



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 November 29, 2018

Approved by the Board on January 17, 2019

Board Member Attendance:

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

Board Legal Representative Present: Jill Denyes, 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, and Mark Ortega

Other DEP Staff: Bryan Barrett, Water Compliance & Enforcement – Central Region, Ed Hudzina, Water Compliance & Enforcement – Northern Region

Members of the Public Present: Denis Crayon, New Jersey Ground Water Association (NJGWA) President/Summit Drilling Co., Pat Bono, New Jersey Department of Environmental Protection (Retired)

1. Call to Order-

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

2. Review and Certification of September 13, 2018 Draft Meeting Minutes-

It was noted that in Item # 7, the word “Pepe” was missing after “J.” in the first sentence. **A motion to approve the meeting minutes pending this correction was made by G. Poppe, seconded by J. Yost and approved unanimously.**

3. Review and Certification of October 18, 2018 Draft Conference Call Minutes-

It was noted in Item # 3 that there should be a change from “...this cycle...” to “...the upcoming partial cycle...”. **A motion to approve the conference call minutes pending this correction was made by C. Graff, seconded by G. Craig and approved unanimously.**

4. Board Business and Correspondence-

Remaining conference call for 2018:

The remaining Board telephone conference calls will for 2018 will be held on December 20th to further develop a continuing education program in addition to approving qualified candidates for NJ driller or pump installer licenses. A. Becker noted that he will not be available to attend the January 17, 2019 meeting and that G. Poppe will be providing coverage for him.

5. Review and Certification of License Applicants-

Environmental Resource and Geotechnical – A motion to approve one (1) license applicant was made by G. Craig, seconded by J. Yost and approved unanimously. The following individual was approved for licensure by the Board: Joseph Francis Flannery.

G. Craig asked Well Permitting staff the status of the soil borer/Journeyman Class B license upgrade course, which will be offered by the staff members to upgrade from a soil borer license to an environmental resource and geotechnical well driller. Well Permitting staff members explained that it would be a priority once the continuing education process is a little further down the line and that no courses have yet been scheduled.

A. Becker informed the Board and staff that he became aware of multiple cable tool drilling questions on the National Ground Water Association (NGWA) General Drilling exam, which is a required exam for all license types except for pump installers. A. Becker said that he reached out to Denis Crayon, who is on the NGWA Board of Directors, to attempt to find out how many of those questions were on the exam and to see if those who fail the exam are failing because of the cable tool questions. This is specifically a concern in New Jersey because the cable tool drilling method is rarely used anymore. Denis stated that it was unlikely that those questions would ever be removed from the exam because cable tool drilling is used in other parts of the county and that the exam is meant to test the person’s knowledge of all types of drilling. Pat Bono asked if there was information about cable tool drilling in the NGWA’s study guide and A. Becker answered that the study guide is very thorough.

6. Geothermal Workgroup Update-

M. Schumacher updated the Board on recent activities of the Geothermal Workgroup, which is run by the Division of Air Quality, Energy and Sustainability. The purpose of this group is to focus on making geothermal wells more prevalent in New Jersey and increase public awareness and knowledge of this technology. M. Schumacher informed the Board that this group, in conjunction with the Bureau of GIS, is in the process of testing a GIS suitability tool to determine whether a geothermal well system is feasible for a particular site. He will update the Board once the demo is available.

7. Horizontal Directional Drilling (HDD) Update-

R. Dalton informed the Board that on October 1, 2018, J. Hoffman, T. Pilawski, S. Reya, M. Ortega, and himself had met with the Division of Legal Affairs to discuss the Department’s regulatory issues with HDD. R. Dalton also stated that he had participated as a presenter on a webinar on October 29, 2018 regarding some cases of HDD in New Jersey. Finally, R. Dalton made the Board aware of draft guidelines for HDD that are open for public comment on the Federal Energy Regulatory Commission’s (FERC) website.

8. Report Potential Pump Installation/Maintenance by Unlicensed Individual-

J. Altieri explained that the Department recently received numerous complaints alleging that an individual was repeatedly completing unlicensed pump work. She informed the Board that a letter was sent to the company in question on November 26, 2018 and that the individual called a few days later stating that the company employs a licensed pump installer. The person in question was told to send the Department a response in writing.

A. Becker thanked Julia for her update and asked why the names and companies that are allegedly in violation of the well rule are not made public at Board meetings as it increases awareness and importance of following the rule within the industry and may encourage compliance. M. Schumacher and T. Pilawski discussed the point at which Department final agency enforcement actions become public record.

