



News & Views *from* OWWA

June 2013

As most of you know, we held our Well Construction Conference last month in Miami County. The Conference was a huge success for the Association. It gave everyone the opportunity for a very fun field day with lots of good networking. But there was another side to this Conference that I would like to tell everyone about. This Conference was also a huge success for my family. The Conference was held at my home. We were in need of a new water well and a water softener. Between our water's iron content and its lovely "fish-dog" taste, as I liked to call it, we were up to about 40 bottles of water a week and our tubs and toilets were always some shade of orange (not to mention my daughter's hair). Our water pressure always made me look forward to staying at a hotel.

The Conference changed all of that for the Millers. A new well, a new water softener, a UV purification system, the exciting addition of a geothermal furnace and now we're living the high life. No more bottled water and less cleaning for the tubs and toilets (which if you knew how domestically challenged I am in the first place, you would know how important this is). I can take a shower in half the time. The toilets flush better. The laundry is faster and I can buy white clothes now. Cloe's hair is slowly going back to blonde and I am happier to live where I live because of everything everyone did to make this Conference happen. Thank you so much to all of you. Specifically, I would like to thank our President, Hewie Fredebaugh for his extensive efforts in coordination and for effectively reaching out to our Sponsors for that much needed support. I would like to thank Bob Domer and Steve Kinney for spending a Friday night and Saturday in my basement doing a ton of prep work that made the Conference run as smoothly as it did. I would like to thank Rick Deems for assessing our water treatment situation, finding out how bad my old water was and then figuring out how awesome my new water was going to be. Thank you to Bob McClain for bringing the Franklin Electric trailer out to make our operation first-class, and for all of the donation of materials and equipment. A big thanks goes out to Jim Pape and Bill of DitchWitch for spending a day doing the pre-Conference directional shots in addition to doing their presentation the day of the Conference. Thank you to Todd Mount for heading up the exterior work on the water well and pump and for bringing the supplies to seal up the old well. Thank you Jacob Crabtree and Crabtree Well & Pump for drilling my super awesome water well and the two geothermal wells. Thank you again Steve Kinney and Jamison Well Drilling for drilling the show-day geothermal well. Everyone really enjoyed that part. And

a very large thank you to Dave Yeager. Dave spent a Saturday doing the pump test on the new well and was a very helpful advisor to me throughout this entire process. Helping a girl who hardly knows anything about wells pull off one heck of a well conference is no small task and I appreciate everything you did. Thank you to everyone who presented and pitched in the day of the Conference and otherwise. Please check out our Conference Highlights inside and the complete listing of all of our friends and associates that made this thing happen.

And on behalf of the Miller Family: THANK YOU ALL!

News & Views is going green!

If you would like to continue receiving a hard copy of this publication, please send your request to Rachel at rpinkus@assnsoffice.com or fax your request to 937-278-0317



Megan Miller: first drink out of new well



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Legally Speaking

By Bob Dunleavy

EMPLOYMENT OF YOUNG WORKERS

With summer often comes employment of young workers. This answers many of the common questions about restrictions imposed by state and federal wage-hour laws. In general, the type of work that a minor may perform is related to the youth's age, the nature of the work and schooling status. State and federal laws vary somewhat and the federal regulations were significantly amended in July 2010. Here is a basic summary:

14 and 15 year olds:

- can work up to 3 hours on a school day, Monday through Friday and 18 hours during a school week.
- can work up to 8 hours a day on a non-school day, or 40 hours in a non-school week.
- cannot work during school hours.
- cannot work before 7:00 a.m. or after 7:00 p.m. when school is in session (except from June 1 through Labor Day when evening hours are extended to 9:00 p.m.)
- cannot work in any manufacturing, processing, mining, construction, warehouse operations, maintenance or repair of machinery, and many restrictions apply in cooking.
- cannot work in any of the 17 Hazardous Occupations listed below, for "16 and 17 year olds."
- cannot load/unload trucks.
- cannot use power driven machinery, mowers or cutters
- Under federal law the prohibited occupations for minors under 16 is broader than it appears and includes such things as outside window washing from ladders, work in boiler/engine rooms and work in connection with vehicles using lifting apparatus or tire inflation of removable rims, mowers and cutters

16 and 17 year olds:

