

WATER WELL STANDARDS AND CONTRACTORS' LICENSING BOARD
August 22, 2018

Tracy McConnell, Chairman, called the meeting to order at 10:02 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 notice was published in the August 10, 2018, edition of the Omaha World Herald and advertised online at <http://dhhs.ne.gov/publichealth/Pages/crlBoardAgendasMinutes.aspx>. The Open Meetings Act was posted at the back of the room.

Item 1. Roll Call

Present:	Tonny Beck	Lynn Webster
	Dave Hansen	Judy Martin
	Tracy McConnell	David Miesbach
	Sue Lackey	Mike Salmon
	Mike Thompson	Brian Whitesel

Absent:

Others: Jason Orton, Megan Sittler, Steve Goans

Item 2. Adoption of Agenda

Mr. Miesbach moved that the agenda be adopted. Mr. Salmon seconded the motion. Roll call vote: Yes – Webster, Hansen, Martin, McConnell, Miesbach, Lackey, Salmon, Thompson, Whitesel, Beck; Abstained – none; Absent – none.

Item 3. Consideration of Minutes of Board Meeting – June 22, 2018

Mr. Thompson moved that the minutes be adopted. Mr. Whitesel seconded the motion. Roll call vote: Yes – Hansen, Martin, McConnell, Miesbach, Thompson, Whitesel, Beck, Webster; Abstained – Lackey, Salmon; Absent – none.

Item 4. Continuing Education Requests

#1 – LNAPL Training Part 2 was held May 15, 2018; Nancy Harris Requests: 2.25 hours / Recommended: 2.25 hours

#2 – LNAPL Training Part 3 was held May 22, 2018; Nancy Harris Requests: 1.5 hours / Recommended: 1.5 hours

#3 – Grade 3 Water Operator Training was held April 16-20, 2018; Justin Negley
Requests: 4 hours / Recommended: 21 hours for entire program

#4 – 2018 National Drilling Association Conference will be held September 21, 2018;
Becky McWilliam Requests: 6.5 hours / Recommended: 4 hours

#5 – Carbon-Based Groundwater Remediation was held June 25, 2018; Nancy Harris
Requests: 1.5 hours / Recommended: 1.5 hours

#6 – 2018 Customer Appreciation Show was held March 9, 2018; Steven Johnson
Requests: 6 hours / Recommended: 6 hours

#7 – Franklin Controls VFDs & Electrical Systems Training was held April 4, 2018;
Matthew Willnerd Requests: 7 hours / Recommended: 7 hours

Mr. Miesbach moved that the continuing educations hours be approved as presented.
Mr. Beck seconded the motion. Roll call vote: Yes – Martin, McConnell, Miesbach,
Lackey, Salmon, Thompson, Whitesel, Beck, Webster, Hansen; Abstained – none; Absent
– none.

Mr. Miesbach moved that the CEU Proctor Nomination of Allen Kampschnieder for
Nutrient Advisors be approved. Mr. Beck seconded the motion. Roll call vote: Yes -
McConnell, Miesbach, Lackey, Salmon, Thompson, Whitesel, Beck, Webster, Hansen,
Martin; Abstained – none; Absent – none.

Item 5. Program Report

Mr. Miesbach presented the program report that was included in the Board Packet. It outlined the declaratory orders/pre-notifications, major violations, licensure information and the Title 178 – Free Water Test Kit Program. Each declaratory order will be processed with the \$100 fee. One declaratory order can be used for multiple wells at one location as long as the geology is consistent. No curb stop installed was noted as a major violation. Regulations adopted in August 2014 require curb stops to be installed on all underground discharge piping where pitless units are installed. The Board agreed that the intent of the regulations was for the curb stop to be functional. Mr. Beck explained to the Board that if a curb stop is not installed at or above grade it would not be functional year round. Mr. Miesbach will work on an interruption of the regulation for curb stop. It's the responsibility of the contractor to prove the curb stop was installed.

The Board also agreed that dirt settling around the well will be written as a violation if visible before the well has been registered. The landowner will be responsible for the conditions of the surface around the well after it has been registered.

The Board suggested that staff attempt to make contact with the landowner prior to performing an inspection and possibly providing a door hangtag with contact information.

Mr. Miesbach reported that Mr. Salmon will term out in October and Mr. McConnell is eligible for reappointment. Individuals interested in becoming members of the Board need to submit an application to the Governor's office.

Item 6. Legislative Report

No legislative reported was provided.

