

MINUTES

MAINE WATER WELL COMMISSION

Wednesday, June 14, 2023

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Meeting – HYBRID (In-Person/Zoom)  
18 Elkins Lane, Rm 109, Harlow Bldg., Augusta, ME

### ATTENDEES:

#### Commission Members:

Dwight Doughty, (Chair)  
Hydrogeologist, DOT  
Alex Pugh,  
Hydrogeologist, DWP

Ryan Gordon  
Hydrogeologist, MGS

Mike Otley  
Public Member  
Frank Hegarty  
Master Well Driller

#### Guests:

Margaret Machaiek  
AAG

#### Minutes Prepared By:

Tina Lemieux, Commission Clerk, DWP

### PROCEEDINGS: 9:11 am

#### Review of Meeting Minutes: May 10, 2023 / May 30, 2023

Motion to accept the minutes from Wednesday, May 10, 2023, Monthly Meeting

❖ MOTION: Mike Otley      2<sup>nd</sup>: Frank Hegarty      VOTE: Unanimous

Motion to accept the minutes from Tuesday, May 30, 2023, Emergency Meeting

❖ MOTION: Alex Pugh      2<sup>nd</sup>: Mike Otley      VOTE: Unanimous

#### Exam Applications:

1. EARL SEVERANCE III\_WD02281, \*(effective date: 9-10-2019) – **PI-J** - APPROVED

Motion to approve the exam candidate.

❖ MOTION: Alex Pugh      2<sup>nd</sup>: Frank Hegarty      VOTE: Unanimous

#### Specialty Well Applications – Commission Review:

1. NONE

#### Specialty Well Applications – In-House Approval:

1. HALLEE-PHILBRICK\_SWA\_5-16-23
2. JOHNSTON-WESTERN\_SWA\_5-11-23
3. LOGAN & BRALEY-WESTERN\_SWA\_5-30-23
4. SMITH-GOODWIN\_SWA\_5-16-23
5. WRIGGINS-GARY GOULD\_SWA\_6-8-23

**Other Business:**

1. EXAMS: **Tuesday, July 11, 2023 @ 10am** at Key Bank Building, downtown Augusta
  - a. Eligible candidates will be notified by email

**\*EXECUTIVE SESSION:**

\* Motion to enter **executive session** for the purpose of consulting with the Commission’s attorney concerning settlement of contemplated litigation and the legal rights and duties of the Commission with respect to the A-Z - Jones/Hinton complaint pursuant to Title 1, section 405, subsection 6, paragraph E.

❖ **MOTION:** Alex Pugh      **2<sup>nd</sup>:** Mike Otley      **VOTE:** Unanimous

Entered Executive Session: **9:19 am**

Exited Executive Session: **9:48 am**

After leaving Executive Session:

Motion to accept the redistribution of points and required three classes.

❖ **MOTION:** Mike Otley      **2<sup>nd</sup>:** Alex Pugh      **VOTE:** 4 yea / 1 recused  
     ○ Frank Hegarty - recused

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**NEW COMPLAINTS:**

**ANONYMOUS – AFFORDABLE WELL DRILLING INC – complaint, rcvd 6-6-23 – NEW**

- 6-14-23, complaint accepted, send notification letter to Affordable WD

Motion to accept the Anonymous-Affordable complaint

❖ **MOTION:** Mike Otley      **2<sup>nd</sup>:** Frank Hegarty      **VOTE:** Unanimous

**ANONYMOUS – HALE WELL DRILLING LLC – complaint, rcvd 5-12-23 – NEW**

- 6-14-23, complaint accepted, send notification letter to Hale WD

Motion to accept the Anonymous-Hale complaint

❖ **MOTION:** Frank Hegarty      **2<sup>nd</sup>:** Mike Otley      **VOTE:** Unanimous

**OPEN COMPLAINTS:**

**TUFTS (1) - A-Z WATER SYSTEMS – complaint, rcvd 9-13-22 – OPEN (9-14-22)**

- 5-10-23, Motion made to assess violations, points, and fines for A-Z Water Systems Inc.
  - o *Alex Pugh/Ryan Gordon – 6 yea/1 recused \*(Frank Hegarty)*

*\*Violations Assessed:*

*- 400.2.1 (1 pt.), Wells intended to serve Public Water Supplies, as defined in Chapter 1 of these rules, must be approved in writing by the Department of Health and Human Services prior to being drilled and shall be constructed with a setback from disposal fields or other potential sources of contamination as required by the Department of Health and Human Services, Drinking Water Program.*

*- 400.1.3 (1 pt.), The minimum setbacks provided for in this Chapter cannot be reduced for gravel wells without a specialty well application as provided for in Section 400.7 having been approved by the Commission prior to drilling.*