- While federal laws do not restrict the number of hours or times of day that workers 16 years of age and older may be employed, many states do so and these state restrictions primarily address work during the school day
- 16 and 17 year olds can work in any occupation except those declared hazardous by the Secretary of Labor. The 17 Hazardous Occupations for non-farm work deal with the following:
 1. Manufacturing or storing explosives
 2. Driving a motor vehicle as primary job or being a vehicle outside helper -- but 17 year olds can perform incidental/occasional daytime driving for vehicles not exceeding 6,000 pounds within a 30 mile radius of the place of employment
 3. Coal mining
 4. Logging and sawmilling
 5. Power-driven wood working machines
 6. Exposure to radioactive substances and to ionizing radiations
 7. Power-driven hoisting apparatus, including forklifts, bobcats and skid-steers
 8. Power-driven metal forming, punching and shearing machines
 9. Mining other than coal mining

10. Meat packing or processing (including power-driven meat slicing machines)
11. Power-driven bakery machines
12. Power-driven paper products machines
13. Manufacturing brick, tile, and related products
14. Power-driven circular saws, band saws, wood chippers, and guillotine shears
15. Wrecking and demolition
16. Roofing operations
17. Excavating operations

- Door-to-door sales/solicitation is permitted at age 16 under certain restrictions and swimming pool lifeguarding is permitted at age 15.

18 year olds:

- can work in any job for unlimited hours

Parental employment:

A parent's employment of his own child under the age of 16 is permissible in any occupation other than manufacturing, mining or in any of the 17 Hazardous Occupations listed above.

State laws:

State laws related to employment of minors vary from federal requirements and frequently are more restrictive. Employers should review the requirements of the states in which they do business. For example, Ohio requires a written wage agreement specifying the rate of pay for the youth.

Other laws:

Employment laws such as workers' compensation, safety, minimum wage/overtime and discrimination are equally applicable to young workers.

Minimum wage:

\$7.25 federal minimum wage as of July 24, 2009 unless \$4.25 "youth sub-minimum wage" used for first 90 days.

\$7.85 Ohio minimum wage as of January 1, 2013; West Virginia minimum wage \$7.25; and Indiana \$7.25.

Rest period:

Under Ohio law and some other states' laws, employees under eighteen must receive a thirty minute uninterrupted rest period (unpaid) after the first five hours of work.

Penalties:

Employers who violate the Fair Labor Standards Act child labor law provisions are subject to a civil money penalty of up to \$11,000 for each child labor violation and \$50,000 for a violation which causes the death or serious injury of a minor. Imprisonment can occur for repeated infractions.

Record keeping:

A list of minors employed and a written record of the hours worked and rest breaks taken must be maintained for two (2) years. Ohio requires a written agreement related to the compensation to be received and the display of a poster is also required.

This summary cannot provide all of the requirements for employing minors. If you wish additional information, contact Bob Dunleavy at Dunleavy, Mahan & Furry at (937) 223-6003.

Court Mulls Paver's Undue Burden Defense And Foreman's Request to Take Sabbath Off

By Chris Opfer

A Tennessee paving company foreman fired for refusing to work Saturdays after he became a Seventh-day Adventist showed the decision may have been discriminatory by claiming that he offered to take a demotion and by arguing that the company did not need all of its foremen to work weekends, a federal court ruled April 17 (*Morris v. Four Star Paving LLC*, M.D. Tenn., No. 3:12-cv-00387, 4/17/13).

Denying Four Star Paving's motion for summary judgment on Danny Morris's claims under Title VII of the 1964 Civil Rights Act, the U.S. District Court for the Middle District of Tennessee said Morris raised triable fact issues that it could not resolve at this stage in the litigation.

The company argued that it would cause an undue burden to allow Morris to continue in the foreman position without working Saturdays because occasional weekend work was "essential" to its business. Four Star also claimed that it nevertheless offered Morris the opportunity to temporarily switch to an hourly job after he stated that he was unwilling to work Saturdays for religious reasons.

Morris, on the other hand, said it was he who suggested the demotion and the company turned him down. He also asserted that Four Star could have coped without him on weekends as the company rarely needed all three of its foremen to work at the same time and allowed one foreman to supervise more than one crew at the same time after his termination.

Judge William J. Haynes Jr. issued the court's opinion.

