



# Groundwater Protection and Water Wells Workgroup Meeting

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*Wednesday March 5, 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), Jeff Ellison (WWC), Jeff Warner (DEC).

Attendees via teleconference line: Pamela Goode (Private Citizen), James Squyres (Private Citizen), John Craven (Public Water System Operator), Lee Ice (WWC), Jim Munter (Hydrogeologist/Consultant), Larry Swihart (WWC), Chuck Ice (WWC), Roy Robertson (DEC), Milo Pitner (WWC), Ted Schacle (WWC).

## Meeting Minutes

Facilitator: Kathy Kastens

### **Introduction**

- Roll Call
  - Kathy introduced Jeff Warner, who has stepped into Kathy's previous position with DEC since she has left for retirement.
- Review of minutes
  - 4 changes made.
    - Date at the top of the page. Changed from 2013 to 2014
    - Wording on Page 3, first square bullet.
      - Changed certified to licensed in the sentence "They are required to be licensed as general or sub-contractors, but not to be specifically certified for well construction".
    - Wording on page 4, 7<sup>th</sup> square bullet.
      - Change public to private in "The issue is privacy related to private wells and is a legitimate issue as it relates to well logs".
    - Added Action item
      - "Determine what the workgroup would like to see happen with these standards" (In reference to the decommissioning standards for water wells.)
- Action Items
  - Check with Cindy Christian about Radon in Alaska

- Chris: After speaking with Cindy, we moved Radon to the end of the list of potential contaminants and added the disclaimer that if the house has tested positive for Radon in the air, we recommend they test the water as well. The other concern was about certified labs. There are state certified labs for Radon, but none of them are in the state.
  - Jeff W clarified that Radon is not required for testing.
- Review and provide comments on website
  - Contractor wording changed
    - Rebecca: 4<sup>th</sup> bullet under “Before you Drill” heading. Wording was changed based on conversations between Wayne and Charley.
  - Jim added that the web site looks great and everything seems to be put together well.
  - Water Rights language
    - Due to David’s vacation, this has yet to have been updated.
  - Consideration of a different term for “sanitary seal” via Bill Kranich
    - Charley: Currently, Bill was working on this. One thing that needs to be made clear is that currently DEC and DNR both define or reference the phrase as “sanitary seal” so changing it will not match.
      - Wayne: Are the regulations consistent?
      - Charley: The regulations are consistent with themselves. It is not defined for DNR; it is only referenced. But the it is defined by DEC.
    - Wayne: The problem is that the industry has used the term “sanitary seal” for other things than what the DEC defines. Some use “sanitary seal” as a reference to surface grout.
    - Charley added that MOA uses and defines the term “sanitary well seal” as well.
  - Reference DEC definition for sanitary seal.
    - Charley: We can do this but unfortunately we can only link to the list of definitions in the regulations (Section level), as the link to the specific definition (Subsection-Paragraph level) is not guaranteed to stay the same.
    - Wayne asked if there was a link sent to the group for the private water wells website.
      - Chris: We can resend it, but if you ever looking for it, you can find it on the DEC’s website. If you go to <http://dec.alaska.gov> (or go to Alaska.gov and then to the link for “Environmental Conservation”), then to Environmental Health (the panel with blueberries), then Drinking Water, there is a link on the main page in the right hand column (<http://dec.alaska.gov/eh/dw/index.htm>).

