



LYNN TOMINAGA, EXECUTIVE DIRECTOR

At the annual meeting, a member requested that IGWA provide more information about the board of directors' activities. We are pleased to announce the addition of a new regular feature to our E Newsletter—The Membership Corner. This space will be dedicated to board business and membership issues. The space will available not only to the board of directors, but to any member who wishes to pen an article, raise a concern, or voice an opinion. IGWA will soon be posting summaries of its board meetings on our website.

In this first column, I would like to bring the membership up to date on some of the issues that IG-WA is following. Regulation is increasingly an issue for our industry. In this issue, NGWA has provided an article about federal regulation. *See page 5*, "Senate Committee Examines Federal and State Regulation of Groundwater". Tom Neace, Idaho Department of Water Resources (IDWR), has provided an article updating drillers on the Department's findings related to its own review of Idaho's licensure requirements. *See page 10*. "Preliminary Report Evaluating Well Driller Licensure".

As discussed at the annual meeting, President Legrand Baker and I have met with the Idaho Division of Building Safety Plumbing Program to discuss the potential for developing a pump installers license. Most neighboring states currently license pump installers. Idaho's system is the result of negotiations between IGWA and the Plumbing Program in recent years. Based on feedback from our members, it does not meet the needs of companies who drill and install pumps.

It appears at this time that the best option is not to pursue licensure, but to work with IDBS to develop better testing options. Any proposed course of action will be presented to the membership prior to final action.

In addition to working with IDWR to address licensure and continuing education concerns, IGWA has opened a discussion to examine long-standing issues with the geothermal law as it relates to temperature. At present any time a geothermal temperature exceeds 84 degrees, the driller is required to shut down. Whether or not IGWA can change the law as it relates to temperature, it may be possible to gain more consistency in its application without impacting water rights.





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SENATE COMMITTEE EXAMINES FEDERAL AND STATE

REGULATION OF GROUNDWATER

Provided by NGWA

The Senate Committee on Environment and Public Works held a hearing on April 18 on the appropriate role of states and the federal government in regulating groundwater. The hearing comes on the heels of several significant court cases, as well as action by the U.S. Environmental Protection Agency to seek public comment on discharges of pollutants via "hydrologically connected" sources.

Testimony from witnesses, as well as statements and questions from senators, highlighted a perceived lack of clarity around the Clean Water Act's National Pollutant Discharge Elimination System program, and whether pollution that travels through groundwater to surface water via a point source should be regulated under the Clean Water Act. The committee was split along party lines as to whether the Clean Water Act authority should apply.

The committee heard testimony from a panel of witnesses, including state officials, a rancher, and a hydrologist. NGWA submitted a letter for the record, reinforcing the Association's position that states are best suited to determine how groundwater resources should be managed and regulated with technical assistance and funding support.

The EPA's request for comment on the issue closes on May 21. The Senate archived a webcast of the hearing that can be (*reviewed*.)

Several varying court opinions demonstrate a need for the EPA or Congress to provide clarity around the Clean Water Act's applicability to surface water pollution where groundwater acts as a conduit. If the EPA or Congress choose to expand applicability, there could be impacts on groundwater quality, agriculture, and property values.

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INTERNATIONAL ROADCHECK JUNE 5-7:

This year's Commercial Vehicle Safety Alliance's (CVSA) International Roadcheck will take place June 5-7. During this 72-hour period, commercial motor vehicle inspectors in jurisdictions throughout North America will conduct inspections of commercial motor vehicles and drivers with a focus on hours-of-service compliance.

"The top reason drivers were placed out of service during 2017 International Roadcheck was for hours-of-service violations," said CVSA President Captain Christopher Turner of the Kansas Highway Patrol. "Thirty-two percent of drivers who were placed out of service during last year's three-day International Roadcheck were removed from our roadways due to violations related to hours-of-service regulations. It's definitely an area we need to call attention to this year."

A mandate to install electronic logging devices (ELDs) went into effect on December 18, 2017. Not all trucks required to install ELDs. Exemptions include those for short-haul operations — drivers within a 100 air-mile radius — and for trucks manufactured prior to 2000, among others. More information on the mandate, as well as current exemptions, can be found in <u>this May 2017</u> <u>article from *Water Well Journal*®</u>.

To ensure NGWA members are aware of the exemptions to the mandate, the Association prepared a <u>postcard for you and your employees</u> to reference and download. Consider sharing this with anyone who may be subject to, or exempt from, the mandate.

