

Minutes
Well Contractors Certification Commission Meeting
February 7, 2017
Raleigh, NC

The regularly scheduled meeting of the Well Contractors Certification Commission was called to order on Tuesday, February 7, 2015 at **11:00 am** at 5605 Six Forks Rd. ("Bldg. 3"), Raleigh, NC, 1st Floor, Cardinal Conference Rm. with Chairman Daniel Ortiz presiding. The following persons were in attendance for the meeting:

Commission Members

David Brown
Jonathan Dills (via phone)
Justin Barefoot
Doug McVey
Daniel Ortiz
Thomas Whitehead
Billy Yow

WCC Staff

Andrew Morgan
Joanne Rutkofske

DHHS Staff

Nancy Deal

Legal Staff

John Barkley

Guests

Mike Floyd
Chauncey Leggett, NCGWA President

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 November 1, 2016 meeting minutes. Commissioner McVey made a motion that the minutes be approved. Commissioner Dills made a second to the motion. A vote was taken and the motion passed unanimously.

(2) SEI- Commissioner Dills

Evaluation by the State Ethics Commission of the Statement of Economic Interest filed by Commissioner Dills was reviewed. The State Ethics Commission did not find an actual conflict of interest or the potential for a conflict of interest.

(3) SEI- Commissioner McVey

Evaluation by the State Ethics Commission of the Statement of Economic Interest filed by Commissioner McVey was reviewed. The State Ethics Commission did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

(4) Move Commission Back to DEQ

Commissioner Whitehead proposed the Commission move back to DEQ. With the Commission currently being in DEQ and the staff in DHHS, a move back to DEQ may help streamline things. Commissioner Yow mentioned a Legislative Committee in last year's short session looking at Occupational Boards with possible changes to include moving Boards around or consolidations. John Barkley mentioned the Legislative Committee had a report resulting from that review, but

did not recall a determination being made regarding our Commission. Commissioner Yow wanted to see the report and determine whether that Committee may come back to look at Boards again in this session. Chairman Ortiz asked how we can get a copy of the report. John Barkley said he could obtain a copy. Chairman Ortiz asked staff to add this topic to the next Commission agenda.

(5) Location of 2017 Commission Meetings

Chairman Ortiz brought up the idea of moving upcoming Commission meetings to the Hillsborough area to be more centralized for western commissioners. Orange County has a space they would be willing to let us use. Commissioner Yow recommended doing a cost analysis. There may be other locations that would also work. Chairman Ortiz requested staff look into it.

Chairman Ortiz asked if well contractors could be emailed about upcoming Commission meetings. Staff responded that only a portion of well contractors have supplied an email address to do so. Commissioner Yow would like staff to inform well contractors of commission meetings using the Drillers Digest Newsletter so that all well contractors can be reached. Staff will add an article in the next newsletter.

(6) Certification Required for Development of Monitoring Wells?

Commissioner Brown reported that consensus from the 12/13/2016 Review Committee meeting was that (development of) monitoring wells is a well contractor activity and therefore does require certification, based on the 87-98.2(6) definition of Well Contractor Activity as the construction, installation, repair, alteration, or abandonment of any well.

Staff was directed to mail a response back to the person making the inquiry.

(7) 10-Year Required Rules Review

Joanne Rutkofske updated the Commission on this topic. The public comment period is now over and comments were received. The "agency determinations" on the Periodic Review Report were updated to reflect that input.

Commissioner McVey made a motion to approve the Periodic Review Report. Commissioner Dills made a second to the motion. A vote was taken and the motion passed unanimously.

(8) Rulemaking: Section .0500 Military Experience

Staff had drafted rule changes to 15A NCAC 27.0500 in response to new legislation relating to occupational licensing for applicants with military experience. The Rules Review Commission staff pre-reviewed the proposed changes and gave feedback that the changes would not be necessary.

