

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER SUPPLY & GEOSCIENCE

Well Construction and Maintenance; Sealing of Abandoned Wells

Proposed Amendments: N.J.A.C. 7:9D-1.8, 1.9, 1.10, 2.2 and 2.4

Authorized By: Catherine R. McCabe, Commissioner, Department of
Environmental Protection.

Authority: N.J.S.A. 13:1D-1 et seq.; 58:4A-4.1 et seq., 58:12A-1 et seq.,
58:10A-1 et seq.

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

DEP Docket Number: 05-20-09

Proposal Number: PRN 2019 -

If a public hearing on this proposal is requested during the public comment period and approved by the Department, the date and time of the hearing will depend on circumstances surrounding the

COVID-19 public health emergency. If the Department holds a hearing, the public comment period will be extended until after the hearing.

Further information on a public hearing, if one is held, will be posted on the Department's website at www.nj.gov/dep/rules/notices.html at least 15 days prior to the date of the hearing. Notice will also be sent to those who have subscribed to the Department's rulemaking listserv. To subscribe, go to www.nj.gov/dep/rules/subscribe.html.

Submit comments by _____, 2020, electronically at <http://www.nj.gov/dep/rules/comments>. Each comment should be identified by the applicable N.J.A.C. citation, with the commenter's name and affiliation following the comment.

The Department encourages electronic submittal of comments. In the alternative, comments may be submitted on paper to:

Robert S. Guzek, Jr., Esq.

Attn: DEP Docket Number: 05-20-09

DEP - Office of Legal Affairs

New Jersey Department of Environmental Protection

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P.O. Box 402

Trenton, New Jersey 08625-0402

Written comments may also be submitted at the public hearing, if one is held.

This rule proposal may be viewed or downloaded from the Department's website at

<http://www.nj.gov/dep/rules>.

The agency proposal follows:

Summary

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

The Department is proposing amendments to the Well Construction and Maintenance; Sealing of Abandoned Wells rules (hereinafter, the rules) at N.J.A.C. 7:9D, which establish a regulatory program that helps to ensure the protection of the State's groundwater and public health. The rules implement N.J.S.A. 58:4A-4.1 through 29, referred to as the Subsurface and Percolating Waters Act (the Act). Under the Act, the Department has established requirements and standards for the permitting, construction and decommissioning of wells, the licensing of well drillers and pump installers, and the activities and responsibilities of the New Jersey State Well Drillers and Pump Installers Examining and Advisory Board (the Board). In addition, the Department regulates injection wells, which are wells through which liquid or gas is injected for the purpose of disposing of waste, maintaining pressure, recharging an aquifer or environmental

remediation, pursuant to the New Jersey Water Pollution Control Act N.J.S.A. 58:10A-1 et seq., and the rules govern the operational use of such wells.

In 2018, the Department adopted amendments to the rules that, among other things, updated the rules with regard to well drilling materials, methods, and technologies, and implemented provisions in the Act mandating the establishment of a continuing education program for all licensed well drillers and pump installers (see 49 N.J.R. 1602(a), 50 N.J.R. 171(a)). The Department is proposing amendments to address issues that have become apparent since the January 2, 2018 adoption. Proposed amendments include revisions to the Well Driller and Pump Installer licensing requirements, changes in the timing of reporting of continuing education points (CEPs) by CEP providers, and clarification of the procedures for how a license can be renewed if certain requirements have not been achieved by the existing regulatory deadlines. Additional proposed amendments include relocation of the well labeling provisions to effectuate the requirement of labeling for Category 1, 2 and 3 wells, but not Category 4 wells, and administrative corrections to amend cross referencing errors within the rule.

Licensing Requirements and CEP Reporting Requirements

In order to become licensed as a well driller or pump installer in New Jersey, an applicant must satisfy specific experience requirements and demonstrate the requisite skills and knowledge of equipment utilized in the profession and proper practices by passing certification exams specified in the rules. These exams, as well as the examiners, are approved by Department, with various areas of proficiency required to be demonstrated including

knowledge of New Jersey's specific well drilling regulations. The results of the exams are reported directly to the Department by the examination and CEP manager. The experience levels and areas of proficiency that must be demonstrated depending upon the class of license sought are specified in the rules at N.J.A.C. 7:9D-1.8. In order to ensure that the applicant's knowledge of regulatory requirements in New Jersey is current, the rules specify that the exam regarding New Jersey regulations for each license class (the New Jersey Regulations exam) must have been taken no more than two years prior to submitting the application (see N.J.A.C. 7:9D-1.8(a)3).

