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**ENVIRONMENTAL PROTECTION  
LAND USE MANAGEMENT  
DIVISION OF WATER SUPPLY**

**Well Construction and Maintenance; Sealing of Abandoned Wells**

**Proposed Readoption with Amendments: N.J.A.C. 7:9D**

**Authorized By:** Lisa P. Jackson, Commissioner  
Department of Environmental Protection

**Authority:** N.J.S.A. 13:1D-1 et seq., 58:4A-4.1 et seq. and  
58:12A-1 et seq.

**Calendar Reference:** See Summary below for explanation of exception to  
calendar requirement.

**DEP Docket Number:** 15-06-08/477

**Proposal Number:** PRN \_\_\_\_\_

A public hearing concerning this proposal will be held on November 2, 2006 from 1:00 P.M. until close of comments at:

New Jersey Department of Environmental Protection  
Public Hearing Room, 1<sup>st</sup> Floor  
401 East State Street  
Trenton, New Jersey

Submit comments concerning this proposal by December 15, 2006 to:

Oneida Cuevas, Esq.  
Attention: DEP Docket No. 15-06-08/477  
Office of Legal Affairs  
Department of Environmental Protection  
P.O. Box 402  
Trenton, New Jersey 08625-0402

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The Department of Environmental Protection (Department) requests that commenters submit comments on disk or CD as well as on paper. Submission of a disk or CD is not a requirement. The Department prefers Microsoft Word 6.0 or above. Macintosh™ formats should not be used. Each comment should be identified by the applicable N.J.A.C. citation, with the commenter's name and affiliation following the comment.

This rule proposal can be viewed or downloaded from the Department's website at <http://www.state.nj.us.dep>.

The agency proposal follows:

### **Summary**

As the Department has provided a 60-day comment period for this notice, this proposal is excepted from the rulemaking calendar requirement under N.J.A.C. 1:30-3.3(a)5.

In accordance with the "sunset" provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., the Well Construction and Maintenance; Sealing of Abandoned Wells rules, N.J.A.C. 7:9D, expire on September 4, 2006. Pursuant to N.J.S.A. 52:14B-5.1c, this notice of proposal extends the expiration date by 180 days to March 3, 2007. The Department has evaluated these rules, and has determined that they are necessary, reasonable, and proper for the purpose for which they were originally promulgated, as proposed herein and discussed below.

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The Well Construction and Maintenance; Sealing of Abandoned Wells rules, N.J.A.C. 7:9D, establish a regulatory program that ensures protection of the State's ground waters and public health. The rules are adopted pursuant to the Subsurface and Percolating Waters Act (Act), N.J.S.A. 58:4A-4.1 et seq., which directs the Department to license all well drillers and pump installers; develop standards for the construction and installation of wells and the installation of pumps; establish regulatory and licensing fees; and impose penalties for violations of the Act and the implementing rules. The Department is proposing to readopt subchapter 1 with amendments and subchapters 2 through 4 without amendments.

The Department proposes amendments which include increases in well permitting fees, increases in licensing fees for well drillers and pump installers, elimination of the apprentice well driller requirement for prospective well drillers, and requirements governing the submission of more accurate well location data. The proposed fee increases are necessary to offset a projected program funding deficit of over \$1.4 million dollars by State Fiscal Year 2008. Increased fees are essential to ensure that the Department's Well Permitting Program has adequate resources to fulfill its obligations under the Act and the rules. The Department anticipates a future rulemaking to address approved grouting materials and procedures, general provisions for various licensing classes and related responsibilities, enforcement and penalty actions for violations of the rules, and specific continuing education requirements.

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Since 1947, more than 600,000 permits have been issued for the construction of wells within New Jersey aquifers. New Jersey is a densely populated and industrialized state that relies heavily upon ground water supplies for drinking water, agricultural, industrial and commercial processes. The State's water resources continue to be threatened by degradation or depletion due to a variety of factors, including point and non-point source contamination and salt water intrusion. Ensuring that the construction, modification and abandonment of ground water wells are conducted in a manner that does not compromise ground water quality is critical and supports other Department efforts administered by the Water Allocation, Safe Drinking Water and Site Remediation Programs.

The Department's well permitting efforts include the implementation of a comprehensive set of regulatory standards governing all aspects of well construction. The standards that have been in place for decades avoid cross-contamination of aquifers, and protect public drinking water supplies. As the number of wells increases, so too does the potential for harm to New Jersey's ground water and drinking water sources. Each of the Department's well permitting functions implemented under the rules is intended to reduce the threat of contamination to the State's aquifers, consequently protecting the health, safety and general welfare of residents by providing safe and adequate water supplies statewide. These standards apply to existing groundwater sources for public and private wells throughout the State, including the Pinelands, the Highlands, and areas designated for urban redevelopment.

A description of the rules proposed for readoption and the proposed amendments follow:

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**Subchapter 1. General Requirements for Permitting of Wells, and for Licensing of Well Drillers and Pump Installers, Procedures and Practices of the State Well Drillers and Pump Installers Examining and Advisory Board**

N.J.A.C. 7:9D-1 sets forth the authority for and scope and applicability of the rules, defines terms used throughout the rules, establishes application procedures and provisions for well driller licenses of the proper class and pump installer licenses, and sets forth provisions for the issuance of well permits.

The Department is proposing to delete the definition of an “apprentice well driller” at N.J.A.C. 7:9D-1.5 to reflect the Department’s elimination of the apprentice program. The definition of “license of the proper class” or “license,” is being amended to include the correct citation of N.J.S.A. 58:4A-11 and by adding “pump installing” to make it consistent with the wording at N.J.S.A. 58:4A-11. The definitions of “pump,” “pump installer,” and “well driller” are being amended to be consistent with those found in the Subsurface and Percolating Waters Act, N.J.S.A. 58:4A-4.1 et seq.

At N.J.A.C. 7:9D-1.7(a), the Department proposes to add the term journeyman (Class B) to the list of license classifications. The authorized activities of a journeyman (Class B) are detailed in N.J.A.C. 7:9D-1.7(a)3; however, the term was not previously included in the opening paragraph of this subsection.

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**ELIMINATION OF THE APPRENTICE PROGRAM**

At N.J.A.C. 7:9D-1.7(a)1 through 6, the Department proposes to eliminate the provision that a master well driller, journeyman well driller, journeyman (Class B) well driller, dewatering well driller, monitoring well driller and soil borer, sponsor an apprentice well driller. However, each licensed well driller will remain responsible for the supervision of all unlicensed individuals when conducting regulated activities.

The classification of “apprentice well driller” was established in 2001 as a means of monitoring prospective well drillers to ensure that those qualifying for licensing examinations had the required industry training. The lack of flexibility in the existing program requirements and poor participation by those in the well drilling industry have resulted in the inability to allow otherwise qualified candidates to be approved to take their respective licensing exams.

Under the current apprentice program, a prospective well driller must be a registered apprentice for three years in order to qualify for a licensing examination as a New Jersey journeyman or journeyman (Class B) well driller, dewatering well driller, soil borer, or monitoring well driller. During the three-year training period, the apprentice is required to annually submit work logs of experience signed by a licensed well driller of the proper class who has agreed to sponsor the apprentice throughout their training period. While an apprentice is always required to be supervised on site by a licensed well driller, it is challenging for an apprentice well driller to have consistent sponsorship from one licensed driller and subsequently

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submit work logs on time. Licensed well drillers often change employers or do not work during winter months, making it difficult for them to take a direct role in advising and training an apprentice. Those prospective well drillers that do not register as an apprentice, either because they are unaware of the requirements or because they are unable to secure a sponsor who satisfies the regulatory requirements, cannot take the exam, even if they have the necessary experience.

Under the proposed amendments, a well driller would still be required to obtain three years of experience working under the supervision of a licensed well driller of the proper class when on site, and submit references and well records detailing their experience before sitting for a licensing exam. However, a prospective driller would not be required to obtain a sponsor. With the elimination of the apprentice well driller registration, an otherwise qualified person will not be precluded from taking an examination. Thus, the intended purpose of ensuring that those who provide well-related services are properly qualified will continue to be met.

The Department proposes to delete N.J.A.C. 7:9D-1.7(b) due to elimination of the apprentice program. N.J.A.C. 7:9D-1.7(c) and (d) are proposed to be recodified accordingly.

