



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 13, 2018

Approved by the Board on November 29, 2018

Board Member Attendance:

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

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

NJDEP Bureau of Water Allocation & Well Permitting Staff Present: Terry Pilawski, Julia Altieri, Steve Reya, Michael Schumacher, Mark Ortega, Melia Stoop, and Kimyata Glover

Other DEP Staff: Bart Cerami, New Jersey Geologic & Water Survey

Members of the Public Present: Wesley Eichfeld, SGS North America Inc., Denis Crayon, New Jersey Ground Water Association (NJGWA) President/Summit Drilling Co.

1. Call to Order-

The meeting was called to order by Vice-Chairman Gary Poppe at 9:35 am with a quorum present.

2. Review and Certification of July 19, 2018 Draft Meeting Minutes-

It was noted that in Item # 7 there was a typo of the word “rule”. **A motion to approve the meeting minutes pending this correction was made by G. Craig, seconded by J. Pepe and approved unanimously.**

3. Review and Certification of August 16, 2018 Draft Conference Call Minutes-

It was noted in Item # 3 that the word “seventh” should be “second”. A formatting error was also pointed out in Item #4 (the first sentence should read “...inspector from the Department’s Northern Water and Compliance Bureau who performed...” and the first two lines should not have been separated. **A motion to approve the conference call minutes pending these corrections was made by J. Yost, seconded by R. Dalton and approved unanimously.**

4. Board Business and Correspondence-

Remaining meetings and conference calls for 2018:

The Board’s final remaining meeting for 2018 will be held at NJDEP Headquarters (401 E. State St. in Trenton) on November 29th beginning at 9:30 am.

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 days:

October 18 and December 20

5. Board Meeting Schedule for 2019-

The Board members were presented with a list of potential 2019 Board meeting dates. **After review of the proposed dates a motion was made by G. Craig to accept all the in-person meeting dates, seconded by J. Pepe and approved unanimously.** Board members selected the following dates on which to physically meet at NJDEP Headquarters in Trenton beginning at 9:30 am:

January 17, March 21, May 16, July 18, September 19, November 21

Board members were also presented with a list of potential 2019 Board conference call dates. After review of the proposed dates, the Board members accepted the dates listed below. **A motion was made by G. Craig to accept all the conference call dates, seconded by J. Yost and approved unanimously.**

Board members selected the following dates to hold telephone conference calls to begin at 10:00 am:

February 14, April 18, June 20, August 15, October 17, December 19

6. Review and Certification of License Applicants-

Environmental Resource and Geotechnical – A motion to approve three (3) license applicants was made by J. Yost, seconded by J. Pepe and approved unanimously. The following individuals were approved for licensure by the Board: Garrett Stiers, Matthew Freck and Brian McGuire.

S. Reya noted that these three (3) license applicants are the first to be accepted that went through the entire new licensing process that is administered by a third party from start to finish. Board members expressed concern with the lack of applicants applying for licenses and asked NJDEP staff to work with the National Ground Water Association (NGWA) to start obtaining pass/fail rates for the New Jersey Regulatory Exams, so they could see if there are any trends that are occurring. S. Reya explained to the Board members that there were more applicants under the old rule because applicants applied to take the exam, but applicants under the new rule are only applying once the individual has met all requirements and have taken all the necessary exams. Therefore, the Department only

receives an application for those who have passed the exams. In the prior testing structure applicants often submitted applications multiple times for review and certification, as few passed the exam on the first attempt. NJDEP staff agreed to work with NGWA to see if this information could be obtained.

G. Craig followed up by asking about the status of the courses that the NJDEP was going to offer to currently licensed Soil Borers and Journeyman (Class B) well drillers. S. Reya said that it is still the intention of the Department to offer these courses which will upgrade a Soil Borer license to an Environmental Resource and Geotechnical well driller license and a Journeyman (Class B) license to a full Journeyman license. T. Pilawski stated that after the NJDEP staff clears out some existing projects, such as getting the continuing education program setup, that the classes will be developed and scheduled. G. Craig asked if NJDEP staff could send out email notifications to all well drillers once these classes are organized, rather than sending them out to the individual well drillers who qualify for the upgrade.

7. Continuing Education Program Development-

C. Graff and J. Pepe provided a summary of what was discussed during the continuing education subcommittee meeting which occurred on August 17, 2018. Topics discussed during the meeting included the definition of a continuing education point (CEP), breakdown of CEP categories/point allocations, and course provider application. C. Graff explained that the subcommittee thought that it would be best to make one (1) CEP equal one (1) hour of training/course study and that the minimum allowable CEP would be .5.

The subcommittee, which was comprised of C. Graff, A. Becker, J. Pepe and J. Yost, had questions regarding CEP documentation and management of the CEP's. S. Reya described the tentative process to the Board members. He explained that the CEP manager would receive all of the attendance documentation from the approved course providers. The CEP manager would then provide the Bureau a list of all licensed individuals' CEPs which they accumulated during the given licensing cycle. He further stated that the Bureau's intention is to make the CEP totals available either via the Department's website report tool, Dataminer, or directly on the Division's Licensing and Exams webpage. CEPs would be searchable via license number rather than by name, for confidentiality purposes.

