

IGWA Bulletin

KEEPING UP WITH THE CHANGES

Seth Uhlenkott, Safety & Compliance Solutions

For the last several years, Seth Uhlenkott has spoken at the IGWA annual convention. Due to leaving the Idaho State Police and starting his own consulting business, he was unable to attend last month. Here is his latest update on FMCSA rules and changes.

Constant changes in laws and rules from government agencies such as OSHA, DEQ, and EPA can be stressful, time consuming, and costly. The last thing on your mind is the Department of Transportation (DOT). The DOT could possibly keep you from getting to your jobsite or business, costing you thousands of dollars every day.

After 15 years with government agencies in commercial vehicle enforcement, Seth Uhlenkott brought his experience to private industry to help small companies operating under USDOT regulations. He began his career with the Idaho Transportation Department as a Port of Entry Inspector and joined the Idaho State Police in 2004. During his day to day activities, he found many people in the private business sector frustrated by DOT requirements, regulations, and unknown expenses related to changes. Seth felt he could better help people by creating Safety & Compliance Solutions, a consulting company to help them navigate through the changes and regulations.

When was the last time you checked your Driver Qualification Files or updated driver medical cards? Do you properly track your vehicle maintenance? Are you keeping Hours of Service records per the DOT standard? By the end of 2017, Electronic Logging Devices (ELDs) will be mandated. There are a few exceptions that may help you out. New standards are currently being established for CMV drivers who are just starting into the driving industry. These rules can have a significant impact on how you train and maintain records for all drivers.

Continued on page 17



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Table of Contents:

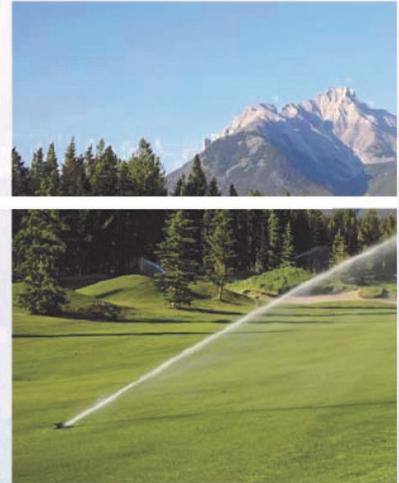
- 1 Keeping Up with Changes
- 3 IGWA Board of Directors & Table of Contents
- 5 State Regulators Assess Idaho Oil & Gas Program
- 6 Operational Stage of the Well
- 7 Idaho Oil & Gas Program (*cont'd from pg5*)
- 9 NGWA: Follow up on WA *Hirst* Decision
- 11 & 13 Community Milestones
- 12 NGWA (*cont'd from pg9*)
- 15 Safety Tips
- 17 Keeping Up with Changes (*cont'd from pg1*)
- 18 Legislative Update
- 20 CEC Workshops

Advertisers:

- 2 Mitchell Lewis & Staver
- 4 2M Company, Inc.
- 6 Water Recovery Services
- 8 Western Hydro
- 10 Rockmore International & DigLine
- 12 WyoBen Inc.
- 14 Baroid IDP
- 16 2M Company, Inc.
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State regulators release assessment of Idaho's oil and gas regulatory program



Boise, Idaho – The State Oil and Gas Regulatory Exchange (SOGRE), an innovative regulatory improvement program created under the States First Initiative by two state-based organizations, finds Idaho's oil and gas regulatory structure to be mostly in line with the regulatory practices of other oil and gas producing states, and provides guidance for Idaho as its regulation of oil and gas exploration, drilling and production continues to evolve.

Team members of this SOGRE assessment presented its final assessment report of Idaho's oil and gas statutory authorities and implementing regulations during a joint meeting of the Idaho Senate Resources and Environment Committee and Idaho House Resources and Conservation Committee today.

"The SOGRE Team...did not identify material substantive gaps in the implementing regulations," stated the report.

This SOGRE assessment team is comprised of top state oil and gas regulators that have more than 140 years of combined oil and gas experience. The team provides expertise in distinct oil and gas related subject matters.