At N.J.A.C. 7:9D-1.8, the Department proposes to replace references to (l) with (k) to reflect the reorganization of N.J.A.C. 7:9D-1.8 (f) through (k), as discussed below.

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At N.J.A.C. 7:9D-1.8(b), the Department proposes to amend N.J.A.C. 7:9D-1.8(b) to clarify that the application requirements listed in this subsection are for journeyman and journeyman (Class B) well drillers.

At N.J.A.C. 7:9D-1.8(b)1i, (c)1i, (d)1i, (e)1i, the Department proposes to delete the prerequisite that test applicants must have three years of experience as a registered apprentice. The requirement for three years of well drilling experience will remain in place, but the test applicant is no longer required to be a registered apprentice responsible for submitting yearly log forms. The Department proposes to delete N.J.A.C. 7:9D-1.8(b)1ii and N.J.A.C. 7:9D-1.8(e)1ii which require that a written recommendation be submitted from the well driller sponsoring the applicant, for the reasons stated above. Sponsorship will no longer be included as part of the test application process.

The Department proposes to delete existing N.J.A.C. 7:9D-1.8(f), which sets forth the registration procedures for apprentice well drillers, for the reasons stated above. Accordingly, existing N.J.A.C. 7:9D-1.8(g) through (l) are proposed to be recodified as N.J.A.C. 7:9D-1.8(f) through (k).

At N.J.A.C. 7:9D-1.8(g), the Department proposes to delete language that applicants for apprentice registration will be notified of the sufficiency or insufficiency of their application, for the reasons stated above.



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The Department proposes to delete N.J.A.C. 7:9D-1.8(m), which states the requirement that test applicants meet the well driller experience requirement as an apprentice well driller, for the reasons stated above.

At N.J.A.C. 7:9D-1.9(c), the Department proposes to delete the fee applicable to apprentice registrations. Also, the Department proposes amendments to N.J.A.C. 7:9D-1.10(f)1 and (f)4 to eliminate references to the apprentice program as being one of the duties of the State Well Drillers' and Pump Installers' Examining and Advisory Board.

### **AMENDMENTS TO FEES**

At N.J.A.C. 7:9D-1.9 and 1.16, the Department proposes to increase fees for initial and renewal licenses for well drillers and pump installers, licensing examination applications, late renewal of licenses, and all well permit applications.

With the exception of the fees established for site-wide permits, the well permit fees have not been increased since 1996. The proposed well permit fee increases will address existing and anticipated revenue shortfalls and will affect all applicants seeking well permits for any well category including potable water sources, such as domestic and public community wells, non-potable sources, such as irrigation and fire protection wells, monitoring and other resource evaluation wells, special use dewatering and cathodic protection wells, and soil borings.

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Over recent years, fee revenues for the Well Permitting Program have not been adequate to cover the program's expenses. In State Fiscal Year (SFY) 2005, the Department collected an estimated \$1.12 million in revenue to support well permitting program efforts. Program costs in SFY 2005, however, totaled approximately \$1.75 million, resulting in a deficit of approximately \$630,000. Program costs are expected to reach approximately \$2.5 million in SFY 2007 (see Tables 2 and 3 below). This total includes salary, fringe and indirect costs for 20.35 full time equivalent employees (FTE's) who are charged with conducting the daily issuance and processing of permits; the review of the well records corresponding to those permits; the review of well abandonment reports; the enforcement of regulatory requirements; and the administration of the licensing program for well drillers and pump installers. The indirect costs include indirect management and administrative salary and non-salary costs, applicable fringe benefits, building rent and lease construction, and the Department's share of the Statewide Cost Allocation Plan prepared by the New Jersey Department of Treasury. In SFY 2006, the cost to support this staff is approximately \$2 million for salary, fringe and indirect costs and \$133,000 in operating expenses (e.g. printing, telephone, mailings, etc.). The increased costs from SFY 2005 included cost of living increases and the addition of two staff positions. A detailed breakdown of the program's costs for SFY 2006 costs is provided in Table 1 below.

**Table 1**

**COST ANALYSIS OF THE WELL PERMITTING PROGRAM**

**STATE FISCAL YEAR 2006**

**JULY 1, 2005 TO JUNE 30, 2006**

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	FTE %	Management Administrative	Permit Processing	Technical Licensing & Enforcement	TOTAL
TITLE					
PRINCIPAL ENVIR. SPECIALIST	1			\$68,649	\$68,649
TECHNICAL ASSISTANT MIS SECTION CHIEF	1		\$39,753		\$39,753
SENIOR TECHNICIAN,MIS	1		\$41,997	\$41,997	\$83,994
ASSISTANT GEOLOGIST	1		\$49,913		\$49,913
SENIOR TECHNICIAN,MIS	1			\$47,951	\$47,951
SUPERVISING ENVIR. ENGINEER	1		\$49,913		\$49,913
CLERK TRANSCRIBER	1			\$79,309	\$79,309
INVESTIGATOR 1	1		\$27,847		\$27,847
SENIOR CLERK TYPIST	1			\$68,946	\$68,946
SENIOR CLERK TYPIST	0.2		\$2,958	\$2,958	\$5,916
SENIOR TECHNICIAN,MIS	1		\$49,913		\$49,913
INVESTIGATOR 1	1		\$68,946		\$68,946
SENIOR ENVIR. ENGINEER	1			\$50,806	\$50,806
ADMIN. ANALYST	0.8		\$66,490		\$66,490
BUREAU CHIEF	0.5		\$17,420	\$26,130	\$43,550
SENIOR ENVIR. SPECIALIST	1			\$46,755	\$46,755
ENVIR. SPECIALIST TRAINEE	1			\$40,859	\$40,859
GIS 1	0.25		\$19,827		\$19,827
GIS 3	0.3		\$13,500		\$13,500
TECHNICAL ASST. MIS	1		\$11,200	\$20,800	\$32,000
CLERK TYPIST	1		\$7,700	\$14,300	\$22,000

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Executive Assistant 2	0.1	\$8,311			\$8,311
Secretarial Assistant 1	0.05	\$2,699			\$2,699
Manager 1, EP	0.1	\$9,547			\$9,547
Manager 3, EP	0.15	\$14,960			\$14,960
Secretarial Assistant 3	0.15	\$3,676			\$3,676
NJGS Support	0.5			\$27,250	\$27,250
Enforcement Support	0.5			\$27,250	\$27,250
Collection & Licensing	0.75		\$40,875		\$40,875
<b>TOTAL DIRECT PERMITTING SALARIES</b>	<b>20.35</b>	<b>\$39,193</b>	<b>\$508,252</b>	<b>\$563,960</b>	<b>\$1,111,405</b>
<b>FRINGE BENEFIT CHARGES</b>		<b>\$12,836</b>	<b>\$166,453</b>	<b>\$184,697</b>	<b>\$363,986</b>
<b>INDIRECT CHARGES</b>		<b>\$13,637</b>	<b>\$176,840</b>	<b>\$196,223</b>	<b>\$386,700</b>
<b>TOTAL PERSONNEL COSTS</b>		<b>\$65,666</b>	<b>\$851,545</b>	<b>\$944,880</b>	<b>\$1,862,091</b>
<b>OPERATING COSTS</b>					
Printing & Office Supplies			\$8,000	\$4,000	\$12,000
Travel				\$2,000	\$2,000
Telephone			\$5,000	\$5,000	\$10,000
Postage			\$6,000	\$2,000	\$8,000
Training			\$500	\$1,500	\$2,000
Maintenance of Equipment			\$2,500	\$2,500	\$5,000
Maintenance of Software/License Fees			\$4,000	\$10,000	\$14,000
Central Motor Pool				\$13,000	\$13,000
Miscellaneous Equipment (Cameras, Tools, etc.)			\$1,000	\$4,000	\$5,000
Computer Equipment			\$8,000	\$8,000	\$16,000
Ergonomic Equipment			\$2,000	\$4,000	\$6,000
Vehicular Equipment				\$12,000	\$12,000
Dept. Assessment (OIRM)			\$10,500	\$13,500	\$24,000
DAG Charges			\$1,500	\$2,500	\$4,000
<b>TOTAL OPERATING COSTS</b>			<b>\$49,000</b>	<b>\$84,000</b>	<b>\$133,000</b>
<b>DIRECT PERMITTING COSTS</b>	<b>20.35</b>	<b>\$65,666</b>	<b>\$900,545</b>	<b>\$1,028,880</b>	<b>\$1,995,091</b>

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As indicated previously, the revenues generated in SFY 2005 total \$1.12 million. Therefore, the Department anticipates the projected deficit will increase to approximately \$900,000 (\$2 million - \$1.12 million) in SFY 2006.

