

Thursday December 18, 2014

Hosted by the DEC

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

Attendees in Anchorage: Charley Palmer (DEC), Chris Miller (DEC), Rebecca Baril (DEC), Wayne Westberg (WWC), Bill Kranich (WWC), David Schade (DNR) Jim Munter (Hydrogeologist/Consultant)

Attendees via teleconference line: Pamela Goode (Private Citizen), James Squyres (Private Citizen), John Craven (Public Water System Officer/Operator), Lee Ice (WWC), Chuck Ice (WWC), Jacob Dilley (DEC), Dan Brotherton (WWC), Jeff Ellison (WWC)

Meeting Minutes

Facilitator: Chris Miller

Introduction

- Roll Call
- Review of minutes
 - One edit to the minutes was made that added a comment by Wayne about Engineer certification.
- Action Items:
 - Decommissioning BMPs
 - Charley: Sent out the proposal packet to the group with the letter, BMPs, participants, and signature page. Received 14 signatures so far. Some of the signatures included comments, which will be included in the submittal. Will send the packet out December 31, so need any remaining signatures before then. Those receiving the letter will have until the end of January to respond.
 - David: Due to administration changes within the DNR, it may be unreasonable to expect them to look over the document by the end of January and provide comments.
 - Charley: This may go to the commissioners, but it doesn't necessarily need to. It just needs to go above us.
 - Wayne: Can we get copies of the comments?
 - Charley: I can provide the comments without the names or signatures.
 - Jim: So, if someone calls in from the lower 48 and someone asks for pointers. Would DNR point to this document and say they would not be in violation of regulations?
 - David: If DEC says yes, then I would say yes.
 - Jim: So, DNR isn't necessarily needed to weigh in on this document? So for the DEC, do you know the administrative process so we know how to hand these in?
 - Charley: There are a few different ways this can be dealt with. For the current A100-97 reference adopted in regulations, have to buy a copy or come in to our office and review it. In the letter we propose either replacing A100 with this BMP, providing this BMP as an approved alternate procedure, or just referencing it a guidance document. It's hard to stamp approval on something if it's just a guidance document.

Don't believe that the regulatory process should be too difficult if it is replacing the copyright-protected A100 document.

- Chris: We have to get buy in from upper management.
- Wayne: The fact of the matter is that from here on out, it's out of our hands.
- Construction BMPs edits
 - Charley: We took comments from the last meeting and plugged them in as necessary. One thing missed from the most recent document is that all "shall"s need to be changed to "should"s.
 - John: What about using "will" like we discussed.
 - Charley: The "will"s were discussed in reference to the definitions.

Issues and Concerns

- Construction BMPs
 - Bill: In 1.0, the purpose, we should add "...and to protect the groundwater resource from contamination".
 - General agreement
 - Charley: Should we consider protection from changes in quantity in the aquifer?
 - David: That opens a whole new realm for this document to cover, should probably leave that out.
 - Bill: 3.0 refers to potable source within the State of Alaska. A well owner can do as much damage with an industrial or agricultural well.
 - David: Also, "State" in "state of Alaska" should be capitalized.
 - James: I agree with striking the word potable.
 - General agreement for striking potable.
 - Bill: The word "tremie" in dry grout method, suggest changing the word.
 - Charley: Perhaps "follows down with the casing"?
 - General agreement to modify the wording as suggested.
 - Bill: Public sewer and water utilities. There are systems that are public but aren't run by a public utility.
 - Charley: There is a definition for each and it is a page long.
 - Bill: Could we say something serving more than a duplex?
 - Charley: Possibly, but we have to be careful since these can be tied to EPA and federal regulations. We could say public water system as defined by the Safe Drinking Water Act. I don't think we need a public utility.
 - Jim: We should flag this for removal after we see whether or not it is used in the document. Public can be something as covered by federal regulations.
 - Charley: I don't think we can remove this if we refer to non-public water wells. If we have non-public, we need to define public.
 - Dave: Can't reference Alaska Statue generally. If used, need specific Statute.
 - Charley will work on revising this definition and propose it at the next meeting.
 - Charley: We also need to review domestic use. We use it in our purpose, so we may want to keep it for that, or change the purpose. This was flagged in the last meeting.
 - Wayne: For water table on page 6, it should be where *water* pressure is equal to atmospheric pressure.
 - Agreed to modify definition.