First Beer and Golf, Then Religion

Four Star hired Morris as a base foreman in 2003, a position in which he was responsible for the operation of one of three crews.

In addition to supervising crew members, Morris and other foremen prepared surfaces for asphalt using grader equipment, which the court explained required "substantial skill and training."

Four Star is a subcontractor so its work schedules were largely determined by customer needs and the weather. Asphalt can only be laid in dry weather and at the appropriate temperature. Owners Mike Maynard and Charles Birdwell—Morris's cousin—decided each week whether crews would be required to work over the weekend.

Maynard described Morris as an "excellent employee" and the company sent him to a 12-month leadership program in 2009 as part of his grooming to eventually assume Birdwell's duties.

Morris and Birdwell began attending the same Baptist church in 2009, but Morris switched to a local Seventh-day Adventist church the next year. Saturday is the religion's Sabbath, and members attend services and avoid secular activities from sundown Friday until sundown Saturday.

Maynard and Birdwell were aware that Morris had become a Seventh-

day Adventist in early 2010 and both men knew that the religion recognizes Saturday as the Sabbath.

While Maynard testified in a deposition that he "sensed it could be a problem down the road," he also said he was not aware of Morris's level of commitment to the religion. Maynard said he was not sure whether Morris's affiliation with the church would last, noting that Morris had spent his weekends "drinking beer and playing golf" in the year prior to his conversion.

Job in Jeopardy

The company did not require crews to work weekends during the first five months of 2010.

Morris's crew was scheduled for Saturday work, however, June 5 and June 26.

Birdwell met with Morris June 4, 2010, and asked him whether he would be at work the following day. When Morris said he would be at church, not work, Birdwell allegedly responded by telling him, "[Y]ou're fixing to lose your job."

During a second meeting later the same day, Maynard told Morris he could not continue to work as a foreman without being available to work Saturdays.

In a June 8, 2010, letter to Maynard, Morris requested that he be allowed not to work Saturdays as an accommodation for his religious beliefs. Maynard responded by explaining that he could not grant the accommodation request because it would result in an undue hardship on the company.

Morris claimed that he later offered to move to an hourly position working on an asphalt crew, but that Birdwell told him Maynard "wasn't comfortable with it."

Maynard, on the other hand, testified that he proposed to temporarily reduce Morris's role to an hourly grade operator position in which he would not be required to work Saturdays. Maynard further explained that he did not expect the move to be permanent and instead intended to give Morris time to decide if he wanted to return to the foreman position.

Morris declined the offer, according to Maynard and Birdwell.

The parties also dispute whether Morris ultimately quit his job or Four Star fired him.

A discipline record shows that he was cited three times for failing to show up for Saturday shifts and that he quit June 28, 2010. Meanwhile, Morris testified that Maynard fired him when he continued to refuse to work Saturdays.

Morris later sued the company, claiming it violated Title VII by firing him because of his religion and failing to make reasonable accommodation.

Fact Disputes Abound

Denying Four Star's summary judgment motion, the court found that fact issues remained as to whether the company offered Morris an

hourly position and whether granting his accommodation request would have resulted in undue burden.

Morris raised an inference of discrimination, according to the court, by establishing his “sincere religious beliefs as a Seventh Day Adventist,” the conflict between those beliefs and his obligation to be available to work Saturdays, and the discipline he received as a result of missing work.

The court further observed that the question of whether the company offered to move Morris to another job or—as Morris claimed—rebuked his offer to move, remained unanswered.

It also was unclear whether accommodating Morris by allowing him to stay in the foreman position without being required to work Saturdays would have resulted in an undue burden on the company.

According to Maynard, Four Star had to cancel jobs when Morris failed to show on two separate Saturdays in June 2010, because the company’s two other foremen were supervising their crews the same days. Once Morris was no longer working for Four Star, Maynard said its capacity was reduced by 33 percent because it could only operate two

crews at a time, rather than three.

The company further asserted that occasional weekend work was “essential” to its business and that exempting Morris from this work could jeopardize Four Star’s relationship with its customers. It also noted that allowing the requested accommodation “could only be done at the expense of others who had strong, but perhaps nonreligious, reasons for not working on weekends.”

Yet Morris argued that it was rare for the company to need all three of its crews to work the same weekend. Moreover, according to Morris, the company allowed one foreman to oversee two crews at the same time during weekends following his termination.