Item 7. Agency Reports

A. UNL – Conservation & Survey Division (CSD) - Lackey

Mrs. Lackey reported that CSD completed the Dakota drilling project on August 3 and are starting to receive water quality reports from the project in the Lewis and Clark NRD. Martinsburg has high uranium in a well to the north and high nitrates at well to the south. The Village needs more options. The engineer working for the community is suggesting a connection with the Village of Allen. They will start the Papio drilling project in three (3) weeks.

B. Department of Natural Resources (DNR) – Thompson

Mr. Thompson handed out three (3) reports for registered well program activity. They outlined the number of registered wells, the number of replacement wells, and the number of wells registered more than sixty days after well completion all by month and category.

Mr. Thompson also stated that the Platte to Republican diversion project application before the Department of Natural Resources had just closed its public comment period. The Department received 87 opposing comments out of 90 responses. A significant percentage of the comments came from Kansas addresses. In addition, there were 7 formal objectors requesting a pre-decision contested case hearing. This is the first trans-basin diversion application in many years.

C. Department of Environmental Quality (DEQ) – Miesbach

Mr. Miesbach reported that DEQ has money to make the Clearinghouse database that appears on DNR's website more user-friendly. This database stores ground water quality data that has been collected since 1974. The intent is to make input to the database easier and possibly allow individuals to use the data for mapping. Natural Resources Districts are currently the main suppliers of the data in the database.

Mr. Miesbach explained to the Board that he is starting to have the Well Driller Program staff and some DEQ field staff cross-train to build efficiency for the Well Driller Program.

D. DHHS – Division of Public Health – Martin

Mrs. Martin gave an overview of the 10 findings from the draft audit report.

1. Missing payroll documentation
2. Expenditures – well inspection database, mileage logs
3. Asset Tracking
4. Online well registrations – overpayment of subscription fees
5. Declaratory orders - \$100 fee missing
6. Uncollected fees and penalties
7. Lack of procedures over licenses – DHHS failed to maintain information required to credential a well driller and refunds for license exam fees
8. Clean Well contract – potential conflict of interest
9. Lack of procedures for revenue – revenue not coded to the correct fund
10. \$1 Million expenditures should have been charged to the well driller fund.

The Department is drafting a response to the findings with the hope that the Auditor's office may adjust their findings based upon the responses. The Board will receive a copy of the report once it becomes final.

E. Natural Resources Districts – Webster

No report was provided.

Megan Sittler gave an update on the work she's been performing. In partnership with the Nebraska Well Drillers Association and the DEQ, she'll be conducting trench safety training for well contractors and wastewater contractors in September. She continues to work with Bruce Dvorak of the University, DEQ and DHHS looking at nitrate trends for communities under 10,000 in population that have wellhead protection areas. The plan is to develop resources for landowners to explain what can be done to improve water quality. Working with CSD, the Water Center, Nebraska Water Balance Association, The Groundwater Foundation and DEQ's Source Water Protection Program to develop an integrated statewide nitrate awareness campaign and are hoping to receive a Nebraska Environmental Trust grant. The NebGuides updates have been put on hold.

Item 8. Public Comment

Steve Goans spoke on behalf of Director Macy and the Department of Environmental Quality to welcome the Board to the agency. The two agencies will continue to work together on issues. Director Macy ran the Drinking Water Program for the State of Missouri so he understands the importance of safe drinking water. Mr. Goans stated that safe drinking water begins with proper well construction. DEQ understands that those two issues are tied together and is committed to supporting this program. We will probably have challenges because of the audit but we will get through it. The goal is to maintain the successful program that has been built.

Item 9. Other

No other business was discussed.

Item 10. Closed Session

At 12:33 p.m. Mr. Webster moved the Board go into closed session. Mr. Whitesel seconded the motion. Roll call vote: Yes – Lackey, Salmon, Thompson, Whitesel, Beck, Webster, Hansen, Martin, McConnell, Miesbach; Abstained – none; Absent – none.

At 1:18 p.m. Mr. Whitesel moved the Board to come out of closed session. Mr. Beck seconded the motion. Roll call vote: Yes – Salmon, Thompson, Whitesel, Beck, Webster, Hansen, McConnell, Miesbach; Abstained – none; Absent - Martin, Lackey.

Item 11. Adjourn

Mr. Salmon moved to adjourn, whereupon a voice vote to adjourn resulted in adjournment by acclamation of Board members present.

Mike Thompson

Mike Thompson, Board Secretary

11/28/2018

Date