"The SOGRE peer assessment offers state oil and gas agencies a unique opportunity to engage with technical, legal, and regulatory experts from across the country," said Matt Lepore, director of the Colorado Oil and Gas Conservation Commission and the lead for the IDL peer assessment. "By requesting a comprehensive assessment from SOGRE, Idaho is proving their commitment to the continuous improvement of effective regulatory programs for the health and safety of Idahoans and the environmental protection of the State."

The IDL requested the comprehensive SOGRE assessment in early 2016 to evaluate Idaho's overall regulatory framework, compare existing programs and processes to similar states, clarify rules and definitions, acknowledge current oil and gas technology, and identify any potential issues for consideration.

The peer assessment report provides guidance to a number of specific of regulatory and administrative issues that IDL identified in its request to SOGRE. The assessment team also addressed other issues for IDL's consideration as its rules and procedures continue to develop.

The report's findings include:

- Existing Idaho statute provides the authority needed to effectively regulate oil and gas exploration and production in Idaho, and there are no substantive gaps in existing administrative rule.
- The State's current approach to well spacing is appropriate at this stage of development. Idaho has the necessary tools in place to adjust spacing as needed.
- Idaho may wish to consider pursuing permitting primacy for Class II Underground Injection Control (UIC) from the Environmental Protection Agency.
- Contractors, performance metrics, and staff with appropriate expertise should be put in place to make the most of program resources.
- Idaho's 15-day requirement for Idaho Department of Lands (IDL) approval or denial of drill permit applications could pose challenges. Some states require a "timely and efficient" permitting process without firm timelines.
- Twelve specific considerations for program improvement were identified, with topics ranging from horizontal well standards, Class II UIC wells, electronic forms and databases, increasing blanket bond requirements, and recycling of produced water.

Continued on page 7

Operational Stage of the Well,

published by NGWA Press

Increase Knowledge of Well Maintenance in Just-Published Book from NGWA Press

Authored by long-time industry professionals Thomas M. Hanna, PG, Michael J. Schnieders, PG, PH-GW, and John H. Schnieders, Ph.D., CPC, it details how to understand various factors and how they impact well operation and maintenance. Through research, field work, and laboratory work, they have developed a method for assessing the information and assigning a value to the well in regard to its health.

The authors bring a wealth of knowledge to the topic. John Schnieders, author of the 2003 book *Chemical Cleaning, Disinfection & Decontamination of Water Wells*, gave the NGWA Foundation's William A. McEllhiney Distinguished Lecture Series in Water Well Technology presentation in 2002. Michael Schnieders, his son, is delivering the lecture this year. Thomas Hanna, who wrote the 2006 NGWA Press text *Guide for Using the Hydrogeologic Classification System for Logging Well Boreholes*, has led several NGWA workshops and training sessions for other groups around the country.

The book is available in the Online Bookstore at the National Ground Water Association's website, www.NGWA.org.

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Continued from page 5

“We appreciate our colleagues and thank them for their comprehensive assessment and thoughtful recommendations on Idaho’s oil and gas regulatory structure,” IDL Director Tom Schultz said. “Their review provides reassurance that Idaho is on the right track in many areas of oil and gas regulation, and it gives us a launching point for future adjustments as we continue our efforts to encourage oil and gas production while preventing waste of resources and protecting water and rights of mineral owners.”

“Idaho has the fundamental tools and foundation in place to adequately oversee oil and gas operations,” said Carl Michael Smith, executive director of the IOGCC. “Like many other states, Idaho will further develop its regulatory programs and continue to progress as it faces its own challenges and issues.”

SOGRE is a product of a joint venture between the IOGCC and GWPC. The mission of the SOGRE is to assist states to continually improve state oil and gas regulatory programs by providing member states consultation and program assessment services targeted to their specific needs.