The program has also identified the need for five additional staff positions to conduct activities required under implementation of current legislative mandates, but which are currently not being conducted, to the necessary level, due to inadequate resources. These activities include data entry of well records and well abandonment reports; well searches for well decommissioning; support for site assessments needed by other Department programs; follow-up field enforcement on complaints from homeowners or stakeholders; enforcement action for lack of proper decommissioning of abandoned wells; support for allocation permit application reviews; coordination with county agencies and enforcement; and development and administration of the continuing education program.

In order to address the existing and projected fee revenue shortfall, the Department is proposing to increase the well permit and license fees set forth in N.J.A.C. 7:9D-1.9 and 1.16. The proposed fee increases are intended to eliminate the projected deficit, allow for the expansion of the program to satisfy recent legislative mandates, and spread program costs more equitably among all user groups.

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The proposed amendments address the costs associated with the existing well permitting program as well as the addition of the five FTEs necessary to fully implement the provisions of the Act and the rules. The detailed breakdown of the anticipated costs for SFY 2007 is provided at Table 2 below. This includes two positions for increased enforcement efforts, one position for outreach and education to the regulated community, and two positions to develop the continuing education program mandated in 2005 by N.J.S.A. 58:4A-11c. N.J.S.A. 58:4A-14b and N.J.S.A. 58:4A-19b allow for permit and licensing fees to cover these costs. See S. 2171, 211th Legis., at 4 (Jan. 11, 2005); and see S. 211-2171, 1st Sess., Senate Environment Committee Statement to Senate with Committee Amendments (N.J. January 31, 2005). While the Department intends to use this generated revenue to develop the continuing education program at this time, additional license fee increases may be necessary on implementation of the program. If additional licensing fees are determined to be necessary, they will be the subject of a future rulemaking.

**Table 2**

**Projected Additional Well Permitting Program Costs**

**For State Fiscal Year 2007 (addition of 5 FTEs)**

	FTE	Management Administrative	Permit Processing	Technical Licensing Enforcement	TOTAL
Continuing Education	2		55,000	55,000	110,000
Outreach	1		35,000	20,000	55,000
Increased Enforcement	2			110,000	110,000
<b>Growth due to Legislative Mandates</b>	<b>5</b>		\$90,000	\$185,000	<b>\$275,000</b>
FRINGE BENEFIT CHARGES			\$29,475	\$60,588	<b>\$90,063</b>

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INDIRECT CHARGES			\$31,314	\$64,368	<b>\$95,682</b>
<b>OPERATING NEEDS</b>					
Printing Educational Materials				\$6,000	\$6,000
Telephone			\$1,000	\$1,000	\$2,000
Postage				\$500	\$500
Dept. Assessment (OIRM)			\$1,500	\$3,500	\$5,000
Other Equipment				\$3,000	\$3,000
Vehicular Equipment				\$5,000	\$5,000
Computer Equipment			\$2,000	\$2,000	\$4,000
<b>TOTAL OPERATING</b>			\$4,500	\$21,000	<b>\$25,500</b>
<b>TOTAL ADDITIONAL COSTS</b>	<b>5</b>		\$155,289	\$330,956	<b>\$486,245</b>

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**Table 3**

**Total Projected Well Permit Program Costs**

**State Fiscal Year 2007**

<b>TOTAL WELL PROGRAM COSTS</b>					
	FTE	Management Administrative	Permit Processing	Technical Licensing Enforcement	<b>TOTAL</b>
<b>Total Direct Permitting Salaries</b>	20.35	\$39,193	\$508,252	\$563,960	\$1,111,405
<b>Total Growth due to Legislative Mandates</b>	5		\$90,000	\$185,000	\$275,000
<b>TOTAL SALARIES</b>	<b>25.35</b>	<b>\$39,193</b>	<b>\$598,252</b>	<b>\$748,960</b>	<b>\$1,386,405</b>
<b>FRINGE BENEFIT CHARGES</b>		<b>\$12,836</b>	<b>\$195,928</b>	<b>\$245,285</b>	<b>\$454,049</b>
<b>INDIRECT CHARGES</b>		<b>\$13,637</b>	<b>\$208,154</b>	<b>\$260,591</b>	<b>\$482,382</b>
<b>Total Direct Permitting Operating</b>			\$49,000	\$84,000	\$133,000
<b>Total Growth due to Legislative Mandates Operating</b>			\$4,500	\$21,000	\$25,500
<b>TOTAL OPERATING</b>			<b>\$53,500</b>	<b>\$105,000</b>	<b>\$158,500</b>
<b>TOTAL PROGRAM COSTS</b>		<b>\$65,666</b>	<b>\$1,055,834</b>	<b>\$1,359,836</b>	<b>\$2,481,336</b>

Table 3 shows that the total costs of the Well Permitting Program will reach approximately \$2.5 million SFY 2007, exceeding current revenues by approximately \$1.4 million. Without the proposed fee increases, and the program's diminished ability to rely on



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other State funding sources, the Department will be unable to satisfy its current legislative mandates to protect the State's ground water resources and public health.

N.J.A.C. 7:9D-1.9 addresses the fees associated with the well driller licensing requirements. The Department requires that all well driller applicants demonstrate a minimal level of education, experience in the field, and successful completion of a written examination that tests practical and regulatory knowledge. At N.J.A.C. 7:9D-1.9(b), the Department proposes to raise the amount of the application fee for all licensing examinations from \$35 to \$50. Also proposed is an increase in the initial and renewal fees for all licenses at N.J.A.C. 7:9D-1.9(c). Initial and renewal fees for licenses of the proper class found at N.J.A.C. 7:9D-1.9(c)1 through 5 will be increased as follows: master, journeyman, dewatering, monitoring well drillers, soil borers from \$75 to \$300 for a three-year license cycle, or from \$25 to \$100 per year. Initial and renewal fees for pump installers licenses at N.J.A.C. 7:9D-1.9(c) 6 are proposed to be increased from \$75 to \$150 for a three-year license cycle, or from \$25 to \$50 per year. The initial and renewal fees for pump installers are lower than the fees for well drillers because pump installers are authorized to perform fewer regulatory activities than an individual with a well drilling license, which results in lower administrative costs in managing licensed pump installers and test applicants.

As mentioned previously, the fee for an apprentice registration under N.J.A.C. 7:9D-1.9(c)7 is proposed to be deleted since the apprentice registration program is proposed to be

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eliminated. In addition, the late fee at N.J.A.C. 7:9D-1.9(c)8 for license holders who fail to renew licenses by the deadline is proposed to be increased from \$10 to \$50.

These fee increases will affect applicants for, and holders of, all licenses under the New Jersey Licensed well drillers and pump installers program or those individuals responsible for construction or decommissioning of any well, or for installation of pumps in the State, in accordance with the Well Construction and Maintenance; Sealing of Abandoned Well rules, N.J.A.C. 7:9D. The proposed increases to the licensing fees will be used to offset deficits and cover current administrative program costs incurred through application and test reviews, issuing and renewing licenses and tracking compliance of licensed individuals. The fee increases will also allow the Well Permitting Program to develop components of a newly mandated continuing education program, including adjusting renewal procedures to track training hours, and establishing approved training courses. Table 4 below summarizes the projected license renewal revenue from all current New Jersey licensees.

