



# State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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## New Jersey Department of Environmental Protection NJ State Well Drillers and Pump Installers Examining and Advisory Board Meeting Minutes for March 17, 2016

*Approved by the Board on May 26, 2016*

**Board Members Present:** Art Becker (Chairman), Gary Poppe (Vice-Chairman), Joe Yost, Carol Graff and Steve Doughty

**Board Members Absent:** Gordon Craig, Richard Dalton and Joe Pepe

**NJDEP Bureau of Water Allocation & Well Permitting Staff Present:** Terry Pilawski, Pat Bono, Steve Reya, Julia Altieri, Michael Schumacher and Melia Stoop

**Board Legal Representative:** Jill Denyes, Deputy Attorney General (DAG), NJ Division of Law

**New Jersey Geologic & Water Survey (NJGWS) Staff Present:** Jeffrey L. Hoffman, NJ State Geologist

**Other NJ DEP Member Present:** Bryan Barrett, Water Compliance and Enforcement-Central Region

**Members of the Public Present:** Joshua Kaiser, MoreTrench American Corp., Denis Crayon, Summit Drilling/New Jersey Ground Water Association (NJGWA) President

### 1. Call to Order and Introductions-

The meeting was called to order by Chairman A. Becker at 9:42 am with a quorum present. Two (2) members of the public, Joshua Kaiser from MoreTrench American Corp. and Denis Crayon from Summit Drilling/NJGWA President, introduced themselves to Board members.

### 2. Review and Certification of the Minutes for the January 15, 2016 Meeting –

A motion to approve the minutes without change was made by C. Graff, seconded by G. Poppe and approved unanimously.

**3. Review and Certification of Exam Applicants for the April 6, 2016 Master Well Driller, Journeyman, Journeyman B, Monitoring Well Driller, Soil Borer and Pump Installers Exams –**

**Master Well Driller**– A motion to approve the one (1) listed exam applicant was made by G. Poppe, seconded by J. Yost and approved unanimously.

**Journeyman** - A motion to approve all listed exam applicants (five (5) approved) was made by J. Yost, seconded by S. Doughty and approved unanimously.

**Journeyman B** – A motion to approve the one (1) listed exam applicant was made by Gary Poppe, seconded by C. Graff and approved unanimously.

**Special request by an applicant to sit for the Monitoring and Soil Borer Exam Applicant-**

S. Reya provided Board members with a February 29, 2016 letter from an applicant from Summit Drilling, Mr. Oscar Soto-Argueta. His letter notes that he graduated high school in Guatemala and further states that “upon completion of High School I enlisted in the Guatemalan Army, where I faithfully served my country. A time came when it was no longer safe for my family or me to stay in the country, and we were forced to flee Guatemala with nothing and immigrated to the United States. We were unable to retain any documentation from Guatemala. Unfortunately, I am unable to provide a copy of my High School Diploma, as requested in the application, as it is impossible to obtain one from Guatemala.”

Mr. Soto-Argueta meets all experience requirements specified in the regulations, said S. Reya. The only requirement Mr. Soto-Argueta cannot meet is providing evidence that he obtained his high school diploma or GED. This is not a case in which the applicant did not receive his diploma/GED, but one in which he is unable to document the fact that he received it. J. Denyes noted that the well rules, N.J.A.C. 7:9D, stipulate that one must possess a high school diploma or GED, however, they do not provide criteria by which the applicant must demonstrate that he or she has obtained one.

Therefore, she said it was up to the Board’s discretion to determine what additional information, if any, the applicant must provide since it does not seem likely that he will be able to provide the actual diploma or transcript. She also stated that in addition to any further information the Board requests from the applicant, they may also choose to have him submit a signed and notarized affidavit attesting to the truthfulness of the information he provides. Board members discussed the potential precedent that they would be setting by allowing him to sit for the test without the diploma. The Board reached the consensus that the applicant’s letter did not contain enough specific information for them to approve him to sit for the test. It was further noted that the draft regulations, if adopted as currently written, will eliminate the requirement to provide a high school diploma or GED.

Members asked that Bureau of Water Allocation and Well Permitting (Bureau) staff send Mr. Soto-Argueta a letter requesting further information for review and consideration of his application and letter for the June 8, 2016 exam. Specifically, the letter will request further information on the following: the name and location of the high school, dates attended, any documentation from secondary schools, immigration paperwork, attempts made to locate documentation.

