



# 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 17, 2019

*Approved by the Board on March 21, 2019*

### Board Member Attendance:

Present	Absent
Gary Poppe (Vice-Chairman) Gordon Craig Joe Yost Joe Pepe Jeff Hoffman Richard Dalton Steve Domber	Art Becker ( <i>Present via phone around 12:00</i> ) Carol Graff

**Board Legal Representative Present:** Deputy Attorney General (DAG) Robert Guzek, NJ Division of Law (arrived at 10:55 am)

**NJDEP Bureau of Water Allocation & Well Permitting Staff Present:** Terry Pilawski, Julia Altieri, Steve Reya, Mike Schumacher, Mark Ortega, and Mark Miller (present for a portion of the meeting)

**Other DEP Staff:** Brian Sage, Bureau of Nonpoint Pollution Control (present for part of the meeting)

**Members of the Public Present:** Denis Crayon, New Jersey Groundwater Association (NJGWA) President/Summit Drilling Co., Dermot Dillon, New Jersey Groundwater Association (NJGWA) Secretary/Summit Drilling Co.

### 1. Call to Order and Opening Statement-

The meeting was called to order by Vice-Chairman Gary Poppe at 9:32 am with a quorum present.

The Board and staff members introduced themselves to Dermot Dillon, Master Driller from Summit Drilling Co. He also serves as the Secretary of the New Jersey Groundwater Association.

S. Reya informed the Board that later in 2019 they would need to complete the full Ethics Training, which is mandated by the State of New Jersey. He reminded the Board that at the May 2018 meeting they had received the shortened training, which is required on a yearly basis. He continued to tell the Board that this longer version of the training should be held every three (3) years. He asked the Board whether they would prefer someone from the Ethics office conduct the training in person or if they would rather complete the training online. J. Yost stated that he preferred the meeting in person. G. Poppe agreed with having the meeting in person. J. Pepe asked if the meeting could be taken online if the in-person training was missed and S. Reya said that the training would be made available online.

S. Reya also informed the Board that as per the bylaws, elections for Chairman and Vice-Chairman will be held in May and that moving forward, elections will be held every May. He followed up by stating that after reviewing the bylaws, he noticed that Board resolutions needed to be numbered. He informed the Board that staff members already created a spreadsheet to track and number the Board's resolutions.

**2. Review and Certification of the Minutes for the November 29, 2018 Meeting-**

A motion to approve the minutes after changing "G. Poppe" to "G. Craig" in item number nine (9) was made by G. Craig, seconded by J. Yost and approved unanimously.

**3. Review and Certification of the Executive Session Minutes from the November 29, 2018 Meeting-**

A motion to approve the minutes without change was made by J. Hoffman, seconded by S. Domber and approved unanimously.

**4. Review and Certification of the Minutes for the December 20, 2018 Conference Call-**

A motion to approve the minutes after changing the times listed for G. Poppe and J. Yost departing the conference call and the adjournment time was made by J. Yost, seconded by G. Craig and approved unanimously.

**5. Board Business and Correspondence-**

Remaining meetings and conference calls for 2019:

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

**March 21, May 16, July 18, September 19, November 21**

Board telephone conference calls will be held during the intervening months to review continuing education course applications and approve qualified candidates for NJ driller or pump installer licenses. The calls will be held at 10:00 am on the following schedule:

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

**6. Review and Certification of License Applicants-**

S. Reya informed the Board that there were no new license applicants this month. He continued to state that starting at the end of January that the Department will begin receiving reports from the

National Ground Water Association with test scores of individuals who have taken the New Jersey Regulatory test modules to see the volume of individuals taking exams for the purpose of NJ licensure as well as well as the pass/fail rate for each exam category.

**7. Discussion of Well and Septic Minimum Setback Distances as Required by N.J.A.C. 7:9D and N.J.A.C. 7:9A-**

T. Pilawski introduced Brian Sage to the Board. The Board and staff members introduced themselves to Brian. Brian works for the NJDEP Bureau of Nonpoint Pollution Control in the Division of Water Quality. T. Pilawski continued by bringing the Board up to speed regarding an issue with a conflict between the well rule and the septic rule. According to the well rule (N.J.A.C. 7:9D), there is a minimum setback distance of 100 feet for Category 1 (potable use) wells to a septic disposal field. According to the septic rule (N.J.A.C. 7:9A), no wells shall be constructed within 100 feet of a disposal field. The septic rule does not differentiate between types of wells, therefore, reference to wells, which the regulated community and health officers often view as inconsistent with the well rule, which pertains only to minimum distances from potable wells. T. Pilawski stated that there is a concern regarding effluent being brought to the surface from irrigation wells, but the septic rule as it is written restricts environmental resource, geotechnical, and geothermal wells from being constructed within 100 feet of a disposal field. Denis Crayon explained that he was originally made aware of the issue with the conflict in the rules when a county health department mandated that a homeowner decommission an irrigation well that was constructed too close to a disposal field (which was in violation of the septic rule, but not the well rule).

