

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

## **November 2, 2022**

Tonny Beck, Chairman, called the meeting to order at 10:17 a.m. with roll call. The meeting was held at the 245 Fallbrook Blvd, LL Room 031, Lincoln, NE. Copies of the agenda were emailed to board members and other interested parties prior to the meeting. The meeting was advertised on the Public Notice page of the Nebraska Department of Environment and Energy's website. The Open Meetings Act was posted at the front entrance of the room.

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

PRESENT:           Tonny Beck                               Sue Lackey  
                          Mike Thompson                       Lynn Webster  
                          Daniel Mackin                            Andy Kahle  
                          Scott Grosch

ABSENT:           Brian Whitesel, Laura Johnson, Cody Christensen

OTHERS:           Jason Orton, Lee Orton, Dan Egeland, Scott Snell, Mark Graf, Tim Sizer, Pam Miller, Dave Miesbach, Jim Macy.

**Note:** Laura Johnson is the new Board member replacing Greg Brekel for the Department of Environment and Energy. Andy Kahle is the NDEE alternate. Mr. Kahle is representing NDEE for Laura Johnson today.

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

Mr. Grosch moved to adopt the agenda. Mr. Webster seconded the motion. Voting yes: Thompson, Mackin, Kahle, Grosch, Lackey, Webster, Beck. Voting no: none. Abstain: none. Motion carried.

### **Item 3. Consideration of Minutes of Board Meeting – August 17, 2022**

Ms. Lackey moved to adopt the minutes. Mr. Mackin seconded the motion. Voting yes: Mackin, Grosch, Lackey, Webster, Beck, Thompson. Voting no: none. Abstain: Kahle. Motion carried.

### **Item 4. Election of Officers**

#### **Chairman Nominee:**

The floor was open for nomination of Chairman of the board.

Mr. Thompson nominated Mr. Beck to remain as Chairman of the board. Mr. Mackin seconded the nomination. Mr. Webster made the motion to close nominations. Ms. Lackey seconded the motion. Voting yes: Kahle, Grosch, Lackey, Webster, Thompson,

Mackin. Voting no: none. Abstain: Beck. Motion carried.

**Vice Chairman Nominee:**

The floor was open for nomination of Vice Chairman of the board.

Ms. Lackey nominated Mr. Whitesel to remain as Co-Chairman of the board. Mr. Webster seconded the nomination. Ms. Lackey made the motion to close nominations. Mr. Thompson seconded the motion. Voting yes: Grosch, Lackey, Webster, Beck, Thompson, Mackin, Kahle. Voting no: none. Abstain: none. Motion Carried.

**Secretary Nominee:**

The floor was open for nomination of Secretary of the board.

Mr. Mackin nominated Mr. Thompson to remain as Secretary of the board. Ms. Lackey seconded the nomination. Mr. Grosch made the motion to close nominations. Mr. Webster seconded the motion. Voting yes: Lackey, Webster, Beck, Mackin, Kahle, Grosch. Voting no: none. Abstain: Thompson. Motion carried

**Item 5. Continuing Education Requests**

1-Groundwater Geophysics, webinar, by American Groundwater Trust, was held January 12, 2022; Tom Christopherson

Requests: Up to 4.25 hrs.  
Recommended: 4.0

2- NEC 2022-2023 courses, varies throughout NE, by Jerry Rhoades, will be held various days in 2022-2023, Jerry Rhoades

Requests: 4 and 8 hrs. classes  
Recommended: 4, 8 and 12 hrs.

3-Solar Water Wells and Systems, Norfolk, North Platte, Mead, by Wayne Woldt will be held Nov 3-4, Nov 10-11, and Dec 6-7, 2022; Wayne Woldt

Requests: 12 hr.  
Recommended: 12

4-Franklin Electric and Baroid Training, Grand Island, NE, by Roberts Pump will be held November 11, 2022; Matthew Roberts

Requests: 6 hr.  
Recommended: 6

5-NeRWA Fall Conference, Gering, NE, by NE Rural Water Assoc. was held September 13-15, 2022; Patrick Petersen

Requests: up to 8 hrs.