The rules require that, subsequent to becoming licensed, well drillers and pump installers obtain Board specified continuing education credits in order to be able to renew their license. With respect to continuing education, the examination and CEP manager oversees tracking of the CEPs for all licensees, maintains a database of accumulated CEPs for each licensee, and provides reports to Department staff for tracking the progress of each licensee prior to license renewal. Before renewing a license, the Department verifies that the candidate meets all requirements, including continuing education, and reports those findings to the Board. The Board reviews the Department's findings and makes a recommendation that the requirements for license renewal have been met. The Board's recommendation triggers issuance of an invoice that will allow for the payment of the required fee. To allow the Department and Board adequate time to determine whether licensees have met the eligibility requirements, the rules also require CEPs to be obtained at least 90 days prior to license term expiration. The applicable renewal fee must be submitted prior to June 30 of the year the existing license expires. The process for renewal and consequences of failure to renew within

the provided period, as well as methods to remedy late renewal, are specified in N.J.A.C. 7:9D-1.9. The Act, at N.J.S.A. 58:4A-18b, requires that the payment of the required fee must be completed within six months of the expiration date of the license (by December 31) or the license expires and cannot be reinstated.

The Department is proposing amendments to clarify the Well Driller and Pump Installer licensing requirements, outline procedures by which a license may be renewed even if certain requirements have not been achieved by the existing regulatory deadlines and clarify when CEPs must be reported.

The Department is proposing to clarify N.J.A.C. 7:9D-1.8(a)3 to make explicit that only the applicable New Jersey Regulations exam must be taken and passed within the two-year period prior to applying for or upgrading a license. Existing N.J.A.C. 7:9D-1.8(a)3 does not clearly capture the original intent discussed in the rule proposal summary when the licensing program was incorporated in the rules (see 49 N.J.R. 1602(a)). The intent was to allow individuals to continue to rely on passage of certification exams in the general subject area but require them to have taken (or re-taken) the New Jersey Regulations examination within two years of the initial license application or application to upgrade to a higher level. This proposed clarification is consistent with the Board's July 2018 passage of a motion which asked the Department to proceed with a rule clarification to N.J.A.C. 7:9D-1.8(a)3 to stipulate that the two-year window applies only to the New Jersey Regulations exam.

The proposed clarification will prevent misinterpretation of the existing rule text while ensuring the original intent that applicants be familiar with the most current New Jersey regulations, which can change periodically, while allowing credit for non-regulatory

examinations taken more than two years prior to applying for a license or license upgrade since those exams address well drilling and pump topics that do not typically change on a regular basis.

The Department additionally proposes to revise N.J.A.C. 7:9D-1.9(c) and (d) to include a provision allowing licensed individuals to renew their licenses even if they do not obtain the required CEPs by April 1, provided that they obtain the required CEPs and pay an administrative late fee of \$500 and the renewal fee(s) no later than December 31, which is six months after the June 30 license expiration date. In order for licensees to be eligible for renewal, the existing rules require them to satisfy all CEP requirements prior to April 1 (see N.J.A.C. 7:9D-1.9(e) and (f)). In accordance with N.J.A.C. 7:9D-1.9(a), those eligible to renew their license must submit proof that they have satisfied the CEP requirements specified in N.J.A.C. 7:9D-1.9(e) and (f) (including the requirement that CEPs be completed prior to April 1) and pay the applicable fee prior to June 30. Currently, N.J.A.C. 7:9D-1.9(c) creates a six-month late renewal period wherein a licensee who had sufficient CEPs by April 1 but did not complete the renewal process before June 30 can complete the renewal process and pay a late fee. However, if all CEPs were not obtained by April 1, the existing rules only provide an option to apply for a new license. Thus, the existing rules do not provide a licensee the opportunity to fulfill any CEP deficiencies they may have had between the April 1 CEP deadline and payment deadline of December 31 of the license renewal year. For a previously licensed individual, this would mean that they would have to re-test as a new applicant in lieu of reinstating the license. Due to the varying number of certification exams that are needed based on the license type sought, the exam fees alone

would likely be several hundred dollars in addition to the time and expense of studying and traveling to and from the exam centers to take those exams.

