



# 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 September 21<sup>st</sup>, 2017

*Approved by the Board on November 21, 2017*

### Board Member Attendance:

Present	Absent
<b>Art Becker (Chairman)</b> <b>Gary Poppe (Vice-Chairman)</b> <b>Gordon Craig</b> <b>Joe Yost</b> <b>Richard Dalton</b> <b>Jeff Hoffman</b>	<b>Joe Pepe</b> <b>Carol Graff</b> <b>Steve Domber</b>

**Board Legal Representative Present:** Deputy Attorney General (DAG) Robert Guzek, NJ Division of Law

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

**NJDEP, Water Compliance & Enforcement:** Bryan Barrett;

**NJDEP, Bureau of Licensing & Registration:** Chrissy Gerstnicker

**Others Present:** invited speaker - Joseph Bonaccorso, CME Associates

### 1. Call to Order-

The meeting was called to order by Chairman Art Becker at 9:40 am with a quorum present.

- Review and Certification of the Minutes for the July 20, 2017 meeting:** A motion to approve the July 20, 2017 meeting minutes was made by G. Poppe, seconded by G. Craig and approved unanimously.

**3. Review and Certification of Well Driller and Pump Installer Exam Applicants to sit for the October 4, 2017 Exams –**

**Master**– There were no applicants for the Master Well Driller Exam.

**Journeyman**- A motion to approve three (3) listed license exam applicants was made by J. Yost, seconded by R. Dalton and approved unanimously.

**Journeyman B**- A motion to approve one (1) listed license exam applicant was made by J. Hoffman, seconded by G. Poppe and approved unanimously.

**Monitoring**– A motion to approve sixteen (16) listed license exam applicants was made by G. Craig, seconded by G. Poppe and approved unanimously.

**Soil Borer**– A motion to approve two (2) listed license exam applicants was made by J. Hoffman, seconded by J. Yost and approved unanimously.

**Pump Installer** – A motion to approve six (6) listed exam applicants was made by G. Poppe, seconded by G. Craig, and approved unanimously.

Bureau staff provide an update on the concerns raised previously regarding an application submitted by Bryan M. Giles' to sit for the pump installer license exam. The question is whether the home school diploma submitted by Mr. Giles meets the application requirement prescribed in N.J.A.C. 7:9D-1 which require an applicant to provide evidence of a high school diploma or GED. In addition to the application, a letter was received from the Home School Legal Defense Association in which the representative noted that they have “an active litigation team” in their office working to improve homeschool policies and that the applicant is in good standing with their organization.

At the request the Board members, Bureau staff made attempts to obtain formal clarification regarding the state's interpretation of home school diplomas in this regard. P. Bono summarized phone conversations which she and S. Reya had with the NJ Department of Education, NJ Civil Service Commission and the Ocean County Vocational Technical School which Mr. Giles attended. The result of these calls was that there is no conclusive written statement or NJ policy which answers the question as to how the Board should interpret the submitted diploma. The Board's legal advisor, R. Guzek, pointed out that the laws on this topic are ambiguous and cautioned against denying the applicant without clarification. Both Board members and the supporting Bureau staff pointed out that the Board has been advised in the past to not permit any applicant who cannot meet the requirements as stated to sit for the exam and that doing so would open up the Board to possible law suits by those who have been denied the opportunity. For example, in 2016 an applicant who attended school in another country and was unable to obtain his diploma since his school no longer exists was denied approval to take the exam upon the advice of the Board's legal advisor at that time. The Board and the Bureau will continue to seek further clarification on this issue before a final determination is made. It was noted that the proposed amendments to well rules at N.J.A.C. 7:9D, will eliminate the requirement to demonstrate academic proof.

**A motion was made by G. Craig requesting that a letter should be sent to the applicant to inform him that his application is still pending and under review until further clarification is received and the Board will follow-up with him with additional notification if/when he is approved to sit for the exam. The motion was seconded by G. Poppe and approved unanimously.**

Bureau staff will draft a letter notifying the applicant of the Board's current concerns, send it to the Board's legal advisor for comment prior to sending the draft to the Board's chair, A. Becker.

