



MARYLAND STATE BOARD OF WELL DRILLERS

OPEN MEETING MINUTES

Wednesday August 26, 2020 @ 9:00 A.M.

Video/ Teleconference via Google Hangouts Meet

Video Link: meet.google.com/fau-tmoi-iss

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As of March 5, 2020, the Board of Well Drillers has been operating under a State of emergency and catastrophic health emergency proclaimed by Governor Hogan due to the COVID-19 pandemic.

Board Members Present

Hahns Hairston - Chairman / Public At Large
Larry Brenneman - Vice-Chairman / Western MD
Mike Hall - Eastern MD
Brad Hartman -Southern MD
Dave Kelly - Central MD
Robert Peoples - MDE
Heather Quinn- DNR

MDE Staff Present

Duane Johnson- Executive Director
Gayatri Mostaghimi, Esq. – Board Counsel
John Boris - On-Site Systems Program
Dee Settar - Water Supply Program

Guests Present

Robbie Hill - H & H Well Drilling & Water Conditioning LLC
Sara Lou Trescott - Washington County Environmental Health Director

Call to Order

With a quorum present, Chairman Hairston called the meeting to order via video and teleconference at 9:12 AM.

Roll Call and Introduction of Guests

As the meeting was held by video and teleconference, Dee Settar performed the Roll Call. Chairman Hairston acknowledged two guests were present; he requested additional guests who were participating to make themselves known and received no response.

Review and Adoption of Meeting Agenda

Chairman Hairston presented the agenda for review and requested two minor corrections. Mike Hall moved to approve the meeting agenda with corrections. Robert Peoples seconded the motion. The motion was approved unanimously with Chairman Hairston abstaining.



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Review and Approval of Open Meeting Minutes

Chairman Hairston presented the minutes of the July 22, 2020 open meeting for review and approval. Brad Hall made a motion to approve the meeting minutes without corrections. Dave Kelly seconded the motion. The motion was approved unanimously; Chairman Hairston abstained.

Board Chair Comments

Chairman Hairston greeted and welcomed all Board members, staff, and guests. He immediately offered the floor to Mr. Robbie Hill to present his perspective of the matter at hand. Chairman Hairston informed Mr. Hill that this meeting was not a hearing and that Mr. Hill was not required to speak.

Discussion with Guests

Robbie Hill presented his perspective of two well drilling violations recently issued by the Washington County Environmental Health Program. Upon completion of Mr. Hill's facts, Chairman Hairston advised Board Members to not ask any questions unless additional clarification was required. Mike Hall asked several questions for clarification, to which Mr. Hill responded.

Chairman Hairston verified Board Members had no further questions for Mr. Hill and then welcomed Sara Lou Trescott to provide the County's perspective of the two violations issued. Environmental Health Director Trescott conveyed a chronological history and details pertaining to the violations. Upon completion, Chairman Hairston asked if Board Members had questions. Discussion continued between Mike Hall, Ms. Trescott and Mr. Hill.

Upon hearing Board Members had no additional questions, Chairman Hairston thanked Mr. Hill and Ms. Trescott, and invited them to stay for the remainder of the meeting. Mr. Hill remained and Ms. Trescott signed off.

Executive Director's Report

A. Duane Johnson presented the cumulative Revenue and Expenditures Report to the Board for the period of March 31, 2020 thru July 31, 2020. Chairman Hairston asked about the new Appropriation; Dee Settar responded she had not yet learned the amount of the FY2021 Appropriation, but expected the update any day.

Revenues and Expenditures - as of July 31, 2020

Appropriation FY2021	Amount Not Received from MDE Fiscal
Expenses	\$ 5,041.01
Revenue	\$ 250.00
Encumbrance	\$ 0.00



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New Business

A. Review of Licenses Issued

Duane Johnson read the names of the individuals to whom licenses were recently issued:

Adam Brown	Apprentice Pump Installer
Scott Thompson	Pump Installer
Don Mella	Journeyman Well Driller- General
Chris Kay	Journeyman Well Driller- General

Dave Kelly made a motion to approve the issuing of licenses to these individuals. Robert Peoples seconded the motion. The motion was approved unanimously; Chairman Hairston abstained.

B. Qualifications of Exam Applicants

Duane Johnson read the qualifications for the following exam applicant and recommended he be approved to take the indicated exam:

Landon Montgomery	Apprentice Well Driller
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Mike Hall made a motion for the applicant to take the examination without conditions. Robert Peoples seconded the motion. The motion was approved unanimously; Chairman Hairston abstained.

C. Current Violations

Duane Johnson informed Board Members he received one violation letter from Cecil County that specified the drilling company but did not reference the driller's name or license number. Robert Peoples requested Duane obtain the driller's license number and review the driller's file for violation history. Mike Hall requested a letter be sent to the Cecil County Environmental Health Department that notes the Board attends to licensed drillers and not companies of employment. Duane will contact the Cecil County EHD and provide an update at the September meeting. Duane will also contact the County Health Departments to update the running violation log before each Board meeting.

Dave Kelly asked if the current Governor's Executive Order which administratively extends permit and license renewal provides an extension to submission of well completion reports. Board Chair and Board Members discussed the matter and requested Duane seek guidance from the Office of Attorney General and to provide an update at the September meeting. Gaya Mostaghimi asked for all request to the OAG to be submitted in writing with a copy to Lynn Angotti.