During International Roadcheck, inspectors will primarily conduct the <u>North American Standard</u> <u>Level I Inspection</u>, a <u>37-step procedure</u> that includes an examination of both driver operating requirements and vehicle mechanical fitness. *Provided by NGWA*

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As EPA Summit Approaches, Congress Urges More Action On PFAS

Twenty-five U.S. senators signed a letter asking U.S. Environmental Protection Agency Administrator Scott Pruitt to set a legally binding limit for per- and polyfluoroalkyl substances (PFAS) in drinking water. The move comes as public and private sector groups, like NGWA, increase pressure on Congress and the administration to take action.

The letter, dated April 13, points out while the EPA established in 2016 a lifetime health advisory (LHA) of 70 parts per trillion for concentrations of perfluorooctanoic acid (PFOA) and perfluorooctyl sulfonate (PFOS) in drinking water, the LHA is not legally enforceable and cannot be used to determine remediation responsibilities and transfers of surplus Department of Defense property under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The senators write that because of those reasons a federal maximum contaminant level (MCL) that is science-based is needed as it would provide a clear and enforceable nationwide standard for permissible levels of these contaminants.

On April 19, Senator Jeanne Shaheen (D-New Hampshire), one of the letter signers, and Senator Mike Rounds (R-South Dakota) introduced the PFAS Registry Act, legislation that would create a national database for service members and veterans experiencing health problems possibly due to contamination from PFAS.

The bipartisan bill would allow military personnel and veterans to receive updates on recent scientific developments on the effects of PFAS exposure, availability of possible treatment options, and information on what resources may be available to address their health concerns. NGWA's government affairs team has been active in 2018 on issues relating to PFAS. Senator Shaheen spoke at the 2018 Water Resources Congressional Summit and NGWA members urged EPA to adopt an MCL during the 2018 NGWA Groundwater Fly-In.

The EPA is hosting a summit discussing PFAS with state and local government leaders. The National Leadership Summit will take place May 22-23 in Washington, D.C. NGWA will be represented at the event by Lauren Schapker, government affairs director, and Seth Kellogg, PG, a senior geologist at Geosyntec and an NGWA Scientists and Engineers Board of Directors member.

NGWA is also hosting the PFAS in Groundwater Workshop: The Professional's Challenge August 14-15 in St. Paul, Minnesota, which will address the thought processes of practitioners regarding how to apply scientific and legal considerations to sites contaminated with PFAS.



This information is a summary of the **draft** report that IDWR will submit to the Lt. Governor's office on July 1, 2018. Some information maybe subject to change. Once an Order is finalized it will be publicly available.

PRELIMINARY REPORT EVALUATING WELL DRILLER LICENSURE-

Thomas Neace, P.G., Manager Ground Water Protection Section

In May 2017, Lieutenant Governor Brad Little issued Executive Order No. 2017-06 requiring each state agency having statutory or regulatory authority to issue professional, technical or occupational licenses in order to review the necessity for and the applicability and processing of license requirements. The Order required the Department to: Implement a process affording interested parties the opportunity to provide input on the Department's driller licensing program; Review statutes, regulations, and the licensing process; Prepare a report for the Governor's office detailing the turnaround time for license applications, licensing prerequisites, renewal requirements, number of applicants denied licensure, disciplinary actions, cost of administering the licensing program, law and rule changes within the past five years.

Public Outreach to Licensed Drillers and Opera-

tors: The Department provided notice of EO 2017-06 in a letter sent by U.S. Mail, to the 317 drillers and operators possessing a valid license. A link to the executive order was provided along with the Department's mailing address and an email address to provide input. The Department published an article in the Idaho Ground Water Association's summer 2017 quarterly Newsletter, Volume 65, No.1, explaining the order and opportunities for comments and suggestions. Department staff also presented the content of the executive order and solicited feedback at five well drilling continuing education seminars between November 2017 and May 2018.

Statutes, Rules and Licensing Process Review: Statutory responsibility to license well drillers and operators of water well drilling equipment is delegated to the Department in Idaho Code § 42-238, enacted in 1967 and last amended in 1998. The statute was established to support the Department's mission regarding protection of Idaho's ground water resources against waste and contamination. The statute establishes licensing and renewal fees and provides for the adoption of administrative rules to establish licensure qualifications for drillers and operators. Licensing and renewal fees have not changed since 1998. Idaho Code § 42-238 authorizes the Department to revoke an active license or to refuse to renew a license for failure to comply with the statute or administrative rules. Idaho Code § 42-1701B authorizes the Department to commence and pursue enforcement actions to remedy the designated violations set in title 42 Idaho Code.