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**Table 4**

**Total Projected Well Driller Tri-annual Licensing Fee Revenue**

**Beginning SFY 2008 through 2010**

Licensee	Total # of Licensees	Current Fee	Current Revenue	Proposed Fee (2008)	Projected Revenue
Well Drillers	800	\$75	\$60,000	\$300	\$240,000
Pump Installers	425	\$75	\$31,875	\$150	\$ 63,750
TOTAL LICENSING FEE REVENUE			\$91,875		\$303,750

Since the licensing fees are assessed once every three years, the anticipated revenue from these fees will be allocated over a three-year period. This brings the average yearly revenue from licensing to \$101,250 beginning 2008, the next license renewal year. This revenue combined with the yearly permit revenue of approximately \$2.5 million (see Table 5 below) will bring the total estimated fee revenue to \$2.6 million in SFY 2008. SFY 2007 program costs are estimated to be \$2.5 million. Thus, SFY 2008 program costs can be reasonably anticipated to increase due to annual cost of living adjustments and increases in indirect costs due to inflation. According to the United States Department of Labor, Bureau of Labor Statistics, the most recent Cost of Living Adjustment rate is 4.1% (October 2005), and the most recent Consumer Price Index is 4.3% (June 2006). United States Department of Labor, Bureau of Labor Statistics web site, <http://www.bls.gov> (August 8, 2006). Therefore, the annual cost of living adjustment for the managerial salaries and divisional indirect salaries is estimated to be \$57,000 in 2008, and each year thereafter, and the inflation of the indirect costs is estimated to be \$28,000. Since the

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licensing fees will not be collected until SFY 2008, program costs are expected to meet the anticipated revenue of \$2.6 million by that time.

### **SUBMISSION OF WELL LOCATION COORDINATES**

The Department proposes amendments for the submission of well location coordinates to require well drillers to submit more accurate well coordinate data. The Department believes this is an important method of improving the protection of the State's water supplies and ultimately public health. Improved well location information will avoid the construction of new wells in areas identified as restricted due to contamination. More accurate locational data of existing wells will enhance State and local government efforts to protect existing drinking water sources by avoiding the siting of potential sources of contamination in proximity to a well used to supply drinking water. Enhanced well locational data will also improve the assessment of impacts of proposed diversions on existing water users, as required under the Water Supply Allocation Permits rules, N.J.A.C. 7:19. Finally, information regarding the location of proposed drilling activities to contaminated areas can result in the implementation of stricter construction standards that protect the surrounding community, environment and well drillers working in the field.

Traditionally, the well drilling contractor has obtained well coordinate locations from New Jersey Atlas Sheet Maps dating between 1951 and 1976. The maps show county and municipal boundaries, roads, railroads, water areas and place names used to identify a proposed

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well location. A coordinate grid system overlaying the map is used to establish the proposed well location in a rectangular area approximately 990 feet by 1320 feet. Due to new development, evolving topography, and changing road and place names, it is often difficult for the well drillers to accurately identify the well location. Furthermore, the well location is automatically centralized in the 990 foot by 1320 foot rectangular area when it is entered into the existing Department computerized program, resulting in the establishment of well coordinates that are sometimes several hundred feet from the proposed well location. This undermines the usefulness of the well data in assessing impacts to other users, protecting the well driller, water resources and the future water consumer.

More accurate well locations are needed to fully assess water resource impacts associated with the proposed diversions from the wells, potential impacts of proposed diversions on existing wells in the area and proper decommissioning of wells. More accurate well location information is also critical to assessing the relation of the proposed well to potential sources of contamination. This information is important in determining the potential risks to the well driller and water consumer as well as risks associated with the spread of contamination that can be caused by the construction of the well itself. The Department's Site Remediation Program currently documents restrictions to well use based on the existence and extent of known contamination of ground water. However, to date, the Department has been unable to successfully link the proposed location of a new well to the areas of known contamination. Improved tracking of proposed well locations will enable the well driller, well owner and water user to better understand the potential risks associated with well locations and contamination.

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In addition, the Safe Drinking Water Act rules include provisions to ensure that wells used for potable supply are protected from potential releases from major pollutant sources. (See, e.g., N.J.A.C. 7:10-11.7). Specifically, major pollutant sources are prohibited within the 200-day Time of Travel (TOT) or 500 feet, whichever is greater, unless there is adequate treatment or a barrier system in place to protect the source of water supply. In addition, N.J.A.C. 7:9D-2.3(a)1 requires that a Category 1 well water system (potable wells) shall be located and constructed in accordance with all applicable sections of N.J.A.C. 7:10-11 and 12. The enhanced methods for establishing well locations would provide more accurate pre-construction data and help ensure wells are not drilled in contaminated, restricted or threatened areas. Based upon the proposed well location, the Department will establish stringent construction standards as a condition to issuance of a permit to drill, which will protect the consumers of the well water and prevent the spread of contamination from one ground water source (aquifer) to another. The improved locational information will also help set precautionary standards to safeguard the health of well drillers and their assistants as they work on a site in proximity to an area of known contamination. Therefore, more accurate well location information will assist the Department in fully implementing existing rules and future wellhead protection efforts.

The Department proposes to amend N.J.A.C. 7:9D-1.11(f)1 to clarify that a well permit application must be submitted to the Department prior to the construction of all wells. The Department proposes adding new N.J.A.C. 7:9D-1.11(f)2 and 3 to require more accurate well location information in order to locate wells for decommissioning; to assess water resource

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impacts; to determine which wells may be impacted by ground water contamination or spills; to establish withdraw limits for allocation permits; to implement existing wellhead protection requirements of the Safe Drinking Water Act and Well Construction and Maintenance; Sealing of Abandoned Well rules; and to determine if the applicant is requesting to locate a well in a restricted area.

Proposed new N.J.A.C. 7:9D-1.11(f)2 and 3 will update the existing regulations requiring the inclusion of well locations on permit-to-drill applications. Proposed new N.J.A.C. 9D-1.11(f)2 will require the submittal of well locational information using the Atlas Sheet System prior to December 31, 2007. During this time, the Department will accept well location coordinate data obtained from one of the methods proposed at new N.J.A.C. 7:9D-1.11(f)3iv, in addition to the Atlas Sheet System. However, beginning on January 1, 2008, under proposed N.J.A.C. 7:9D-1.11(f)3 well locational information must be submitted using specific methods set forth at proposed new N.J.A.C. 7:9D-1.11(f)3iv (see discussion below). This proposed implementation schedule will allow time for the well drillers to obtain the necessary training or equipment to provide more accurate well locations and to provide time for the Department to revise its permitting process and data management systems to accept the data in this format.

The Department proposes new N.J.A.C. 7:9D-1.11(f)3i-iv to establish methods (i.e., Global Positioning System (GPS), i-MapNJ, surveying) and the degree of accuracy that will be acceptable for determining well coordinate locations. Proposed new N.J.A.C. 7:9D-1.11(f)3i, ii and iii establish accuracy and reporting requirements for submission of coordinates to the Well

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Permitting Program using the identified acceptable methods. Proposed new N.J.A.C. 7:9D-1.11(f)3iv requires that well locational information be reported using GPS, i-MapNJ, or surveying. GPS is a satellite-based navigation system used to calculate accurate horizontal and vertical position from satellites orbiting the Earth. GPS data must be obtained in accordance with Department standards set forth at N.J.A.C. 7:1D, Appendix A. The i-MapNJ program is a web-based application that allows the general public to access the Department's GIS data. It enables users, including homeowners, planners, realtors, well drillers and builders, among others, to query and identify environmental resource characteristics such as wetlands, surface waters, open space and watershed boundaries.

Proposed new N.J.A.C. 7:9D-1.11(f)3 also refers to the Department's "Guidance for Reporting Well Locations to the New Jersey Department of Environmental Protection Well Permitting Program" for explanatory information such as more detailed description of acceptable methods, information on converting latitude and longitude coordinates to an accepted format for submission and program contacts. The guidance can be obtained at the Department's web site or by contacting the program.

At N.J.A.C. 7:9D-1.13(e) the Department proposes amending the rule to change the name of the Bureau of Safe Drinking Water to the Bureau of Water Systems and Well Permitting to reflect the current organization within the Department's Division of Water Supply. N.J.A.C. 7:9D-1.13(e) is also being amended to clarify that an expedited well permit approval may only be issued for a public community supply well in those cases where the Bureau of Water Systems



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and Well Permitting has issued its approval in accordance with the New Jersey Safe Drinking Water Act rules, N.J.A.C. 7:10.