M. Miller asked the Board if they had any recommendations on handling the fact that the well rule and the septic rule conflict with each other. G. Craig suggested that the well rule be changed to include a minimum distance requirement of 100 feet for all irrigation wells around a disposal field. He also suggested that the septic rule should change the “all wells” language. J. Yost suggested that all well categories except for closed loop geothermal wells should have a minimum distance requirement of 100 feet around a disposal field. J. Yost elaborated on some examples of why he believed that all wells (except closed loop geothermal) should have this minimum distance requirement. G. Poppe recapped the discussion and stated that all Board members agree that at a minimum, all Category 1 and Category 2 (non-potable use) wells should have the 100-foot setback distance to a disposal field.

Brian informed the Board that the septic rule is scheduled to be readopted with no changes in April, but he would bring the concerns of the Board to his superiors. T. Pilawski updated the Board on the proposed well rule changes, which the Board and been briefed on in the November 2018 meeting. She stated that it might be possible for the Well Permitting program to drive the change of N.J.A.C. 7:9A by changing N.J.A.C. 7:9D. J. Hoffman asked the Board and Brian if they had a recommendation regarding setting minimum distance requirements for other well categories. One possible recommendation that was discussed was to require a minimum of 15 feet between a disposal field and a well of any category. It was noted that this should be acceptable if there is a steep slope from a raised septic field. G. Craig suggested Category 1, Category 2, and Category 6 (dewatering wells or dewatering wellpoints) have the 100-foot setback distance requirement and that if any of those wells be needed to be drilled less than 100 feet from a disposal field that the Department issue a deviation, if warranted. These well uses were identified due to being types of wells in which groundwater (and potentially sewage effluent) is pumped and discharged above ground surface. T. Pilawski informed the Board that Well Permitting staff would come up with some proposed solutions and present language to the Board at the next regularly scheduled meeting

Brian and M. Miller departed after being thanked by the Board and staff members.

**8. Continuing Education Program Development Update-**

S. Reya informed the Board of the Well Permitting program’s progress regarding getting the continuing education program up and running. He informed the Board that the licensing and exams website will soon be updated with the up-to-date continuing education information. After the website is updated staff will send out a mass mailing to all licensed individuals informing them to visit the website for more information. S. Reya asked the Board if they could begin reaching out to potential course providers whom they feel may be qualified to submit. He told the Board that until the website is updated, Board members could instruct these potential course providers to reach out to him or M. Ortega to obtain the necessary course provider application.

**9. Enforcement Activities and Field Work-**

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

**Field Inspections – November 29, 2018 thru January 17, 2019**

- Issue: Final site visit to confirm successful drilling and grouting of new domestic well on November 29, 2018. New well was constructed to resolve homeowner complaint of unsatisfactory water quality. Bureau staff on-site during new well construction. Completed well record reviewed and accepted on December 17, 2018. No required enforcement action by Department. Upper Freehold Twp., Monmouth County.

**Ongoing Investigation-Suspected unlicensed well pump installation and repair-status update**

- Issue: Suspected unlicensed individuals performing well pump installation and repair in Millstone Twp., Monmouth County. Unacceptable response received on December 3, 2018 from the unlicensed individual regarding the Department’s November 26, 2018 letter requesting additional information concerning its investigation of unlicensed well pump work.
- Enforcement Action: Bureau staff contacted a New Jersey licensed pump installer, who may have been on-site to supervise others and/or performed well pump installation at various locations in Millstone Twp., Monmouth County. Follow up, 2nd letter to be issued requesting additional, relevant documentation that supports compliance with pump installation regulations was met. More information needed.

**Referrals to Water Compliance & Enforcement**

- Issue: Various confirmed construction and permitting violations of N.J.A.C. 7:9D referred to Central Region Water Compliance and Enforcement for further processing of civil administration penalties and orders to decommission improperly constructed wells.
  - Five (5) cases total: Violations include the following: improper grouting and constructing of domestic and irrigations wells, well started prior to approved permits and unlicensed well construction and pump installation activities.
  - Four (4) additional cases to be referred by end of January.