The *Well Driller Licensing Rules*, IDAPA 37.03.10, establish the requirements and procedures for obtaining and renewing authorization to drill wells in the State of Idaho. These include minimum qualifications for licensed Operators and Drillers, testing regarding knowledge of drilling and well construction, company bonding and continuing education. *Well Construction Standards* Rules, IDAPA 37.03.09 establish the minimum standards for the construction of wells. These minimum standards must be followed by all well drillers and operators.

The Department works closely with the regulated community, including the Idaho Ground Water Association (IGWA). The IGWA is a well drilling professional trade organization. IGWA was diligently involved with revisions of the Idaho Well Driller Licensing Rules, last revised in 2011. IGWA and its members provided significant input to the minimum acceptable requirements, pre-requisites and continuing education required to obtain and renew a Driller or Operator license in Idaho. IGWA is under contract with the Department to administer the driller licensing continuing education program required by Idaho Code § 42-238 and Well Driller Licensing Rules.

The Idaho Department of Water Resources ("Department") licenses well drillers and operators of water well drilling equipment pursuant to Idaho Code § 42-238 and the *Well Driller Licensing Rules*, IDAPA 37.03.10. The Department does not license any additional profession, occupation or vocation.

continued on page 18

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Training Options & Ideas

Hello my friends,

I have taken the time over the past couple of years to talk about safety. Every organization should consider safety very important. In fact it should be your number one goal. The way I figure it, if you don't come home tonight, it doesn't matter how much money you made today.

Today I wanted to give you a couple of ideas for some training.

A while back I took the class for bleeding control. With all the mass shooting and bombings around the world, someone saw a need to train people on, "what to do if you come across someone with life threatening trauma". They took some of the training that was given to the soldiers in our armed forces and created this program. The name of this program is "*Stop the Bleed*". This is great information for everyone and could be a class that is given in your organization. Go to the internet and just type in "*Stop the Bleed*". That should take you to a website where you can find a qualified teacher in your area who would come and give the class to you and your employees.

Another option for a class is to contact your local EMS providers and ask them if they have a class that they would give to your company. Most of these individuals are hometown folks that would be glad to help. They might give you a list of subjects that you can choose from, or they might just show up and about talk safety. Either way, you will be building relationships with them that would serve you well the rest of your life. Getting to know them, and in turn having them get to know you and your company, would be great. If something ever did happen, and their help was needed, it would be a lot more comforting to look up and see the face of a friend.

The last option that I wanted to touch base on today was the internet. There are several companies out there who make their living by giving safety classes. They are a great resource. You can also find safety videos that your safety officer can show in a classroom setting, or even while having a soda, in a tailgate session.

Take the time to decide how best you can work a safety class into your business. Appoint a safety officer and give them the ability to run with it. Safety is important. Don't let your workers learn safety by accident.

Be safe,

Mike Mike Lewis, a certified EMT for over 25 years, grew up on a dairy farm in southern Idaho and traveled the world before returning to Idaho where he farms with his family.



NEWS FEATURE

Dear Stakeholder:

The Focus Four Hazards have accounted for the vast majority of injuries and fatalities in the construction industry. In an effort to prevent future injuries and fatalities, OSHA, our state plans, consultation projects, and construction industry partners have initiated a "Focus Four Hazards" campaign from March through June in Region Three's jurisdiction. The goal of this campaign is to raise awareness in the recognition, evaluation, and control of these hazards through the delivery of toolbox talks for employers to provide to their workers. These toolbox talks will be available during the campaign for employers to use at their own discretion. Construction's "Fatal Four"

Out of 5190* worker fatalities in private industry in calendar year 2016, 991 or 19% were in construction—that is, <u>one in five</u> worker deaths last year were in construction. The leading causes of worker deaths on construction sites were falls, followed by struck-by, electrocution, and caught-in/between. These "Fatal Four" hazards were responsible for well over half (64%) of the construction worker deaths in 2016*, according to BLS reports.

□ **Falls** — 384 out of 991 total deaths in construction in CY 2016 (39%)

- □ Struck by Object 93 (9%)
 □ Electrocutions 82 (8%)
 - = Electrocutions 62 (676)
- □ Caught-in/between* 72 (7%)

*This category includes construction workers killed when caught-in or compressed by equipment or objects, and struck, caught, or crushed in collapsing structure, equipment, or material. Eliminating these Four



Hazards would save 631 workers' lives each year.