- Charley: Could AWWA link to this on their website? DNR too?
- WELTS spelled out
  - Rebecca: This acronym is spelled out under the “Before You Drill” heading, 1<sup>st</sup> bullet. “Well Log Tracking System (WELTS)”.
- AWWA wording.
  - Rebecca: Fourth bullet under “Before You Drill” heading, 2<sup>nd</sup> sub bullet – added “and maintains a list of members” to AWWA description and information.
    - Wayne added that AWWA has also updated and cleaned up their list to the most current list of members.
- Charley and Wayne to gather pamphlets available from MOA (Municipality of Anchorage).
  - Wayne had brought a packet of pamphlets to the meeting.
  - Kathy: Do we want to try and scan and add these to the website?
  - Wayne mentioned that there was a good packet on nitrates within the information that he was involved in putting together with a Citizens Advisory Committee. It helps spell out the information and dispel misinformation.
  - Charley: How do we want to add and keep information like this that is brought to us? How do we plan to keep the website live and maintained?
    - David: While we have the workgroup live and running, passing the information to the group for approval would be the best way.
    - Kathy: We can scan and disperse the information for approval.
    - Charley: For now on, while the workgroup is active, if you have any information that you would like added to the website, send it to Rebecca and we will disperse for approval.
    - Chris: The only issue we have is that we don’t want to overwhelm our IT staff. We may have to base updates from here on out on a quarterly basis.
- Charley to send out link and PDF to DNR/DEC Well Decommissioning Form.
  - Charley: Currently, the form is going through some updates from DNR. Rebecca sent out the link and PDF of the form.
  - David added that if anyone has any comments or suggestions, to contact Collin Macheel ([collin.macheel@alaska.gov](mailto:collin.macheel@alaska.gov)) who is responsible for updating the form.
    - Wayne: Unaware there were any changes that needed to be made.
    - Chris: There have been some discrepancies pointed out. The current form is fine to use even though.
    - Charley: With the decommissioning standards that we have put together, it would be nice if the form matched with these standards.
    - David: We can’t put together a form that contradicts the current regulations.

- Jeff E.: If changes are made to the form, and someone has submitted one on an old form, will it be invalid?
- David: We will still take it. If nothing else, we will contact the submitter to get more information.
- Well decommissioning standard revisions.
  - Ted: Propose to change the Decommissioning standards name from “Standards” to “Best Management Practices”
    - Larry Swihart, Pamela Goode, Lee and Chuck Ice all agreed with the proposal.
  - Kathy: Asked if the conversation for this could be tabled until later in the meeting when we address the question of “What do we want done with the decommissioning ‘standards’?”. Our decision as to what we want to have done with it, could determine the name.
  - Add reference to 11 AAC 93.140 where applicable.
    - Charley confirmed that references and links were added on page 1 and 3.
  - 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.
    - Charley: The specific definition location may change, so suggest keeping it at the Section level.
    - Jeff E.: Do we want to consider changing it to “sanitary well seal”?
    - Charley proposed that we keep the definition of “sanitary seal” and add a note at the end along the lines of “this is also referred to as...”.

## Issues and Concerns

### Miscellaneous

- Private Water Wells live website.
  - How to handle future revisions?
    - Larry: Are we talking about updating the website every quarter for the indefinite future?
    - Chris: We can compile the edits and post them quarterly.
    - Larry: But is the group planning on remaining active forever?
    - Kathy: The group will probably cease to exist at some point, but the connection between the entities (DEC, DNR, AWWA etc.) should remain intact after that.
    - Ted added that the group probably wouldn’t want things posted to the website without some form of review from others outside the DEC.
    - Kathy: The constant communication between AWWA, DEC, DNR needs to continue after the workgroup. We can confront the topic when the group gets to the point of disbanding, but essentially we could intend to maintain an email list between the groups for reviews.

