

# **APPROVED**

## Minutes of the Meeting

### **WELL DRILLING ADVISORY COMMITTEE** Southwest Florida Water Management District

Tampa, Florida

January 12, 2011

The Well Drilling Advisory Committee of the Southwest Florida Water Management District convened for a regular meeting at 1:30 p.m., January 12, 2011, at the Tampa Service Office.

#### **Board Members Present**

Stuart Anderson, Chair  
William Toomer, Vice Chair  
Dennis Fourqurean, Member  
Todd Parrish, Member  
Ted Dyer, Member  
Jeff Baker, Member

#### **Board Members Absent**

Paul Pope, Member

#### **Governing Board Member**

Ron Oakley, Chair

#### **Staff Present**

Tony Gilboy  
Dave N. Arnold  
Alba Más  
Marti Moore  
Lois Sorensen  
Deanna Naugler  
Mark Alford  
Bill Wood  
Craig Cook  
Kevin Stover

Karla Sohaili  
Kristina Stadtherr  
Heather LaRocco  
Hank Barker  
Scott Petersen  
Frank Gargano  
Bill Permenter  
Jerry Mallams  
George DeGroot  
Timothy Lohner

#### **Recording Secretary**

Mary Ellen Fugate

A list of others who were present and signed the attendance roster is filed in the permanent files. Compact disks of the audio and copies of the materials and handouts, as set out in full herein, are also filed in the permanent files of the Committee.

#### **1. Call to Order and Roll Call:**

Chair Anderson called the meeting to order at 1:30 p.m. Ms. Fugate called the roll and noted a quorum was present. (CD 1/Track 2)

#### **2. Business Items:**

After consideration, Chair Anderson moved, seconded by Dennis Fourqurean, to approve the April 21, 2010 minutes as presented. (CD 1/Track 2)

After consideration, Chair Anderson moved, seconded by Dennis Fourqurean, to approve the July 21, 2010 minutes as presented. (CD 1/Track 2)

Chair Anderson reiterated that the purpose of the WDAC is to provide professional and technical input into District programs and activities, including regulatory programs, rule revisions, water conservation activities, water resource planning, water resource and supply development projects, research and other water management district projects that relate to this industry. The function of the WDAC shall be to provide two-way communication between the District and the well construction industry. (CD 1/Track 2)

Chair Anderson reminded everyone that paperwork for Continuing Education Units (CEU) can be obtained after the meeting. All forms should be given to Mr. Gilboy for signature and sent to the Florida Ground Water Association (FGWA) for conversion fee. (CD 1/Track 2)

3. **Meeting Items:**

- **Dover Recovery Strategy – Alba Más:** Alba Más, Tampa Regulation Manager, discussed the current Dover Recovery Strategy for the Dover/Plant City area. The District is required by state statute to develop a recovery strategy whenever a water body is not meeting its established minimum flow or level. The aquifer levels in the Dover/Plant City area fell well below the proposed minimum aquifer level in January 2010, as well as several times in previous years. Therefore, since aquifer levels in the Dover/Plant City area fall below the proposed minimum aquifer level, a recovery strategy is required. The proposed minimum aquifer level is being set at 10 feet above sea level at the District's DV-1 well because the District determined that the majority of the well failures and sinkholes happened after water levels fell below this level. Moreover, a minimum aquifer level protection zone is being established in the surrounding area where more than 30 feet of aquifer drawdown occurred.

The recovery strategy statute allows for the gradual restoration of the aquifer level so that permittees have time to adapt to new practices or use alternative water sources. The recovery strategy has a goal of reducing groundwater pumping for freeze protection by 20% within 10 years. By reducing groundwater pumping for freeze protection by 20% during future freeze events, actual groundwater levels are predicted to remain above the minimum aquifer level and impacts should be avoided or minimized. This goal will be reviewed after the first five years.