The Department is proposing to amend N.J.A.C. 7:9D-1.9 to allow individuals to renew their licenses even if they have obtained their required CEPs after April 1 as long as they pay an additional administrative late fee of \$500 and complete the required payment by December 31. The Board supports this amendment. The administrative late fee of \$500 is in addition to the renewal fee and is intended to cover the additional costs to process the renewal of a license that does not follow the standard administrative process. This fee is equivalent to the fine issued to licensed individuals for minor, non-construction related infractions. The administrative late fee is in addition to the existing \$50 late fee which will be imposed for those who fail to pay their bill by June 30 of the licensing cycle when applicable. This proposed amendment allows those individuals that satisfy CEP requirements after April 1 to avoid the need to file for a new license and await approval of that new license before they continue operations, provided they complete the payment process prior to December 31.

It is important to note that the rules as proposed for amendment would continue to require that only well drillers and pump installers whose license is current may continue to engage in those activities. Accordingly, while a license may be renewed up until December 31, a proposed new sentence makes clear that all such activities must cease upon June 30 expiration of the current license and may only be re-initiated once the renewal fee and/or CEP requirements have been satisfied.

Last, regarding current CEP reporting requirements, the Department is proposing to revise N.J.A.C. 7:9D-1.9(g)4 to require that CEP course providers report course attendance to

the CEP manager within 45 days from the date of course attendance, or by the end of the continuing education cycle, whichever comes first. The rule currently gives continuing education providers until the end of the continuing education cycle, which could be up to three years after the date of a course, to submit documentation that an individual has attended a course. The Board and the Department agree that the current timeframe is problematic and should be amended to provide for more timely tracking of CEPs so that licensees can ensure they are meeting their regulatory obligations to renew their licenses, and the Department can maintain a current database of licensed individuals.

Well Labeling

The Department proposes to relocate existing N.J.A.C. 7:9D-2.4(a)1, which requires that Category 3 and Category 4 wells display the well permit number on the well casing, to N.J.A.C. 7:9D-2.2, which are general requirements that apply to all 8 categories of wells. Currently, N.J.A.C. 7:9D-2.4(a)1 requires that Category 3 and 4 wells prominently display or permanently affix the well permit number to cased wells. Category 4 wells are defined as uncased environmental resource and geotechnical borings at N.J.A.C. 7:9D-2.1(a)4. Category 4 wells include all uncased non-water supply wells that are used for environmental engineering and remediation, or geotechnical investigation, and include: soil borings, probe holes, wick drains, uncased holes, and borings installed through the use of direct-push technologies. As Category 4 wells are uncased wells, they cannot comply with the requirement to display the well permit number on the casing wall.

Since N.J.A.C. 7:9D-2.4(a)1 only applies to cased wells, the Department is proposing, with the Board's concurrence, to recodify N.J.A.C. 7:9D-2.4(a)1 to the General Requirements at N.J.A.C. 7:9D-2.2, to be applicable to all Category 1 potable water supply wells, Category 2 non-potable water supply wells and Category 3 cased environmental resource and geotechnical wells. As noted above, the requirement will not apply to Category 4 wells, nor will it apply to Category 5-8 wells. While Category 5-8 wells are cased wells, the Department is not proposing that this labeling requirement be applicable to those wells because of the unique nature of wells in these categories. For example, Category 5 wells are closed-loop geothermal wells, which are buried wells and are not visually accessible, and Category 7 wells are elevator boreholes and permit information would have limited benefit and extremely limited access. Therefore, the Department finds that the labeling of these wells would have very limited or no benefit.

The Department currently requires those properties that are regulated under Water Allocation Permits or Water Use Registrations under N.J.A.C. 7:19 to label their new and existing wells. This includes those wells that have a total combined pumping capacity of all water diversions (both wells and surface waters) of more than 70 gallons per minute, or more than 35 gallons per minute for facilities located in whole or in part in the Highlands Preservation Area.

The Department proposes to require labeling of smaller capacity wells, including residential water supply wells and small irrigation wells. Labeling of all Category 1, 2 and 3 wells is necessary for several reasons: labeling helps to properly identify individual wells, which can be particularly difficult where there are many wells in a small area; labeling ensures that

the correct well is being decommissioned; and labeling makes it easier to identify the well permits, records and other regulatory documents associated with each well, which will help property owners and the Department work together to properly identify wells that exist or may have existed previously on a property during real property transaction when environmental reviews are required. Finally, labeling is important when responding to environmental problems such as spills or groundwater contamination and allows the Department to gather the correct construction specifications of a well quickly. This amendment will ensure all wells that need to be labeled are properly labeled for permitting and tracking purposes.