Recommended: 8

6-6th International Paleontological Congress, Khon Kaen, Thailand, by Paleontological Association will be held November 7-11, 2022; David Cox

Requests: 8 hrs.

Recommended: 0

7-Low flow Groundwater Sampling, Online, by QED Environmental. was held September 19, 2022; Roger Dinsmore

Requests: 1 hr.

Recommended: 1

8- Characterization and Remediation of Fractured Bedrock, Online, by ITRC was held September 20, 2022; Roger Dinsmore

Requests: 2.25 hrs.

Recommended: 2.5

9- The Good, Bad and Ugly: Treatment Options for Established and Emerging Water Quality Challenges, Johnston, IA, by Environmental Professionals of Iowa was held November 15, 2021; Angelique Shawda

Requests: 1 hr.

Recommended: 1

10- 2021 EPI Symposium, Johnston, IA, by Environmental Professionals of Iowa was held November 16, 2021; Angelique Shawda

Requests: 5 hrs.

Recommended: 5

11- 2023 NE Water Industries Annual Conference, Kearney, NE, by NWDA will be held February 14-16, 2023; Lee Orton

Requests: up to 26 hrs.

Recommended: 14

12- Water Well Classes, Grand Island, NE, by Preferred Pump was held October 26, 2022; Michael Lounsbury

Requests: 5 hrs.  
Recommended: 5

13- Water Well Classes, by International School of Well Drillers, online, were held January 1, 2021-December 2022; Lorraine Mastropietro

- Timed Outline for Pumps Part II      Requests: 1 hr.                      Recommended: 1
- Timed Outline for Injection Wells      Requests: 1 hr.                      Recommended: 1

14- Water Well Classes, by International School of Well Drillers, online, will be held January 1, 2023-December 31, 2024; Lorraine Mastropietro-*All of these courses have already been approved for the 2021-2022 renewal cycle. Content of these courses have not changed and provider would like to have these CE online courses approved for 2023-2024.*

- Aquifer Storage and Recovery      Requests: 1 hr.                      Recommended: 1
- Basic Geology Timed Outline      Requests: 1 hr.                      Recommended: 1
- Drilling Methods I      Requests: 1 hr.                      Recommended: 1
- Drilling Methods II      Requests: 1 hr.                      Recommended: 1
- Drilling Methods III      Requests: 1 hr.                      Recommended: 1
- Drilling Safety      Requests: 1 hr.                      Recommended: 1
- Geothermal Heating & Cooling I      Requests: 1 hr.                      Recommended: 1
- Geothermal Heating & Cooling II      Requests: 1 hr.                      Recommended: 1
- Groundwater Basics      Requests: 1 hr.                      Recommended: 1
- Introduction to Pumps      Requests: 1 hr.                      Recommended: 1
- Well Abandonment      Requests: 1 hr.                      Recommended: 1
- Well Development      Requests: 1 hr.                      Recommended: 1
- Well Rehabilitation I      Requests: 1 hr.                      Recommended: 1
- Well Rehabilitation II      Requests: 1 hr.                      Recommended: 1
- Timed Outline for Pumps Part II      Requests: 1 hr.                      Recommended: 1
- Timed Outline for Injection Wells      Requests: 1 hr.                      Recommended: 1

15- 2022 Annual Conference, Kearney, NE, by NARD was held September 26-27, 2022; Jennifer Swanson

Requests: 7 hrs.  
Recommended: 7

16- Water Well Classes, Hartington and Norfolk by Preferred Pump were held March 19, 2022 and October 26, 2022; Randall Anderson

Requests: 6 hrs.  
Recommended: 6

17- Water Well Classes, Wayne and West Point by Preferred Pump were held April 9, 2022 and October 21, 2022; Randall Anderson

