

WATER WELL STANDARDS & CONTRACTORS' LICENSING BOARD MEETING

November 6, 2019

Mr. Thompson, Secretary, moved that a temporary Chairman be appointed for the November 6th meeting due to the absence of both the Chairman and Co-Chairman. Mr. Christensen seconded the motion. Voting yes: Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, Lackey. Voting no: none. Abstain: none. Motion carried.

Mr. Thompson nominated Scott Grosch for temporary Chairman. Mr. Christensen seconded the motion. Voting yes: Christensen, Miesbach, Thompson, Webster, Hansen, and Lackey. Voting no: none. Abstain: Grosch. Motion carried.

Scott Grosch, temporary Chairman, called the meeting to order at 10:08 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:	Cody Christensen	David Miesbach
	Mike Thompson	Scott Grosch
	Lynn Webster	Dave Hansen
	Sue Lackey	
ABSENT:	Brian Whitesel, Tonny Beck, Sue Dempsey	
OTHERS:	Lee Orton, Pam Miller, Dan Egeland, Mark Graf	

Item 2. Adoption of Agenda

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

Item 3. Consideration of Minutes from the August 21, 2019 Board Meeting

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

Item 4. Election of Officers

Chairman Nominee:

Mr. Thompson moved that Mr. Beck remain as **Chairman**. Ms. Lackey seconded the motion.

Voting yes: Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, and Lackey. Voting no: none. Abstain: none. Motion carried.

Vice Chairman Nominee:

Mr. Hansen moved that Mr. Whitesel remain as **Vice-Chairman**. Ms. Lackey seconded the motion. Voting yes: Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, and Lackey. Voting no: none. Abstain: none. Motion carried.

Secretary Nominee:

Ms. Lackey moved that Mr. Thompson remain **Secretary**. Mr. Hansen seconded the motion. Voting yes: Christensen, Miesbach, Grosch, Webster, Hansen, and Lackey. Voting no: none. Abstain: Thompson. Motion carried.

Item 5-Continuing Education Requests:

#1 – *Swana Nebraska Chapter 2019 Conference, Hasting, NE, by NE Swana Cornhusker Chapter* was held September 11-12, 2019; Luke Cunningham

Requests: 13 hrs.

Recommended: Request additional information be provided.

#2 – *Latest Developments in PFAS, webinar, Woodard & Curran* was held August 28, 2019; Roger Dinsmore

Requests: 1 hrs.

Recommended: 1

#3 – *Western Conference/Pre-Conference, Gering, NE, by Nebraska Rural Water Association* was held September 24-25, 2019; Patrick Petersen

Requests: 6.5 hrs.

Recommended: 6.5

#4 – *CWWCA Annual Conference, Denver, CO, by Colorado Water Well Contractors Assoc.* was held January 9-11, 2019; Karie Walker (Approved for 3 hrs, Feb meeting, re-consideration of hours)

Requests: 10 hr.

Recommended: 7

#5 – *NRD's 2019 Annual Conference, Kearney, NE, NARD* was held on September 23-24-2019; Deb Bergmann

Requests: 12 hrs.

Recommended: 5

#6 – NRD’s 2019 Annual Conference, Kearney, NE, NARD was held on September 23-24-2019; Jennifer Swanson

Requests: 5 hrs.

Recommended: 5

#7 – PPE Open House 2019, Grand Island, NE, Preferred Pump was held April 6, 2019; Victor Silva

Requests: 3 hrs.

Recommended: 3

#8 –Nebraska Water Industries Annual Convention and Trade Show, Kearney, NE, Nebraska Well Drillers Assoc. will be held February 11-13, 2020; Lee Orton

Requests: 26 hrs.

Recommended: 26

#9 –Geology & Well Technology Seminar, Wichita, KS, Kansas Department of Health & Environment was held October 8-9, 2019; Mitch Watson

Requests: 8 hrs.

Recommended: 3

#10 –Variable Frequency Drives, On-line Courses, Goulds Water Technology, Xylem Inc., On-going; Sarah Smith

Requests: 2 hrs.

Recommended: 2

#11 – Introduction to Vertical Turbine Pumps, On-line Courses, Goulds Water Technology, Xylem Inc., On-going; Sarah Smith

Requests: 2 hrs.

Recommended: 2

#12 – Basic Water Systems Training, On-line Courses, Goulds Water Technology, Xylem Inc., On-going; Sarah Smith

Requests: 2 hrs.

Recommended: 2

#13 – Constant Pressure Systems-Sizing, Installation and Trouble Shooting, Grand Island, NE, by Pentair Flow Technologies will be held various dates and locations 2019-2020; Andy Kesinger

Requests: 6 hrs.

Recommended: 6

#14 – Joint GW-SW Semi-annual Monitoring Committee Meeting, Lincoln, NE, by NE GW Monitoring Advisory Committee was held October 15, 2019; Daniel Inman

Requests: 2 hrs.

Recommended: 2

#15 Managing AFFF Impacts to Subsurface Environments and Assessment of Commercially Available Fluorine-Free Foam, Webinar, by Strategic Environmental Research was held October 17, 2019; Nancy Harris

Requests: 1.5 hrs.

Recommended: 1.5

#16 Incremental Sampling Team Meeting, St Paul, MN, by Interstate Technology and Regulatory Council was held October 29-30, 2019; Douglas Burge

Requests: Not documented on request

Recommended: 0

#17 Groundwater Week 2019, Las Vegas, NV, by National Groundwater Association will be held December 2-5, 2019; Kathy Butcher

Requests: 15.25 hrs.

