



State of New Jersey

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*NJ STATE WELL DRILLERS AND PUMP INSTALLERS
EXAMINING AND ADVISORY BOARD*

New Jersey Department of Environmental Protection State Well Drillers and Pump Installers Examining and Advisory Board Conference Call Minutes for August 16, 2018

Approved by the Board on September 13, 2018

Board Members Present at NJDEP Headquarters Building: Richard Dalton

Board Members Participating Via Telephone: Art Becker (Chairman), Gary Poppe (Vice Chairman), Joe Yost, Gordon Craig, Carol Graff, and Steve Domber

Board Members Absent: Joe Pepe and Jeff Hoffman

Board Legal Representative Participating Via Telephone: Deputy Attorney General (DAG) Robert Guzek, NJ Division of Law

NJDEP Water Supply (Bureau of Water Allocation and Well Permitting) Staff Present: Steve Reya and Mark Ortega

1. Call to Order –

The meeting was called to order at 10:05 am with a quorum present via telephone.

2. License Application Review-

One (1) applicant applied for an Environmental Resource and Geotechnical well driller license since the last Board Meeting. This applicant was determined by the Department to be ineligible for recommendation for licensure by the Board. S. Reya explained to the Board that the applicant for an Environmental Resource & Geotechnical (ERG) license had not taken all of his required certification exam modules within the two-year window required by N.J.A.C. 7:9D-1.8(a)3, which is also specified within the license application. Upon calling the applicant, S. Reya discovered that the applicant had read the language on the application but wanted to see if his application would be accepted since he had maintained his certifications with continuing education courses through the National Ground Water Association (NGWA). S. Reya explained to the applicant that the Board and Department are investigating a potential rule change so that

technical modules would not have to fall within the two (2) year window. The applicant was told that he would retake the necessary exams (General Drilling and Augering & Monitoring) and submit a revised application. The Department will send a rejection letter to the applicant.

A. Becker brought up the proposed rule change to the Board to ensure that everyone was still in favor of moving forward to try to have the language changed for the two-year certification requirement. All Board members present on the call agreed that they are heading in the right direction with getting the rule changed.

3. Subsurface and Percolating Waters Act Language at N.J.S.A. 58:4A-6-

A. Becker began discussing the Subsurface and Percolating Waters Act provision that requires that a master well driller must be employed as a supervisor if three (3) or more well drillers are on staff at any company. A. Becker suggested that either the Department should begin to enforce this, or the law needs to be changed if the Department has no intention of enforcing this requirement. G. Craig stated that the Department does not currently enforce this law because it is no longer valid in today's industry and suggested that the law be changed. G. Craig continued by stating that nothing is gained in the environmental and geotechnical well drilling industry by having a master well driller on staff since no pump work is being performed. A. Becker asked for the opinion of G. Poppe and J. Yost, since they are more experienced with water well and public supply well drilling. J. Yost stated that he believed that a master well driller should be mandatory when drilling of a public supply well is occurring. This is a requirement of the well rule, however, so requiring that three (3) licensed well drillers of any class to be supervised by a Master driller was viewed by some Board members as having no real benefit. It was also noted that at the time the original statute was written, there were only two (2) license types, so the Journeyman was viewed as a "lower" level license. Currently, out of eight (8) license types, the Journeyman is the second "highest" so it should not be viewed as a lower level license within the industry today.

A. Becker suggested having the law changed so that it only effects companies that drill water wells. G. Craig reminded the Board that there are no questions regarding business practices on the master well driller examination. So, if the purpose of having a master well driller on staff is because they're a better businessperson, there is no mechanism available to test their business skills. A. Becker asked the Board members to come up with ideas for the next in-person meeting. C. Graff suggested that changes be made to the newly implemented licensing structure to include "master driller" for other categories of licenses. For example, have a master environmental resource and geotechnical well driller. The Board members stated that Maryland currently does this. G. Craig asked the Department to look at the content on the master and journeyman well driller exams to view the differences and report the findings back to the Board. A. Becker reiterated the fact that the Department's historic failure to enforce this statutory requirement is seen by many in the industry as selective enforcement, as violating certain requirements will result in enforcement action by the Department, while this requirement need not be complied with as the Department has never enforced it.

S. Reya stated that T. Pilawski recently discussed this issue with A. Becker and added it to the Commissioner's Office list of potential necessary legislative changes. He added that there is no timeframe in which the issue would be resolved nor guarantee that it would be further investigated.

4. Potential License Sanctions Against a NJ Licensed Pump Installer-

S. Reya informed the Board that the inspector from the Department's Northern Water Compliance and Enforcement who performed the original inspection, who was supposed to present the case to the Board members at the September meeting, will be presenting the findings at the November meeting due to a scheduling conflict. S. Reya reminded the Board members that they will receive a package of information a minimum of 30 days prior to the November meeting for them to review.

5. Continuing Education Program Development Status/Subcommittee Meeting(s)-

A. Becker stated that the continuing education subcommittee, which was formed during the last Board meeting and consists of A. Becker, J. Yost, J. Pepe, and C. Graff, was meeting on Friday, August 17, 2018 to begin discussing continuing education.

S. Reya informed to Board that the Department received an inquiry from a company that was looking to conduct a demonstration in October. The company was informed that their request was a little premature. He noted that it would be helpful if the Board subcommittee could review the draft application for continuing education course approval at their meeting the following day. He believed it would aid in allowing course providers to be able to view the checklist of required items because they will likely be submitting applications for review soon.

6. Adjournment-

At 10:31 am a motion to adjourn the meeting was made by G. Poppe, seconded by G. Craig and approved unanimously.