- Decommissioning “Standards”
  - Kathy: Wording revisions from Charley/DEC.
    - Charley proposed an alternate definition for “water well” with in the standards. A lot of people define “water well”. DEC and DNR define them differently. Propose the use of DNR’s definition for a water well as it is more comprehensive then the current DEC definition.
      - Wayne agreed that the proposed definition was better than the “hole from which water can be extracted”.
      - David warned to be aware that if we use wording from regulations, to reference them.
      - Kathy: Could we use “as in DEC” or “as in DNR”?
      - Wayne: Or we can change the bad one that is in regulation.
      - David: We could suggest that to DEC.
      - Charley added that MOA also has their own definition.
      - Wayne: MOA’s definition is directed at domestic wells.
      - Larry: These standards we are writing are directed at everything outside of MOA, since the MOA is covered and taken care of. We don’t need to worry or use their definitions.
      - Kathy: So if everyone is ok with the current proposal of wording, we will “change the red words to black” and accept the proposed wording.
      - Members agreed.
    - Kathy: Where do we go from here?
      - Wayne: Charley had said that if it becomes regulation it becomes inflexible. Everyone is pretty worried about making more regulation. In California, they call their standards like ours a “Best Management Practice (BMP)” and refer to it in their regulation. The AWWA recommended calling it a BMP.
      - Chris: The one issue with BMP’s, brought up by our regulations specialist, is that the Department of Law (DOL) is encouraging Departments to get away from referencing documents. The point of it being more flexible to change is not necessarily true. If we reference a document, we have to reference the year of the document. If the document changes, the regulation would also need to change.
        - Charley: Changing a reference could be easier than changing a regulation that is spelled out.
      - Kathy: The current situation is that DNR points to DEC and DEC points to ANSI/AWWA A100-97.
        - Charley: And currently we are behind as we are pointing to the 1997 version, but there is now a 2006 version.
      - Kathy: So currently we point to ANSI or a method approved by an engineer. What if we used this method as a go-to method that the engineers approve? If we do it that way, everyone gets what they want. We don’t necessarily want it

verbatim in regulation, but we want everyone to use it. We also need to consider where it will be housed and authored. Would AWWA adopt it as their BMP? Any way we go, there will be ramifications. We started using the term “standards” as a way to avoid adding to regulation.

- Jeff E: “Standard” says this is the way you have to do it. “BMP” says this is the best way to do it.
- Larry: The BMP gives flexibility, one thing isn’t going to work everywhere.
- Kathy: DEC could go back to the Drinking Water Program Management team after this meeting and allow them to consider using this as an “approved alternate method”. This could allow it to be voluntary method.
- David: That leads into part of the dilemma with DNR that is starting to become an issue. We can either say “please” or we can be heavy handed. We would like a middle way to handle this. We would prefer something that the industry has developed. I understand that we developed this because we didn’t like the way things currently were. I am up for following whatever path the group decides to go. This standard is currently set up so that it makes it easy to be more flexible, so that you don’t have to go to an engineer and you don’t have to follow a difficult copyright.
  - Wayne: Would like to avoid constantly having to go through engineers.
- Pam: We keep saying regulation, but a regulation is essentially a law. We may as well be talking about making laws.
  - Kathy: We aren’t talking about laws, we are talking about regulation, although there is a fuzzy line with how they cross. We are trying to fix the current regulation, as it is currently confusing and vague.
- David: These standards we are proposing really would loosen the regulation. The intent was to make this more flexible. If it’s not flexible enough, then maybe we need to keep working on the document.
- Kathy: The proposed standard as-is would make it easier to abide by.
  - Chris: Does anyone like the current copyright document that the regulation requires you to follow? No one spoke up in support of the current regulation.
- David: We are required by statute to protect the resource. We want to give flexibility but still fulfill our responsibilities spelled out by the statutes.
- Larry: The document/standard we have right now is a good working document.
  - Wayne: The reason we proposed the BMP terminology is because the group is essentially paranoid about regulations making things more difficult.
- James: If we do put it into regulation we could possibly edit the standard’s wording making it less heavy handed. I.e, replace “shall” with “may” etc.
- David: If we did propose this to regulation it would still go to public comment which would allow for more comments as well as this group to provide more

comments and input. This document coming from this workgroup and the association will give it good background to get moving forward.