**Monitoring** – A motion to approve all listed exam applicants (ten (10) approved), with the exception of Mr. Oscar Soto-Argueta, was made by S. Doughty, seconded by G. Poppe and approved unanimously.

**Soil Borer** – A motion to approve all listed exam applicants (ten (10) approved), excluding Mr. Oscar Soto-Argueta, was made by G. Poppe, seconded by J. Yost and approved unanimously.

**Pump Installer** – A motion to approve all listed exam applicants (three (3) approved) was made by S. Doughty, seconded by J. Yost and approved unanimously.

**4. Dewatering Well Driller Exam** - An email received from Mr. Joshua D. Kaiser; Project Engineer and licensed well driller for MoreTrench, requested clarification on the Dewatering exam on behalf of his co-worker, Edward Stec, who has been the only candidate to take the Dewatering Well Driller exam within the last fifteen years or so. In assisting Mr. Stec in preparing for the exam, Mr. Kaiser was made aware that a few questions pertained to pump installation and electrical theory regarding well pumps. Mr. Kaiser, raised the concern regarding a discrepancy between what the holder of a dewater license is authorized to do and the relevancy of questions that do not appear to be consistent with that authority. Specially, he noted that in reading the relevant well rules at, N.J.A.C. 7:9D-1.7(a)4, the authority to “install or replace well pumping equipment, connecting lines and appurtenances” is not listed within the scope of the Dewatering Well driller licensee. Descriptions for other licenses, such as the Master, Journeyman and Journeyman Class B, clearly state the license holder can perform this work. He respectfully questioned the validity of such questions on the dewatering license test and suggested that, if a licensee cannot perform certain activities, he or she should not be questioned on them on the exam. Conversely, if it is understood that Dewatering well drillers are installing pumping systems (likely only temporary pumping systems), the draft regulations should incorporate language that clarifies what activities related to pump installation and maintenance are acceptable under the jurisdiction of a Pump Installer. Chairman A. Becker responded that the concern is valid and that the Board appreciates it being brought to their attention. Due to time constraints at today’s meeting, however, the Board will have to review this exam at their May 26<sup>th</sup> meeting. This may result in alterations to the exam and/or suggested revisions to the draft well rules.

**5. Water Allocation & Well Permitting Enforcement and Field Work Activities –**  
A summary of Well Permitting Program’s enforcement and field activities over the past two months was presented by Julia Altieri.

**A) Enforcement Meeting with Master Well Driller and Drilling Contractor to Resolve Unsettled Violations-**

On March 8, 2016 Bureau and Central Compliance and Enforcement representatives met with a Master well driller and representatives from a Maryland based drilling company. The meeting was called by the Department to discuss the details of four (4) formal enforcement documents (Administrative Order and Notice of Civil Administrative Penalty Assessments (AONOCAPAs)) with orders to decommission approximately 17 wells suspected of improper construction and other violations to the well construction regulations. Both the driller and the drilling company had ignored earlier notices to address the identified problems and inconsistencies. The meeting was conducted as a last chance for the driller and the associated company to attempt to resolve these serious well construction violations. At the meeting, the driller and company were offered the opportunity to provide additional information to address these violations by Friday, March 11, 2016. To date, the section has not received any additional information from the driller or the companies involved. Further enforcement action is anticipated at this time.

**B) Outstanding Well Records-**

The Department has stepped up its effort to contact various well drilling companies for failure to submit outstanding well records owed to the Bureau from the years 2000 to 2015. So far, 15 different drilling companies have been contacted this year and several companies have already complied with the requirements to submit outstanding records. The section will continue to send letters in the future, targeting those companies that owe a substantial number of well records.

**C) Field Work-**

Well Permitting Section staff performed 15 field inspections during the past 8 weeks. Staff conducted various random compliance field checks of abandoned wells in landfills, potable well pump installation, sonic monitor well drilling, large public supply well construction and wells in the process of being decommissioning. No non-compliance issues resulted from these activities.

**D) Coordination with Compliance & Enforcement-**

Bryan Barrett reported that work continues behind the scenes to further develop the Well Permitting Section's capability to manage future and current enforcement issues in the Department's NJEMS database. Checklists and other supporting information are being loaded into the system and worked on as staff resources permit.

