



# 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 January 22, 2018

*Approved by the Board on March 8, 2018*

### 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>Carol Graff</b> <b>Steve Domber</b> <b>Richard Dalton</b>	<b>Joe Pepe</b> <b>Jeff Hoffman</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, Mike Schumacher, Mark Ortega, Mark Miller, Kati Angarone, Kristin Tedesco, Chelsea DuBrul and Melia Stoop

### 1. Call to Order-

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

- 2. Well Rule (N.J.A.C. 7:9D) -** Kati Angarone, from the Director’s Office of the Division of Water Supply & Geoscience, spoke on behalf of Director Pat Gardner and thanked the well rule team for all their hard work and assistance in successfully working through both the proposal and adoption phases of amending the well rule. Kristin Tedesco, Chelsea DuBrul and Mark Miller were acknowledged for all of their assistance. She also acknowledged the contributions made by Board members who attended Board meetings, stakeholder meetings and volunteer workgroup sessions to assist in developing the draft version of the rule adoption. Further, T. Pilawski made recognition to Mark Miller for working on formatting and administrative processes to advance the draft rule through the adoption phase immediately following his transfer into the Bureau in May 2017. His experience with rule formatting from his prior Department positions proved invaluable in getting the rules adopted. She also noted that the operative date of the adopted well rule revisions is March 1, 2018. Kristin Tedesco, Kati Angarone, Chelsea DuBrul and Mark Miller left the meeting following this discussion.
- 3. Retirement of Well Permitting Section Chief, Pat Bono -**  
This meeting will be Pat Bono’s final Board meeting, as she is retiring on March 1<sup>st</sup>. Chairman A. Becker presented both a plaque and letter of appreciation for her service in supporting the Board for over twelve (12) years. The letter read in part “On behalf of the Well Drillers Advisory Board I want to thank you for your dedicated service to the Board over the past twelve years. It is hard to believe twelve years have passed so quickly. You have assisted the Board in making many decisions and your enthusiasm has certainly been noticed and appreciated. We especially want to thank you for your input and assistance with the revisions of NJAC 7:9D and it is quite fitting that the revised regulations have finally been approved during your tenure on the Board. You will be missed and you leave some very large shoes for someone to fill... Thank you so much for your dedication to New Jersey’s groundwater resources and the well drilling and pump installation industry.”
- 4. Review and Certification of the Minutes for the November 21, 2017 Open Session Meeting-**  
It was noted that a sentence in Item 15 (Program Updates) states that “The solution to decommission these particular wells have been resolved...” is incorrect as stated. The sentence indicates that the matter has been resolved. The Department, however, is still in the process of amicably resolving the matter with two (2) property owners regarding cases in which two (2) recently installed wells are to be decommissioned to the owners’ satisfaction and applicable rules. This sentence will be corrected to reflect that the decommissioning of the wells has not yet occurred.  
**A motion to approve the November 21, 2017 meeting minutes pending this correction was made by G. Craig, seconded by G. Poppe and approved unanimously.**
- 5. Review and Certification of the Minutes for the November 21, 2017 Closed Session Meeting-**  
A motion to approve the minutes without change was made by J. Yost, seconded by C. Graff and approved unanimously.
- 6. Review and Certification of the Minutes for the December 29, 2017 Closed Session–**  
A motion to approve the minutes without change was made by G. Poppe, seconded by C. Graff and approved unanimously.

**7. Review and Certification of the Minutes for the January 11, 2018 Closed Session –**

G. Craig noted that his first initial was incorrectly listed in the third paragraph of Item 2. A motion to approve the minutes pending this correction was made by J. Yost, seconded by C Graff and approved unanimously.

**8. Review and Certification of Well Driller and Pump Installer Exam Applicants to approve the scores for the December 6, 2017 Exams –**

**Master**– A motion to approve one (1) listed license exam score was made by J. Yost, seconded by G. Craig and approved unanimously. It was noted that he did not pass the exam.