- Kathy: Currently, it seems that everyone likes the document as it stands. Currently, we are calling it a “Best Management Practice”. Everyone should start thinking about whether we send it to regulations and how we recommend it’s implementation by the state.
  - Agreements heard by Ted, Larry, Lee and Chuck Ice.
- Kathy: Do we want to compile all our concerns from the workgroup to send as one large batch of suggestions?
  - Wayne: Not really, if we have something agreed on, we should send it on.
  - David: Keep thinking about this until next meeting. Regulation change recommendations can take a long time or they can be very quick. Once we agree on something we should package it and send it out. I will send it on with recommendations. I have seen large packages get bogged down and moved slowly because they are so large.
  - Wayne: I think this will fly since it is simple and easy. We should put together a workgroup letter with our recommendations.
  - Kathy: We can add to the letter that it is a BMP being adopted by AWWA (Alaska Water Well Association).
  - David: Let’s set up a proposal to review for the next meeting.
  - Kathy: Include all individual names in support.
  - Charley: I will work with Wayne and David to draft up a letter of recommendation for the BMP’s to be considered for regulation changes.
    - No objections were heard from the group.
- Pam: I understand that these are regulations not laws, but laws cause the penalty for not following regulation. I just want to be assured that this will not incur penalty for a well driller making a judgement call.
  - Kathy: What we are currently proposing is much easier and more flexible than the current regulation.
  - Pam: Isn’t it tedious to change in the field and have to talk to an engineer before they can?
  - Wayne: Things will come up that we haven’t addressed here. Typically, issues that arise in the field won’t be solved immediately anyways, if they weren’t expected.
- John: Where will this document be housed? If someone a mile away mucks something up, will this document help protect me from going bankrupt because their ruined my public water system?

- Kathy: Yes, the plan is that this will be the document that will be enforced. But where it will be housed is in question. (i.e. directly within regulations or referenced in regulations)
- MOA edited/revised well construction standards.
  - Wayne: Or BMP.
  - Kathy: Wayne went through and marked up the MOA version and cut it down. We can go through paragraph by paragraph?
    - General agreement
  - Purpose section:
    - Wayne: changed “Municipality of Anchorage” to “State of Alaska”.
    - James: I thought we were only considering 15.55.060
      - Rebecca: Apologies, yes in previous conversations we said that .060 was the only section we were concerned about. My mistake, but Wayne’s document was also sent out with the edits. For the most part the document still only deals with .060, but the purpose, scope, definitions etc. will still need to be a part of the document.
      - Kathy: If we can go through and cut down and agree to edits, we can make up a first draft which we can go through again and edit.
    - David: The verbage of “State of Alaska” may change as well as some technical edits.
      - Larry: Technical edits?
      - Wayne: Technical edits such as numbering, chapter names, etc.
  - Scope section:
    - Wayne: Single family residences. Should we discuss duplexes?
    - Kathy: Anything that is not a public water system including single family and duplexes?
    - Wayne: Suggest private water systems. Suggest private water well BMP.
    - Chris: What about non-public instead of private?
    - David: That would cover anything not covered by public.
      - General agreement on “non-public”.
    - Kathy: We could also add a clarification, “ie. Private water, residences”.
  - Definitions section:
    - 1<sup>st</sup> paragraph
    - “Abandoned Well”
      - Wayne: Add “or properly maintained”
      - Kathy: Use the definition we put together in the decommissioning standards.
    - “Approved tank manufacturer”
      - Wayne: State or NSF?
      - Larry questioned whether there was any regulation in which the state regulated what material can be used.

- Wayne: That's correct, just stay with NSF.
- David: What does NSF stand for?
  - Wayne: National Sanitation Foundation. There is a definition for it in the document.
- "Aquifer"
  - Wayne: Bracket around "formations".
- "Bentonite Slurry"
  - Wayne: scratch out the marsh funnel, as solids are not measured with this.
  - Charley: Propose using definitions in decommissioning standards document.
- "Casing"
  - Wayne: Replace "Development Services Department" with "State of Alaska"
  - Larry: The approval is stamped on the casing.
  - Wayne: It references ASTM A-53.
  - David: We should add ASTM to the definitions as well.
  - Wayne: So it shouldn't be State of Alaska, but ASTM standard.
- "Certificate of On-Site Systems Approval" (COSA)
  - Wayne: Remove.
- "Certified Groundwater Professional"
  - Wayne: There are certified geologists in the state?
  - Charley: They are only licensed.
  - Wayne: Then this definition should be scratched.
- "Certified laboratory"
  - Kathy: Do we leave in the testing definitions?
  - Chris: That will be depended on whether we require testing.
  - Kathy: We will leave it in for now until we decide.
- "Certified Pump Installer"
  - Wayne: Remove certified.
  - Charley: Do we want to clump this one and the next into "Water Well Contractor"?
  - Wayne: There are two kinds of contractors, general or specialty.
  - Kathy: So, keep pump and driller, remove certified and make it a contractor's license.
- "Engineer"
  - David: There isn't much we can change and determine with this definition since it is determined by their licensing.
  - Wayne: There is a definite issue with knowledge from engineers in the state.