9. Recent Bureau Field Inspections & Other Enforcement Action Update-

J. Altieri provided a brief overview of Bureau field work and enforcement actions taken since the last meeting as follows:

Field Inspections – September 13, 2018 thru November 29, 2018 - 4 total

- Witnessed successful drilling new domestic well to resolve homeowner complaint of unsatisfactory water quality. Original well driller voluntarily constructed new domestic well to replace poorly functioning well and decommissioned old for the property owner. No enforcement action by Department needed. Upper Freehold Twp., Monmouth.
- Site inspection of new public supply well construction- no violations noted. Chesterfield, Burlington County
- Site inspection of new sonic well drilling construction. Unplanned, in field opportunity-no violations noted.

New Investigation-Homeowner complaint filed October 23, 2018

- Issue: improper domestic well installation of 80 ft. deep, 4-inch diameter PVC well in Estell Manor City, Atlantic County. Well originally drilled in 2015 and lost water pressure July 28,

2018 and produced sandy water that would not clear up after original well driller replaced submersible pump. Lack of grout in borehole reported by homeowner to the Bureau after he excavated down to the pitless adapter. A different well driller constructed a new domestic well for the property owner on November 1, 2018.

- Alleged Violations: improper grouting of borehole
- Enforcement Action-Site visit confirmed improper well construction on November 1, 2018. Bureau staff documented very little grout in open borehole, significant void measured to 25 feet below grade along-side of casing. Well will need to be properly abandoned under Bureau staff supervision. Bureau coordinating with Southern Region enforcement to issue appropriate enforcement action documents.

S. Reya brought the Board up to speed regarding the Department's efforts to get an irrigation well decommissioned in Brick Township that had an approved permit to be constructed in an area of contaminated ground water. The original permit was issued without the proper well construction requirements. He explained that the well has been successfully decommissioned by a licensed driller of the proper class and that the issue is resolved.

G. Craig asked if there is an update regarding the Woodbury geothermal wellfield issue. T. Pilawski explained that the Department had recently received a modified pilot plan to determine whether the geothermal wells can be recommissioned in accordance with the well rule. Should the pilot fail to do so, the wells would then have to be decommissioned in accordance with the requirements of N.J.A.C. 7:9D. The Department had recommended minor corrections and anticipates that the pilot plan will be approved once the changes are completed. It was also noted by T. Pilawski that the Department's legal counsel recently filed an Order to Show Cause to enforce the terms of the May 19, 2017 Administrative Consent Order (ACO), which requires proper decommissioning or recommissioning the 80 closed loop geothermal wells that were constructed improperly.

10. Continuing Education Program Development Update-

Well Permitting staff informed the Board that the Licensing and Exams webpage will soon be updated to reflect the recent discussions regarding continuing education. The Board members asked for clarification about the review process for course approvals. S. Reya explained that the administrative review of the materials submitted by course providers would be conducted by Well Permitting staff members and that the Board will review the technical worth of the course and assign a CEP total to the course.

11. Well Permitting Program Updates-

T. Pilawski informed the Board that that the rule change proposal was nearly ready to go out. She stated that the Department wanted to run something by the Board prior to moving it forward since all other recommended changes were brought to their attention. T. Pilawski continued to explain that that there was a recommendation to have all category 1 and category 2 wells be labeled for identification purposes. The current rule states that category 3 and category 4 wells should be labeled, however, category 4 wells are uncased wells and cannot be labeled. This change would make category 1, category 2, and category 3 wells require a label be affixed to the well with the permit number. T. Pilawski asked the Board to weigh in on this suggested change. A. Becker said that he sees the benefit for this change. The rest of the Board members agreed.

Motion – A motion to accept the Department's proposed language for the labeling changes was made by C. Graff, seconded by R. Dalton and approved unanimously.

12. Executive Session-

At the discretion of the Board's legal representative, it was recommended that the Board enter an executive session to discuss possible legal ramifications of proceeding with the review of the Department complaint for potential licensing sanctions against an individual who reportedly conducted hydraulic fracturing of two wells illegally.

Motion – A motion to enter an executive session was made by G. Poppe at 11:47 am, seconded by J. Hoffman and approved unanimously.

Motion –The Board resumed open session at 12:17 pm at which point G. Craig made the following motion:

Following the advice of legal counsel, the Board wishes to table discussion on the complainant charges regarding Kevin Blumhagen until the Board and their counsel determine that the form of complaint meets the requirements of N.J.S.A 58:4A-12, which requires that the complaint be sworn to by the complainant. The motion was seconded by G. Poppe and approved unanimously.

13. Adjournment-

At 12:29 pm a motion to adjourn the meeting was made by G. Craig, seconded by G. Poppe and approved unanimously.