Requests: 6 hrs.  
Recommended: 6

18- Groundwater Week, Las Vegas, NV by National Ground Water Association will be held December 6-8, 2022; Sue Tenney

Requests: 33 hrs.  
Recommended: 15

19- GW-SW Monitoring Council Meeting, Zoom by NDEE was held November 1, 2022; Dan Inman

Requests: 1 hr.  
Recommended: 1

20- Winter 2022 Training Class, Omaha, NE, by Hydro Pump will be held December 1, 2022; Andy Kettelhut

Requests: 6 hrs.  
Recommended: 6

21- Nebraska 811 Workshop 2021, La Vista, NE, by Nebraska 811 was held July 29, 2021; Keith Potts

Requests: 6 hrs.  
Recommended: 5

22- IGWA Spring 2022 Conference, Cedar Rapids, IA, by Iowa Groundwater Assoc. was held April 29, 2022; Keith Potts

Requests: 8 hrs.  
Recommended: 3

23- Wyoming Water Well Convention, Casper, WY, by Wyoming Groundwater Assoc. was held January 11-14, 2022; Gary Lamb

Requests: 12 hrs.  
Recommended: 12

24- Franklin Electric Motors, Norfolk, NE, by Lincoln Winpump/Franklin Electric will be held November 15, 2022; Matthew Willnerd

Requests: 6 hrs.  
Recommended: 6

25- 12th international Conference on Remediation of Chlorinated and Recalcitrant Compounds, Palm Springs, CA, by Battelle held May 22-26, 2022; Stephen Varsa

Requests: 12 hrs.

Recommended: 12 hrs. available upon further review of the sessions attended by the individual. The individual will be required to submit to the Committee for review, the sessions attended. The committee will then make a final decision on the number of hours to be awarded.

Mr. Thompson, CEU Committee Chair, submitted the recommendations for board approval of CEU hours as stated. Voting yes: Webster, Beck, Thompson, Mackin, Kahle, Grosch, Lackey. Voting no: none. Abstain: none. Motion carried

Policy P-14-final verbiage for webinar and webinar proctor was presented. Revision date was corrected to 8/17/22. Revisions included online CE course provisions and proctor requirements.

Break: 10:49-11:04 AM

### **Item 7. Program Report**

In the interest of meeting efficiency agenda item 7 was presented before agenda item 6. 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.

- Reclassification to an Environmental Specialist was made to the administrative assistance position with the WWSP.
- Inspection update.
- Update on the licensing program. Renewals were sent out October 3<sup>rd</sup>, 2022, giving licensees an extra 30 days to pay this renewal cycle.
- Update on NRD exam review. New study material/tutorial options are being looked at by sub-committee. Approval of regulations is slowing implementation.
- Update on replacement for DHHS member. Possible Statute change will be needed. DHHS will not respond to replacement of this board member.
- New regulations are on hold until the first of the year and new Governor.
- Dan Egeland gave an update on the saltwater grout testing. Grout is working in fresh water. Would like to see it done on an active loop system.

Lower Platte South has a salt marsh which could be a possible location for future regulation development.

- Baroid Mud School will be January 23-27, 2023.

### **Item 6. Budget**

- Mr. Miesbach provided a handout on current projections for the Well Drillers funding. The projections indicated the program could run out of funds by fiscal year 2024.
- Director Macy addressed the Board. After recent discussions with several board members, Mr. Macy shared the need for supplemental funding for the program and a need for Legislative action to help fund the program.
- Mr. Beck provided suggestions on what he would like to see an expanded program look like in the future. He then opened the floor for discussion. The group provided input on the future of the program, including a discussion of additional inspection staff, equipment and proposed general funding for the program to be approximately \$1,250,000 annually, if the program were to be expanded.
- The Nebraska Well Drillers Association (NWDA) is willing to put a working group together in the next several weeks to prepare a proposal to provide for the future of the program. NWDA also suggested that several members of the board and department be a part of this group.
- Discussed the need for a future review of the fee structure, including licensing fees.
- Current Statute needs to be reviewed and updated to remove Uniform Credentialing Act (UCA) language that is not needed.
- Replacement of the Board vacancy of the DHHS membership and other options for a health department replacement were discussed.