**4. Presentation by Mr. Joe Bonaccorso: Continuing Education Credit program for NJ Licensed Water & Wastewater Operators Under N.J.S.A. 58:10A-14.6 –**

In anticipation of the implementation of a new continuing education program for NJ well driller and pump installer licenses, Chairman Becker had invited Mr. Bonaccorso to present an overview of the continuing education program for the NJ Water and Wastewater Licensing Program. Mr. Bonaccorso provided a great degree of insight regarding the successes and problem areas their identified throughout his time sitting on a committee charged with regulating and overseeing the continuing education program for the water and wastewater industries. He noted that their training requirement went into effect in 1992 and the continuing education requirement dates back approximately 15 years. He had many suggestions to the Board based on what he has seen as effective and successful in their program. Board members asked a variety of questions, on the specifics of how the courses themselves are managed and tracked. Ms. Chrissy Gerstnicker from the Department's Licensing & Registration unit was also present and described some of the details for the acceptance and tracking of classes and credits for licensees. She suggested that the Board consider allowances for military and medical leave that would allow qualifying individuals additional time to meet continuing education requirements. The current water/wastewater program does not have the ability to accommodate such requests. Mr. Bonaccorso further offered to assist Board members with any questions they have in the future. Chairman A Becker thanked Mr. Bonaccorso on behalf of the Board for his insights and assistance, which he noted will be invaluable to the Board as members work to get a new program up and running once the rule amendments are adopted.

**5. Board Meetings, Conference Calls and Exam Dates-**

Board members were reminded that the last remaining 2017 meeting is scheduled for the following Tuesday, November 21. A conference call will be held on October 26, 2017 to review/approve the October 4, 2017 Exam scores. The final exam for 2017 will be held on December 6<sup>th</sup>.

- Board members tentatively selected the following dates on which to meet in 2018:  
January 18, March 15, May 24, July 19, September 20, November 29 and the standard conference calls to certify exam scores will be held on April 26 and October 25

**6. GeoPro CGPlus and PowerTEC Geothermal Grout (S.Reya)-**

Prior to approving any new grout material materials, the Board and Department require a physical demonstration to prove 1) the ability to mix and pump the material in accordance with the manufacturer's instructions and 2) the mixed grout meets New Jersey's minimum permeability standard. S. Reya reported on a geothermal grout mixing and pumping field demonstration which took place on September 18<sup>th</sup> and was attended by Board members A. Becker, G. Craig and R. Dalton. In addition to Mr. Reya, Sheryl Tempe from the Department also witnessed the event. The mixing and grouting were supervised by a NJ licensed master driller and under the direction of a representative from GeoPro, who was also on site. The following products were demonstrated:

- CG Plus (1.20 Btu/hr-ft- °F)
- TG Lite/PowerTEC (1.20 Btu/hr-ft- °F)
- TG Select/PowerTEC (1.60 Btu/hr-ft- °F)

All the Board members and Department staff reported that all three (3) geothermal products were able to be mixed and placed in vertical closed loop geothermal wells in accordance with manufacturer-provided product submittal information. Samples of the grout mixtures were obtained from the grout mixer hopper and from the well borehole return following tremie pipe

discharge. These samples will be tested for permeability in accordance with ASTM D5084 and results will be provided to S. Reya who will forward to Board members for review.

**A motion was made by G. Craig to approve and recommend to the Department the use of these grout products provided the permeability data is found to be in compliance with the standards of the well rules (i.e. the measured values do not exceed the maximum permeability specified therein. The motion was seconded by G. Poppe and approved by all.**

It was noted that this motion allows the Department to approve the product independent of Board meeting schedules so the manufacturer does not have to wait for the final product review to occur at a regularly scheduled Board meeting. S. Reya will forward permeability test results to all members present at the grout demo when they are available.

**7. List of Lapsed Licenses-**

S. Reya provided Board members with a list of licensees whose driller/pump installer licenses that have not been renewed. He indicated that those license holders who did not renew their license by the June 30<sup>th</sup> deadline have since received a second invoice for the original license fee plus a \$50 late payment reinstatement fee to reinstate the license. Of concern is the number of returned invoices where the addresses are no longer valid. Members were encouraged to review the list and to remind those who have not renewed to contact the Department in case their mailing information is out of date. It was noted, however, that some listed licenses are intentionally not being renewed as some of the license holders have either retired or since obtained a “higher level” license and no longer need their original (lower) license.

**8. Drought Status Update (J. Hoffman)-**

J. Hoffman, Board member and State Geologist, stated that recent rainfalls have improved hydrologic conditions within the state. On August 15, 2017, the Central Water Supply Region (including Hunterdon and Somerset counties) was removed from Drought Watch Status and is now listed as being in normal status. Currently the water supply status is posted as “normal” across the state. J. Hoffman indicated that both groundwater levels and stream flow levels have improved since the Board’s last update in late May.

