

**Minutes of the  
Arkansas Water Well Construction Commission Meeting  
June 4, 2021**

The teleconference meeting of the Arkansas Water Well Construction Commission was held Friday, June 4, 2021 at 9:00 AM

Commissioners in attendance: Chairman Mike McDermott, Vice-Chairman David Gilbert; Commissioners David Washington, Tom Hunt, and Ernest Pender.

Absent: Executive Secretary Bruce Holland; Commissioner Lance Jones

Natural Resources Division staff in attendance included: NRD Deputy Director Ryan Benefield for Bruce Holland; Department Attorney Kolton Jones; Deputy Chief Fiscal Officer, Shelia Watts; Natural Resources Division Geologist Supervisor Jim Battreal; Water Well Geologist Inspector Jacob Harvey; and Administrative Analyst, Jackie Broach.

Chairman Mike McDermott called the meeting of the Arkansas Water Well Construction Commission to order.

Approval of Minutes:

Vice Chairman Gilbert presented the April 2, 2021 Commission Minutes. Commissioner Pender made a motion to accept the Minutes as presented, seconded by Vice Chairman Gilbert. Motion carried.

Executive Secretary Report:

NRD Deputy Director Benefield reported the Arkansas Legislative Session is complete and that the NRD Budget remains the same for this next year, and we can now move forward with next years' session.

Commissioner Pender asked if AWWCC would now be going back to our regular meeting schedule. Deputy Director Benefield responded that the NRD Commission meeting was held via in-house for those who could attend, and by webex for those who could not personally attend. He stated that the next AWWCC meeting will also be held in-house for those who can attend and by webex for those who cannot personally attend.

Financial Report:

Sheila Watts, CPA, Deputy Chief Fiscal Officer, reported YTD Revenues of \$74,629.47, leaving us with an Overage of \$16,029.47; YTD Expenses of \$76,845.04, leaving us with a YTD Loss of \$2,215.57; and Total Cash Summary \$505,683.26.

Commissioner Pender asked if the Governor has lifted the hiring ban. Deputy Director Benefield respond that we are hiring for positions that have been recently vacated, including the Water Well Inspector position. Commissioner Pender asked if there was a limit on pay grades. Deputy Director Benefield responded that there is. Commissioner Pender responded that AWWCC needed to hire more

data interns to enter the old well logs into the database, and to mandate that all water well contractors must enter their own well logs. He stated that there is enough surplus revenue to cover it. Deputy Director Benefield responded that the commission would need to vote a rule change to the Rules and Regulations to mandate that contractors must enter their well logs into the database. He also stated that he was unaware of interns entering incorrect information and would look into it. NRD Groundwater Geologist Supervisor commented that the present intern is doing a superb job entering the old well logs and also is going back and repairing information that was entered incorrectly. He also reported that USGS is moving toward implementing a system for contractors to enter the data directly from their phones into the system.

Legal Report:

Department Attorney Kolton Jones reported that the rule changes regarding supervision and construction is waiting on the Governors approval, and once signed, the next step would be that the rule would be published for a 30-day comment period. The Commission will be able to make changes to the proposed rule based on comments if it so chooses. He would then recommend a motion to vote based on the final proposed rule

Commission Pender stated that rule 3.1, 3.2 and 3.10.1.1 and 3.10.1.2 regarding personal supervision of an apprentice are very clear and does not state an employee, but an apprentice must be at the jobsite, and that the Supervisor of the apprentice must be a full time employee of the company hiring the apprentice. Attorney Jones reported that they interpret it to mean that it was not mandatory that a supervisor or an apprentice be at the jobsite, but that the supervisor must be within a 2 hour driving distance and must be reachable at all times by wireless phone or radio, or in the alternative an apprentice was required to be on site with proper supervision. Attorney Jones explained that it was the purpose of the rule change to make it clear that either a supervisor or an apprentice must be on the construction site at all times.

Consideration of Applicants:

Jackie Broach, Administrative Analyst, presented the following applicants for approval:

**STATUS OF THOSE ALREADY APPROVED**

|                 | <u>EMPLOYER NAME</u>          | <u>CITY/STATE</u> | <u>EXAM</u> |
|-----------------|-------------------------------|-------------------|-------------|
| Cliff McCollum  | Layne Christensen Company     | Stuttgart, AR     | (D) Passed  |
| Paul Feld       | Environmental Works, Inc.     | Springfield, MO   | (D) Passed  |
| Jacob Chambers  | Hardwick Well Supply, Inc.    | Wheatley, AR      | (PI) Passed |
| Josiah Smith    | Ruffin and Sons Well Drilling | DeWitt, AR        | (PI) Passed |
| Charles Hutton  | All About Wells & Service     | Texarkana, AR     | (PI) Passed |
| Bradley Dauphin | Beaver Lake Pump Service      | Garfield, AR      | (PI) Passed |

**NEW DRILLER APPLICANT**

|                   | <u>EMPLOYER NAME</u>       | <u>CITY/STATE</u> |
|-------------------|----------------------------|-------------------|
| Michael R. West   | W.E. Pender and Sons, Inc. | Texarkana, TX     |
| Todd R. List      | Layne Christensen Company  | Stuttgart, AR     |
| Russell R. Bowles | Layne Christensen Company  | Stuttgart, AR     |

**NEW PUMP INSTALLER APPLICANT**

|                 | <u>EMPLOYER NAME</u>       | <u>CITY/STATE</u> |
|-----------------|----------------------------|-------------------|
| Michael R. West | W.E. Pender and Sons, Inc. | Texarkana, TX     |

Jonathan D. Jost

Coe Drilling Company, Inc.