- Jim: Water well definition, used “pursuant to practices”. What if someone has a hole not built pursuant to practices. We should avoid regulating through definitions.
 - Agreement to remove “pursuant to practices”
- Charley: For the well depth definition, this has been a long standing debate between different professions. Suggest that it’s not the depth to first opening, but the depth to bottom of the well infrastructure. Understand that it’s to the bottom of the borehole.
 - General agreement
 - Wayne: I’d like to remove “ground surface”.
 - Jim: I’d like to remove the “top of casing”.
 - Charley: I’ve seen the phrase “point of reference” used, but then we have a number for depth that means nothing except for the person who installed it.
 - Jim: I think that’s a good idea, but the point of reference should be clarified in the well log.
 - Lee: I think it should be the top of the casing because that is the top of the well.
 - Charley: We do have defined stick up. Maybe we can clarify and require stick up.
 - Lee: Stick up should be one of the first entries in the well log.
 - Jim: What’s the practice for a monitoring well with no casing? Is it just an open auger hole? It’s common to use the ground surface in these cases.
 - Chris: Contaminated Sites has monitoring well guidance regulations taken care of.
 - David: The problem with using “reference point” is that different people are determining their reference point and may not specify.
 - Jim: The main thing is to have clarity. If we say the depth of the well is from specified point, such as casing or ground surface, which gives maximum flexibility.
 - Wayne: Why don’t we stick to top of casing?
 - Jeff: “Or other specified reference point”.
 - General agreement to stick to top of casing, with a possible caveat “unless otherwise specified”.
 - John: What about when an extension is made to the casing? How is the change recorded?
 - Jim: This is a case showing that depth has a date to it. Another common thing is deepened, but that would generate a new well log.
- Chris: Are there anymore definitions edits?
- John: In the future we may want to consider more definitions for redevelopment.
 - Bill: We have well rehabilitation
 - John: That works but we should indicate that rehabilitation = redevelopment, since that does not seem clear.
 - Wayne: We could consider changing to “well rehabilitation/redevelopment” in the definitions.
- Charley: In well log elements. We say “see attached sample”. Do we want to do like we did with the decommissioning BMPs, and say “see ADNR for suggested format”?
 - Wayne: We have 19 items that are required for log.
 - Charley: So we will remove the “see attached sample”.
- Charley: 5.0 Prohibited actions.
 - Jim: “Prohibited action” is a regulatory phrase. That’s saying that someone would come in and say no.

- David: Should we add it at the end? It's hard to start off the document like that. I will volunteer to work on this and try to spin it in a positive manner.
- Charley: Propose a section on site selection? Would that be a good BMP? We could model it after the NGWA standard that they just published.
- Wayne: A majority of these items refer to site selection, I say we let David take a crack at the section.
- James: Should remove Section C. This section does not really belong in a BMP.
- Bill: I would say that it belongs in site selection, where selection considerations will be given to state, local, etc.
- David: I will take these suggestions and work on this section.
- James: It was spoken that if this were to go to regulation, that that would just be spun from should to shall, and I don't think it belongs in there.
- John: I suggest that we leave Section D alone. I'm having issues that hit very close to this section.
- Charley: On Section D do we mean decommissioned or abandoned?
- John: We aren't sure what is going with the well, but if it were properly decommissioned it probably wouldn't be an issue.
- Charley: We can reword it as "abandoned or improperly decommissioned".
- James: What's the conclusion with 5.0?
 - Wayne: David will rewrite the section and we will move it to the end.
 - Charley will take some parts and put them in a site selection section.
- James: Are we still leaving in definitions if they aren't used in this document? Such as the well pit definition. If a well is going through someone's basement, is that a well pit?
 - John: We use "well pit" in 7.0 (a).
 - Charley: I think we give flexibility. We say "adequately protected from flooding".
 - Pam: Aren't all wells in a basement susceptible to flooding?
 - Jim: Technically, a roof can be considered as protection from flooding.
 - Bill: Or if the house is built on a hill.
 - Wayne: Or if it's a solid concrete basement. Are wells in basements still being done in Fairbanks?
 - Lee: No
 - Dan: Yes, there are homeowners and builders still installing sandpoints in the North Pole.
 - Charley: We technically define those as wells.
 - Jeff: We see some of those in Homer. It occurs more when the house grows over the well.
- James: What if someone has a sandpoint in their basement and they go to sell. If this becomes regulation, it causes a problem for them.
 - David: For new construction, it is not a good idea. I am a big believer in grandfathering, and using that capability.
 - Bill: I'm aware of a lot of public water systems that have been grandfathered in.
 - Charley: We could say "new", but you can't really construct an "old" well so it may be redundant.
- Chris: Moving on to 6.0
- Charley: Added the statement below 6.0 that wasn't in the previous version which describes the general use of a qualified professional and certified lab.