Administrative Corrections

The Department is proposing administrative changes to correct cross-reference errors in two parts of the rule at N.J.A.C. 7:9D-1.9 and 1.10. The first proposed cross-reference correction is to N.J.A.C. 7:9D-1.9(g)1. This paragraph specifies timing requirements applicable to Department approval of events designed to fulfill CEP requirements, including provisions to allow the Department to approve alternate timing in certain circumstances, provided that the course has been recommended by the Board and all information required by the rules has been submitted. This paragraph incorrectly references N.J.A.C. 7:9D-1.9(g)3 as the rule provision that identifies the information that is required to be submitted. Rather than including information submittal requirements, N.J.A.C. 7:9D-1.9(g)3 identifies types of events that will not be approved for CEPs. The Department is therefore correcting the cross-reference to instead refer to N.J.A.C. 7:9D-1.9(g)4.

The second proposed cross-reference correction is to N.J.A.C. 7:9D-1.10(f)4. This paragraph sets forth the obligation of the Board to review and recommend CEP courses that will satisfy the continuing education requirements for licensed well drillers and pump installers. In setting forth the process that the Board is to follow to review and recommend CEP courses, N.J.A.C. 7:9D-1.10(f)4 incorrectly references N.J.A.C. 7:9D- 1.10(i), which addresses Board recommendations for suspension or revocation of a license. The Department is correcting this cross-reference to refer to N.J.A.C. 7:9D-1.10(j).

Social Impact

The Department expects that the proposed amendments will have a positive social impact. The most direct impacts will be to the current 1,029 licensees; 734 licensed well drillers and 295 licensed pump installers. The proposed amendments addressing the licensing requirement provide licensed well drillers and pump installers additional time to complete their CEP requirements, renew their licenses, and maintain their operations. Further, the proposed amendments compel CEP course providers to submit to the CEP managers course attendance information sooner, within 45 days of course completion, enabling both the licensees and the Department to keep updated records and assist the licensees in identifying requirements that need to be met to renew their licenses.

Additionally, the proposed amendments to the well labeling requirement will ensure that all Category 1, 2 and 3 wells are labeled, while clarifying that Category 4 wells, which are uncased, do not need to be labelled. As discussed above, labeling of all Category 1, 2 and 3 wells is necessary for a number of reasons including to assist property owners and the

Department to properly identify wells that exist or may have existed previously on a property during real property transactions, properly identify the wells during decommissioning and assist the Department when responding to environmental problems such as spills or groundwater contamination.

Finally, the proposed amendments correcting cross-references will make it easier for the regulated community to understand the rule and comply with the requirements.

Economic Impact

The proposed amendments are expected to have a positive economic impact on licensed well drillers and pump installers who fail to obtain the required CEPs prior to April 1 of each license renewal cycle, but are able to complete them and pay their renewal fees prior to December 31, while continuing to ensure that only fully qualified well drillers and pump installers are operating in the State.

Currently, the rules do not address how licensees may renew their license if they did not obtain their CEPs by April 1. Without these regulatory amendments, the licensees would need to apply for a new license and provide the required submittals under the current rule. This could include passing exams that were not included in prior rules under which they were originally licensed, in addition to obtaining the required CEPs as identified in N.J.A.C. 7:9D-1.9(d), and could create a substantial financial hardship for those individuals, who would be prevented from performing licensed duties during the time required to satisfy those requirements. In New Jersey, the median annual wage of well drillers is \$62,800 and \$52,260 for well pump installers according to statistics from <https://www.careeronestop.org>. Loss of

approximately \$5,200 or \$4,300 respectively per month until the license can be renewed could represent a substantial hardship.

The proposed \$500 administrative late fee will apply only to those licensees who fail to meet the continuing education requirements of the rule prior to April 1. This administrative late fee is equivalent to the fine issued to licensed individuals for minor, non-construction related infractions of the rule and will cover the additional costs to process the renewal of a license that does not follow the standard administrative process for recording and processing CEPs. The potential loss of income described above is substantially more than the \$500 administrative late fee being proposed. This fee also provides an additional incentive for licensees to obtain their CEPs over the three-year licensing cycle in a timely manner.

There will be a minor negative economic impact to the installation cost of new Category 1 and 2 wells, which will now be required to be labeled with the permit number and local well name. Approximately 12,200 well permits are issued each year and nearly 3,000 of those permits are for the installation of new Category 1 and 2 wells. As indicated above, the Department currently requires those properties that are regulated under Water Allocation Permits or Water Use Registrations under N.J.A.C. 7:19 to label their new and existing wells with this information. Under this rulemaking, smaller capacity wells, including residential water supply wells and small irrigation wells, will need to be labeled as well. Labeling options may include painting the information on the well casing, which has little cost, to purchasing a metal or plastic tag engraved with the information and affixed it to the casing. The cost will generally be less than \$25 depending on the method of labeling being used. This cost is minor compared

to the overall cost of installing a new well, which typically ranges from \$1,500 for a shallow well (100 feet deep) to \$12,000 or more for a deep well (400 feet deep).

