#12 – Designing and Optimizing Ground Water Monitoring Systems in Sedimentary Sequences: Part 3: Case Studies Illustrating Efficiencies and Failures, webinar, by Midwest GeoSciences Group** on demand, 2019/20; Nancy Harris

Requests: 1.5 hrs.

Recommended: 1.5

**#13 – No-Purge Ground Water Sampling: With Technical and Regulatory Updates for Ground Water Sampling Trends, webinar, by Midwest GeoSciences Group** on demand, 2019/20; Nancy Harris

Requests: 1.5 hrs.

Recommended: 1.5

**#14 – Accounting For Non-detects and Difficult Results in Environmental Data: Part 1: Using Common Statistical Models and Applying Non-Detect Strategies and Guidance, webinar, by Midwest GeoSciences Group** on demand, 2019/20; Nancy Harris

Requests: 1.0 hrs.

Recommended: 1.0

**#15 – Accounting For Non-detects and Difficult Results in Environmental Data: Part 2: Managing Non-detects and Difficult Data in Summary Statistics, Plots and Trend Data, webinar, by Midwest GeoSciences Group** on demand, 2019/20; Nancy Harris

Requests: 1.0 hrs.

Recommended: 1.0

**#16 – Vapor Intrusion Mitigation: Methods and Strategies, webinar, by Midwest GeoSciences Group** on demand, 2019/20; Nancy Harris

Requests: 1.0 hrs.

Recommended: 1.0

**#17 – Well Design and Construction: Selecting Appropriate Filter Pack and Screen Slot Sizes, webinar, by Midwest GeoSciences Group** on demand, 2019/20; Nancy Harris

Requests: 1.0 hrs.

Recommended: 1.0

**#18 – Southeast Nebraska Geology Tour, Southeastern Nebraska, by Nebraska Well Drillers Association**, will be held October 18, 2019; Lee Orton

Requests: 8 hrs.

Recommended: 8

**#19 – Region IV NEHA Fall Conference 2019, Omaha, NE, by Nebraska Environmental Health Association**, will be held September 25-26, 2019; Ericka Sanders

Requests: 13 hrs.

Recommended: 6

Mr. Miesbach made the motion to approve CEUs. Mr. Christensen seconded the motion. Voting yes: Beck, Cameron, Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, Dempsey, and Whitesel. Voting no: none. Abstain: none. Motion carried.

**Item 6: Proctor Nominations: Edward Southwick and Laurie Brunner-NDEE**

Mr. Miesbach made the motion to approve **Edward Southwick** as webinar proctor. Mr. Webster seconded the motion. Voting yes: Beck, Cameron, Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, Dempsey, and Whitesel. Voting no: none. Abstain: none. Motion carried.

Dave Miesbach made the motion to approve **Laurie Brunner** as webinar proctor. Dave Hansen seconded the motion. Voting yes: Beck, Cameron, Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, Dempsey, and Whitesel. Voting no: none. Abstain: none. Motion carried.

**Item 7-Onsite Wastewater Regulations- NE Dept. of Environment and Energy- Tom Buell**

Mr. Buell, Section Supervisor for Onsite Wastewater, attended this meeting to propose revisions being made to Title 124 regulations that could have consistency issues with Title 178 regulations, regarding setbacks for geothermal wells. The proposed revisions would change the setback on horizontal closed loop geothermal wells from 100 feet to 25 feet. Discussion was held on how these proposed changes would impact the Water Well Program. It was determined that the current Title 178 regulations provide the best protection to the Water Well Standards program and will not be revised as proposed.

Break taken 11:06-11:21

**Item 8. Program Report**

Ms. Covert-ByBee with DHHS Licensure and Credentialing presented:

- The progress report for application licensing information. The current number of active licenses as of August 21, 2019 is 802.
- Ms. Covert-ByBee also provided copies of Title 172 NAC 10 and the Uniform Credentialing Act that went into effect June 2019.
- LB112, which provides low-income and military applicants a waiver for initial licensing fees, will go into effect January 1, 2020.
- Licensure will be temporarily moving to the Gold's building November 19 through December 19 due to redesign of their current office space.

Mr. Miesbach shared that inspector Britton Dalton resigned effective July 26, 2019. Mr. Winters, Program Specialist with the Groundwater Section in the Chadron office, will be helping out until a replacement is hired.

Mr. Miesbach presented the program report that was included in the Board Packet. It outlined the declaratory orders/pre-notifications, violations, licensure information and testing information.

