



# Groundwater Protection and Water Wells Workgroup Meeting

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*Wednesday January 22, 2014*

*Hosted by the DEC*

*1<sup>st</sup> floor conference room 555 Cordova St. Anchorage with teleconference*

Attendees in Anchorage: Charley Palmer (DEC), Kathleen Kastens (Private Well Owner/Facilitator), Wayne Westberg (WWC), Chris Miller (DEC), Rebecca Baril (DEC), David Schade (DNR), Bill Kranich (PE / PWS Owner – Southcentral), Jim Munter (Hydrogeologist/Consultant), Elizabeth Rensch (Analytica), Jeff Ellison (WWC).

Attendees via teleconference line: Pamela Goode (Private Citizen), James Squyres (Private Citizen), John Craven (Public Water System operator), Lee Ice (WWC), Larry Swihart (WWC), Chuck Ice (WWC), Roy Robertson (DEC), Milo Pitner (WWC), Craig Seime (WWC), Dave Bay (WWC), Ted Schacle (WWC).

## Meeting Minutes

Facilitator: Kathy Kastens (DEC)

### **Introduction**

- Review of agenda
  - Approved
- Review of minutes
  - One edit was made on a comment by James Squyres.
  - Minutes approved
- Action Items
  - A live link to the private water wells website a couple hours before the meeting began. Please review and send any comments to Rebecca.
  - Charley and Wayne will work on the pamphlets from MOA.
  - Draft decommissioning standards were sent out.
  - Chris met with Bill O’Connel from Contaminated Sites
    - Chris: Asked Bill to clarify whether the standards apply to all monitoring wells or just wells related to Contaminated Sites. The interpretation Bill provided was that the standards apply to monitoring wells associated with a Contaminated Sites approved workplan only. Other monitoring wells may not technically apply.
  - Water Well Record of Decommissioning.

- Rebecca: This was sent out as a link with the minutes from the last meeting in November.
- Charley requested that the group please provide comments for the form, as there is currently an effort to make revisions by the DNR.
- David: DNR has currently assigned someone within the Water Resources section to revise the decommissioning form. It is available on the website, and the group is encouraged to provide feedback. They are currently working on making it as easy as possible to access and submit.
- Jim asked if DEC had a similar but separate form.
- Charley responded that the DEC has collaborating with DNR on the form.
- Jim suggested that they also collaborate with MOA.
- David asked if MOA has a separate form.
- Wayne responded that they have no form and, instead, point to the DNR.
- Rebecca sent out MOA Chapter 15.55.060 standards.
  - Charley clarified that we are looking at the construction standards only, even though it includes decommissioning standards.

## Issues and Concerns

### Miscellaneous

- Private Water Wells live website.
  - Kathy asked that everyone review the site and provide comments between now and the next meeting. She then opened it to anyone who had comments.
    - Wayne asked that in the second paragraph of the website, whether that was the definition of a well from the regulations.
      - Charley answered that the definition was duplicated from the regulations.
      - Wayne mentioned that he thought the definition was deficient but could be tackled later.
    - Wayne added that the term “sanitary seal” used in the beginning is a problem since the term is used in multiple places and can have different meanings. Use one term throughout the site and possibly consider “sanitary well seal”.
      - Bill responded that the term should be taken further than that. He considers the seal to be the “sandwich” job that is set on the casing and tightened on with bolts. The “cap” (another term used in the website) just goes on the top, and tends to be a “mousetrap” because it is not sealed.
      - Charley quoted the definition of a “sanitary seal” from the Drinking Water Regulations 18 AAC 80.1990.
      - Wayne suggested that the definition be referenced in the website next to the term. He also suggested that under “Well maintenance” we replace “well cap” with “sanitary well seal”.