“The SOGRE process allows states to access the best-of-the-best in terms of regulatory expertise,” said Mike Paque, executive director of the Ground Water Protection Council (GWPC). “It is becoming a living laboratory for developing sound oil and gas regulations and recognizing and addressing emerging issues in the oil field.” The report also will be presented at the regular meeting of the Idaho Oil and Gas Conservation Commission Thursday. To read the full report, please visit StatesFirstInitiative.org.

###

States First Initiative is a state-led initiative aimed at facilitating multi-state collaboration and innovative regulatory solutions for oil and natural gas producing states. Governors, regulators, and policy leaders from oil and gas producing states across the country have partnered with the IOGCC and GWPC in this endeavor. This joint initiative allows a unique mix of regulatory experts, state policy and technical staff from across the country to come together and to share the way they do business, review internal operations and opens up opportunities for extrapolating effective practices from one state to another.

As leaders, the states recognize the need to continuously improve and to develop innovative solutions to emerging regulatory challenges. Through States First programs, state regulatory agencies are collaborating and communicating with one another in an ongoing effort to keep current with rapidly changing technology, as well as to share the very best and innovative regulatory procedures from state to state.

Ground Water Protection Council (GWPC) is a nonprofit 501(c)6 organization whose members consist of state ground water regulatory agencies which come together within the GWPC organization to mutually work toward the protection of the nation’s ground water supplies. The purpose of the GWPC is to promote and ensure the use of best management practices and fair but effective laws regarding comprehensive ground water protection.

The mission of GWPC is to promote the protection and conservation of ground water resources for all beneficial uses, recognizing ground water as a critical component of the ecosystem. The organization provides an important forum for stakeholder communication and research in order to improve governments’ role in the protection and conservation of ground water.

Interstate Oil and Gas Compact Commission (IOGCC), comprised of 38 oil and gas producing states, is a multi-state government entity that promotes the conservation and efficient recovery of domestic oil and natural gas resources while protecting health, safety and the environment.

The Commission, acting through member-state governors, assists states to maximize oil and natural gas resources through sound regulatory practices. As the collective voice of member governors on oil and gas issues, the IOGCC advocates for states’ rights to govern petroleum resources within their borders.

Reprinted with permission from Idaho Department of Lands; via StatesFirst An Initiative of the IOGCC & GWPC News Release. Copies of the full report are available at <https://www.idl.idaho.gov/oil-gas/regulatory/index.html>

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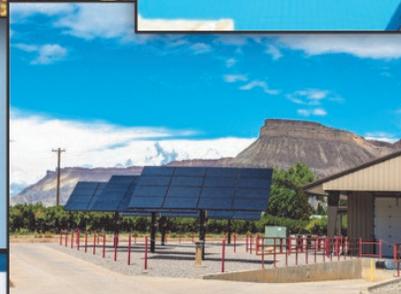
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Water Law Attorney Explains Washington State Supreme Court Ruling

The National Ground Water Association's monthly publication, *Water Well Journal*, spoke with Peter Scott, a partner with the law firm Gough Shanahan Johnson & Waterman in Bozeman, Montana, and a former hydrogeologist who has authored articles for *WWJ*, about the *Whatcom County v. Hirst* Decision and what the ruling means for residential water well systems in Washington.

Here is a recap of that interview:

WWJ: How will this ruling affect water well contractors in Whatcom County? Will it affect contractors working across the state?

Peter: It will take some time for the dust to settle following the Washington State Supreme Court's decision in *Whatcom County v. Hirst et al.* on **October 6**. The decision, which imposes a duty upon Whatcom County to determine the physical and legal availability of water before issuing land use approvals requiring water, will have a direct effect on water well contractors in Whatcom County by limiting the future ability of land owners to use private "exempt" wells to appropriate groundwater for development needs. While the Courts ruling is specific to Whatcom County's comprehensive land use plan, the holding is applicable to all county's planning under the Growth Management Act and arguably all others as well. Therefore, it is expected to affect water well contractors statewide over time.

WWJ: What if a contractor has jobs already scheduled in Whatcom County? How will this ruling affect contractors trying to finish jobs that have signed contracts?