Commissioner Dills made a motion to follow the recommendation of the RRC staff to not proceed with the .0500 rule changes. Commissioner McVey made a second to the motion. A vote was taken and the motion passed unanimously.

III. Information Items

(1) NCGWA Training

Representatives from the NC Ground Water Association Chauncey Leggett, NCGWA president, and Mike Floyd were present to address the Commission.

The NCGWA would like to develop a training program in conjunction with the Commission to help well contractors prepare for the well contractors certification exam. This will help improve the pass rate for the exam by providing standardized training of core "need to know" items. Training could be offered in the form of online videos and workbooks. Commissioner Dills voiced concerns over what the shelf life would be for such a product.

The NCGWA would need the Commission to provide sample questions and specific content of what need to know topics to be covered. The Commission would need to endorse the NCGWA program. The Commission would need to provide funding to NCGWA to facilitate the development of the program, with an estimated cost of \$8,000-\$38,000.

Mike Floyd proposed that the standardized training may be used in place of some of the certification experience requirement. Creating positive incentives to encourage well contractors to take continuing education was also promoted.

Chairman Otiz liked the ideas presented and requested the NCGWA submit these requests and ideas in writing.

(2) 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 October 2016 to January 2017.

Drew Morgan heard from the Controllers Office that Mr. Gwaltney has not been making payments per his payment plan agreement that was set up for civil penalties assessed due to drilling without certification multiple times. Commission council John Barkley is looking into initiating a temporary restraining order due to the failure to pay.

Joanne Rutkofske presented a listing of how many Well Owners Guides have been distributed thus far and the exam statistics for CP2016. The exam pass rate is now at 48%. The Commission is not happy with this pass rate and would like it to be higher. The Review Committee reviewed all the questions in the question banks when the exams were overhauled to go closed-book. The pass rate is actually up since going closed-book. The application forms for certification now ask what educational background the applicant has. The feedback from that is showing the vast majority of applicants are coming in with only a high school education.

(3) Review Committee Report

Commissioner Brown presented the Review Committee report for Committee meetings held November 2016 – January 2017. The Review Committee had reviewed 16 applications for certification and reviewed 5 continuing education courses for pre-approval.

The Review Committee discussed creating a condensed exam reference to take the place the National Electrical Code book. Nancy Deal supported the idea and recommended a subject mater expert review the material. Copyright and legal issues were brought up. Chairman Ortiz requested the Review Committee look into it and bring the topic back to the Commission.

(4) Disciplinary Committee Report

The Disciplinary Committee report was presented by Commissioner Brown. Orange County had referred Grant Mason for violation of county rules. The Committee made a decision of no action. John Barkley looking further into basis of authority for enforcement and penalties for county rules.

(5) Ethics Update

Joanne Rutkofske provided the Ethics update reminding Commissioners of the annual Statement of Economic Interest requirement and who would need required ethics training soon. A tracking list of when each Commissioner must obtain additional Ethics training was provided.

V. Upcoming Meetings

Commission Meeting – May 2, 2017@11am, 5605 Six Forks Rd., Raleigh, NC
Review Committee – March 7, 2017 @10am, 4000 Chi Rd., Raleigh, NC
Budget Committee – June 10, 2017 @10am, Myrtle Beach, SC (@JUBILEE)

VI. Closing Remarks

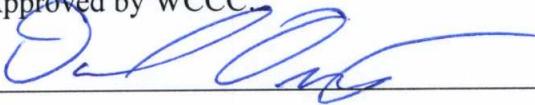
Chairman Ortiz thanked everyone for coming and stated that as a county environmental health professional it was his job to support his well contractors.

VI. Adjournment

With no further business or comments from Commission or Staff, the meeting was adjourned at 1:17 a.m.

Respectfully submitted,
Joanne Rutkofske
WCC Staff

Approved by WCCC:



5/2/17

Daniel Ortiz, REHS
Chairman, Well Contractors Certification Commission

Date

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