- Jeff added that there are 3 different types of caps/seals that can be added. Well cap, well cap with seal, and a watertight seal.
- Chris: We are essentially just trying to avoid the bucket over the well.
- Kathy: Everyone provide input for the next month and we will revise.
- Chris added that we need to keep in mind the audience. The website is intended for the general public and private landowners.
- Bill said he would work on the proper term for the well cap.
- Wayne moved onto his next comment. In “Before you drill” and “The SOA does not require water well contractors to be certified. He suggested the following revision: “State does not require water well contractors and well service companies to have an appropriate contractor certification. They are required to be licensed as general or sub-contractors, but not to be specifically certified for well construction”.
  - John added the he hopes to keep the certified mention within the website, since it indicates that there is some higher certifications out there that the water well contractor can obtain.
- Wayne: Add AWWA and their list of members. Define WELTS in the reference. Within the water rights section add in domestic exemptions.
  - David said he would work with the DEC to get that section worded properly. He mentioned that it needs to be added that it is legal to not have water rights.
  - Wayne added that that is important, otherwise they will end up with an avalanche of people who believe they have to have water rights.
- Kathy then asked for any more comments on the webpage.
  - Pamela responded that by posting the WELTS website on the internet on a public page, privacy issues may have far overstepped their bounds. This may be an issued that needs to be addressed.
  - Kathy noted that there is objection to having the WELTS page posted, but it is available to the public on the DNR’s site as well. The privacy issues with well logs will be addressed when public comments are opened when DNR reviews and revises their regs (including the well logs regs).
  - James notes that at the current moment the issue is not as serious as it could be. Currently, the only logs available on the site are those that are voluntarily turned in, the issue arises when the well logs are required and enforced to be turned in, and in turn are displayed.
  - David responded that it is duly noted that there are issues with the display of well logs, but added that the discussion of well logs has been tabled and he will make the group aware when the public comment period will be open for the regulations in question.

- James suggested that the workgroup develop a group response to submitted as public comment.
- Kathy responded that the issue has been tabled, and is very contentious within the workgroup.
- Kathy then moved to the discussion of well logs from the agenda, and added that it had been discussed to table the issue.
  - Multiple well drillers added that the issue should be struck from the agenda.
  - James suggested that the comment process involving well logs should only involve installers and drillers.
  - David: It is part of the public process and therefore will involve all public citizens.
  - Kathy responded that they have to focus on interested parties. The regulation will affect private citizens as well as installers and drillers.
  - Pamela added that the private citizens are paying for the wells and that makes them the primary stakeholders. Without them the well drillers would be struggling for business.
  - David suggested the discussion be ended, as he will notify the group when public comment will proceed.
  - Jim: It seems there are two issues, the submittal of well logs, and the privacy issues involved with posting them online. The issue is privacy related to private wells and is a legitimate issue as it relates to well logs.
  - James responded that the group needs to cast an eye towards the legislature. There are many issues being confronted with the privacy bill in legislature. This could be an interest that is cross-referencing with this.
- Elizabeth commented on the website that currently the site suggests there are labs in the state that test for radon, but her lab does not and she is not aware of anyone who is certified within the state who does.
  - Kathy suggested that we add something listing what we require testing for (with public water systems). Radioactive is tested for, radon is not.
  - Charley added that radon itself is more concerned with exposure via the air.
  - Jim: You can get radon bottles at the hardware store to test for the radon in the air, such as in a basement. It can also be tested for in water, i.e. exposure in the shower.
- Kathy suggested we then move on to the discussion of the decommissioning standards.
  - James asked for a clarification that there is a consensus that there is no consensus on well logs.
  - Kathy responded that yes, and David will let us know when the comment period is available.
  - James added that this could make our job difficult since many of the standards and regs refer to well logs.
  - Kathy responded that there may be changes to regulations. Currently, there is a requirement to submit well logs, and we will edit as the regulation is now. If it