Recommended: 15.5

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

Mr. Miesbach suggested a motion could be offered to amend Policy P-14 to limit online or webinar courses to no more than 6 of the 12 continuing education hours needed in any renewal period. After discussion, the Board reached a consensus that Policy 14 should be revised and will be presented for approval at the next board meeting.

Item 6: Proctor Nomination: Sarah Smith

Mr. Miesbach made the motion to approve **Sarah Smith** as webinar proctor. Mr. Christensen seconded the motion. Voting yes: Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, and Lackey. Voting no: none. Abstain: none. Motion carried.

Item 7. Program Report

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. Miesbach presented the revised Conviction guidelines with the Board for final approval. Board members approved the revisions and formatting of these guidelines.
- 2020 Board meeting and exam dates were distributed.
- The Board received the progress report for application licensing information provided by Ms. Covert-ByBee with DHHS Licensure and Credentialing. The current number of active licenses as of November 5, 2019 is 808. The Board reviewed the report and requested that the In Process and Denied numbers be clarified on future reporting.
- The vacant inspector position in North Platte closed and candidates have been forwarded for review to the Department.
- DNR well registration instruction sheet was reviewed. These instructions are being provided to all Contractors when a Dec order or Pre-notification has been approved.
- Mr. Egeland gave an update on the Capital Project.
- Mr. Miesbach provided an update on NEBCO-Fallbrook Project.
- The Program is working with Lincoln Public Schools to put in extra holes to do Reg development on a different grout. Dye testing and camera testing will take place to see how the grout will handle saltwater.
- Discussion on Livestock vs Commercial Wells.
- Discussion on setbacks and encroachments rules.

Break taken 11:47-12:03

Item 8. Legislative Report:

- Short Legislative session in 2020.

Item 9. Agency Reports

A. Department of Natural Resources – Mike Thompson

- Regional reports were handed out.
- The program is currently down one staff member for well registrations/decommissioning.
- The program has an internal prototype of the interactive map being created that they are testing. Improved export functions and output printing are being implemented along with other new features. The program is looking for Contractors to volunteer for testing the new system before implementation.

- Updated regulations have been cleared by the Governor. Hearings on the Natural Resource Commission are the most urgent at this time. Surface water rules have been resubmitted and groundwater rules are being reviewed.
- Temporary fixes are being looked at for on-line registrations profiles until Nebraska Interactive, DHHS and DNR programmers have a permanent solution in place.

B. UNL – Conservation & Survey – Sue Lackey

- Katie is finishing up the Lower Platte South.
- Lower Niobrara first round observation wells are complete.
- A couple of the Middle Niobrara test holes are complete.
- Missouri test holes by Sioux City has all but one complete.
- Nemaha test holes-a few are left to be completed as conditions are still too wet. The majority of the test holes are done.
- The University is in the process of getting a new President in the next 30 days.

C. Department of Environmental Quality – Dave Miesbach

- The Clearing house storing all NRD's groundwater data is under construction with the committee meeting every two weeks, a contractor has been hired to build a better database.
- The Fallbrook building is progressing.
- Revisions to the current regulations were submitted several months ago and the agency is currently waiting for confirmation. The Board will have a chance to review the changes before the draft goes to the Governor for approval.

D. HHS – Division of Public Health – Dave Miesbach for Sue Dempsey

- Manganese in ground water continues to be a growing concern. EPA has established manganese at secondary limits and is currently an unregulated contaminant. Research has indicated that manganese could be a neurotoxin at high levels. The Department is working with public water systems on what to do if their manganese levels go above 300 mg/l. Treating manganese in a public water system changes the chemistry of the water and may lead to other issues. DHHS is working on guidance for these issues.

E. Natural Resources Districts – Lynn Webster

- Fall static water levels are up significantly.
- In decline areas, fall levels have come up. One sub-area has quite a bit of water coming up, causing some problems in the sand hills and southern Sheridan County.

Item 10. Public Comment

None

Item 11. Closed Session

Mr. Miesbach moved, seconded by Mr. Webster, to go into closed session at 12:32 p.m. for the purpose of review and discussion of current licensees, and other confidential information about these individuals, and for the prevention of needless injury to the reputation of the individuals. Voting yes: Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, and Lackey. Voting no: none. Abstain: none. Motion carried.

Mr. Hansen moved, seconded by Ms. Lackey to come out of closed session at 1:25 p.m. Voting yes: Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, and Lackey. Voting no: none. Abstain: none. Motion carried.

Mr. Miesbach made the motion on Contractor #1: to suspend the current license until the end of the renewal period, and to consider fines up to the maximum per each violation (14 violations total). All customers will be sent letters of the illegal wells installed by the contractor. Mr. Hansen seconded the motion. Voting yes: Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, Lackey. Voting no: none. Abstain: none. Motion carried.

Mr. Miesbach made the motion on Contractor #2: to recommend probation of the current license until the end of the renewal period with the understanding that any violation could result in license revocation. The licensee is to notify the Department of all new well construction during the probationary timeframe. Mr. Hansen seconded the motion. Voting yes: Christensen, Miesbach, Thompson, Grosch, Webster, Hansen, and Lackey. Voting no: none. Abstain: none. Motion carried.

Item 12. Adjourn

Mr. Christensen made the motion to adjourn the meeting at 1:30 p.m. and was seconded by Ms. Lackey.



Mike Thompson, Board Secretary



Date