We ask that you assist us in promoting this campaign with your construction contacts and encourage your leadership to participate in these efforts to prevent future injuries and fatalities. To receive these toolbox talks, you can contact our Area Offices, Consultation Projects, or send us an email request at OSHA-Focus4-Region3@dol.gov.

We appreciate your assistance and support with this campaign. We encourage you to provide feedback which will assist us in promoting future efforts and evaluating our impact in the construction industry. All voluntary feedback may be sent to OSHA's designated Focus 4 campaign account at

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AD CONTRACT DEADLINE: June 30, 2018





New Interactive Online Tool Available for Idaho Oil & Gas Information

A new interactive online tool called

"Data Explorer" now is available on the Idaho Oil and Gas Conservation Commission (OGCC) website, enabling Idahoans to search, review and download oil and gas well information as it is available in the State of Idaho.

The application is available at: <u>https://ogcc.idaho.gov/data-explorer/</u>

House Bill 301 as amended during the 2017 legislative session changed Idaho Code § 47-326 to require the Idaho Department of Lands (IDL), which houses the Oil and Gas Division that serves the OGCC, to "provide internet access" to certain documents pertaining to oil and gas wells in Idaho by Dec. 31, 2017. The new website was unveiled before the deadline.

Users can click on any active well and access detailed information on the well's surface loca-

tion, construction, various events in the well's history, and any documents, images, bonds, inspection reports, or production data.

"The new Data Explorer web application goes beyond providing the documents we are required to make available under law. It is interactive so users can click on the location of a well in a map and easily access all information about the well with just a few clicks," Oil and Gas Division Administrator Mick Thomas said. "The ease and accessibility of the new Data Explorer web application is part of Idaho's commitment to transparency in oil and gas regulation."

The IDL worked with the Ground Water Protection Council (GWPC) to complete the new web application. The GWPC is an organization of state ground water regulatory agencies that work together to protect ground water supplies in many states, including Idaho.

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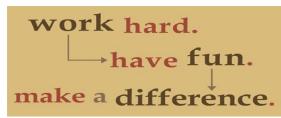
IGWA extends best wishes to Robert Kitterman who retired from HD Fowler on December 31, 2017. His retirement reportedly lasted approximately a month and a half. He has since opened his own business (R KITTERMAN SERVICES) representing multiple manufacturers while working closely with wholesale distribution-it is an opportunity to work with some of the many friends he made in the industry.



Kitterman started his pump career in the oil well industry in his early 20's. From oil wells, he progressed to owning a motor sales and repair business, a water conditioning company, and a pump company on the Oregon coast all at the same time! Years later he moved to Wyoming where he ran a Culligan water conditioning company and started a water conditioning shop. In 2003 Robert moved to Idaho so he could be closer to his children and grandchildren and joined United Pipe & Supply as a sales representative. In 2010 Robert joined the HD Fowler team, helping them expand their water well business into Idaho.

He was an active member in IGWA, a strong supporter of the Crisis Fund, and served on the board as M&S Vice President and President.

Robert loves the industry and the many friends he's made along the way. There is no doubt you'll bump into him again!



E-Newsletter Advertising: IGWA is now accepting advertising for its 2018-19 newsletter. Each advertiser receives one (1) ad in four (4) newsletters that are emailed to members and supporters: Summer & Fall of 2018; Winter & Spring of 2019. These newsletters are also posted on our website. <u>All</u> <u>advertising is sold on a first-come, first-serve basis.</u> For more information, contact Vickie Doty at (208) 381-0294 or email <u>iwpg.vdoty@gmail.com</u>. For pricing see page 15. AD CONTRACT DEADLINE: June 30, 2018

CEC Regional Workshops: IGWA is now accepting M&S sponsors for its 2018-2019 Regional Workshops. Four workshops are planned: Coeur d'Alene—November 2018; Nampa & Pocatello–March 2019 and Lewiston—April 2019. Final dates to be announced. Based on past attendance, 30 to 50 participants are expected at each event, making this an excellent opportunity for your company to support and interact with our members and guests. Your sponsorship helps us provide continuing education across the state and keeps workshop costs affordable for participants. *More details page 20*

continued from page 10 <u>PRELIMINARY REPORT EVALUATING WELL DRILLER LICENSURE</u>

Licensing of water well drillers in Idaho is important to the public interest of the State. Idaho relies on ground water for approximately 90% of its drinking water. Ground water is also vital for irrigation to support the agricultural economy in Idaho. The Idaho Driller Licensing Rules establish the knowledge and experience requirements necessary to drill wells that are protective of the ground water and public health in Idaho. Feedback from the public outreach conducted to comply with EO 2017-06 indicates that the regulated community strongly supports the need for licensing of water well drillers in Idaho.

