



Groundwater Protection and Water Wells Workgroup Meeting

Wednesday May 22, 2013

Hosted by the DEC

1st floor conference room 555 Cordova St. Anchorage with teleconference

Attendees in Anchorage:

Kathy Kastens (DEC-statewide), Chris Miller (DEC-DW Protection-statewide), Charley Palmer (DEC-DW Protection-statewide), Rebecca Baril (DEC-DW Protection-statewide), Fred Sorensen (UAF-CES-statewide), Wayne Westberg (WWC), Bill Kranich (PE / PWS Owner - Southcentral), David Schade (DNR)

Attendees via teleconference line:

Roy Robertson (DEC-DW Engineering-Mat-Su), Milo Pitner (WWC), Larry Swihart (WWC), Lee Ice (WWC-Fairbanks), Dick Olson (WWC – standing in for Dan Brotherton), Barbara Roberts (PWS Owner - Kenai), John Craven (PWS Owner-Fairbanks), Craig Seime (WWC), Jamie Bjorkman (DEC – Soldotna)

Absentees:

Jeff Ellison (WWC), Jim Munter (Hydrogeologist/Consultant), Elizabeth Rensch (Certified Lab)

Meeting Minutes

Facilitator: Kathy Kastens (DEC)

Introduction

- Roll call
- With no objections, minutes from last meeting were approved.

Action Items (from last meeting)

- Criteria for action items – to be distributed and discussed.
 - Kathy introduced the action item criteria that were briefly introduced at the last meeting. This will be used to determine if action is necessary and how to go forward. Having these criteria will help avoid wasting time in conversation if there is nothing we can do. With no objections from the group, these will be used from here on to determine action items.
- Spreadsheet of educational items in order for workgroup members to provide input and opinion.

- If you plan on reviewing the document please do this, if you don't feel it's important to you and it's not where you want to expend your energy for the group, please just notify us as such. This will help us to wrap up the efforts on time without waiting on members.
- Charley: Keep in mind who will be using it when rating and commenting on a document.
- Kathy then went through the document to explain the columns: such as the columns to identify the target audience; whether it is Alaskan; and how to distribute.
- Clarification was made as to how websites and information within them were handled.
 - For example there are many documents from the NGWA website.
 - The NGWA main website is also posted on the Informational Links document.
- DEC – Talk to local government about their standards.
 - Chris has spoken with Kenai local government members.
 - Generally they direct to the DEC for well regulation, but many don't realize that there is no regulation from DEC for private wells.
 - Their response was that they then leave it to the well drillers.
 - Chris is going to compile a spreadsheet with the summary of conversation and answers.
 - Again, if anyone has any helpful information contacts for local governments, please let us know.
- DEC – Speak with Kathy Butcher NGWA.
 - Charley corresponded with Kathy Butcher and is still in the midst of conversation with her via email.
 - Currently 16 states use the NGWA for WWC (Water Well Contractor) exams. They have a separate exams for well drillers and pump installers. Currently, he is waiting to hear what exams the states require as well as which states have additional requirements on top of the exams in order to ensure the driller is aware of local issues.
 - Upon request Charley will provide a summary of his conversation with Kathy Butcher.
 - Wayne mentioned that there are about 17 exams they have for every type of contracting you do. Most drillers start with just the general exam then after they know what type of drilling they will be doing, they take the specialized exam.
 - Some states administer the exam while others depend on NGWA to administer it. Charley is in the process of finding out which states do which.
 - Wayne also mentioned that NJ drilling used to have administer their own certification exams, but has recently switched to having NGWA administer the exams. This change has saved them a significant amount of money.
- DEC – compile barebone standards
 - It was unclear of the exact context and request of this action item from last meeting.
 - Chris clarified that currently the standards set for Public Water Systems (PWS) are based on the “10 state standards”,

- Bill mentioned that the Municipality of Anchorage has standards set for domestic wells, and would be good to be considered as a starting point.
- A side comment by Wayne was made that there still needs to be emphasis on educating engineers who are designing the systems. Well drillers have a hard time putting price on jobs when the specs that are in the bid are unclear, or ridiculous for the system.
- Kathy opened conversation to the group as to whether there are any issues or concerns with the movement on the action items.
 - Lee commented that the some of the educational materials are incredibly lengthy and that he doesn't have enough time to get through some of the papers that are 80+ pages.
 - Fred suggested that, when reviewing documents that are long, to approach by reviewing the general topic/title and intensity and give opinions based on that.
 - If a developer wants to do extensive research on a specialized system that they may want to put in, the lengthy research documents could be useful
 - It was also mentioned though that at that point the developer may do his own research for those type of documents.
 - Chris: [Our review] should be [based on] outreach needs, not necessarily for educational needs.
 - Kathy: This is buyer beware oriented. Possibly we could just provide a web page to direct individuals that says "if you want to do ___ then go ___"
 - Chris: We are also trying to see what information we can gather that is relevant and identify if there are any gaps between what is available and what is needed.
 - Chris: In most cases (for other states), the DEC houses information for public systems and smaller government entities (health departments, local government etc.) provide information for private/domestic systems.
 - Wayne also clarified that in many states the DNR and DEC are combined into a single agency.
 - Kathy: the DEC could provide a hub of links and information.
 - Fred was asked what power he has for posting information on the Cooperative's website. He responded that he is pretty much in control of what is posted.
 - Kathy: We are the people in control of the drinking water website, so we can post items.
 - Fred: We still have lots of information to review and find.
 - Kathy agreed, but added that it would be good to have an idea of direction for disseminating the information to help direct the opinion when reviewing the documents.
 - David Schade: It's important to house information with those who manage that information in order to keep it current. Technology is becoming sophisticated