- changes in the future, we will address that to make changes to reflect the update.
- James: Are we saying that this is not part of the group's action to adjust and propose changes to regulations?
  - Kathy reminded that we are working through the issues that were originally set forth in the meetings over a year ago.
  - James noted that in the original meetings there were no well drillers in the Kenai meetings, and in Fairbanks it was said "We will only move in the direction the group wants to move."
  - Charley added that well drillers were invited to the meeting in the Kenai area.
  - James: Every standard that refers to well logs we will have to highlight.
  - Wayne responded that the issue has been tabled and we will go back to it if necessary.
- Kathy then directed the discussion back to the decommissioning standards. She moved through section by section and paragraph for comments. The first comment made was on the definition of "abandoned well or borehole"
    - James mentioned that the definition is posed in a way that requires action by the well owner.
    - Kathy suggested that the phrase "demonstrates an intent" be removed.
    - David suggested that the definition reference the DNR and DEC regulation for proper maintenance. He also agreed that the wording with "intent" is a problem. There is no problem as long as owner maintains in a way that is aligned with regulation.
    - Wayne responded that this is only the definition, not the regulation.
    - Jim added that there is only a definition of a water well, not a well.
    - Chris responded that they meant to fix that. It was something that was changed halfway through and was not rectified to the beginning of the document.
    - Charley: Many of these were worded to be consistent with existing regs and their definitions.
    - James suggested that it be simplified to "use discontinued" without the time element.
    - David responded that if there is no time limit, then they run into regulation issues. The time limit gives a definition to refer to. They are trying to make sure that people know that once they are notified, there is a time limit.
    - Charley said that the term "abandoned" is used differently in different states. To not be confusing, for our purposes, essentially a well that is abandoned is not decommissioned. Some other states may say that if a well is properly abandoned, they mean it is decommissioned.
    - \*\*\*breakdown of my notes here, a lot of people talking at once.
    - James: The phrase "discontinued use" is the problem.
    - Kathy added that the last meeting it was agreed that the time limit was a good way to monitor a well's use.

- James responded that, although he hopes it wouldn't, he believes the standard and definition could be used for an evil purpose.
- Kathy: As long as it is maintained, there is no issue. We are trying to identify the wells without proper maintenance that are not being used.
- \*\*\*
- Larry: The issue is whether a well needs to be decommissioned. If I see a well in the middle of nowhere with bad maintenance, then it should be decommissioned. There is no reason a good well, well maintained, can't stand for years.
- Jim provided the example that neighbor next to a house that has been burned down calls DNR stating that he wants the well [for that house] decommissioned. From that point on the time starts ticking.
- Chris added that we are trying to provide an incentive to maintain and protect.
- Jim: Keep the definition simple and the standard complicated.
- James suggested "Well or borehole that has been *permanently* discontinued and not maintained."
- Chris responded that "permanently" is hard to prove. Gravel pits are required to be closed or reclaimed, but the gravel pit will not often admit being closed.
- David added that it needs to be defined properly as not to suggest that DNR will be running around looking for wells, but that if a well is brought to their attention, they will have some backing to require decommissioning or maintenance.
- Wayne suggested the MOA definition "...permanently discontinued and not properly decommissioned...". He added that the definition has been in their standards for over 20 years.
- Jim added that the MOA does run around and require decommissioning. If there is a standard set, there will eventually be someone run around requiring.
- Charley also added that MOA has a time limit in their regulations.
- Jim: Ordinances can be very confusing unless you understand the definitions. Suggest that we go through the standards and come back to the definitions.
- Wayne suggested that we use the MOA standards with the addition of properly maintained.
  - General agreement.
- Definition of bentonite
  - David suggested that we mention NSF 61 for bentonite.
    - General agreement.
- Bentonite grout slurry
  - Same suggestion as for "bentonite" definition, with general agreement.
- Borehole
  - Wayne mentioned that boreholes are not always vertical.
  - Kathy asked if the term "vertical" should be removed.

- General agreement.
  - Charley also added that a cathodic protection well does not always penetrate the saturated zone.
  - Jim asked about the holes that DOT drills? Suggested we add geotechnical holes. Also add monitoring wells.
  - Charley suggested that a separate definition be added for “monitoring wells”.
    - General agreement.
- Decommissioning
  - Wayne suggested that we add “for intention to prevent contamination”.
- Groundwater
  - Jim suggested that we distinguish the saturated zone from the vadose zone.
  - Charley responded that the definition was straight from the DEC’s definitions.
  - David suggested that if we are going to change that, that we should change that in regulatory changes. Note it now, and make some regulatory suggestions for change.
- “Monitoring Well” to be added
  - Kathy suggested it be looked up and suggestions provided for a definition.
- Potable Water
  - Jim suggested it read “Water *suitable* for human consumption”.
  - Roy then asked whether “suitable” includes the wells with water that has arsenic levels above the EPA MCL.
  - Jim suggested that we see how it plays out in the standard.
- Record of Decommissioning
  - David noted that they will be working on standardizing the forms.
  - Chris suggested that we define the pertinent information.
  - Charley asked David to clarify whether or not a separate report can be submitted, or does it have to be the form.
  - David: A contractor can submit their own report. It does not have to be the form we provide.
- Sanitary Seal
  - Bill volunteered to work on clarifying this definition/title.
- First paragraph of “4.0 General Standard”
  - Ted: How would one decide whether a well is “useful”.
  - Jim suggested that the first paragraph be removed, since it is an intent and not an actual standard.
  - Ted asked again which agency that determines that a well is “useful”.
  - Jim responded that if a neighbor decides to take action, they will end up going to a judge, and at that point, the agency is removed.
  - James: All water wells that are no longer “useful”. We have to focus on what is “useful”, and define as to what is “useful”. It should be changed to “no longer useful and not properly maintained”.