Peter: Under Washington State law a project is "vested" when an application is filed, meaning the applicant is entitled to proceed under rules in effect at the time of application. So, assuming the work already scheduled is the subject of an existing application, the job should go forward. Less clear is what counties will do with applications that are filed after the *Hirst* decision was announced.

A number of counties appear inclined to accept applications until their own existing land use rules are amended, which could take many months. Others appear inclined to take a more immediate and proactive approach to implement changes. Spokane County, for example, has already announced applications filed after the *Hirst* decision is final (20 days after filing unless reconsideration is sought) must comply with the requirement to demonstrate water is physically and legally available. In announcing that decision, the county stated the Court mandate "limits the county's ability to approve new building permit applications that will utilize a private well" especially where existing instream flow rights are not being met.

WWJ: What is the likelihood of the opportunity to challenge the ruling? If so, what does that entail?

Peter: The Supreme Court's decision is final unless it is amended in response to a timely motion for reconsideration. Whatcom County has indicated that it does not intend to seek reconsideration, so the decision is expected to become final on **October 26**, which is 20 days after the opinion was filed. At that point the only practical way to address the decision is through the legislature.

Continued on page 12

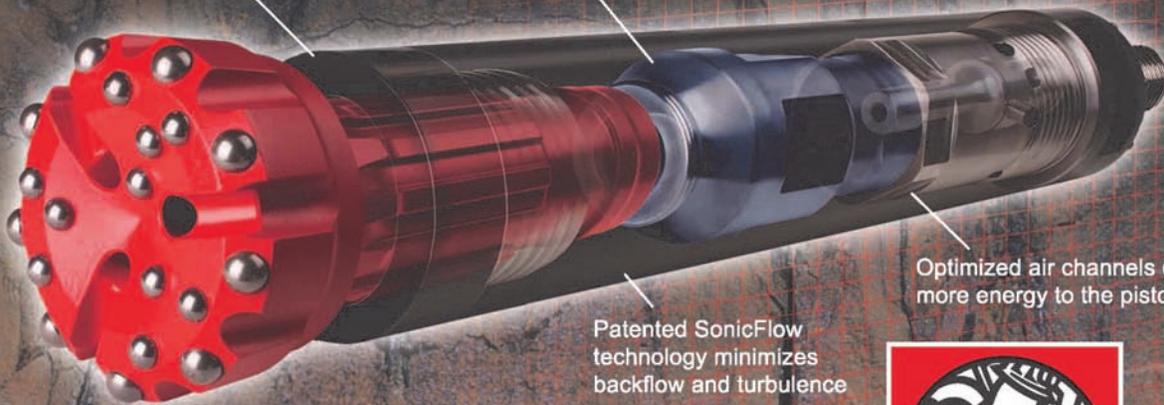
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SOUTHWEST DISTRICT HEALTH
has requested IGWA's help in promoting two events:

Caldwell Free Nitrate Screening
March 7, 2017

Information will be available for Source Water Protection, Septic Care, and a variety of other private well concerns.

Rural Community Assistance Corporation (RCAC)

is offering

Free Private Well Assessments
in Canyon County.

Based on the response, RCAC will consider extending this service to other parts of Idaho.

For more information contact Jami Delmore

P: 208.455.5403

E: jami.delmore@phd3.idaho.gov

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COMMUNITY MILESTONES



Bob Oliver, CETCO (center) was honored by IGWA at the 2017 annual convention. Bob has retired after 48 years in the industry.

Bob asked us to extend his thanks to IGWA for honoring him at the Show and to express his appreciation for the many years of working with them. He said IGWA is a wonderful organization and it has been a pleasure to work with all of you.

IGWA Crisis Fund Auction raises \$6000.

Our thanks to the members & vendors who donated and purchased items at this year's event.

The Crisis Fund has responded to member needs four times in the last two years.