**Journeyman**- A motion to approve three (3) listed license exam scores was made by D. Dalton, seconded by S. Domber and approved unanimously. It was noted that one (1) individual passed the exam.

**Journeyman B**- A motion to approve two (2) listed license exam scores was made by G. Craig, seconded by G. Poppe and approved unanimously. It was noted that no one passed the exam.

**Monitoring**– A motion to approve thirteen (13) listed license exam applicants scores was made by G. Poppe, seconded by J. Yost and approved unanimously. It was noted that four (4) individuals passed the exam.

**Soil Borer**– A motion to approve two (2) listed license exam applicants scores was made by G. Craig, seconded by G. Poppe and approved unanimously. It was noted that one (1) individual passed the exam.

**Pump Installer** –A motion to approve five (5) listed exam applicants scores, was made by J. Yost, seconded by S. Domber, and approved unanimously. It was noted that one (1) individual passed the exam.

**9. Correspondence on the Updated Well Rule: Pat Bono-**

P. Bono presented a draft document to the Board to obtain members' input on a mass mailing the Bureau intends to send all current license holders and recent exam applicants, which lists the primary updates to the well rules. The draft document lists approximately 10-12 important points that are the highlighted changes and additions to the rules of which all in the industry should be aware. A. Becker suggested that the licensing, testing and continuing education information be moved up in the document to underscore the importance of these changes, as they represent substantial updates to the current rules. P. Bono will update these sections and finalize some of the language. She anticipates that the Bureau will send out the mailing in the next few weeks.

**10. Status of Program Development and Agreement with the Examination Manager-**

The development of the agreement to be entered between the Department and a third-party testing vendor is progressing as planned, stated P. Bono. The Department aims to have the new exams up and running by mid to late April. She indicated that a draft agreement from the vendor, the National Ground Water Association (NGWA), is being reviewed by appropriate Department staff. Once agreeable, the document will be signed by representatives from both parties. As part of the agreement, the Department must provide all NJ exam modules, which have been developed by the Board, to NGWA by February 12, 2018 for the exams to be available through the testing vendor by the target date. It was noted that this date will provide a smooth transition from the current testing process, as the Department-administered testing program historically held the first exam of a calendar year sometime in April.

### **11. Department Updates-**

The Bureau will be undergoing changes in the coming months. T. Pilawski said the new rules will become operative shortly, the Well Permitting Section Chief is retiring and three (3) Well Permitting hourly employees were recently hired in other Department programs as full-time employees and will need to be replaced as soon as possible. Additionally, both a new Governor and Department Commissioner are taking office.

Training for the Department's staff has now been performed for all three (3) enforcement regions. M. Schumacher recently conducted training for the Water Compliance & Enforcement's Southern Office. During all of the training sessions he has performed he has highlighted what to look for onsite when inspecting a drilling operation or a well/water system. Feedback on the training has been very positive and T. Pilawski hopes the training will prove helpful as enforcement staff is in the field most of their time performing inspections. It is anticipated that they will assist in serving as the Bureau's eyes and ears because they are now more adequately trained on both regulatory and technical aspects related to drilling and pump installation.

### **12. 2018 Board Meetings and Conference Calls-**

The Board will physically meet at the NJDEP Headquarters (401 E. State St. in Trenton.) on following dates beginning at 9:30 am:

**January 22, March 8, May 24, July 19, September 20, November 29**

Board telephone conference calls will be held during the intervening months to establish a continuing education program in addition to approving qualified candidates for NJ driller or pump installer licenses. The calls will be held at 10:00 am on the following schedule:

**February 15, April 19, June 21, August 16, October 18, December 20**

### **13. 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 Julia Altieri and Bryan Barrett.

**A) Field Inspections** – Well Permitting Section staff performed six (6) field inspections during the past eight (8) weeks. Field staff witnessed the proper construction of one (1) new public supply well. Additionally, Bureau staff investigated two (2) instances in which well drillers started constructing wells without first obtaining approved well permits. Staff investigated a complaint from a NJ Master well driller who confronted two (2) unlicensed individuals, he witnessed reportedly installing a submersible well pump and altering the casing of a well. The Master driller took pictures of the alleged violations and sent them to the Bureau. Bureau staff inspected the site later that day and gathered additional photo documentation to pursue the case.