**10. Continuing Education Course Applications-**

R. Guzek, DAG, explained to the Board that until he did more research on the Ethics rules he believed that the New Jersey Geological and Water Survey staff members who are on the Board (J. Hoffman, S. Domber, and R. Dalton) should recuse themselves from the following discussion regarding review of a continuing education course since they work in the same organization as one of the presenters. It was noted that J. Hoffman is in the chain of command for one of the presenters

while the other two Board members work in the same office. A. Becker was brought in via conference call in order to allow these abstentions and maintain a quorum for voting on the applications.

S. Reya summarized the application for the Radioactive Isotopes in New Jersey Groundwater course, presented by Dr. Steve Spayd, of the New Jersey Geological and Water Survey. G. Craig and G. Poppe stated that the course sounds very informative and beneficial. A. Becker stated that he believed that the course should be counted for one (1) CEP. A. Becker clarified with S. Reya that the administrative review of the application was completed. S. Reya explained that due to the circumstance of this presentation being offered during a NJGWA membership meeting that the information that Dr. Spayd submitted was being combined with the information that Mr. Crayon submitted on behalf of the NJGWA for their membership meeting.

**A motion was made by J. Yost to accept the “Radioactive Isotopes in New Jersey Groundwater” presentation for one (1) CEP, provided the event host, NJGWA receives CEP approval as well. The motion was seconded by J. Pepe. All were in favor except for J. Hoffman, S. Domber, and R. Dalton, who abstained from the vote (M01-2019).**

S. Reya then provided a brief overview of the application received for the NJGWA membership meeting, presented by Mr. Crayon. NJGWA is the event host for the above presentation, therefore, a number of required items such as the capturing and reporting of event attendance for both the meeting and presentation will be handled by NJGWA. G. Craig explained that he thought that it was a good idea to award one CEP for this meeting for educational, informational and networking purposes. A. Becker clarified with R. Guzek about a recommendation that he made on the December 2018 conference call. A. Becker asked if he believed that the Board could not award points for attending industry events. R. Guzek clarified that the Board should focus on course applications that provide training. He advised the Board to avoid giving points out for events that are solely for networking or solely for administrative events, such as Board meetings where the primary focus is business/agency housekeeping items.

R. Dalton suggested that the NJGWA membership meeting receive less than one (1) CEP due to the lack of content listed in the application. R. Dalton advised the Board to use caution for assigning a full CEP for a meeting as the agenda provided for review did not seem to demonstrate a full hour of appropriate work-related content. T. Pilawski explained that the Department’s position was more in line with R. Dalton’s position. Members discussed whether the NJGWA membership meeting should be awarded .5 CEP, rather than one (1) CEP. One issue identified was that there need to be enough available courses and points to allow for license holders to be able to obtain the required credits. Several members felt that allowance for only .5 CEP would further limit the opportunities open to license holders. J. Yost stated that he believed that for this first licensing cycle the course should be approved for one full point. Then at the start of the next continuing education cycle, which will be a full three (3) years, consider making the NJGWA membership meetings count for less than one (1) full point if the Board is not satisfied that the course application submitted at that time that the full credit hour is not warranted.

**A motion was made by G. Craig to award one (1) CEP for the April 2, 2019 NJGWA membership meeting, seconded by J. Yost. All were in favor except for R. Dalton, who was opposed (M02-2019).<sup>1</sup>**

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<sup>1</sup> J. Hoffman, S. Domber, and R. Dalton were a part of this discussion and vote since it did not involve a member of the New Jersey Geological and Water Survey.

A. Becker departed after being thanked by the Board and staff members.

**11. Well Permitting Program Updates-**

T. Pilawski gave the Well Permitting Program update. She recapped the discussion from earlier regarding the potential rule changes/updates that were suggested to the Office of Legal Affairs. She stated that interviews will soon be conducted for a new Section Chief for the Well Permitting Section, a position which has been vacant since Pat Bono retired at the beginning of 2018. Terry presented the Board members with a copy of the judge's decision in the geothermal well field case, in which the judge found in the Department's favor. T. Pilawski informed the Board that the Department has issued a conditional approval to the latest pilot plan submittal and that the Well Permitting Program expects to see permits and decommissioning authorization requests submitted by February 4, 2019 in order to address the existing well field.

**12. Adjournment-**

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