- 6-7-23, Notice of Violations, sent
- 6-14-23,

Motion to table complaint until next meeting July 2023

❖ **MOTION:** Frank Hegarty    **2<sup>nd</sup>:** Mike Otley    **VOTE:** Unanimous

**TUFTS (2) - LEVESQUE WELL DRILLING - complaint rcvd 2-21-23 – OPEN (3-8-23)**

- 5-10-23, Motion made to assess violations, points, and fines for Affordable Well Drilling Inc.
  - o *Mike Otley/Glenn Dyer – 6 yea/1 recused \*(Frank Hegarty)*

*\*Violations Assessed:*

*- 400.2.1 (1 pt.), Wells intended to serve Public Water Supplies, as defined in Chapter 1 of these rules, must be approved in writing by the Department of Health and Human Services prior to being drilled and shall be constructed with a setback from disposal fields or other potential sources of contamination as required by the Department of Health and Human Services, Drinking Water Program.*

*- 400.1.3 (1 pt.), The minimum setbacks provided for in this Chapter cannot be reduced for gravel wells without a specialty well application as provided for in Section 400.7 having been approved by the Commission prior to drilling.*

- 6-7-23, Notice of Violations, sent
- 6-14-23,

Motion to table complaint until next meeting July 2023

❖ **MOTION:** Frank Hegarty    **2<sup>nd</sup>:** Mike Otley    **VOTE:** Unanimous

**\*\*HANSCOM WD-CARMEL WD – complaint, rcvd 11-01-21 – OPEN\*\***

- a. 5-11-22,
  - o Motion to table issues until all 4 – quarterly samples are taken. \*(2022-2023, Spring/Fall) Hegarty/Locke – Unanimous
  - o Motion to turn over alleged SWA forgery issue to Margaret Machaiek, AAG office Dyer/Goodwin – Unanimous
  - o Motion to table complaint until next meeting (6-8-22). Otley/Dyer - Unanimous
- b. 6-8-22,
  - o Water well was difficult to assess, decided to have Carmel WD take periodic samples, over the course of 1-2 years
  - o Waiting upon sampling compliance, Spring/Fall 2022, (June 20, 2022)
  - o Karl Rudnicki is appealing the MWWC decision; issue is tabled until compliance is met
- c. 9-13-22, \*Follow-up Conducted: Karl Rudnicki and Alex Pugh; continuous
- d. 2-14-23, received lab report for Carmel Well Drilling - from Clear Water Lab
  - o Waiting for Spring 2023, for next lab report(s)
- e. 5-10-23, Alex Pugh, to do follow-up with Carmel Well Drilling for Spring sampling,
  - o no response to emails or letters.
- f. **6-14-23, \*Follow-up; Dwight Doughty to contact Carmel Well Drilling.**

Motion to table complaint until next meeting July 2023

❖ **MOTION**: Frank Hegarty    **2<sup>nd</sup>**: Mike Otley    **VOTE**: Unanimous

**FAIR HEARINGS: \*\* (Fair Hearings: pending settlement, meeting(s) dates, times, and place.)**

**HINTON- (1)AFFORDABLE & (2)A-Z WATER – complaint, rcvd 11-03-21 – OPEN**

- a. 4-13-22, Violations assessed for A-Z Water Systems and Affordable Well Drilling
- b. 5-5-22, Violation Letters sent to A-Z and Affordable
- c. 5-11-22, A-Z Appeal Response letter
- d. 5-23-22, Affordable Appeal Response letter
- e. 6-8-22, Pending Fair Hearing scheduling (date and time), (MOU, FHRF)
- f. 10-19-22, **Hinton - A-Z, Settlement Proposal received** – pending approval

**JONES- A-Z WATER – complaint, rcvd 10-19-21 – OPEN**

- a. 6-8-22, Violations assessed for A-Z Water Systems
- b. 7-1-22, Violation letter sent to A-Z
- c. 7-12-22, A-Z Appeal Response, received
- d. 7-13-22, Fair Hearing to be scheduled after paperwork submitted, (MOU, FHRF)
- e. 10-19-22, **Jones - A-Z, Settlement Proposal received** – pending approval

**\*\*NEXT MEETING\*\***

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**MONTHLY MEETING:**

**Wednesday, July 12, 2023, at 9am – (In-Person/Zoom)**

Location: 18 Elkins Lane, Room 109, Harlow Building, Augusta, ME

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**ADJOURNMENT:**

**TIME: 11:02 am**

Motion to Adjourn.

❖ **MOTION**: Mike Otley

**2<sup>nd</sup>**: Frank Hegarty

**VOTE**: Unanimous