**B) On-going issues of well drilling violations** – The Bureau successfully resolved one (1) issue of non-compliance involving a drilling company that constructed an unpermitted irrigation well in Ocean County. This well reconstruction is the second of five (5) wells that were ordered sealed by the Department as part of the resolution of a long standing Administrative Order and Notice of Civil Administrative Penalty Assessment (AONOCAPA).

C) **Additional partial settlement of well drilling violations** – An Alternate Dispute Resolution (ADR) meeting, initially scheduled for November 30, 2017, was re-scheduled and held on December 22, 2017. Staff from the Central Bureau of Water Compliance & Enforcement and Well Permitting met with the driller involved and the vice president of the company for which he works. ADR involves settlement of the penalty portion of the enforcement action against the licensed well driller and his company for improperly grouting two (2) closed loop geothermal wells located at a property in Mercer County. The result of the ADR meeting was a reduction in penalty assessed to the driller and company from \$9,000 to \$3,000. Other terms of the ADR settlement involve resubmission of accurate Well Record and formal withdrawal of any previously filed request for an Adjudicatory Hearing.

D) **Enforcement Coordination Meetings** – On December 13, 2017, Bureau staff met with Central and Northern enforcement region representatives to discuss plans to explore licensing sanctions involving a repeated instance of unlicensed and improper hydrofracturing and another repeat violator of the well permitting and drilling regulations.

#### **14. Suspension of Open Session Portion of the Meeting-**

**At 11:00am, a motion to suspend the open meeting was made by J. Yost, seconded by G. Craig and approved unanimously.** Following a short break, the Board will enter closed session to finalize the exam content for delivery to the examination manager, the National Ground Water Association (NGWA).

**A motion to enter closed session was made by G. Poppe, seconded by C. Graff and approved unanimously at 11:23 am.**

#### **15. Return to Open Session and Board Motions for Implementation of New Testing Program-**

After the Board's closed session review and discussion of the new testing program, the following motions were made:

- **At 2:07 pm, a motion to call the open session meeting back to order was made by S. Domber, seconded by A. Becker and approved unanimously.**
- **C. Graff motioned that the NJ exams for Master, Journeyman and Dewatering, be administered as two (2) hours in length, while all other NJ license categories will be one (1) hour exams.** The motion was seconded by G. Craig and approved unanimously.
- **A motion made by G. Poppe stated that the minimum passing score for the NJ regulations module for the Master Well Driller license be 80% and the balance of NJ Regulatory exams shall require 75% or greater to constitute a passing score.** The motion was seconded by G. Craig and approved unanimously. Therefore, the passing score required for the NJ regulations modules for the Journeyman, Journeyman (Class B) Environmental Resource and Geotechnical (ERG), Dewatering well driller, Vertical Closed

Loop Geothermal Well Driller (VCLG), Elevator Borehole well driller and Pump Installer licenses will be set at 75%. The NJ regulations module for the Master Well Driller will have a passing score requirement of 80%.

- G. Craig stated that all Board members have developed and reviewed the full pool of questions for all exam categories, which are to be forwarded to the exam vendor shortly. The Board has now fully vetted each and every exam question. **He made a motion that the Board, therefore, delegate Bureau staff to select from the approved questions to specify which will appear as mandatory and which ones will be pulled randomly from a “bank” of questions. This system will allow the exams to contain questions that rotate in and out so applicants who take the same license category exam more than once do not sit for the identical test. The motion was seconded by G. Poppe and approved unanimously.**

#### **16. Adjournment-**

At 2:15 pm a motion to adjourn the meeting was made by G. Poppe, seconded by G. Craig and approved unanimously.