and things are easy to link together. It's also important to make sure things are easily accessible through searches (for example; Google).

- Charley added that it's also important to keep those who are housing the information educated, in order to ensure that the information is current and accessible.
- Wayne: Much of the public is not aware of riparian rights and what they actually own. Water rights established by the constitution needs to be a part of the education.
- Fred: It's different to have passive information. If people aren't getting, we may need realtors to help educate the owners. Outreach is much more than passive education. We may need some push to get to the target audience.
- Bill added that the financial institutions need to be aware and know what is available.
- Kathy added that many of the institutions aren't requiring anything.
- Roy clarified that AHFC requires a minimum amount of water pumped.
- Lee provided an example of a homeowner who was selling a house who called him and asked to have a well drilled because all he had was a sandpoint in his basement which he didn't believe was going to pass for the sale. Called him later telling him "nevermind" and that the well had passed.
 - Fred: Many times with problems like that, they are never found out until a property transaction, then the question of who has to pay for it and take care of it becomes issue.
 - Wayne mentioned the best way to get the information out is to provide it to financial institutions and realtors. Bill added the idea of providing them with fliers for handout and education.
- Lee: There are issues that are too widespread
- Kathy clarified that we aren't talking statewide standards at the moment
- Bill added that there should be some general requirements for any well drilled, it doesn't need to be the "nitty gritty" stuff. Well cap, seal etc...
- David: It's important to stay focused to the task on hand. Talk to boroughs and local government and educate them, then move to the public. DNR is starting a modeling project. Currently, in a data collection stage, but this could be a 20-50 year project.
- Kathy: There is nothing for protecting private systems except for well drillers putting in a good well. Private systems have no way to ensure that they are in good standing and maintained properly. Public systems have a sanitary survey every 3 years where problems are addressed. We want a way to protect the groundwater. There are many gaps and holes in the whole well drilling program. Any little movement we can make is a positive one, it's not going to happen overnight.
- Larry: 99% of the time in a bank transaction if there are requirements they are met before the homeowner moves in. There is a small amount of properties

being bought by cash sales. Does not witness a lot of people getting sick from poor wells drilled.

- Roy referenced a transaction from 2008 that didn't require any testing to go through.
 - Larry asked of evidence of people becoming ill.
 - Charley added that it's not just acute illnesses, but chronic illnesses as well.
- Lee: Many transactions require nitrate tests, bacteria tests, and for some arsenic.
 - Roy: Many lending institutions ask what is required for testing, and I have to tell them nothing is required.
 - Rebecca: Just purchased a house last spring, nothing was required to be done to the well.
 - Perhaps this is just a Mat-Su issue?
 - Charley asked for clarification from Larry how he knows that the percentage is 99%.
 - Larry: Because the checks I receive are from the bank.
 - Kathy brought up the issue of well maintenance in a private well.
 - Bill added that there are many grandfathered wells that have never been tested or looked at.
 - Chris: Receives a lot of calls from institutions that may just be looking for guidelines. Worst case scenario is putting together some guidelines for institutions.
 - Lee: There is a common sense approach to this. Receives calls weekly about what to be tested for. Advises bacteria, nitrate, and arsenic. Analytica has a great package, but at bare minimum those three. Test for what feels comfortable and remember that arsenic isn't predictable.
 - Chris mentioned that when people ask he typically advises them to test for what a [Transient Non-Community] Class B well is required to test – bacteria and nitrate.
 - Bill: Possibly put together a brochure of information and general guidelines to hand out.
 - Kathy added that we don't want to reinvent the wheel. Look around for something that may already be out there .
 - Chris added that he received a packet from Elizabeth to look through (originally from NGWA) that gives information about all the tests to do for water. It has a spot to put a business card that the DEC could put a logo on so that the public feels safe using it and that it is relevant to Alaska.
 - Charley posed the question that some private well owners or developers don't know where to go to find information on quantity in their area.