The District is also declaring the Dover/Plant City area a water use caution area (WUCA). A WUCA is designated where water resources are or will become critical in the next 20 years. Additional information on the recovery strategy and rules specific to the Dover/Plant City WUCA can be found at:

<http://www.swfwmd.state.fl.us/agriculture/freeze-management/>. (CD 1/Track 2)

**Additional Dover Monitor Wells – Dave Arnold:** Dave Arnold, P.G., provided a discussion regarding the network of wells that monitor the cone of depression that occurs within the Upper Floridan aquifer at the Dover/Plant City area, resultant from groundwater withdrawals for crop establishment and frost-freeze events. Mr. Arnold provided illustrations showing locations for additional monitor well construction at existing and new well sites in order to enhance monitoring of the water table/potentiometric surfaces of the Surficial aquifer and permeable units (Suwannee limestone and Avon Park Formation) of the upper Floridan aquifer. Mr. Arnold provided details on Well Construction Regulation's staff involvement with construction activities for the first three wells within this network and reiterated to attendees that the construction of monitor wells is performed by individual licensed water well contractors via bid process. (CD 1/Track 3)

**Proposed 62-531, F.A.C., Department of Environmental Protection (DEP) Proposed Rule Changes (Disciplinary Guidelines and Procedures Manual) – Marti Moore:**

Marti Moore, Office of General Counsel, provided a brief presentation concerning proposed changes to the Water Well Contractor Disciplinary Guidelines Manual and the Uniform Citations Dictionary. The current versions of these documents have been in effect since October 2002, and efforts to revise and update the documents have been ongoing since 2006 and will be completed very soon. Highlights of what is changing and what is not changing were discussed. The proposed new penalty matrix will provide a range of penalties based upon whether it is the contractor's first, second or third or more violation for the same offense. The Manual sets forth the possible ranges for each repetition and level of violations, whereas the Dictionary provides a specific recommended penalty amount and points for each violation. The maximum penalty will

be \$5,000, as provided by statute. Penalties also address geothermal heat exchange systems and rule changes relating to bottled water wells. The guidance matrix previously provided for imposing aggravating and mitigating penalty amounts goes away. What hasn't changed are the grounds for imposing penalties, the types of discipline that can be imposed, the description of the administrative process, the points system, the designation of particular offenses as major, moderate or minor and the recommended penalty for most offenses. Those offenses which will have either lower or higher penalties were reviewed. Once the Manual and Dictionary are final, DEP will proceed with rulemaking to adopt the new versions. The rulemaking process is affected by recent legislation requiring further economic analysis and possible legislative ratification if there are significant impacts to small business or the economy, and by Executive Order No. 11-01 which suspends rulemaking by state agencies under the direction of the Governor until the rule changes are approved by the new Office of Fiscal Accountability and Regulatory Reform. (CD 1/Track 4)

• **Update on Proposed Pump Legislation and FGWA Discussion – Tony Gilboy /**

**Tony Guest:** Tony Guest: Mr. Guest, a licensed water well contractor, performed a presentation that summarized consequences related to the lack of legislation requiring oversight of water well pump installers. Mr. Guest provided personal experiences from being called to perform well pump repairs where sub-standard installations and repairs of water well pumps resulted in mass contamination of the aquifer, inability to properly abandon wells, potential for electrocution to the water well user, and repairs that would have cost significantly less if the pump installation and repairs were performed in accordance with a regulatory standard. Mr. Guest stated that the lack of regulatory oversight in Florida is resulting in water well pumps being installed by unqualified people lacking knowledge of hydrology or electrical code who have no accountability for their shortcomings. Mr. Guest stated that there are at least 14 states that currently require anyone who performs water well pump installation and repairs to be licensed. Mr. Guest stated that both the Sarasota WDAC and the District WDAC supported his actions when he approached FGWA over a year ago proposing water well pump installer oversight. Mr. Guest stated that the FGWA is currently proposing revisions to Chapter 373, Part III, Florida Statutes (F.S.), to incorporate the oversight of pump installers, and he is working with FGWA representatives on this initiative. (CD 1/Track 5)

