

**Minutes**  
**Well Contractors Certification Commission Meeting**  
November 7, 2017  
Raleigh, NC

The regularly scheduled meeting of the Well Contractors Certification Commission was called to order on Tuesday, November 7, 2017 at **11:00 am** at 131 W. Margaret Ln., Hillsborough, NC, Rm. 004 with Chairman Daniel Ortiz presiding. The following persons were in attendance for the meeting:

Commission Members

David Brown  
Jonathan Dills (tele)  
Doug McVey  
Todd Muench  
Daniel Ortiz  
Billy Yow

WCC Staff

Andrew Morgan  
Joanne Rutkofske

DHHS Staff

Wilson Mize

Legal Staff

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Guests

Chauncey Leggett, NCGWA president  
Teresa Everett, Temporary Solutions

## I. Preliminary Matters

(1) Chairman Daniel Ortiz welcomed everyone in attendance and called the meeting to order. He then read the NC State Government Ethics Act which mandates that the Chairman inquire as to whether any member knows of a conflict of interest or appearance of conflict with respect to matters before the Commission. He asked if any member knows of a conflict of interest or appearance of a conflict. No conflicts noted.

(2) The chairman also read a statement on the purpose of the Well Contractors Certification Commission: (Article 7A-Well Contractors Certification, G.S. 87-98.3). **Purpose:** It is the purpose of this Commission to protect the public health and safety by ensuring the integrity and competence of well contractors, to protect and beneficially develop the groundwater resources of the State, to require the examination of well contractors and the certification of their competency to supervise or conduct well contractor activity, and to establish procedures for the examination and certification of well contractors.

(3) Notation of Any Revisions or Additions to the Agenda

Chairman Ortiz asked the Commissioners if they had any additions or revisions to add to today's agenda. Commissioner Brown requested an additional topic of county permits. The topic is to be added to Informational Items. Commissioner Whitehead requested an additional topic of revisiting moving WCCC back to DEQ. The topic is to be added to Action Items.

## II. Action Items

(1) Approval of Minutes

The Commission reviewed the August 1, 2017 meeting minutes. Commissioner Yow made a motion that the minutes be approved. Commissioner Brown made a second to the motion. A vote was taken and the motion passed unanimously.

(2) Applicant Training

Chauncey Leggett, president of the NC Ground Water Association addressed the Commission. He advocated providing more recognition for well contractors voluntarily completing continuing education as an incentive to continued learning. The Commission recommended that the NCGWA could advertise more to promote the continuing education they provide. Chairman Ortiz requested that the NCGWA submit any related proposals they may have in writing to the Review Committee for consideration. Any Commission funding would require a joint effort with the Commission or a County Health Department.

(3) Per Diem Paperwork

Teresa Everett with DHHS Temporary Solutions addressed the commissioners. A new reimbursement process is being put in place to comply with federal regulation changes regarding Per Diem reimbursement. Ms. Everett provided a review of the paperwork the commissioners were required to complete to be set up in the new process.

#### (4) Periodic Rules Review

Joanne Rutkofske gave a report on the status of the Periodic Rules Review. A Public Hearing was held September 16, 2017. The Comment Period ran September 1, 2017 to October 31, 2017. No comments were received.

Commissioner McVey made a motion to adopt the rules and approve the Regulatory Impact Analysis. Commissioner Yow made a second to the motion. A vote was taken and the motion passed unanimously.

### **III. Information Items**

#### (1) Staff Report

The staff report was presented by Drew Morgan. The report listed out-of-cycle exams, exam reviews, civil penalties assessed, outreach events and other staff activities that occurred between August and October 2017. An overview of exam statistics and 2018 meeting dates was also included.

#### (2) Review Committee Report

Commissioner Brown presented the Review Committee report for Committee meetings held in September and October 2017. The Review Committee had reviewed 27 applications for certification and reviewed 3 continuing education courses for pre-approval.

Other topics discussed by the Review Committee included answering a certification clarification question to confirm that pulling rods is part of well construction and thus a well contractor activity. The Committee also directed staff to proceed with development of an applicant training class.

#### (3) Budget Committee Report

The Budget Committee report was presented by Commissioner Yow. The Committee discussed the possibility of the Commission going independent from the Department. The Committee developed a Scope of Work to hire an independent third party Business Analyst to complete a fiscal analysis and study of the Commission going independent.

#### (4) Disciplinary Committee Report

Chairman Ortiz presented the Disciplinary Committee report. Certified well contractor Steven English received a Letter of Reprimand for failing to use reasonable care and judgement in the performance of well contractor activities.

#### (5) Ethics Update

Joanne Rutkofske provided the Ethics update. A tracking list of when each Commissioner must obtain additional Ethics training was provided.

### **IV. Upcoming Meetings**

Commission Meeting – Feb. 6, 2018 @ 11am, 131 W. Margaret Ln., Hillsborough, NC

Review Committee – Dec. 12, 2017 @ 10:30am, at 300 W. Tryon St., Hillsborough, NC

Budget Committee – Jan. 30, 2018 @ 11am, at 204 Centreport Dr., Greensboro, NC

**V. Adjournment**

Commissioner Brown would like to begin rulemaking to change the rule for allowing exam reviews up to 6 months, to 12 months.

With no further business or comments from Commission or Staff, the meeting was adjourned at 12:49 p.m.

Respectfully submitted,  
Joanne Rutkofske  
WCC Staff

Approved by WCCC:



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Daniel Ortiz, REHS  
Chairman, Well Contractors Certification Commission  
**[www.wellcontractors.nc.gov](http://www.wellcontractors.nc.gov)**



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Date