- David: In Vegas, they had lots of sampling tools for in the field. They were very accurate too.
 - Bill: Yes, but if you are doing this you want to be able to present that to others, and the only way to do that is through certified labs.
 - Wayne: Those tools are very useful in the field, but I agree you still want to use the certified lab.
 - David: This is just a BMP though.
 - Jim: The background on this portion was for setting limits for the Municipality of Anchorage. It all ended up being too cumbersome to implement. Maybe we should just leave it out?
 - Bill: No, we are talking guidance for someone drilling a well. I have no problem telling them that this is a good practice.
 - David: We say to do these things, but we don't really say why.
 - Bill: Maybe we should include a paragraph at the beginning that says why?
 - Charley: On the last page, part K, we talk about Water Quality Standards. I had consider commenting about including Arsenic.
 - Jim: Should a new BMP say that a well owner should sample.
 - Charley: A good practice is sampling your water and knowing the quality.
 - John: Drilling a well for a young family with 3 kids. If the samples were to come back at a level of 20ppm for Nitrates, no one in their right mind would say that it was ok for them to drink the water without treatment. Other elements can be a responsibility of the homeowner.
 - Wayne: Should we combine Part K with 6.0? I agree that arsenic should be added.
 - Charley: Is everyone ok with qualified professional and certified lab?
 - General agreement.
 - Bill: We need a statement that says that at completion of a well, testing should be done for certain things by a qualified lab.
 - David: If I'm in Fort Yukon, that's not reasonable.
 - Wayne: We run into the problem in lots of places we go, but we still do it.
 - Jim: The word standard smacks of regulation. Perhaps we could rename it to "Water quality guidance" or "recommendations".
 - Jeff: If you keep the sections about nitrates, then you also have to write up sections about arsenic and E. coli as well.
 - David: We are talking about well construction. We can recommend testing be done and point them back to current standard. We think when you're done this is what should be done. For new wells, we recommend they be tested.
 - Jim: We can move this Section (6.0) with Part K at the end. We should be focusing on general practices right now.
 - General agreement to combine 6.0 and Part K of 7.0 and move to the end of the document.
 - John: What is the chain of custody for taking a sample, and ensuring it's done properly?
 - Wayne: Should be properly sampled and then analyzed by a certified lab.
 - Chris: If you go to a certified lab, they should give you instructions on how to properly sample.
- Charley: In 7.0, propose moving well pits to prohibited actions.
 - James: We could say well pits are discouraged in new construction.

- Charley: The setback distances also kind of follow along with site selection. I can work on site selection and include this portion. Is everyone ok with the numbers?
 - Jim: Private wells aren't required to follow separation distances.
 - Charley: Wastewater regulates from the septic to the well.
 - Chris: We could just provide recommendation to follow the distances.
 - John: Are these driven by septic regulations?
 - Charley: Some of the distances are driven by DEC wastewater, some are driven from the muni on-site regulations.
 - John: Possibly add notes for the sources of the distances.
 - Charley: Concerned that there is a table of distances already set in the State regulations, and if we have another table it will have to be maintained along with changes to regulations.
 - Wayne: What if we include existing table and add additional recommended distances.
 - James: The concern I see, is that if these become regs, and someone is involved in a real estate transaction where there well doesn't meet these requirements, they will become trapped.
 - John: There could be a waiver mechanism like there are for public water systems.
 - Jacob: The DEC Wastewater program currently reviews separation distance waivers for separation distance encroachments between non-public water wells and wastewater systems.
 - David: A waiver process would most likely be implemented for those cases.
- Jim: When we finish with this document, we should add a preamble or similar that discusses grandfathering in currently existing wells that do not meet these requirements. This should be the cookbook for a new site and a new installation.
- Stopped at 7(C)

Wrap-up and next Meeting

- The next meeting was agreed to be held **Thursday January 29, 2015 6-8pm.**

Action Items:

- Decommissioning
 - Everyone to submit signatures by December 31st, 2014
 - Charley will then send Decommissioning package to upper management in DEC for consideration, with a request to respond by Jan. 31, 2015.
- Well Construction
 - Edits discussed in meeting to be made (Chris, Charley, or Rebecca)
 - David Schade to edit Section on Prohibited Actions.
 - Charley to develop a Site Selection Section.
- **Next Meeting is Thursday, January 29, 2015 6:00-8:00pm**