**Tony Gilboy, P.G., Well Construction Regulation Manager:** Dave Arnold performed Mr. Gilboy's presentation due to Mr. Gilboy having the flu. Mr. Arnold's presentation summarized that, based on a request by both Mr. Guest and Mr. Gilboy to the FGWA that had full District WDAC support, a special committee was created over a year ago by FGWA to look into legislative changes to provide oversight of well pump installers. At the subsequent DEP/FGWA/WMD quarterly meeting, FGWA's special committee discussed issues regarding the lack of water well pump installer regulatory oversight and presented mutually beneficial Statute language, but received little support. Mr. Arnold noted that Hillsborough County has had an ordinance in the Plant City / Dover area to regulate well pump intake depths and cut-off devices that hasn't been consistently enforced. Considering this, the District recently drafted modifications to Chapter 373, Part III, F.S., to adopt rules in order to regulate the depth of well pump intake devices and the installation of pump cut-off devices in areas where the District's Governing Board determines such regulation is necessary to minimize loss of water well production caused by pumping-induced fluctuating or lowered aquifer levels. Two days prior to the WDAC meeting, the District received proposed draft revisions to Chapter 373, Part III, F.S., from FGWA. Both the District and the FGWA revisions to Chapter 373, Part III, F.S., will be discussed at the next DEP / FGWA / WMD quarterly meeting on January 21, 2011. Findings from this meeting will be presented at the next WDAC meeting. (CD 1/Track 5)

- **Water Shortage (Demand Management Update) – Lois Sorensen:** Lois Sorensen, Demand Management Program Manager, discussed recent unfavorable hydrologic conditions, but then noted that there are no serious water supply concerns, so far. She announced that the Governing Board declared Water Shortage Order # SWF 2010-022 in November, implementing “Modified Phase I” restrictions that require the public to continue following year-round water conservation measures and to have their irrigations system checked. Ms. Sorensen advised the committee that the primary purpose of such an order is to require water utilities and their local governments to engage in certain activities, such as updating restriction enforcement procedures, in anticipation of worsening conditions. Ms. Sorensen also noted that the Governing Board would consider whether additional District action would be necessary at their next meeting.

Ms. Sorensen also provided a briefing on three rulemaking efforts. Amendments to the District’s Water Shortage Plan (Rule 40D-21) were approved by the Governing Board in October; however, the applicable Statement of Estimated Regulatory Costs needs to be updated as a result of a new state law and completion of the rulemaking process must then include an extra step resulting from the Governor’s Executive Order 11-01. Related amendments to Rule 40D-22 (Year-Round Water Conservation Measures) and Rule 40D-1 (portions dealing with variances from 40D-21 and 40D-22) took effect December 7, 2010; the most significant change was a revision to the variance application form, use of which is now required. (CD 1/Track 6)

- **Well Construction Permit Convenience Fees/WMIS Issues – Deanna Naugler:** Deanna Naugler, Water Use and Well Construction Project Manager, discussed the following Water Management Information System (WMIS) updates/changes effective March 7, 2011:
  - Ability to accept Visa
  - Ability to accept E-Checks
  - Elimination of Convenience Fees for On-line Applications
  - No Changes for the Delegated Counties

(CD 1/Track 7)

- **Sarasota County Health Department New Location – Steve Fisher:** Steve Fisher, an employee with the Sarasota County Health Department, provided information on the new location of the Sarasota Department of Health. Mr. Fisher provided a map and hours of operation. (CD 1/Track 8)
- **Bentonite Product Concerns – Tony Gilboy:** Tony Gilboy informed the group about a potential issue concerning a particular type of bentonite grout that does not appear to meet the swell index requirements in the Chapter 62-532, F.A.C., rule. (CD 1/Track 9)

4. **Open Discussion:**

None

5. **Announcements:**

The next FGWA meeting is scheduled for January 21, 2011 in Lake Mary (CD 1/Track 9)

The next WDAC meeting is scheduled for April 13, 2011, at 1:30 p.m., Tampa Service Office, 7601 Highway 301 North, Tampa. (CD 1/Track 9)

The West Coast Chapter of the FGWA meeting is scheduled for February 10, 2011, 7:00 p.m. at Giordano's Restaurant. (CD 1/Track 9)

The 2011 FGWA Annual Convention & Trade Show is scheduled for May 5-7, 2011 at the Caribe Royale All Suite Hotel in Orlando. (CD 1/Track 9)

6. **Adjournment**

When there was no other business to come before the Committee, Chair Anderson adjourned the meeting at 3:03 p.m. (CD 1/Track 9)