- Fred mentioned that many ask their neighbor and reiterated that this could come up within an property transaction.
 - Chris: Would love to put out a brochure and be able to say talk to a well driller, but what assurance is there that the driller they will talk to will be a quality driller.
 - Wayne added that there are even concerns about quality within AWWA.
- After no further comment on the topic of the action items, Kathy moved the conversation onto the next issue.

Issues

- Well Logs
 - Kathy reminded the group that submitting well logs is a lawful requirement by the DNR. Since David Schade (DNR) is new and is the manager of the section in charge of collection of well logs, the floor was turned over to him.
 - David Schade: They have been working on well logs. They just made improvements to their Well Log Tracking System (WELTS) and are trying to make well log submittal as easy as possible in order to encourage drillers to submit them. He acknowledged that it is a requirement to submit well logs, but that it is very difficult for DNR to enforce. They have difficulties being able to find a middle route between asking “Please” and “slamming a sledgehammer”.
 - Wayne asked Larry and Lee what the current sentiment of the AWWA is for submitting well logs. Have they accepted that they have to submit well logs yet?
 - Lee: No
 - David: Why?
 - Lee: Paid to provide information to the customer. Tell them it has to be submitted, but let them decide. Has gone into an area that is very difficult to drill, spend years trying to figure out how to drill it and doesn’t want the information of how to drill in an area available to competition.
 - Charley asked if what he is saying is that he would rather that the competition enter the area and punch a bunch of holes trying to find what he found, potentially compromising his productive wells.
 - David: Appreciate the information, but it is the well drillers job to submit the log, not the owner. He understands that confidentiality is an issue, and asks that if the drillers could submit their concerns about submitting well logs to him. He added that there are shortages occurring that are causing him to shutdown any development in the area, if he had the well logs he could have more information to solve the problem or understand why it’s occurring.
 - Lee: In Fairbanks there will be one well 100’ deep producing 40 gpm, another well 300’ at 10gpm, and on 600’ trickling – all within line of sight. There is no way in his local area to take a paintbrush and broad stroke across the whole area. There is no way to tell what’s going to happen from one area to another.

- Charley: What you just provided is good information to know. We would know these things if we had the well logs. The well logs provide information about an area such as how diverse it is.
- Fred: Well logs provide a mechanism that allow you to track. The only other way to get the information otherwise is by performing extensive, expensive studies. There has to be some balance between the need for these logs and the need for confidentiality.
- Bill: The situation is not unique to Fairbanks, the Hillside in Anchorage has very similar problems. It depends on the level of bedrock and can be a guessing game from one lot to the next. That fact that information is available would be helpful to folks that are trying to develop land.
- David added that this is the people's resource as defined by Alaska's constitution. He was in a group that reviewed the constitution in order to determine why they had defined it as such. It became clear that they defined it this way in order to avoid proprietary fights that they witnessed in the lower 48. At some point there will be ramifications for not doing what the law requires. He is currently in court for allegedly not enforcing laws. He has to find some way down the middle.
- Lee: Contacted by a potential customer who wanted AC wells with below grade discharge. He refused to perform the job. The customer found another driller willing to bend rules. Lost a job due to morals. Asked how they got away with labeling the well something different to discharge.
 - Kathy clarified that these types of situations are why these meetings are taking place. To hopefully resolve these issues so that they don't happen.
- John Craven mentioned that he is hearing contrary evidence for the potential subject of the well driller community being able to self-regulate.
- Wayne asked about the engineer who designed the system, and how he was allowed to design it that way.
 - Kathy: The two go hand in hand. Currently, if the DEC finds an engineer in gross negligence, a letter is written to the board. What Lee described is the type of concern that was brought up in the first meetings in October regarding competition versus doing the right thing.
- David acknowledged that there are reinjection wells being put in without permits.
- Charley asked whether the issue Lee brought up was ever submitted, as we had discussed in early meetings about tracking well issues.
 - Lee said that in that issue the surrounding people were on city water.
- Kathy wrapped up the discussion (in the interest of time) and added that the well drillers should compile reasons why they choose not to submit well logs, and submit them to David or Rebecca.

- The well drillers requested a “summer sabattical” as they arrive into their busy season. They proposed about 3 months.
- **Next meeting will be August 21st 6-8pm**
 - Kathy will be retired by then, she can facilitate still for this meeting if needed.

Action Items:

- **Drillers: provide reasons for not submitting well logs**
- **Guidelines for institutions and realtors**
 - **See what is already available and out there**
 - **Compile into a distributable packet**
- **Keep reviewing educational materials and provide input on the chart. Or let Rebecca know if you don't intend on reviewing them.**
- **Charley: Continue collaborating with Kathy Butcher and provide summary of answers and conversation.**
- **Chris: Continue contacting local government and compile spreadsheet of who contacted and information provided.**
- **Continue brainstorming how to distribute information to public, private well owners, developers etc.**

REMINDER: Next meeting is Wednesday August 21, 2013 6:00pm – 8:00pm