Licensing Prerequisites and Renewal Requirements: Driller licensing in Idaho is a three-tiered program including:

Operator 1 Permit - An individual with little or no experience operating under the supervision of a licensed driller.

Operator 2 Permit – An individual with some experience operating well drilling equipment under the supervision of a licensed well driller.

Licensed Driller - An individual with at least 24 months experience operating well drilling equipment and constructing water wells.

The Department has been proactive in working with the IGWA to streamline the process and modify some of the requirements to facilitate the work in the water well drilling industry. The Department modified the Well Driller Licensing Rules in 2011. Revisions to the Rules included reducing the experience requirements from 30 months to 24 months to obtain a drillers license and consolidating the examination process to a single examination to reduce the regulatory burden of excessive testing.

Licenses and Operator Permits are renewed on a biennial basis (every two years). The licensing period begins April 1 and ends March 31 of the second year following issuance.

Table 2, New applications,	
May 1, 2017 to April 30, 2018	
Application type	Count
Company	5
Driller	17
Class II	11
Class I	29
Transfer	2
Total	64

Average number of days it takes to issue a license following submission of a complete application by the Department is 16 days for new applications.

Average number of days from receiving a complete renewal application to issuing the license is 6.5 days.

Table 3, 2018 Renewal	
2018 license renewal	Count
Driller	79
Class II	17
Class I	42
Total	138

This information is a summary of the draft report that IDWR will submit to the Lt. Governor's office on July 1, 2018. Some information maybe subject to change. Once an Order is finalized it will be publicly available.

IDWR EVALUATION OF LICENSING OF WELL DRILLERS

<u>Changes to Statutes and Rules within the Past Five Years:</u> There have been no changes to the Department's driller licensing statutes or rules within the last five years. However, *Well Driller Licensing Rules,* IDAPA 37.03.10, were revised in fiscal year 2011. The Department worked closely with the regulated community, including IGWA, during the negotiated rule making process to develop rules the industry considered the minimum acceptable standards for the profession.

<u>Comments Received by the Department Pursuant to Executive Order 2017-06</u>: The Department received no written or electronic responses to Executive Order 2017-06. The Department received four verbal comments for consideration during workshops with the IGWA. These comments regarding changes to rules and/or policies include:

Simplify the current licensing rules from a three-tiered system; Operator I, Operator II and Licensed Driller to a two-tiered system; Trainee and Licensed Driller.

Develop a separate specific "driller's report form" for <u>monitoring wells</u>. A monitoring well specific report form would provide for better detailed reporting of specific monitoring well data.

Provide "on-line" Idaho Rules training for continuing education requirements.

Modify the *Well Construction Standards Rules*, IDAPA 37.03.09 to allow pump contractors to modify well casings in order to install pitless adaptors or liners in water wells. Currently the Rules specify that only Licensed Drillers can modify the construction of a well.

<u>Recommendations</u>. The following recommendations are provided based on the comments received by the Department.

The Department will work with the IGWA and Licensed Drillers and Operators in Idaho to evaluate the two-tiered versus three-tiered system of driller licensing program as described above. If the regulated community supports changing the licensing system to a two-tiered Trainee and Licensed Driller, the Department will initiate "negotiated rulemaking" to formalize the rule change process.

The Department will work with the IGWA to develop a specific driller report form for monitoring wells.

- The Department will discuss with the IGWA potential opportunities to provide Idaho well construction and driller licensing rules "on-line" for continuing education credits.
- The Department will discuss with the IGWA and pump contractors the need for rule revisions which would allow pump contractors that do not have a drillers license to perform minor modifications to a well including installation of pitless adaptors and installation of liners.

The Department will discuss with the IGWA its request to reduce the education credits from 14 to 12 for renewal. This would require a Rule change.

If you have any questions regarding this information, contact Tom Neace at 208-287-4935 <u>thomas.neace@idwr.idaho.gov</u> or Chad Hersley at 208-287-4930 <u>chad.hersley@idwr.idaho.gov</u>.

Idaho Ground Water Association

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