The Department proposes new N.J.A.C. 7:9D-1.15(a)4 which will require, starting on January 1, 2008, well drillers to provide the “as-built” well location coordinates on the well record using GPS or surveying. Providing as-built well location coordinates verifies that the well has been constructed consistent with the proposed location included in the well permit. Accurate as-built locations provide the same benefits, as discussed above, in locating wells for decommissioning and assessing water resource impacts. Proposed new N.J.A.C. 7:9D-1.15(a)4i-iii sets forth requirements for accuracy and reporting of “as-built” well location coordinates on the well records. Proposed new N.J.A.C. 7:9D-1.15(a)4iv requires that as-built well locational information be reported using GPS or surveying. The Department has determined that i-Map NJ is not an acceptable method of reporting as-built well locational information because the method does not meet the accuracy standard at proposed new N.J.A.C. 7:9D-1.15(a) 4.

At N.J.A.C. 7:9D-1.16(b), the Department proposes to increase the fees for obtaining a well permit for all categories of wells. The Department proposes to increase the fee at N.J.A.C. 7:9D-1.16(b)1 for each permit application for any well from \$50 to \$130, except for those described at N.J.A.C. 7:9D-1.16(b)2. The Department proposes to increase the fee at N.J.A.C. 7:9D-1.16(b)2 for each permit application for a well equipped with a pump capable of producing 70 gallons per minute or more from \$125 to \$250. The Department proposes to increase the fee at N.J.A.C. 7:9D-1.16(b)3 for each site-wide permit application for larger, more complex well drilling operations of ten or more wells at one location from \$500 to \$1,300. The Department

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anticipates that the increases in permit fees will go into affect in SFY 2007. These increases will impact those individuals responsible for the construction of wells in the State, as well as persons securing well drilling services. The Well Permitting Program assessed costs based upon the average number of well permits received in 2004 and 2005 as shown in Table 5 below.

**Table 5**

**Total Projected Revenue from Well Drilling Permit Application Fees SFY 2007**

Pumping Capacity (gallons per minute – GPM)	Total # of Permits	Current Fee	Current Revenue	Proposed Fee	Projected Revenue
<70 GPM	18,000	\$50	\$900,000	\$130	\$2,340,000
>70 GPM	115	\$125	\$14,375	\$250	\$28,750
Sitewide	100	\$500	\$50,000	\$1,300	\$130,000
<b>TOTAL PERMIT FEE REVENUE</b>			<b>\$964,375</b>		<b>\$2,498,750</b>

In addition, the Department proposes to amend N.J.A.C. 7:9D-1.16(b)3 to increase the site-wide permit application fee and to clarify that on a site where there are fewer than 10 borings, cathodic protection wells, closed loop geothermal wells, or dewatering wells or dewatering wellpoints, individual well permits are necessary and the fee for individual well permits established at N.J.A.C. 7:9D-1.16(b)1 applies.

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**Subchapter 2. Requirements and Procedures for the Construction, Installation, Operation and Maintenance of Wells**

N.J.A.C. 7:9D-2 establishes categories of wells based upon well use; specifies well construction standards for each category; sets minimum distance requirements; and outlines procedures for deviating from construction standards. The Department is proposing to readopt Subchapter 2 without change.

**Subchapter 3. Requirements and Procedures for the Decommissioning of Wells**

N.J.A.C. 7:9D-3 sets forth requirements for the decommissioning of all categories of wells. The Department is proposing to readopt Subchapter 3 without change.

**Subchapter 4. Civil Administrative Penalties; Injunctive Relief; Denial, Suspension and Revocation of Licenses; and Requests for Adjudicatory Hearings**

N.J.A.C. 7:9D-4 governs the imposition of civil administrative penalties and requests for adjudicatory hearings for violations related to the Subsurface and Percolating Waters Act. The Department is proposing to readopt Subchapter 4 without change.

**Social Impact**

The rules proposed for readoption with amendments will have a positive social impact by providing adequate funding for the comprehensive regulatory program for well permitting, well construction, well decommissioning and well driller licensing. As indicated in the Summary, since 1947, more than 600,000 well permits have been issued for the construction of wells within New Jersey's aquifers. As the number of wells increases so does the potential for harm to New

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Jersey's ground water and drinking water supply, and the need to ensure that proper construction and decommissioning standards are upheld. Each of the tasks performed by the Well Permitting Program is intended to reduce the threat of contamination to New Jersey's aquifers, consequently protecting the health, safety and general welfare of State residents by providing safe and adequate Statewide water supplies. Well permitting is also a critical component of the Department's current and future wellhead protection program.

The proposed fee increases will have a positive social impact by providing adequate funding to maintain and expand the Well Permitting Program and by reducing the need for increased State budget appropriations. Currently, the program is responsible for the issuance of well permits, tracking well records for all categories of wells, providing technical assistance to well drillers and health departments, licensing well drillers and pump installers, and overseeing the proper sealing of abandoned wells. The proposed fee increases will also allow the Department to secure additional staff resources to develop the recently mandated continuing education program by ensuring that all well drillers and pump installers are current on the latest information with regard to State regulations and standards. The proposed amendments to the submission of well location coordinates will have a positive social impact as more accurate locational data will enable the Department to better identify threats to the source water and to provide a safe and adequate water supply to the public.

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The proposed amendments make certain that all who engage in well drilling and pump installing operate within the State health and environmental standards, thereby improving ground water quality, protecting public health, and promoting New Jersey's well-being.

### **Economic Impact**

New Jersey's economic growth and welfare depend upon an adequate and safe water supply for potable, commercial and agricultural uses. The proposed readoption with amendments is expected to have an indirect positive economic benefit on the general public, by supporting the Department's comprehensive regulatory review of the standardized requirements for constructing and sealing wells without the need for increased taxes or other direct public expenditures.

In SFY 2005, the Department collected an estimated \$1.12 million in fees to support the Well Permitting Program. The program costs in SFY 2005 totaled \$1.75 million, resulting in a deficit of \$630,000. A variety of factors including salary increases and operating expenses, the addition of five professional level staff positions, and more comprehensive reviews to bolster water supply protection are projected to result in increased program costs of approximately \$2.5 million in SFY 2007. Without the proposed fee increases, the program deficit is projected to increase to over \$1.4 million. The proposed fee increases are intended to address the projected Well Permitting Program funding deficit and to support current and required future staff dedicated to reviewing and approving well permits, well records and well abandonment reports as required by the Subsurface and Percolating Waters Act, N.J.S.A. 58:4A-4.1 et seq.

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The proposed fee increases will result in additional costs to all members of the regulated community who apply for a new well permit. The fees imposed by the proposed amendments are expected to generate approximately \$2.5 million from well construction of predominantly potable water wells and those used for monitoring ground water quality. Approximately 6,700 or 35 to 40 percent of the wells permitted each year are used for domestic or domestic replacement purposes, and another 7,100 or 35 to 40 percent of wells permitted each year are used for ground water monitoring purposes. The Department estimates the cost for constructing a typical domestic well to be in excess of \$5,000. An increase of \$80 in permitting fees represents an increase of approximately 2 percent of the total construction cost for a typical domestic well. The construction of a typical shallow monitoring well is estimated to cost approximately \$2,000. Therefore, an additional \$80 in permitting fees represents an increase of approximately 4 percent of the total typical shallow monitoring well construction costs. The Department expects that these costs will be borne by the person employing the services of a well driller or pump installer.

As indicated above, the proposed fee increases will provide the stable funding source necessary to enable the Department to continue to protect valuable water sources, including aquifers used as potable supplies, by providing oversight of well drilling activities within the State. Such protection is needed to ensure the integrity of groundwater protection areas, existing groundwater sources for public and private wells, and sensitive environmental areas such as the Pinelands and the Highlands.

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The proposed amendments to the license fees will affect all persons who apply for or currently hold a valid New Jersey well driller license of the proper class or pump installer license. Currently, approximately 1,250 registered New Jersey well drillers and pump installers are responsible for renewing their licenses every three years. The proposed increase in the initial and three-year renewal fee to \$50 per year (\$150 per three-year cycle) for pump installer licenses and \$100 per year or \$300 per three-year cycle) for well driller licenses are additional costs to the regulated community. However, the Department believes the cost per year is reasonable and comparable to registration fees for other New Jersey trade occupations. For example, the cost to register as a licensed master plumber in New Jersey is \$160 every two years or \$80 per year and the cost to register as a New Jersey licensed electrician is \$150 every three years or \$50 per year. Test application fees and late renewal fees have increased to cover the costs of reviewing applications, scheduling examinations, administering exams and informing all applicants of their test results. These registration costs are primarily expected to be one time fees and therefore, should not place an unwarranted financial burden on the majority of the regulated community.