IGWA welcomes new officers and directors:

President Legrand Baker, Pump Service; Vice-President David Baker, Apex Drilling; Associate President Matt Baker, Apex Drilling; Associate Vice President Curtis Johansen, Pump Service; M&S President Seth Sheets, Robertson Supply; and Directors David Baker and Dave Adamson.

IGWA would also like to recognize the service of outgoing officers and directors: outgoing President Kenny Vollmer, Jr., Vollmer Well Drilling, Director Tony Hackett, Down Right Drilling, and M&S President Chad Draper, 2M Company, Inc. We thank you for your efforts on behalf of the well drilling industry.

Congratulations to the winners of the CEC "Time with Vendor" drawings: Kenny Vollmer \$100 & Joseph Greener \$200

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Continued from page 9

WWJ: How do you see this ruling potentially affecting contractors in neighboring states or across the country?

Peter: I expect the ruling to have an effect on contractors regionally. Most western states have a permit exemption for small groundwater withdrawals. Many states are under pressure to repeal or amend those permit exemptions and the *Hirst* decision will undoubtedly be brought to the attention of legislators being asked to limit use of permit exempt wells. In addition, I expect to see litigation filed in a number of states challenging the state's right to allow permit exempt appropriations to continue in basins where senior water rights, particularly instream flow rights, are not being satisfied.

WWJ: Lastly, what action steps do you recommend for contractors in Washington to take on this cause?

Peter: There are several things water well contactors can do. First, read the Court's decision to understand that it directly targets the use of private wells to support development statewide (www.courts.wa.gov/opinions/index.cfm?fa=opinions.showOpinion&filename=914753MAJ).

Next, call your local legislators and demand action. Then, communicate with the state association about proposed legislation and find time to testify in Olympia about the impact this decision is having on their livelihoods. In the meantime, water well contactors should get educated on the use and availability of mitigation banks and other legal mechanisms for establishing groundwater sources that are available for development. In other words, learn where water is physically and legally available, because those are the locations where wells can be drilled.

Reprinted with permission from NGWA via Water Well Journal 2017

IGWA's Annual Convention & Trade Show was held on January 25 & 26th.

Approximately 200 drillers, vendors and speakers attended the two day event at the Nampa Civic Center.



Eric Forsmann, Stuivenga Vessey Drilling with sons Josh Forsmann, and Caleb Forsmann (above)

April Teague-Tyner and son Jacob in their trade show booth enjoying "Time with Vendors". (below)

Yes I am enjoying my first IGWA convention!



Our outgoing president enjoying the speaker



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My Well Drilling Friends,

I appreciated the chance to meet with all of you at the last convention. If you missed it, you missed the chance to not only pick up some much needed continuing education hours, but also some really good information for your company.

If you did attend, you had the chance to listen to a presentation or two giving by yours truly. Thank you for not throwing food or other items from your tables. This year I was given the opportunity to talk about many topics. One of them is the same one that I have spoken on before. That would be the need of a active Health and Safety Program for your business. Thank you for the comments before and after the presentation. It showed me that you are starting to think of safety more and more each year.

I told you that there were many helps in this area, and that I would give them to you during the presentation, (as a slide), and after. This is the after.

The State Insurance Fund has put out a lot of information on the subject of an Injury and Illness Prevention Plan. You can find their information at: www.idahosif.org –Look under Loss Control.

They will help you with a Management Safety Policy and a Supervisor Safety Training Course. They have also started to include some Safety News on their website.

OSHA's website www.osha.gov/dcsp/compliance_assistance/sampleprograms.html will have a bunch of help in the form of General Safety and Health programs.

If you want to look at a different approach try: www.cals.uidaho.edu/agsafety/frmsaf01.pdf for Developing a Safety and Health Program to Reduce Injuries and Accident Loss.

Each website will give you an idea and in some cases, an actual written program, that you can modify to your specific type of business and then implement.