**9. Update on Well Rules (T. Pilawski)-**

T. Pilawski reported that the comment period on the proposed amendments to the well rules closed on August 18, 2017. Comments were delivered verbally at the public hearing held on August 10<sup>th</sup> and in writing to the Department. Bureau staff member Mark Miller has been compiling all the comments and is drafting responses to these comments with input from other Bureau and Department staff. She noted that P. Bono, M. Schumacher and S. Reya are assisting him in the responses. The Department hopes to have the final version approved by the Commissioner and the Governor’s office so that it can be published as final in the New Jersey Register. The goal is to have an effective date early in 2018.

**10. Water Allocation & Well Permitting Enforcement and Field Work Activities –**

A summary of Well Permitting Program’s enforcement and field activities over the past eight (8) weeks was presented by J. Altieri and B. Barrett.

A) **Field Inspections**- Well Permitting Section staff performed eight (8) field inspections during the past eight (8) weeks. Field staff witnessed the proper construction of 2 new domestic wells in Hunterdon County. Staff also assisted in site inspection and GPS locating of wells contained in Water Allocation permits, witnessed sonic drilling and attended grout demonstrations. Staff also field investigated and/or responded to four (4) different complaints of illegal well drilling activity and pump installing. One of these instances involves a property owner reporting the negative impact of a hydro-fracking event on their neighboring domestic well. It was discovered the work was done by a licensed pump installer, whose license does not authorize them to conduct such work and that this individual has been warned about this in the past. Several of these inspections resulted in Notices of Violations issued, and further enforcement action to be taken by the Department.

B) **On-going issues of well drilling violations** – The Bureau is pursuing 2 separate drilling companies for constructing monitor wells prior to obtaining the permits. In one case, the driller filed permit applications for 2 wells that were drilled nearly 2 years earlier. The second drilling company had applied for permits a few days earlier, but these had been flagged for further Bureau internal review as they fell within a salt water zone. The wells were installed prior to the permits being issued. The Department will attempt to resolve the issues of non-compliance, by ordering the wells to be properly decommissioned. In both cases the drillers and company have agreed to remove the existing monitor wells and reinstall them in the existing boreholes. Bureau staff intend to witness the corrective work in the next few weeks.

C) **Additional partial settlement of well drilling violations** – In response to a violation fine for improper construction of geothermal wells, the driller and his company filed a request for an administrative hearing. The Department’s policy is to encourage the disputing party to resolve the issue first through a mediated process referred to as the Alternate Dispute Resolution (ADR). Staff members from the Well Permitting Program and the Central Bureau for Water Compliance & Enforcement participated in a pre-ADR meeting on September 6, 2017 between the Department’s Office of Dispute Resolution and the attorney representing the drilling company. A formal ADR meeting is scheduled for October 16, 2017 and involves settlement of the penalty portion of the enforcement action against the well driller and his company only.

#### **11. Update on Geothermal Wellfield Pilot Program-**

T. Pilawski provided an update on the status of the pilot plan to retrofit and recommission a geothermal wellfield in which the wells were not permitted and improperly constructed. Department staff and their legal counsel are currently responding to the pilot plan proposal submitted by a consulting firm on behalf of the property owner. The pilot plan proposal seeks to establish an effective method(s) for recommissioning seven (7) closed loop wells prior to determining the feasibility of recommissioning these wells in such a way as to bring them into compliance with N.J.A.C. 7:7D. The lessons learned from implementing the pilot plan would then be applied when determining whether recommissioning vs. decommissioning the balance of the (unpermitted) wellfield is preferable. Currently, the submitted plan proposal does not sufficiently address the Department’s requirements and requirements with regard to recommissioning the existing closed loop geothermal wells in the ground.

#### **12. Program Updates-**

P. Bono announced that she will be retiring on February 1, 2018.

M. Schumacher is providing training to Department enforcement staff on well construction fundamentals and what to look for when onsite when inspecting a well driller installing a well or inspection of a finished constructed well. He is also educating staff on the importance of decommissioning abandoned wells and how to spot problematic wells when doing site inspections for other programs. To date he has provided training to two (2) of the three (3) enforcement regions

thus far. T. Pilawski also stated that she would like to perform similar training and outreach for local and county health department staff throughout the state when time allows.

**13. Adjournment –**

At 12:48 pm, a motion to adjourn was made by G. Poppe, seconded by J. Yost and approved unanimously.