The Department anticipates that the regulated community will bear additional license costs once the continuing education program that is required by amendments to the Subsurface and Percolating Waters Act (N.J.S.A. 58:4A-4.1 et seq. and P.L.2005, c.134 (July 7, 2005)) is established. The Department is proposing to cover the costs of additional staff to administer the program with the increase in permit and license fees. It is anticipated that the regulated community will bear the additional costs associated with registration and training to meet program requirements.

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The Department does not expect amendments to N.J.A.C. 7:9D-1.11(f)2 and 3 and N.J.A.C. 7:9D-1.15(a)4, which require more accurate well locations, to have a significant financial impact on the regulated community. The Department has identified acceptable methods for providing coordinates of the proposed well location on the permit-to-drill well applications and the constructed well location on well records. These methods include very low or no cost methods such as i-MapNJ, the on-line system of identifying coordinate location based upon maps of a given address and GPS, used currently by members of the well drilling industry. More advanced GPS equipment is estimated to cost approximately \$2,000 per unit and therefore is not expected to result in a significant burden to well drillers who charge between \$2,000 to \$5,000 for the installation of an individual well. Whatever costs are incurred are also expected to be passed on to those securing the services of a licensed well driller. The proposed amendments are necessary to protect the integrity of the State ground water supply from contamination.

### **Federal Standards Statement**

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. (P.L. 1995, c.65), requires State agencies which adopt, readopt or amend state regulations that exceed Federal standards or requirements to include in the rulemaking document a Federal Standards Analysis. N.J.A.C. 7:9D is not promulgated under the authority of, or in order to implement, comply with or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Additionally,



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there are no Federal laws, regulations or standards comparable to any of the standards and requirements set forth in N.J.A.C. 7:9D. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. do not require a Federal Standards Analysis.

### **Environmental Impact**

New Jersey is a densely populated and industrialized state that relies heavily upon ground water supplies for drinking water, agricultural, industrial and commercial processes. The State's water resources continue to be threatened by degradation and/or depletion by a variety of factors, including point and non-point source contamination, and salt water intrusion. Therefore, the rules proposed for readoption with amendments will have a positive environmental impact by continuing to ensure proper drilling, construction, operation and sealing of any well within the State by an appropriately licensed individual, which is vital in protecting against these threats to New Jersey aquifers. Many of the Department's regulatory programs rely on the enforcement of the Well Permitting Program to ensure that the construction, modification and abandonment of ground water wells across the state are completed in a manner which does not compromise ground water quality.

The proposed fee amendments are also anticipated to have a positive environmental impact by ensuring that the Department's Well Permitting Program is adequately funded. The program is responsible for review of a comprehensive set of regulatory standards that provides requirements for all aspects of well construction to ensure that the wells are not susceptible to

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contamination. Improved well location coordinate information is an important method of providing protection to the State's water supplies and public health from previously unrecognized sources of contamination. Permit conditions for wells located in proximity to contaminated sites will require stricter construction standards that protect the surrounding community and environment, including the well drillers working on site. The proposed fee increases will also assist in implementation of existing regulatory requirements concerning wellhead protection as well as future program enhancements. The Well Permitting Program will evaluate the impacts of diversions, ensure that wells are not located in areas inconsistent with their use, and ensure proper construction and proper decommissioning of the wells. In addition, the requirement of continuing education will help assure that New Jersey well drillers and pump installers receive ongoing training in regulatory, technical and safety requirements needed to perform their job properly in order to protect public health and environmental standards.

### **Jobs Impact**

The rules proposed for readoption with amendments are not expected to have an adverse impact on jobs in the regulated industry since the permit and license fees remain a relatively small portion of overall business costs. Furthermore, costs are generally passed on to the customer at the time of service. Additionally, as the Department is not proposing any significant changes in the procedural requirements or permitting restrictions associated with the Well Permitting Program, significant gain or loss of jobs is not anticipated. However, any resulting changes in jobs are expected to be positive due to a higher number of candidates being eligible for licensing examinations because of the elimination of the apprentice requirements.

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### **Agriculture Industry Impact**

The rules proposed for readoption with amendments are not anticipated to have any major impact on the agriculture industry. The industry currently follows a codified 1947 proviso requiring a permit prior to the construction of any well for agricultural purposes. The proposed fee increases will raise the cost of obtaining the necessary permit by \$80 to \$125 based upon well pumping capacity. With the average construction cost of an agricultural well being between \$5,000-\$10,000 (depending upon depth and diameter) this represents an increase of less than 2 percent of the total cost to construct the well.

The agriculture industry will be positively affected by the amendments requiring more accurate proposed well location coordinates. Agricultural wells are located on acres of land, portions of which are subdivided and sold off for development over time. Without the ability to identify the well location, it is difficult to locate these wells for decommissioning or repairs based on data currently submitted. In addition, more accurate well locations will enable the Department to better assess the impacts these wells have on natural resources and other well users during the agricultural water usage certification process. It will also enable the Department to assess impacts to agricultural wells presented by new diversion requests in the region.

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### **Regulatory Flexibility Analysis**

The Department estimates that approximately 150 well drilling and pump installing operations are “small businesses” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., and will therefore be affected by these rules.

Despite the level of fee increases, the proposed amendments are not expected to pose an undue economic burden on the regulated community. The fee schedules reflect the cost of administering a well drilling and pump installing program, including the costs of issuing well permits, reviewing well records and well abandonment reports, processing payments, and issuing well licenses. Fees for obtaining well permits have all been raised to cover program costs. The costs of obtaining well permits increases according to the number of well permits issued to each business, independent of the size of the business. Proposed triennial license fees are intended to cover changes to the licensing program, including the establishment of a continuing education program. These fees are required of all well drillers and pump installers or those seeking a New Jersey well driller or pump installer license, regardless of the employer.

Therefore, regulated small businesses required to obtain well permits will not be disproportionately affected by the fee increases. However, the Department does recognize that the impact of the proposed amendments may affect each member of the regulated community differently. Because the scope of work varies by company, it is difficult to anticipate the extent

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to which the proposed fee increases will affect each individual small business. Nevertheless, the Department expects that the affected businesses will follow general industry practices and offset the added cost through billing of their customer base in a manner similar to their larger counterparts.

In proposing these amendments, the Department is seeking to balance the need to manage and protect the water resources of the State with the economic impact of the proposed fee increase. Funding is necessary for management of the program to ensure that the Department performs the necessary review of well drilling and well abandonment practices. To minimize the scope of these regulations for smaller businesses would endanger public health and the environment. Therefore, no exemption for small businesses has been provided.

### **Smart Growth Impact**

Executive Order No. 4 (2002) requires State agencies that adopt, amend or repeal any rule to describe the impact of the proposed rule on the achievement of smart growth and implementation of the New Jersey State Development and Redevelopment Plan (State Plan). The Department believes the rules proposed for readoption with amendments support smart growth initiatives and foster implementation of the State Plan as related to resource protection. The Well Permitting Program helps the Department obtain an accounting of all active wells used throughout the State for potable and non-potable uses. The information stored in the program database details well construction and location data used by the Department and local health officials to gather information on water supplied to individual homes as well as larger geographic

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areas. In addition, resource evaluation wells, such as monitoring wells, determine the presence of contaminant plumes in aquifers used as potable sources. Review of all construction information is a necessary step in ensuring that the required protection is given to the aquifers to provide a safe adequate supply for all residents of the State. Providing clean and plentiful water to the citizens of New Jersey is one of the goals of the State Plan. Therefore, the Department believes the rules proposed for readoption with amendments are consistent with the State's achievement of smart growth and implementation of the State Plan.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 7:9D.

**Full text** of the proposed amendments follow (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

7:9D-1.5 Definitions

As used in this chapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

...

["Apprentice well driller" means any person registered by the Board to work under the supervision of a licensed well driller of the proper class for the specific purpose of training in the practice of well drilling.]

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“License of the proper class” or “license” means a document issued to a person pursuant to N.J.S.A. 58:4A-[4.1 et seq.]**11** authorizing the individual to engage and perform work in the trade, business, or calling of well drilling, or [the installation of well pumping equipment and appurtenances thereto, or the decommissioning of wells] **pump installing**.

“Pump” means **a** mechanical [equipment or a] device used to remove or emplace **gases, water or** fluids from or into a well.