You might think that doing nothing has served you well, why change? Well, the best I can tell you is that safety should not come by accident. Take care, Mike



NEW FEATURE

*BILL BANKHEAD, OSHA
Compliance Assistance Specialist,
US Dept of Labor - OSHA provided the following
information, Safety Fest of the Great Northwest
2017:*

All sessions are free—Registration now open

North Idaho – February 22-24
North Idaho College Workforce Training Center, 525
South Clearwater Loop, Post Falls, ID [nic.edu/
safetyfest](http://nic.edu/safetyfest)

Southern Idaho— March 20-22
College of Southern Idaho (CSI), HSHS Building,
315 Falls Ave., Twin Falls ID
safetyfest@csi.edu

Pocatello - April 4-6
Red Lion Hotel Conference Center,
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*Safety Fest offers 3 days of free safety and health
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place to work and live. The classes, demonstrations,
and workshops are free to the public to ensure that
everyone has the opportunity to learn these impor-
tant skills.*

Bill also provided a link for the new Improved
Tracking of Workplace Injuries and Illnesses rule. It
is important for safety and health professionals to get
a better understanding of this rule. The link below
provides guidance and many examples.

[https://www.osha.gov/recordkeeping/
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Continued from page 1

The new ELD mandate will begin December 18, 2017 and applies to most motor carriers and drivers. While there are many exceptions, especially for carriers who previously operated under short haul exceptions, failure to fully comply with the new rules can cause your drivers to be placed *Out of Service*, costing you thousands in productivity and fines. There are a few exceptions to the new rule, but there are benefits to using ELDs such as simplifying driver logs, reduction in paperwork, and maintaining clear accurate files. The FMCSA has provided information and a checklist for carriers on their website. Go to <https://www.fmcsa.dot.gov/hours-service/elds/drivers-and-carriers> for more information.

Safety & Compliance Solutions offers a Safety Management Service that will improve your DOT Safety score, lower your insurance costs, assist with proper record keeping and help drivers stay in compliance. **Safety & Compliance Solutions** can review your record keeping, ensuring you have proper policies and procedures in place. We also can help train your drivers for safer travels and compliance in between jobsites.

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LEGISLATIVE UPDATE: The Idaho legislature convened in Boise on January 9th. Governor Otter's *State of the State and Budget Address* raised two issues that potentially impact water users. 1.) protect infrastructure like our electrical grid from cybersecurity threats. 2.) Collaborate between state and federal entities to promote active, local stewardship of our public lands and resources.

This is the first session in several years where water issues were not one of the dominant issues to address. Most water legislation is scheduled for committee hearings in either the House and Senate this week (February 20-24). This leaves time for the bills to move to the floor and meet the March 6th target date for transmittal between the respective legislative bodies.

This legislature is primarily focused on education funding, potential tax cuts, and health care issues, including how Idaho will handle Medicaid and the potential repeal of the Affordable Care Act.

Much of January was devoted to legislative review of agency rulemaking. The rules review process has progressed smoothly and at this point has been mostly completed. Of the rules that we are following, we have seen no issues of concern.

The Joint Finance & Appropriations Committee (JFAC) has completed its budget hearing process and began setting budgets for fiscal year 2017-2018, a process tentatively scheduled to be completed around March 10th. Setting the budget is key to final adjournment.

Before this legislature will be able to adjourn sine die, it must decide what to do with a projected \$130 million revenue surplus. There are three options circulating at this time: 1) provide tax relief; 2) repair infrastructure damaged by recent flooding; or 3) provide for additional education funding. At this time the Senate appears to favor infrastructure improvements and additional educational funding. The House has yet to demonstrate a clear preference for any of the three.

Barring any unforeseen glitches, this legislative session is moving smoothly and deliberately toward a timely adjournment.



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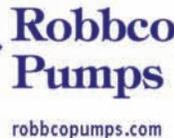
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IGWA Announces Spring CEC Events

March 2, 2017

CEC Workshop—Pocatello
Shoshone-Bannock Hotel
I-15 Exit 80

March 10, 2017

CEC Workshop—Nampa
Hampton Inn & Suites
5750 E. Franklin Rd

April 28, 2017

CEC Workshop—Moscow
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1516 Pullman Rd

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