Environmental Impact

The proposed amendments are administrative in nature and are not anticipated to have a significant environmental impact. However, wells can provide a conduit for surface contamination to impact subsurface aquifers and there may be an indirect positive impact as a result of the requirement to properly label wells. The labeling requirement will provide a means to quickly and efficiently identify a well and its corresponding well permit and record information. This will help to track information regarding well construction and use. It will also be helpful in decommissioning of wells when they no longer serve a useful purpose.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. require State agencies that adopt, readopt or amend State regulations that exceed any 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 directly implement, comply with or participate in any regulatory effort or program established under Federal law or under a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Additionally, 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, no Federal standards analysis is required.

Jobs Impact

The proposed amendments will not have an impact on the number of jobs generated or lost in the private sector in New Jersey.

Agriculture Industry Impact

The proposed amendments to N.J.A.C. 7:9D will not have a significant impact on the agriculture industry in New Jersey. The only change will be that when a new irrigation well is installed, it will be required to be labeled with the well permit number, which is a negligible cost compared to the overall cost of installing a new well. The labeling of the well provides benefits to the agricultural industry by saving time associated with properly identifying wells quickly and accurately by those working in the field with those wells.

Regulatory Flexibility Statement

As required by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Department has evaluated the reporting, recordkeeping, and other compliance requirements that the proposed amendments would impose on small businesses. The proposed amendments are consistent with and implement the statutory directive of the Act and the proposed amendments are not considered overly burdensome regardless of the size of the drilling or pump installation company. In fact, these amendments were requested by industry representatives and the Board. The only significant amendment to the rule that would impact small business provides relief to those who fail to complete their license renewal requirements

prior to the renewal date, who would otherwise face a loss of their license. While a late fee will now apply, the benefit gained by having the ability to reinstate a license without having to apply for a new license and not being able to operate while the new license application is processed, far outweighs the additional cost of the late fee. The Department is not proposing any differing standards that would apply to small businesses.

Housing Affordability Impact

Pursuant to N.J.S.A. 52:14B-4, the Department has evaluated the proposed amendments to determine the impact, if any, on the affordability of housing and the average cost of housing in the State. The Department has determined that the proposed amendments will not evoke a change in the overall average cost associated with housing in the State.

Smart Growth Development Impact

Pursuant to N.J.S.A. 52:14B-4.1b, as amended effective July 17, 2008, by P.L. 2008, c. 46, the Department has evaluated the proposal of amendments to determine its impact, if any, on smart growth development. The Department has determined that the proposed amendments will not evoke a change in impact housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

CHAPTER 9D WELL CONSTRUCTION AND MAINTENANCE; SEALING OF ABANDONED WELLS
RULES

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

7:9D-1.8 License application and licensing examination procedures

- (a) An applicant for a well driller or pump installer license shall:
1. - 2. (No change.)
 3. Demonstrate that he or she has met the experience requirements by conducting activities in compliance with this chapter within the State of New Jersey, except as provided at (a)4 below, and has obtained a passing grade on the certification exams administered by an examination and CEP manager selected by the Department and required for the proper license class pursuant to Table 1 below[, including]. **The New Jersey Regulations exam for the applicable license class** [modules, which] shall

have been taken [within] **no more than** two years prior to submitting an application[:].

Table 1 (No change.)

(b) through (g) (No change.)

7:9D-1.9 Licensing examination application fees, licensing fees and renewal requirements for all well driller licenses of the proper class, pump installer licenses, and establishment of special dedicated non-lapsing account

(a) (No change.)

(b) The initial and renewal fees for all licenses issued pursuant to this chapter and for late renewals are as follows:

1. - 3. (No change.)