**6. Bureau Updates: Terry Pilawski-**

Bureau of Water Allocation & Well Permitting Chief, Terry Pilawski announced that Jeremy Wick has been hired as a full time employee with the Well Permitting Section effective March 21<sup>st</sup>, 2016 after a couple of years working as a part-time/hourly employee. He will continue to review well permits, records and decommissioning reports along with assisting in the administration of the licensing and exam program for well drillers and pump installers.

T. Pilawski also noted that with the upcoming expiration of the Permit Extension Act (PEA), the Bureau will now be able to run reports to determine exactly how many records are owed by each drilling company. Under the PEA, all well permits were technically still viable until PEA's termination date; the problem was compounded by repeated extensions of that date. All PEA extensions for well permits will expire July 1, 2016.

- 7. Status of the Well Rule Change-** On Monday, March 14, 2016 Art Becker, Jeff Hoffman, Denis Crayon and John Robbins from NJGWA, Paul Bent from Pathways Government Relation and Assistant Commissioner Dan Kennedy met with the Department's legal advisor, Ray Cantor, to discuss the revisions to the well rules, N.J.A.C. 7:9D. The purpose of the meeting was to determine the reason the drafted revisions have not yet been finalized by the Department and forwarded to the Governor's office. Both Denis Crayon and A. Becker expressed frustration with the fact that the draft was written several years ago and has yet to make it through the Department's legal review process due to other rules which have taken priority within the Department. Board members questioned how other rules could be deemed to have a high concern when the well rules are enacted to protect the quality of the state's groundwater and thus human health. D. Crayon stated that one of the important and beneficial changes proposed in the new regulations is the implementation of a continuing education program for licensed drillers and pump installers. He noted that funding the continuing education program was the Department's primary reason stated in the 2007 re-adoption and amendments of the rules for increasing the licensing and permit fees. Although the fees increased, this program was never implemented by the Department in keeping with N.J.S.A. 58:12A et seq. Mr. Cantor told those present at the meeting that he would have his staff review the draft regulations to N.J.A.C. 7:9D. Mr. Crayon intends to follow up on this matter with him periodically to track the progress on the review.

8. **NJ Implementation of the USEPA Revised Coliform Rule** - Kevin Giberson, who works in the NJDEP Bureau of Water System Engineering, presented information on the federal Revised Total Coliform Rule (RTCR) to the attendees at the NJ ground Water Association meeting on March 15, 2016. The rule will become effective on April 1, 2016. P. Bono, who also attended the meeting, detailed how the presentation covered the role that the well drilling and pump installation community will have in diagnosing and correcting deficiencies with water systems with bacteriological issues. Mr. Giberson covered RTCR phase 1 and phase 2 investigations, and provided handouts containing checklists that licensed pump installers and drillers should follow when inspecting these systems to ascertain the source of coliform contamination. This will assist individuals understand the pertinent information that must be provided on Department-required forms.

In response to national publicity involving lead in the drinking water distribution system in Flint, Michigan, the Department's Water Systems Operations Element recently set up a Lead Team to identify potential problems in New Jersey water systems. Of particular interest due to potential health concerns, is implementing a school sampling program that focuses on lead. Additional training regarding lead in drinking water, both from the Department and from the US Environmental Protection Agency (EPA), will also be forthcoming.

9. **Retirement of Assistant Director Karen Fell**- Assistant Director of the Water Systems Operations Element Karen Fell will be retiring June 1<sup>st</sup>. Since leaving the Well Permitting Program twelve years ago, where she was once Section Chief, she has overseen the Bureau of Safe Drinking Water and Bureau of Water System Engineering.
10. **Discussion of Well Rules**- From 11:35 am to 2:55 pm the Board reviewed the draft revisions to the well rules as it has been several years since their last opportunity. Particular attention was paid to the proposed Board procedures, changes to licensing and testing and the well construction requirements section. T. Pilawski reported that staff recently went back through the draft in recent months to freshen up any outdated sections, add recently approved materials and address any lingering issues in the hopes that they are assigned to someone in the Department's legal team for review. Bureau staff identified the specific updates to the draft rules and summarized the existing proposed changes from the initial 2012 draft last reviewed by the Board. Staff members thanked the Board for their assistance and will incorporate the recommendations and input suggested by the Board members.
11. **Adjournment**- A motion to adjourn was made by G. Poppe at 2:56 pm. The motion was seconded by C. Graff and approved unanimously.