Board members provided recommendation that course providers, as a part of the Board approval process, should be required to document attendance but also provide a certificate of course completion the day it is given. J. Yost stated that courses he has taken in the past for other licenses have had this process. He believed it is essential that the licensees are given such documentation as mistakes and omissions may be made. If there is a discrepancy with a license holders CEP point total he or she would have a certificate to prove the course was attended and be sure that credit is awarded for all courses taken.

The discussion moved on to the length of time that a course provider has under the current rule to submit their course completion documentation to the CEP manager. The rule as written states that the course provider will submit documentation related to the course and certification of attendance no later than the end of the continuing education period (*N.J.A.C. 7:9D-1.9 (g) 3*). The subcommittee recommended that the course completion document be submitted to the CEP manager no later than 45 days from the date that the course was administered or by the end of the continuing education cycle, whichever comes first. S. Reya suggested making the 45-day recommendation a part of the approval letter that is sent to the course provider upon approval of the course. T. Pilawski later stated that she was going to have this included in the list of potential rule revisions.

Members of the subcommittee further summarized the conversations that were held regarding CEP categories. Subcommittee members stated that they believed that there should be two categories for CEP's: technical and safety. During the subcommittee meeting, it was proposed that a licensed individual should obtain a minimum of four (4) and a maximum of eight (8) CEP's in the safety category. This would prevent a licensed individual from obtaining all of their credits in a licensing cycle by using OSHA refresher courses. The Board members and NJDEP staff discussed whether the OSHA refresher classes or the 40-hour HAZWOPER course should be permitted for CEPs or not. It was suggested that putting a limitation on points for these specific courses would encourage licensed individuals to take other more specialized safety courses, such as lockout/tagout procedures. T. Pilawski suggested splitting courses up into both categories during the review of the course. However, M. Schumacher recommended keeping the process as simple as possible for ease of tracking and reducing confusion within the regulated community. Bureau staff asked the Board for some flexibility with approving courses in the technical category. S. Reya asked if courses regarding bookkeeping, GIS, or other miscellaneous industry-related courses, which were not necessarily technical, would be counted as technical. The Board and Bureau staff discussed whether "technical" should be changed to "technical/industry", to allow for other classes within the scope of the industry to be accepted.

The subcommittee proposed that attending groundwater-related expositions/conventions/all-day meetings, such as NGWA's Groundwater Week, should count for one (1) CEP per day attended. It was also recommended that attending a quarterly New Jersey Ground Water Association (NJGWA) meeting would earn a licensed individual one (1) CEP. It was clarified to Bureau staff that these points would be awarded for attending the seminar/meeting and not taking any courses. If an approved course is also offered at the seminar/meeting, the approved point(s) would be awarded in addition what is awarded for attending the event itself.

The Board, at the subcommittee's recommendation, suggested that NJDEP staff create a standardized attendance sheet which will be submitted to the course providers once their course has been accepted. This would allow for consistency between NJDEP and the CEP manager for tracking and documentation.

The Board members made motions on the items that were discussed:

Motion: G. Craig made a motion to recommend that one (1) CEP equals one (1) hour of training and that the minimum recordable CEP allowed would be .5 CEP's. R. Dalton seconded the motion and it was approved unanimously.

Motion: G. Craig made a motion that the Board recommends that as a component of course approval, providers be strongly encouraged to submit all necessary course completion documentation to the CEP manager 45 days from the date on which the course is given so licensees are awarded credit for course completion prior to the continuing education deadline. J. Pepe seconded the motion and it was approved unanimously.

The Board and NJDEP staff discussed the structing of point totals. M. Schumacher suggested leaving both the technical and safety categories open, with no maximum totals. He recommended that rather than setting a minimum of four (4) and a maximum of eight (8) points in the safety category that the Board should consider setting only minimums for each category. There were further discussions about what to set the minimums to, but ultimately it was agreed upon that licensed individuals should have a minimum of 10 CEP's in the technical/industry category and a minimum of four (4) CEP's in the safety category.

Motion: G. Craig made a motion to recommend that a licensed individual should take a minimum of 10 technical/industry CEP's and a minimum of four (4) safety CEP's. J. Pepe seconded the motion and it was approved unanimously.

A brief discussion was held regarding the "Application for Approval of Continuing Education Points" document, which was created by M. Ortega and S. Reya. S. Reya and stated that R. Guzek had given him some recommended changes during the last meeting, which were reflected on the copy presented to the Board. R. Guzek, during the meeting, had also proposed a few other changes to the language on the draft document. The subcommittee had also recommended during their meeting to include the CEP/training hour conversion and recommendation for the course provider to submit course completion documentation to the CEP manager within 45 days on this document.

Motion: G. Craig made a motion to accept the "Application for Approval of Continuing Education Points" document after making the changes that R. Guzek had suggested. R. Dalton seconded the motion and it was approved unanimously.