- David: We can't limit the PE though. We can bring this up and propose some recommendations to the licensing board.
- Roy: There is a lot of cross capabilities and overlap between the different PE stamps.
- Wayne: This should be a discussion we have in the future.
- "Holding tank"
  - Remove "as required by "AMC chapter 15.65"
- "Outer Annular Space"
  - Add "of the" between outside and casing.
  - Charley: Remove "outer"
- "Permit"
  - Removed
- "Pitless Adapter"
  - Ted: We should make a strong definition and requirement. A lot of Home Depot brand pitless adapters are being installed and breaking quickly, like the B10X or equivalent.
  - Charley: Are they NSF approved?
  - Ted: Yes, but terrible quality.
  - Kathy: This may not be something for the definition but definitely we can include later in the BMP.
  - John: So, isn't the NSF approval wording a problem if the home depot type are approved as well.
  - Larry: If we state NSF approval in the definition, it will be redundant if we restate it later in the document.
  - Wayne: Is it possible the Home Depot type are fraudulently approved? This should be investigated.
- "Sanitary well seal"
  - Reflect decommissioning definition.
  - Kathy: Any other definitions that are also in the decommissioning BMP, will be changed in this document.
- "Static Water Level"
  - Decommissioning BMP definition will replace this definition.
- "Well drilling contractor"
  - Larry: Remove.
- "Well test"
  - Charley: The test doesn't necessarily need to be "defined" by all those things in the list. That could be clarified in the method.
  - David: The only benefit would be that the definition would spell out that he can't do it himself.
  - Wayne: Remove the people from the definition.

- James: Does a well pit include a hand dug well?
- Lee: No, a well pit is not a well.
- Ted: Before, a pitless and everything was underneath.
- Prohibited Actions section:
  - A – deleted
  - C
    - Chris: Is this going to work at the state level?
    - Wayne: The intent to preclude wells that are drilled too close to lot lines.
    - Kathy: Does DNR have anything to do with this?
    - David: This is an issue we are currently tackling.
    - Wayne: What about well and septic?
    - Roy: The septic systems are covered by Division of Water – wastewater. The septic systems must follow separation distances between private wells.
    - Kathy: We could add in the borough level too.
    - Larry: I have an issue with the current chapter. If I buy a lot of land and only have one spot that I can put my well, then a neighbor moves in and can't place a septic because it would be infringing on my well.
    - David: I'm going review "C" further and talk with staff. I'll get back with some suggestions on this one.
    - Kathy: This is all just prepping for a first draft. I'm sure many of these will be discussed more.
  - D
    - Domestic to Non-public
  - F
    - Removed
  - G
    - David: DNR Currently requires "beneficial use". I will think about this one and propose reword, or possible elimination.
- 15.55.055
  - All up to "H" removed.
  - H
    - Kathy: We'll make all corrections up to H for a first draft and show the current proposed edits from Wayne in a new document. Will be sent out for everyone to review and prepare for next meeting.

### **Wrap-up and next Meeting**

- Next meeting was agreed to take place April 2<sup>nd</sup> 2014 6-8pm

### **Action Items:**

- Sanitary seal – proposed change definition to include other possible names.

- Water rights definition on private water wells website – Dave to work on.
- Send link for private water wells website to group
  - Updates to be made
    - MOA documents
- Send updated minutes from January 22
- Decommissioning standards/BMP's
  - Consider what the group would like to see done with these
- Draft letter of recommendation for regulation changes for review at next meeting.
- Well construction standards.
  - (Well driller) Check into home depot pitless NSF approval.
  - David to review
    - C under prohibited actions
    - G under prohibited actions
  - DEC to compile edits into a draft document up to H, and include remaining sections with Wayne's suggested edits indicated.
    - Switch out all definitions that are already in Decommissioning document and highlight.

**Next Meeting is April 2, 2014 from 6-8pm**