4. Late CEP administration fee \$500.00

(c) A licensee who fails to **satisfy the CEP requirements specified in (e) or (f) below, as applicable, by April 1, or fails to** renew his or her license prior to [the] June 30 [renewal payment deadline], may have his or her license renewed by [payment of the appropriate renewal fee and late payment fee within six months following the renewal date of the license,

provided all other requirements of this section are met.] **completing the following requirements. The licensee shall not continue to engage in well drilling and pump installing activities past the June 30 expiration of his or her current license until license renewal requirements specified below are completed.**

- 1. Licensees who fail to pay the appropriate renewal fee prior to June 30 must:**
 - i. Pay the renewal fee required at N.J.A.C. 7:19-1.9(b)1 or 2, as appropriate;**
 - ii. Pay the late payment fee required at N.J.A.C. 7:19-1.9(b)3;**
 - iii. Submit both payments specified in i. and ii. above to the Department within six months of the expiration of the license; and**
 - iv. Satisfy all other requirements of this section.**

- 2. Licensees who fail to obtain the required CEPs prior to April 1 must:**
 - i. Provide evidence to the Department's satisfaction that all CEPs were obtained;**
 - ii. Pay the late CEP administration fee required at N.J.A.C. 7:19-1.9(b)4; and**
 - iii. Pay the renewal fee prior to June 30 or comply with the requirements of (c)1., above.**

- 3. Any CEPs earned after the April 1 deadline for the purposes of a license renewal subject to 2., above, shall not be credited to any other license cycle.**

(d) – (f) (No change.)

(g) The Department shall review and approve the seminars, workshops, training courses, college courses, or other means designated to fulfill the continuing education point requirements set forth at (f) above as follows:

1. All requests for approval of a course shall be submitted to the Department at least 90 days prior to the start date of the course. The Department, in its discretion, may on a case-by-case basis decide to review a course that is submitted outside of this timeframe or that is submitted after the completion of the course provided that a recommendation has been made by the Board pursuant to N.J.A.C. 7:9D-1.10(j) and all other information outlined in [3]4 below is submitted.

2. – 3. (No change.)

4. Requests for course review shall be made in writing to the Department at the address set forth in N.J.A.C. 7:9D-1.17 and shall include the following information:

i. – vi. (No change.)

vii. A statement that the course provider will submit to the examination and CEP manager that administers the continuing education program, documentation related to the course and attendees in the format required, no later than the end of the continuing education period **or 45 days following the completion of the course, whichever comes first;**

viii. – ix. (No change.)

(h) (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:

1. through 3. (No change.)

4. Review and recommend courses which fulfill the continuing education point requirements set forth at N.J.A.C. 7:9D – 1.9(f), in accordance with [(i)](j) below.

5. through 8. (No change.)

(g) through (j) (No change.)

...

SUBCHAPTER 2 REQUIREMENTS AND PROCEDURES FOR THE CONSTRUCTION,
INSTALLATION, OPERATION AND MAINTENANCE OF WELLS

...

7:9D-2.2 General construction and maintenance requirements for all wells

(a) The following general construction requirements shall apply to the construction of all categories of wells pursuant to the [State] Act:

1. - 18. (No change.)

19. When permanent well pumping equipment is required for any well, all installation or replacement work shall be performed by a pump installer or master, journeyman, or journeyman (Class B) well driller. All such work shall conform with the standards set forth in N.J.A.C. 5:23-3.16 and 13:31-3; [and]

20. Any portion of a borehole which is drilled into a confining layer or through a confining layer where the deeper aquifer will not be used, or any portion of a borehole that will extend 20 feet or more below the bottom of the completed well, shall be considered abandoned and that portion of the borehole shall be decommissioned prior to the completion of the well in accordance with N.J.A.C. 7:9D-3[.]; and

21. The State well permit number shall be prominently displayed and permanently affixed to each Category 1, 2 and 3 well in addition to the site-specific well identification number set forth on the approved well permit application (for example, MW-1).

(b) (No change.)

...

7:9D-2.4 Requirements for the construction and maintenance of all Category 3 and 4 wells

(a) In addition to the well permitting requirements in N.J.A.C. 7:9D-1 and the general construction specifications in N.J.A.C. 7:9D-2.2, the following specific requirements shall apply to all Category 3 and 4 wells:

[1. The State well permit number shall be prominently displayed and permanently affixed to cased wells in addition to the site-specific well identification number set forth on the approved well permit application (for example, MW-1);]

2. - 8. Recodify as 1. – 7. (No change in text.)

(b) through (f) (No change.)

...

Based on consultation with staff, I hereby certify that the above statements, including the Federal Standards Analysis addressing the requirements of Executive Order No. 27 (1994), permits the public to understand accurately and plainly the purposes and expected consequences of this proposal. I hereby authorize this proposal.

Date: _____

Catherine R. McCabe, Commissioner
Department of Environmental Protection