“Pump installer” means a person possessing a New Jersey license as a pump installer who has at least one year experience under the supervision of a New Jersey licensed master, [or] journeyman **or journeyman (Class B)** well driller or a New Jersey licensed pump installer, and is qualified to engage in [the installation, removal, alteration, and repair of well pumping equipment and appurtenances thereto in connection with any well, including connecting lines between a well and storage tank or appurtenances thereto, or who satisfies equivalent experience and other requirements pursuant to N.J.A.C. 7:9D-1.7 of these rules] **pump installing**.

“Well driller” means a person possessing a New Jersey license as a well driller of the proper class, **including but not limited to test borers and such other classifications as the Department establishes by regulation**, who engages in [drilling, digging, driving, boring, coring, jetting, or other construction or repair of any well, and in the installation, removal, alteration, [and] **or** repair of well pumping equipment and appurtenances thereto in connection

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with any well, including connecting lines between a well and a storage tank or appurtenances thereto] **well drilling or pump installing.**

7:9D-1.7 General provisions for well driller licenses of the proper class[,] **and** pump installer licenses [and apprentice registrations]

(a) Well driller licenses are classified as master well driller licenses, journeyman **and journeyman (Class B)** well driller licenses, monitoring well driller licenses, dewatering well driller licenses, and soil borer licenses. The Department may establish other license categories of the proper class as deemed necessary by recommendation of the Board. The authority to conduct the well drilling activities for each license of the proper class is established as follows:

1. A master well driller is authorized to:

i.-iii. (No change.)

iv. Supervise three or more journeyman well drillers [and apprentice well drillers and sponsor apprentice well drillers];

v.-ix. (No change.)

2. A journeyman well driller is authorized to:

i.-iii. (No change.)

iv. Seal and decommission any well in compliance with N.J.A.C. 7:9D-3; **and**

v. Qualify as a candidate for appointment to the Board[;and].

[vi. Sponsor apprentice well drillers.]

3. A journeyman (Class B) well driller is authorized to:

i. – iii. (No change.)



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- iv. Seal and decommission any well, except Category 3 wells, in compliance with

N.J.A.C. 7:9D-3; **and**

- v. Qualify as a candidate for appointment to the Board[;and].

[vi. Sponsor apprentice well drillers.]

- 4. A dewatering well driller is authorized to:

- i. (No change.)

- ii. Seal and decommission only dewatering wells or dewatering wellpoints which

have not penetrated any confining layers; **and**

- iii. Qualify as a candidate for appointment to the Board[;and].

[iv. Sponsor apprentice well drillers.]

- 5. A soil borer is authorized to:

- i. (No change.)

- ii. Seal and decommission only Category 5 wells in compliance **with** N.J.A.C. 7:9D-

3; **and**

- iii. Qualify as a candidate for appointment to the Board[;and].

[iv. Sponsor apprentice well drillers.]

- 6. A monitoring well driller is authorized to:

- i. (No change.)

- ii. Seal and decommission any Category 3 and Category 5 well in compliance with

N.J.A.C. 7:9D-3; **and**

- iii. Qualify as a candidate for appointment to the Board[;and].

[iv. Sponsor apprentice well drillers.]

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(b) [An apprentice well driller is authorized to perform well drilling work as a well driller only under the immediate on-site supervision of a master or journeyman well driller, or well driller of the proper class.

(c) A pump installer is authorized to:

1. -3. (No change.)

[(d)] **(c)** A licensed well driller of the proper class or a pump installer shall at all times during any operation have in her or his possession the valid license of the proper class.

7:9D-1.8 Application and licensing examination procedures and requirements for well driller licenses of the proper class[, **and** pump installer licenses[, and apprentice registrations]

(a) An applicant for a New Jersey master well drilling license shall:

1. Submit a complete application on the form prescribed by the Department pursuant to [(l)] **(k)** below and satisfy all experience and other requirements specified by this subchapter and provide evidence of the following:

i. - ii. (No change.)

2. - 3. (No change.)

(b) An applicant for a New Jersey journeyman **or journeyman (Class B)** well drilling license shall:

1. Submit a completed application on the form prescribed by the Department pursuant to [(l)] **(k)** below and satisfy all experience and other requirements specified by this subchapter and provide evidence of the following:

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i. Three years of well drilling experience [as an apprentice well driller] under the supervision of a master or journeyman well driller. [This information shall be submitted on the Department's apprentice work log form and shall specify dates and descriptions of work and the name of the supervising master or journeyman well driller];

[ii. A written recommendation of the master or journeyman well driller who has agreed to sponsor the applicant;]

[iii.]ii. A high school diploma or G.E.D.;

[iv.]iii. That he or she has resolved any revocation or suspension of a previously issued well drilling license or of any outstanding violation or fine pursuant to the Act; and

[v.]iv. Any applicant that does not possess the required experience in the State of New Jersey shall submit evidence that he or she is in possession of a valid National Ground Water Association Certification (NGWA) in the appropriate well drilling category, evidence of three years of drilling experience in any other state, and any other requirements deemed necessary by the Board for such applicants;

2. -3. (No change.)

(c) An applicant for a New Jersey dewatering well drilling license shall:

1. Submit a completed application on the form prescribed by the Department pursuant to [(l)] **(k)** below and satisfy all experience and other requirements specified by this subchapter and provide evidence of the following:

i. Three years of experience drilling and sealing dewatering well or dewatering wellpoints [as an apprentice well driller] under the supervision of either a master or journeyman well driller or licensed dewatering well driller;

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ii. – iii. (No change.)

2. – 3. (No change.)

(d) An applicant for a New Jersey soil borer license shall:

1. Submit a completed application on the form prescribed by the Department pursuant to [(l)] **(k)** below and satisfy all experience and other requirements specified by this subchapter and provide evidence of the following:

i. Three years of experience drilling and sealing borings [as an apprentice well driller] under the supervision of either a master or journeyman well driller, licensed soil borer or monitoring well driller;

ii. – iii. (No change.)

2. – 3. (No change.)

(e) An applicant for a New Jersey monitoring well drilling license shall:

1. Submit a completed application on the form prescribed by the Department pursuant to [(l)] **(k)** below and satisfy all experience and other requirements specified by this subchapter and provide evidence of the following:

i. Three years of well drilling experience [as an apprentice well driller] under the supervision of a master or journeyman well driller or a monitoring well driller. [This information shall be submitted on the Department's apprentice work log form and shall specify dates and descriptions of work and the name of the supervising master or journeyman well driller or monitoring well driller];

[ii. A written recommendation of the master or journeyman well driller or monitoring well driller who has agreed to sponsor the applicant;]

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[iii.] **ii.** A high school diploma or G.E.D.;

[iv.] **iii.** That he or she has resolved any revocation or suspension of a previously issued well drilling license or of any outstanding violation or fine pursuant to the Act; and

[v.] **iv.** All applicants that do not possess the required experience in the State of New Jersey shall submit evidence that he or she is in possession of **a** valid National Ground Water Association Certification (NGWA) in the appropriate well drilling category, evidence of three years of drilling experience in any other state, and any other requirements deemed necessary by the Board for such applicants;

2. – 3. (No change.)

[(f)] An applicant for a New Jersey apprentice well driller registration shall:

1. Submit a completed general application on the form prescribed by the Department pursuant to (l) below and provide evidence of the following:

- i. Proof that the applicant is at least 18 years of age; and
- ii. A signed statement by a New Jersey licensed well driller of the proper class stating her or his willingness to sponsor the apprentice's training in the appropriate well drilling category.]

[(g)] **(f)** An applicant for a New Jersey pump installers license shall:

1. Submit a completed application on the form prescribed by the Department pursuant to [(l)] **(k)** below and satisfy all experience and other requirements specified by this subchapter and provide evidence of the following:

i. – iii. (No change.)

2.-3. (No change.)

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[(h)] **(g)** The Department shall review each application upon receipt of all the information required in [(l)] **(k)** below and either notify the applicant of any deficiencies or notify the applicant of her or his eligibility to take the appropriate examination. [Applicants for apprentice registration will be notified of the sufficiency or insufficiency of their applications.]

1. – 2. (No change.)

[(i)] **(h)** The Department shall notify all applicants of the results of their examination.