Mr. Miesbach updated the board on:

- Mr. Egeland presented an update on the K2 Construction project for the Capitol. Drilling is expected to be completed by October 1<sup>st</sup>.
- Test holes are being logged at the Fallbrook project.
- The Program Manager's vacant position may not be filled.
- Revisions to the current regulations for duplication of statute vs regulations are almost complete. Guidance documents will need to be created.
- The NET Grant release documentation has been forwarded to DHHS for completion.
- Conviction guidelines were shared, guidelines will be forwarded to Credentialing for input and a finished proposal will be presented at next board meeting.

#### **Item 7. Legislative Report:**

- No updates

#### **Item 8. Agency Reports**

##### **A. Department of Natural Resources – Mike Thompson**

- Regional reports were handed out.
- The program is fully staffed for well registrations/decommissioning.
- The program is replacing their interactive map, which will implement new features. The program is looking for feedback from the user base. Some suggestions presented by board members were the ability to create site plans with the new web map, and additional room for lithology descriptions in online registrations (not a mapping issue). Mr. Thompson will see if a demo showing the new features of the web map can be presented to the board in the near future. Mr. Thompson suggested a sub-committee of industry members could be formed after the demo if they felt it would be beneficial.

##### **B. UNL – Conservation & Survey – Katie Cameron**

- Lower Platte South- 3 test holes are left to drill.

- Lewis and Clark is almost complete, the Papio will begin in September.
- Sue Lackey is currently drilling the Lower Niobrara observation wells.
- Nemaha test holes –Nemaha NRD did flight lines in 2018 with 20 well locations. The majority of the test holes have been completed. Five remaining holes need to be done in the Auburn area.
- Geo Cloud-airborne data will be going into an online platform providing different user levels. The test hole data base and other databases will also be incorporated. Posted projects will be available to view online by the user. The platform will also have a free 3D viewer.

#### **C. Department of Environmental Quality – Dave Miesbach**

- NDEE became official July 1.
- The Fallbrook building is progressing with footings and stairwell towers.
- NDEE Ag/Chemical contaminate database stores all NRD samples collected. NDEE is looking to revise this database and is working with the University and the Department of Ag on making these changes. The database may incorporate some of the public water samples and have some mapping capabilities for the public.
- Mr. Miesbach handed out a flow meter letter that will be mailed to all licensees.

#### **D. HHS – Division of Public Health – Sue Dempsey**

- Regional Conference will be held Sept 25-26, 2019
- Revisions to the current regulations are almost complete.
- Plattsmouth water supply still coming from Cass County.
- Peru’s temporary treatment system is still being tested
- Boyd County currently months away from completion.
- 3 grants have been awarded for:
  - lead testing in schools and daycares,
  - updating of the safe drinking water information system
  - Drinking water and other Environmental programs- focusing on Health Advisories.
- A reminder when drilling new construction for public water systems for drinking, the contractor must inform the Department before construction starts. This would include a test hole.

#### **E. Natural Resources Districts – Lynn Webster**

- Managers meeting the week of August 26<sup>th</sup>

- Landowners putting in sand points for dewatering will be discussed at the Managers meeting. Also, encouraging water well program staff at the Natural Resource Districts to get copies of permits to DNR right away will be addressed.

**Item 9. Public Comment**

Mr. Egeland inquired about the revisions needed on the private well testing brochure for contractors. It was stated that the updated water testing brochure has been on the website for several months. Contractors should discard any old forms and provide the new updated form.

**Item 10. Closed Session**

Mr. Miesbach moved, seconded by Mr. Webster, to go into closed session at 1:06 p.m. for the purpose of review and discussion of a current licensee, and other confidential information about this individual, and for the prevention of needless injury to the reputation of the individual. Voting yes: Beck, Cameron, Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, Dempsey, and Whitesel. Voting no: none. Abstain: none. Motion carried.

Mr. Webster moved, seconded by Mr. Christensen to come out of closed session at 1:36 p.m. Voting yes: Beck, Cameron, Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, Dempsey, and Whitesel. Voting no: none. Abstain: none. Motion carried.

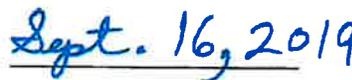
Mr. Miesbach made the motion to continue the investigation of the licensed contractor who was the subject of the closed session and provide the board with the findings at the next scheduled board meeting in November. Mr. Hansen seconded the motion. Voting yes: Beck, Cameron, Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, Dempsey, and Whitesel. Voting no: none. Abstain: none. Motion carried.

**Item 10. Adjourn**

Mr. Christensen made the motion to adjourn the meeting at 1:37 p.m. and was seconded by Ms. Dempsey. Voting yes: Beck, Cameron, Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, Dempsey, and Whitesel. Voting no: none. Abstain: none. Motion carried.



Mike Thompson, Board Secretary



Date