Mr. Mackin made a motion to form a program sustainability committee comprised of three board members and the Nebraska Well Drillers Association empowered to prepare a plan for moving forward with adequate staffing and funding to sustain the Water Well Standards Program into the future. Ms. Lackey seconded the motion. Voting yes: Beck, Thompson, Mackin, Kahle, Grosch, Lackey, Webster. Voting no: none. Abstain: none. Motion carried

Break 1:20-1:34 PM

### **Item 8. Legislative Report**

Reports will be provided to the Governor and legislature in the near future on the Perkins County Canal feasibility study and the investigation by HDR on how the Ashland Lake will impact Lincoln and Omaha water supply.

## **Item 9. Agency Reports**

### **A. UNL – Conservation & Survey – Sue Lackey**

- State map work-wireline quarry.
- Filling GIS coordinators position soon.

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

- Review of well registrations-three statistical handouts were distributed to the Board.
- Natural Resource District managers are kept apprised of the suspense well situation at their regular meetings. The well registration team will push to clean up the suspense list. These are registrations for replacement wells for which, no documentation has been submitted on fate of the original well. More letters will be going out to help this effort.
- Funding program for reverse osmosis by NDEE requires well registration. DNR will work with WWSP and the NRDs for registering of old wells.
- The Well Conversion Tool page had some issues that have been resolved.

### **C. Dept. of Environment and Energy – Andy Kahle (alternate for Johnson)**

- New Administrator for the Drinking Water and Ground Water Division, Laura Johnson has been hired to replace Sue Dempsey's board vacancy. Her alternate will be Andy Kahle, supervisor for the Drinking Water Field Services.
- The Department received a small source water grant to decommission several wells.
- 2 new wellhead protection area plans have been approved by EPA
- New resource water coordinator with EPA.
- Drinking water program is moving forward with identifying in the state occurrences of pfas-hotspots-airports, military installations.
- Unregulated contaminate monitoring rule-drinking water will be kicking off the 5<sup>th</sup> installment.
- EPA changed health guidelines for pfas-problem areas will be asked to issue an advisory for public drinking water.

### **D. HHS – Division of Public Health – NO REPORT- this position is pending representation**

- DHHS has been notified of the need to fill this position per statute. To date no response has been provided by the Department.

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

- Fall work for water levels is ongoing.



- Meters are being read for those that have meters. Good weather conditions have helped to get these done.

**Item 10. Public Comment**

None

**Item 11: Closed Session**

At 1:56 PM Mr. Beck made the motion to go into closed session. Ms. Lackey seconded the motion Voting yes: Beck, Thompson, Mackin, Kahle, Grosch, Lackey, Webster. Voting no: none. Abstain: none. Motion carried.

At 2:06 PM Mr. Beck made the motion to come out of closed session. Mr. Webster seconded the motion. Voting yes: Beck, Thompson, Mackin, Kahle, Grosch, Lackey, Webster. Voting no: none. Abstain: none. Motion carried

Mr. Thompson made the motion to approve the hardship licensing for Mr. McDaniel effective January 1, 2023. The temporary license will remain in effect for 6 months, with the stipulation that he will be required to pass the required exams in that timeframe. Mr. Grosch seconded the motion. Voting yes: Beck, Thompson, Mackin, Kahle, Grosch, Lackey, Webster. Voting no: none. Abstain: none. Motion carried

**Item 12. Adjourn**

Ms. Lackey moved to adjourn the meeting at 2:10 p.m.



January 25, 2023

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**Mike Thompson, Board Secretary**

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**Date**