[(j)] **(i)** The Department shall issue the appropriate license to successful applicants upon full payment of the appropriate initial license fee in N.J.A.C. 7:9D-1.9.

[(k)] **(j)** An unsuccessful applicant may review his or her examination at the Department during normal working hours for a period of 30 days from the date of written receipt of their examination results.

[(l)] **(k)** Applications for a license under this section shall be submitted on a form prescribed by the Department and shall include the following:

1. – 6. (No change.)

[(m)] All applicants for a well drillers license, other than those applying for a master well driller license or those who satisfy out-of-State experience requirements, shall meet the apprentice well driller experience requirement. This requirement shall not apply to any applicant who applies for said examination from September 4, 2001 through September 4, 2004 provided the applicant has satisfied all other requirements as set forth in this subchapter.]

7:9D-1.9 Licensing examination application fees, licensing fees and renewal requirements for all well driller licenses of the proper class, [and] pump installer licenses [and

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apprentice registrations], and establishment of special dedicated non-lapsing account

(a) (No change.)

(b) A non-refundable [\$35.00] **\$50.00** application fee is required with all applications made for any licensing examination and shall be made by check or money order payable to "Treasurer, State of New Jersey" and submitted to the Department.

(c) The initial and renewal fees for all licenses of the proper class [and fees for apprentice registrations] and late renewals are as follows:

- |                                      |                                  |
|--------------------------------------|----------------------------------|
| 1. Master well driller's license     | [\$75.00] <b><u>\$300.00</u></b> |
| 2. Journeyman well driller's license | [\$75.00] <b><u>\$300.00</u></b> |
| 3. Dewatering well driller's license | [\$75.00] <b><u>\$300.00</u></b> |
| 4. Soil borer's license              | [\$75.00] <b><u>\$300.00</u></b> |
| 5. Monitoring well driller's license | [\$75.00] <b><u>\$300.00</u></b> |
| 6. Pump installer's license          | [\$75.00] <b><u>\$150.00</u></b> |
| 7. [Apprentice registration          | \$30.00                          |
| 8.] Late renewal fee                 | [\$10.00] <b><u>\$50.00</u></b>  |

(d) – (f) (No change.)

7:9D-1.10 State Well Drillers and Pump Installers Examining and Advisory Board

(a)– (e) (No change.)

(f) The duties of the Board shall include, but not be limited to, the following:

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1. Examining the qualifications and experience of all persons applying for any well driller license of the proper class[,] **or** pump installer license [or apprentice registration];

2. – 3. (No change.)

4. Advising the Department regarding any enforcement actions or any complaints against licensed well drillers, licensed pump installers[,apprentice well drillers,] or any person pursuant to this chapter; and

5. No change.

7:9D-1.11 Well permits

(a)-(e) (No change.)

(f) A State well permit shall be required prior to the construction of all wells as described in N.J.A.C.7:9D-2, regardless of well diameter and total well depth except for those wells described in (g) and (h) below.

1. [All wells] **For each well** requiring a permit [to drill] , **a well permit application** shall be [completed] **submitted** on the forms prescribed by the Department giving the owner's name and address, name of facility, well driller's name and address, the proposed diameter, the proposed depth, the proposed pumping capacity, the type of well, the proposed location of well in relation to any building structure and potential sources of contamination, the date of application, the signature of owner, signature of well driller and registration number of the well driller who has submitted the application form.

**2. Prior to December 31, 2007, the New Jersey Rectangular Coordinate Grid System (Atlas Sheet System) shall be used to report well locational information in a**



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**well permit application. In addition to the Atlas Sheet System, well location coordinate data obtained using the methods described at (f)3iv below may also be submitted.**

**3. Starting January 1, 2008, the proposed well location (horizontal data point) as well as the method used to obtain the proposed well location shall be reported in all well applications according to (f)3i-iv below. Explanatory information and program contacts are provided in the Department's "Guidance for Reporting Well Locations to the New Jersey Department of Environmental Protection Well Permitting Program," available at [www.state.nj.us/dep/watersupply](http://www.state.nj.us/dep/watersupply) or by contacting the Well Permitting Program at (609) 984-6831.**

**i. All well location coordinates shall be mapped within 100 feet of the actual proposed location. The mapping method used shall have horizontal accuracy of at least 30 meters.**

**ii. Horizontal data points shall be submitted in New Jersey State Plane coordinates using the North American Datum of 1983 (NAD 1983), in accordance with the Department's Mapping and Digital Data Standards at N.J.A.C. 7:1D Appendix A, using units of United States survey feet.**

**iii. Locational information collected in latitude and longitude shall be converted to New Jersey State Plane coordinates.**

**iv. Well locational information shall be reported using one of the following methods:**

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**(1). Global Positioning System (GPS). GPS data shall be obtained in accordance with Department standards set forth at N.J.A.C. 7:1D, Appendix A. More information on GPS is available on the Department's Bureau of Geographic Information Systems' web site at <http://www.nj.gov/dep/gis/>. The GPS coordinates shall be collected by the well drillers as close as possible to the proposed well location. GPS receivers used for GIS data collection shall be either mapping or resource grade receivers that meet the standards in N.J.A.C. 7:1D, Appendix A;**

**(2) i-MapNJ. Access to i-MapNJ and a tutorial for New Jersey well drillers is available through the Department's Bureau of Geographic Information Systems' (BGIS) web site at <http://www.nj.gov/dep/gis/>; or**

**(3) Survey. All surveyed coordinate locations for a proposed shall be established by a New Jersey licensed land surveyor.**

(g) – (l) (No change.)

7:9D-1.13 Provisions for issuance of expedited well drilling permits

(a) – (d) (No change.)

(e) An expedited well permit approval may be issued for a public community supply well only in those cases where the [Bureau of Safe Drinking Water] **Bureau of Water Systems and Well Permitting** has issued its approval to construct the well **in accordance with the New Jersey Safe Drinking Water Act rules, N.J.A.C. 7:10.**

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7:9D-1.15 Well record requirements

(a) All well records shall be maintained as follows:

1.- 3. (No change.)

**4. Starting January 1, 2008, the as-built location of the well shall be reported in all well records as follows:**

**i. All well location coordinates shall be mapped within 10 feet of the actual location. The mapping method used shall have horizontal accuracy of at least 5 meters.**

**ii. Horizontal data points shall be submitted in New Jersey State Plane coordinates using the North American Datum of 1983 (NAD 1983), in accordance with the Department's Mapping and Digital Data Standards at N.J.A.C. 7:1D Appendix A, using units of United States survey feet.**

**iii. Locational information collected in latitude and longitude shall be converted to New Jersey State Plane coordinates.**

**iv. Well locational information shall be reported using one of the following methods:**

**(1) Global Positioning System (GPS). GPS data shall be obtained in accordance with Department standards set forth at N.J.A.C. 7:1D, Appendix A. More information on GPS is available on the Department's Bureau of Geographic Information Systems' web site at <http://www.nj.gov/dep/gis/>. The GPS coordinates shall be collected by the well drillers as close as possible to the as-built well location. GPS receivers used for GIS data collection shall be**

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**either mapping or resource grade receivers that meet the standards in**

**N.J.A.C. 7:1D, Appendix A; or**

**(2) Survey. All surveyed coordinate locations for an as-built well shall be established by a New Jersey licensed land surveyor.**

(b) (No change.)

7:9D-1.16 Fees for permit to drill well

(a) (No change.)

(b) Well permit fees are assessed as follows:

1. Each permit application for any well other than those described in (b)2 below shall be accompanied by a fee of [\$50.00] **\$130.00**;

2. Each permit application for a well equipped with a pump capable of producing 70 gallons per minute or more shall be accompanied by a fee of [\$125.00] **\$250.00**;

3. Each site-wide permit application for borings, cathodic protection wells, closed loop geothermal well systems or dewatering well systems shall be accompanied by a fee of [\$500.00] **\$1,300.00**. A site-wide permit shall allow for the construction of 10 or more borings, cathodic protection wells, closed loop geothermal wells, or dewatering wells or dewatering wellpoints for each project area. Where less than 10 borings, cathodic protection wells, closed loop geothermal wells, or dewatering wells or dewatering wellpoints are proposed to be drilled at a site, individual well permits **are**

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**required, and the fee** [shall be applied for pursuant to (a)1 above] **at (b)1 above**

**applies.**

(b) (No change.)