D. Continuing Education Approval

Duane Johnson presented four applications for training and Board Members discussed course content and audience. Mike Hall made a motion to approve the courses indicated on the chart below for the license types and credit hours. Brad Hartman seconded the motion. The motion was approved unanimously; Chairman Hairston abstained.



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<i>Course Number</i>	<i>Training Sponsor</i>	<i>Name of Course</i>	<i>Location</i>	<i>Dates</i>	<i>License Categories</i>	<i>Approved Credit Hours</i>
2021-121	American Ground Water Trust	New Jersey & Atlantic Coast States Well & Pump Technology Webinar	Online	Continuous	MWD, MGD, MSD, JWD, JGD, JSD, WRO, AWD, PI0, API (not WCI, AWC)	6
2021-122	Water Quality Association	WQA Annual Education Kit Vol IV- Risks of Hazardous Waste; Onsite Sewage Treatment Alternatives; Filtration Processes; Solubility Rules Help Avoid Water Treatment Pitfalls	Online	Continuous	MWD, MGD, MSD, JWD, JGD, JSD, WRO, AWD, WCI, AWC (not PI0, API)	1
2021-123	Water Quality Association	WQA Annual Education Kit Vol V-Methods and Devices for the Prevention of Backflow and Back Siphonage; Loos Media Filtration; Arizona and Arsenic: POU Treatment as a Compliance Strategy for Small Public Water Systems; Corrosion and Soft Water	Online	Continuous	MWD, MSD, JWD, JSD, WRO, AWD (not MGD, JGD, API, PI0)	1
2021-124	Water Quality Association	WQA Annual Education Kit Vol VI- WQRF Softened Water Benefits Study; Environmental Impact Study: Water Softener Effects on Septic System Performance; Chromium VI Occurrence Analyses and Estimated Treatment Costs	Online	Continuous	MWD, MGD, MSD, JWD, JGD, JSD, WRO, AWD, WCI, AWC (not PI0, API)	1

Old Business- Existing Violations and Complaints

In May 2020, the Board received a letter from the Maryland Office of the Attorney General, Consumer Protection Division, referring a complaint to the Board; however, the Board had discussed that complaint at the April 23, 2020 meeting. Duane Johnson provided a written response to the Consumer Protection Division in August 2020



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that Board Members discussed the complaint previously and considered the matter a contractual dispute and not a licensing issue.



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Industry Correspondence/State of the Industry

Duane Johnson presented an inquiry to Board Members regarding the need for a well driller’s license to install soil vapor extraction implants. After discussion, Board Members agreed that a geotechnical well driller’s license was required. Duane Johnson will update the inquiring party.

Duane Johnson asked Board Members if at any point in the two year renewal period CEUs would be waived as per exemption language in COMAR 26.05.03.02. Chairman Hairston noted this was likely a decision made by the previous Executive Director as it was not discussed by the Board. To ensure consistency, Duane will examine paper files from the previous renewal period to determine if any training waivers were granted for (1) all apprentices and (2) within the last 9 months of the renewal cycle, and update the Board.

Board Members continued discussing the regulation’s exemption language for “other just cause shown” as related to the ongoing COVID-19 pandemic-impact on training cancellations. The discussion included how to approve more courses and technological challenges related to online training. Duane Johnson will draft a request to Board Counsel for guidance on the definition of “just cause” and the potential to adjust training requirements.

Duane Johnson requested Board input on a previously approved MWD exam applicant based upon updated sponsor information and request for bond waiver. The Board determined the applicant could take the exam, and that both bond and liability insurance must be held prior to issuance of a MWD license.

Chairman Hairston invited Board guest Robbie Hill to contribute to the State of the Industry discussion. Mr. Hill declined to contribute.

Board Vote to Move into Closed Session*****

Pursuant to General Provisions Article (“GP”) § 3-305(b), on motion made by Larry Brenneman and seconded by Heather Quinn, the following Board members voted in favor to move into closed session on August 26, 2020 at 11:44 AM via Google Hangouts video/ teleconference for the purpose of complying with certain provisions of the Open Meetings Act: Larry Brenneman, Brad Hartman, Dave Kelly, Mike Hall, Heather Quinn, and Robert Peoples; Chairman Hairston abstained. The motion carried.

Specifically, the Board discussed correspondence and violation status associated with two license holders in closed session pursuant to the General Provisions Article (“GP”) as stated below:

GP § 3-305(b)(2) - To protect the privacy and reputation of the license holders; and

GP § 3-305(b)(8) - To consult with staff and others regarding potential litigation.

Board members also approved the July 22, 2020 closed meeting minutes.

A motion to conclude the closed session was made by Larry Brenneman and seconded by Dave Kelly. The following Board members voted in favor: Larry Brenneman, Brad Hartman, Dave Kelly, Mike Hall, Heather Quinn, and Robert Peoples; Chairman Hairston abstained. The motion carried. The closed session was concluded at 1:10 PM and the Board returned to open session.*****

Adjournment



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Brad Hartman motioned to adjourn the open meeting. Heather Quinn seconded the motion. The motion passed at 1:13 PM. The motion was approved unanimously; Chairman Hairston abstained.