These fact disputes precluded summary judgment, the court found.

Morris was represented by Todd R. McFarland of the General Conference of Seventh-day Adventists in Silver Spring, Md., and Wade B. Cowan of Davies, Humphreys, Horton & Reese in Nashville, Tenn. Marcia M. Watson and Mary D. Smith of Constangy, Brooks & Smith in Nashville represented Four Star.

Basic Recordkeeping for Employment Taxes and Information Return Reporting

For you to be able to respond to any inquiries from the IRS about your tax forms, you should keep the following records for at least three years after the due date of the return or the date it was filed, whichever is later. In the case of quarterly (Form 941) returns, the due date is considered April 15th of the calendar year after the quarter ends. In some cases, you may want to keep the records longer.

Employment tax:

- Forms 941 or 944
- Employee copies of Forms W-2 and W-3
- Employee Forms W-4
- Employee Forms W-5
- Records of fringe benefits paid to employees, and how their value was determined
- Names, addresses, and social security numbers of all employees
- Dates of employment for each employee
- Special payments such as sick pay, lump sum leave payments
- Travel vouchers and other accounting for reimbursements to employees
- Receipts, cancelled checks, etc., for deposits made or tax paid with return

Vendor or nonemployee payments:

- Names, addresses, and taxpayer identification numbers of payees
- Dates of payment
- Forms W-9
- Payer copies of 1099-MISC and other information returns
- Forms 945
- Description and purpose of payments made
- Notices related to backup withholding

How should I record my business transactions?

A good recordkeeping system includes a summary of your business transactions. Business transactions are ordinarily summarized in books called journals and ledgers. You can buy them at your local stationery or office supply store.

A **journal** is a book where you record each business transaction shown on your supporting documents. You may have to keep separate journals for transactions that occur frequently.

A **ledger** is a book that contains the totals from all of your journals. It is organized into different accounts.

Whether you keep journals and ledgers and how you keep them depends on the type of business you are in. For example, a recordkeeping system for a small business might include the following items.

- Business checkbook
- Daily summary of cash receipts
- Monthly summary of cash receipts
- Check disbursements journal
- Depreciation worksheet
- Employee compensation records



Note: The system you use to record business transactions will be more effective as you follow good recordkeeping practices. For example, record expenses when they occur, and identify the source of recorded receipts. Generally, it is best to record transactions on a daily basis. For additional information on how to record your business transactions, refer to Publication 583, Starting a Business and Keeping Records.

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Participating OWWA Members and OWWA Staff would like to thank you in advance for the donation of your time.
If you need reimbursement for your FSR Admission for the day that you cover one of the shifts above,
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OWWA JOINING FORCES

The Ohio Water Well Association is partnering with the National Ground Water Association on a concept to create a state-wide awareness campaign that might be used as a model to be replicated across the country. The NGWA has pulled together a group of public and private organizations to help accomplish this goal. In addition to OWWA and NGWA, the Ohio campaign will include the Ohio Department of Health, the Ohio EPA, the Ohio Department of Natural Resources and The Ohio State University.

The goal of the campaign is to motivate private well owners to test their water and to help them understand the results so that they will take informed action to protect their health and ground water resources. OSU is developing an online water test interpretation tool and related guidance documents that will be the core resource of this campaign.

Look for more information from OWWA as the project progresses on how you can use these tools with your customers and utilize the other industry information resources developed during this campaign.



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Ohio Governor Kasich Announces \$1 Billion Workers' Compensation Rebate

Governor John Kasich announced plans Thursday to give Ohio employers a \$1 billion rebate from the Ohio Bureau of Workers' Compensation (BWC) and another \$900 million in credits as the agency revamps its payment system.

"I would call this one of the most important economic stimulus measures you can see. We're actually going to do cash rebates," the governor said during a news conference at a small T-shirt shop in Columbus. "Being able to give \$1 billion in cash means there's going to be a heck of a lot more money floating around inside the state of Ohio and it will be of significant benefit to employers, particularly small business people," he added.

The governor and BWC Administrator Steve Buehrer said they would submit the rebate proposal to BWC's Board of Directors for approval at their next meeting in late May.

"We're very confident this will happen. Employers will likely see rebate checks in June or July," the governor said.