8. Potential Rule/Statue Changes-

In the previous meeting, Chairman A. Becker asked the Board members to think of ways to handle the language in the Subsurface and Percolating Waters Act (N.J.S.A. 58:4A) regarding the master well driller supervisory requirement. The law states that a master well driller is required when more than three (3) other well drillers are hired within the company. T. Pilawski explained to the Board that when the Department's administration questioned if there were any statutory changes that need to be made, she identified this issue. T. Pilawski continued by stating that it is unlikely that any changes to the statute will come from her recommendation and that this is the furthest that NJDEP could pursue this. She informed the Board that either the NJGWA or the Board itself would need to lobby to have a change made.

S. Reya brought up the recently identified potential problem with the well rule regarding licensed individuals whom do not meet the continuing education requirement by the April 1st deadline. He added that T. Pilawski requested that Mark Miller of Water Allocation work with Well Permitting staff to draft language to attempt to fix the current rule language. J. Yost asked for clarification about what was discussed at the previous meeting. M. Ortega and S. Reya explained that at the last in-person meeting the Board decided that it would be impactful for a licensed individual to lose their license for six months or more if they do not meet the continuing education requirement by the deadline. M. Ortega continued to explain that as the rule is currently written, if a licensed individual fails to meet the CEP requirement by April 1st they will be unlicensed after July 1st and will be unable to renew their license until January of the following year per the existing rule language. S. Reya stated that the suggested language drafted for the Board's consideration would impose a \$500 administrative fee for someone who does not meet the continuing education requirement by the April 1st deadline should they wish to obtain the credits for the lapsed license and reinstate it. The new language would also require the individual to retake the New Jersey Regulatory exam module if it was taken more than two (2) years prior to when the license lapsed. S. Reya explained that by doing it this way there is still a severe negative impact for not meeting the CEP requirement, but there is an avenue for the individual to renew their license after July 1st without leaving the individual unable to reinstate the license for at least six (6) months. G. Craig agreed that imposing a \$500 administrative fee as a deterrent against complying with the prescribed deadline is a good compromise but disagreed with making the licensed individual retake their New Jersey Regulatory exam module. **A motion was made by G. Craig to accept the language that the NJDEP provided to fix the six (6) month period following license expiration, except for the provisions that would require a licensed**

individual to retake their New Jersey Regulatory exam module. J. Yost seconded the motion and the Board unanimously approved the motion.

9. Enforcement Activities and Field Work-

J. Altieri presented the following summary of enforcement activity since the Board's last meeting:

Field Inspections – July 19, 2018 thru September 13, 2018 - 9 total

- Investigated incident of suspected unlicensed, unpermitted well construction triggered phone complaint logged by licensed well driller from the field. No drilling activity noted at time of inspection. -Spring Lake, Monmouth County
- Witnessed successful decommissioning of improperly constructed domestic well by drilling out to original drilled depth of 375 feet (Lumberton Twp., Burlington County). Bureau coordinating with enforcement to determine if situation warrants higher level enforcement action.
- Witnessed successful decommissioning and reconstruction of unpermitted irrigation well as partial resolution of enforcement action (Brick Twp., Ocean County). Bureau coordinating with enforcement to determine if situation warrants higher level enforcement action.
- Site inspection for permitted wells that may be abandoned- Successful location of well on site (Lakewood Twp., Ocean County).

New Investigation-Homeowner complaint filed August 3, 2018

- Issue: unsatisfactory and nonfunctioning well issue- Two (2) domestic PVC wells construction in Elk Twp., Gloucester County for same property owner. First well drilled 2012, having water quality issues but usable. Second well drilled 6/27/2018 but producing sand and silt.
 - Alleged Violations: Second well started before permit approval date, improper grouting of borehole and well construction related to well not pumping water free of sand/silt.
 - Enforcement Action-Site visit to confirm improper well construction on August 3, 2018, letters sent to order well to be decommissioned under staff supervision, notices of non-compliance issued to unlicensed individual, licensed well driller of record and company for aiding and abetting. Staff to witness potential decommissioning of well, penalties pending if appropriate. Bureau coordinating with enforcement to determine if situation warrants higher level enforcement action.

New Enforcement initiatives

- Well Permitting Section has added “Conditions to notify” requirements to 18 new well drilling permits since July 2018 to September 13, 2018. Drillers have been responding favorably to the new requirement. This requires contractors to notify the Bureau in writing prior to drilling which allows for inspection and oversight of well installations.

10. Well Permitting Program Updates-

G. Poppe presented M. Stoop with a certificate of appreciation from the Board for her service to both the Board and the Department. M. Stoop will be retiring at the end of September after assisting the Board for the last six (6) years.

T. Pilawski informed the Board that Kimyata Glover, from the New Jersey Geological and Water Survey will be filling in temporarily for M. Stoop until a permanent replacement can be found and thanked her for assisting the program.

11. Adjournment-

At 12:32 pm a motion to adjourn the meeting was made by G. Craig, seconded by C. Graff and approved unanimously.