- Kathy: All water wells that are no longer used need to be decommissioned or properly maintained.
- David added that all abandoned water wells must be decommissioned.
- James responded that that is where the definition becomes important.
- Second paragraph of “4.0 General Standard”
  - Wayne suggested that it should not be “covered” but “closed” with a cap or seal.
  - Kathy: “The wells shall be closed with an appropriated cap or sanitary seal...”
  - Jim asked if labeling is really necessary. Suggested that contacting the owner should be the first step.
  - Many expressed agreement to remove the label.
  - John suggested that his years of experience (at NASA) has engrained an importance to label everything.
  - Charley suggested that labeling could be taken care of within construction standards.
  - Larry asked if it matters if there is a label, if the well is sealed and maintained.
  - Kathy suggested the conversation be tabled.
- 4.1.1
  - David suggested that chips be used rather than granules.
  - Wayne suggested that it use chips or slurry and that pellets often cause bridging.
  - Several on the phone suggested that pellets can still be used successfully.
  - David added that we don’t want to be to limiting with the standards if we are requiring some with knowledge and experience be working on the project.
  - Kathy clarified that it reflect chips, slurry, and pellets.
- 4.1.2
  - Sanitary seal reference will need to be updated once we decide how.
- 4.1.3
  - David suggested that we define a sack to be a 50lb bag. Or replace sack with 50 lb bag.
- 4.1.4
  - Larry suggested that this is redundant and bad verbage.
  - This section was suggested to be removed.
- 4.1.5
- 4.2.1
  - Larry suggested that consultant needs to be defined.
  - Bill added that you will want to ensure it is someone with experience.
  - David responded that with general guidelines asking for an experienced consultant, if something goes wrong, he can ask the consultant to show some credentials that proves he was experienced and knowledgeable enough to perform the job.

### Wrap-up and next Meeting

- Next meeting was agreed to take place March 5<sup>th</sup> 2014 6-8pm

### Action Items:

- Wayne agreed to draft a version of “Cut down” construction standards from MOA Chapter 15.55.060.
- Charley and Wayne will look for pamphlets from MOA.
- Everyone to review and provide comments on live website.
  - Change language regarding certification.
  - Check with Cindy (DEC) regarding Radon testing in Alaska.
  - Work with DNR, Dave Schade, regarding water rights language.
  - Add link to constitution and statutes.
  - Consider using a different term for “sanitary seal” – or provide alternative naming conventions. Consider alternative proposed by Bill Kranich.
  - Reference DEC definition for sanitary seal (18 AAC 80.1990(127?)). Check that number reference does not change – if it does, only include 1990.
  - Spell out WELTS acronym.
  - Include language next to AWWA link that indicates a list of members are available there.
- Charley to send out link and PDF to DNR/DEC Well Decommissioning Form.
  - Get input from MOA, Jay Crewdson, on DEC/DNR Well Decommissioning Form.
- Well Decommissioning Standard revisions:
  - Add reference to 11 AAC 93.140 where applicable.
  - For definitions, put the exact location in regulations for those that reference regulations, check that number reference does not change – if it does, only include section number.
  - Bill Kranich to provide an alternative definition for “sanitary seal “.
  - Determine what the workgroup would like to see happen with these standards.

### Next Meeting is March 5, 2014 from 6-8pm