The governor said the total \$1.9 billion proposal was due largely to growth in the bureau's investments, which yielded a return of about 11% over last year.

Mr. Buehrer said the bureau's "careful investment approach" has increased net assets to about \$8.3 billion, which was separate from the money needed to pay workers' compensation claims and far in excess of the reserve guidelines the board established in 2009.

"Therefore, it's only right that we give (the money) back to the people that paid, the employers of Ohio," he said.

A separate plan to convert the payment system to a prospective schedule, rather than billing in arrears, will require legislative approval, Mr. Buehrer said. Under this proposal, BWC would issue \$900 million in credits to employers to offset transition costs, while lowering premium rates another two percent for private employers and four percent for public entities.

The surplus will enable BWC to modernize its payment system, Buehrer said, noting the barrier has always been that BWC would have to charge premiums for both the past six months and the future six months at the same time. "Because of the strong net asset position we'll be able to do a one-time forgiveness, likely in July of 2014 when we make this conversion," he said.

BWC's board has recommended a ratio for assets to liabilities at a range of 1.15 to 1.35, the administrator said. The proposed \$1 billion dividend and the \$900 million credit will bring the current 1.49 ratio closer to 1.35. The administration opted to pay dividends instead of focusing on reducing premium rates because it didn't want to "set off the kind of roller coaster that Ohio has had too often, with BWC rates going up and down based on a cash balance," Buehrer said. He also noted that private insurers often pay dividends when cash assets accumulate.

"This is a one-time deal in terms of a big dividend. We will always continue to monitor our net asset position and make appropriate decisions as time goes along. But this is what we have today," Buehrer added.

Senate President Keith Faber (R-Celina), who joined the governor at the event, said the legislature was prepared to enact whatever changes were necessary to implement the plan.

In addition, BWC will triple the Safety and Wellness Grant program from \$5 million to \$15 million, officials said.

BNA Construction Labor Report

05/16/2013

Construction Industry Recovery Broad-Based; Shale Mining, Housing Rebound Top Factors

By Kevin Lambert

The construction industry is recovering slowly from the recession, the supply of land and construction materials is suddenly more important than the pool of home buyers, and by 2020 the United States will have replaced Saudi Arabia as a source of oil, construction industry economists said May 9.

During a webcast presented by Reed Construction Data economists described the overall industry situation as "healthy."

The discussion featured Bernard Markstein, chief economist for Reed Construction Data; Kermit Baker, chief economist for the American Institute of Architects; and Ken Simonson, chief economist for the Associated General Contractors of America.

Markstein, in an economic overview, said the economy has been growing at a barely acceptable rate. "It is enough to ... hold things and keep them from sliding back," he said. Employment is growing but the rate should be faster, he said.

Inflation has remained very low, "which gives the Federal Reserve a lot of room to maneuver," Markstein said. Another plus is the recovery in single-family housing, "which is definitely helping the economy," he added.

Drags on the Economy

Markstein listed upcoming issues that are holding the economy back, including lending standards which, although improved, are still "definitely tight."

In addition, he said fiscal austerity at the federal level may become a problem, as it has "trickled down to the state and local level."

According to Markstein, risks the economy may face include:

- The federal debt ceiling. The debt is rising at a slower pace, he said, but without raising the debt ceiling, "government [will] grind to a halt and definitely create a major problem for the economy in general." Markstein said he doesn't think that will happen; although he expects legislators to "run up to the edge of the precipice."
- The federal budget, which will have to be resolved by September. "We need to have funding for the government again," he said.

Those two "drags on the economy," he said, can be controlled. The events outside the control of the U.S. government are Europe, the euro, and the possibility of a European government debt default. "It is not as [likely] as it was, but it is a risk, as we saw with Cyprus." The effects of countries abandoning the euro, he said, would "immediately" have a negative effect on the U.S. stock market."

Finally, if oil prices were to spike—which he defined as reaching and staying at about \$150 per barrel—that could precipitate a recession.

Baker said the problems in construction have shifted from weak consumer demand to supply shortage issues in labor, materials, and land to build on.

OWWA Assists With Methane Mitigation Training

OWWA Board Member Brandon Mantel made a presentation on methane mitigation for private water systems at the Midwest Conference for Ohio Sanitarians.