Lewisville, AR

Commissioner Pender reported to the commission that he had filed complaints with employees of the commission in 2011 stating that Mr. Jost had formed a company known as J&S Services LLC in Bradley Arkansas and that he had received a complaint from a local water well contractor that Mr. Jost was doing pump installation with a rig without a license, but nothing was done about it. He stated that he subsequently went to work for Mr. Coe of Coe Drilling Company and was doing work for Mr. Coe apparently in an effort to get an apprenticeship, but that Mr. Coe was very ill and hasn't been on a drilling rig in a long time. He stated that he feels this was just a ploy to get a license. He pointed out that the rules stipulate that the apprentice must be a full-time employee of the company he is apprenticing under. He further reported that Mr. Coe has only turned in two well logs in the last two years. He stated that he wants to see the employment records showing he was a full-time employee of Coe Drilling and wants him to testify before the commission before considering him for licensure. He further reiterated that he knows for a fact that Mr. Jost was doing pump services long before working for Mr. Coe without the benefit of a license. He made a motion to exclude Mr. Jost from consideration until the commission does a complete review of his employment records to make sure he was a full-time employee of Coe Drilling Company during those two years, and that he present the well logs of all pumps installed in the last two years during his apprenticeship. The rules stipulate that records must be kept of all pumps installed and to present them when asked. Commissioner Washington seconded the motion. Motion carried.

Commissioner Washington made a motion to approve the remaining applicants as presented, seconded by Commissioner Gilbert. Motion carried

**NEW DRILLER APPRENTICE APPLICANT**

|                | <b><u>EMPLOYER NAME</u></b> | <b><u>CITY/STATE</u></b> |
|----------------|-----------------------------|--------------------------|
| Devin K. Brock | W.E. Pender and Sons, Inc.  | Texarkana, TX            |
| Robert A. Grim | W.E. Pender and Sons, Inc.  | Texarkana, TX            |

**NEW PUMP INSTALLER APPRENTICE APPLICANT**

|      | <b><u>EMPLOYER NAME</u></b> | <b><u>CITY/STATE</u></b> |
|------|-----------------------------|--------------------------|
| None |                             |                          |

Commissioner Washington mad a motion to approve these applicants as presented, seconded by Commissioner Gilbert. Motion carried.

**Inspector Report:**

**Complaints/ inspections:**

- One licensed contractor with NO registered driller/pump installer/ apprentice onsite. No violation found per current AWWCC rules and regulations. **(Miller co.)**
- Two wells with NO well report filed with in the 90-day period. We are in contact with the landowners to find out more information before sending up to legal. **(Lafayette & Miller counties).**

- Plumbers installing pumps without a proper AWWCC license and registration – investigation ongoing. **(Faulkner & Union counties)**
- Open well: The landowner was found and the well has been properly sealed. **(Lonoke co.)**

#### Water well Database reporting

2021 New well construction reports entered by contractors: 267

Staff: 52

Total: 319

Old well construction reports entered by intern since last meeting: 976

**We answered 35 calls and emails from the public and contractors on rules, regulation, and database searches for well information.**

Commissioner Hunt reported that the plumbers were getting ready to renew their licenses and made a motion that a letter should be sent to Director Ric Mayhan of the plumbers licensing board asking him to put a statement in their newsletter they send out informing all the plumbers that it was illegal to install water well pumps without a water well pump installers license and that they could apply for this license in order to do so. Commissioner Gilbert stated that plumbers were the biggest installers of pumps without a license and seconded the motion. Motion carried.

#### Other Business:

Commissioner Pender reported that the commission had made a change regarding the water well database pursuant to a request from a water well contractor a few years back and it has made it very difficult to determine the owner of wells and to research wells. He stated that these are public records and not only was it very difficult to locate this information, but the information was beneficial to contractors and the public and they needed to be able to easily access this information. Geology Supervisor Jim Battreal responded he thought that would require a rule change. Commissioner Pender stated that he didn't think it was a rule, but a policy change on how and who could access certain information. After further discussion, Commissioner Pender made a motion to change the database to make all the information accessible to the public. Motion was seconded by Commissioner Gilbert. Motion carried.

Commissioner Hunt asked Deputy Director Benefield if the commission was making any attempt to getting monies from the Rescue package. Deputy Director Benefield responded that we have not been allocated to administer any of that funding as of this time. Commissioner Hunt asked if the employees received hazard pay or if the commission was applying for the monies for those who were working in the field during the pandemic. Deputy Chief Fiscal Officer, Sheila Watts responded that she would get the answer and respond back to the commission at the next AWWCC meeting. Commissioner Hunt responded that he wants to make sure the commission has an application in for this hazard pay for those who worked during the pandemic.

Commissioner McDermott asked if the fee structure changed for this years' renewals. Deputy Director Benefield responded that the fees have gone back to the regular fee structure.

Adjourn:

Commissioner Washington made a motion to adjourn the meeting, seconded by Commissioner Pender. Motion carried. Chairman Mike McDermott adjourned the meeting with the announcement that the next AWWCC meeting would be held in Little Rock.



---

**J. Ryan Benefield**  
Deputy Director

8/24/2021

---

Date