Brandon received a nice letter of appreciation from Ohio Health Department Program Manager Rebecca Fugitt recognizing both Brandon and OWWA for their service to the industry.

This is just another way that OWWA and its members work together to not only represent the industry, but to also improve it through education and working with government agencies.

Rebecca has in turn worked with our association in providing the opportunity to OWWA for excellent two way communication between private industry and the State of Ohio.



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2013 Annual Convention & Trade Show Preliminary Schedule and Registration

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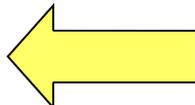
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7:30 a.m.	Breakfast
7:30 a.m. - 11:00 a.m.	Exhibitor Setup
8:00 a.m. - 9:00 a.m.	Ohio EPA Assembly
9:15 a.m. - 10:15 a.m.	Drive Units Exclusive
10:30 a.m. - 11:30 a.m.	Field and Trench Safety
11:30 a.m. - 12:00 a.m.	Tradeshow
12:00 a.m. - 1:00 p.m.	Annual Membership Meeting & Awards Luncheon
1:00 p.m. - 3:00 p.m.	Tradeshow
1:00 p.m. - 3:00 p.m.	Silent Auction
2:45 p.m.	50/50 Raffle
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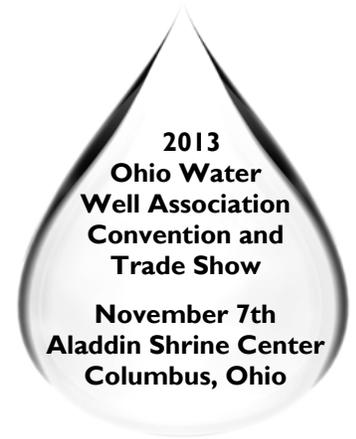
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GEOHERMAL HEATING AND COOLING INNOVATIONS: DESIGN, FINANCING AND REGULATION

WORKSHOP

Location: Holiday Inn – I-275
3855 Hauck Road, Cincinnati, OH 45241
Date: Tuesday, July 16, 2013
Time: 8:00am to 4:45pm



Convened by the:
American Ground Water Trust
Concord, NH
501(c)(3) Education Organization

Registration: www.agwt.org/events
For questions: 800-423-7748

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In cooperation with:
International Ground Source Heat Pump Association
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WHAT IT IS ALL ABOUT

Geothermal heating and cooling technology is advancing rapidly as implementation becomes more wide-spread and accepted in the HVAC market. These systems are appropriate to virtually all types of space-conditioning applications, including, office buildings, schools, historic structures, low income housing, hospitals, and ice rinks to name a few examples. This workshop covers new innovations in system design, financing options and regulation that are lowering initial costs and increasing savings during operation.

- RESOURCE SUSTAINABILITY & GEOHERMAL CONCEPTS
- STATUS OF THE GEOHERMAL INDUSTRY
- ALTERNATIVE FINANCING - HOW TO REDUCE "FIRST COSTS"
- VARIABLE FREQUENCY DRIVE GEOHERMAL HEAT PUMPS
- DRILLING TECHNIQUES - LOGISTICS AND GROUT
- THERMAL CONDUCTIVITY TESTS - OPTIMIZE COMMERCIAL DESIGNS
- HYBRID SYSTEMS - GHP/GHEX SYSTEM DESIGNS
- DESIGNING GEOHERMAL HVAC SYSTEMS
- MONITORING GEOHERMAL SYSTEMS
- NETWORKING AND MORE!

Watch your mail for your official Workshop Registration and more detailed information.

ABOUT OWWA



The Ohio Water Well Association had its beginnings in the 1930's. OWWA, a non-profit trade association, is dedicated to promoting the wise use and protection of Ohio's ground water resources for present and future generations. OWWA and its members cooperate with state regulatory bodies in the collection and dissemination of ground water data and in assuring that all water well systems are completed properly and professionally, meeting all current codes of construction to protect both the owner and the environment. Members of OWWA include water well drillers, pump installers, geothermal system contractors, manufacturers and suppliers of water system and geothermal products, geologists, engineers, regulators and others interested in the development and protection of Ohio's ground water resources. OWWA is an affiliate of the National Ground Water Association and supports the work of the American Ground Water Trust .

BECOME A MEMBER! Membership Application

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Your name _____

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