



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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### New Jersey Department of Environmental Protection State Well Drillers and Pump Installers Examining and Advisory Board Conference Call Minutes for October 17, 2019

*Approved by the Board on November 21, 2019*

**Board Members Present at NJDEP Headquarters Building:** Steve Domber

**Board Members Participating Via Telephone:** Art Becker (Chairman), Gary Poppe (Vice-Chairman), Gordon Craig, Joe Pepe, Carol Graff, Jeff Hoffman and Richard Dalton

**Board Members Absent:** Joe Yost

**Board Legal Representative Participating Via Telephone:** Deputy Attorney General (DAG) Jill Denyes, 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 10:02 am with a quorum present via telephone.

**2. Continuing Education Course Review-**

A table summarizing one (1) course, along with the supporting documentation, was provided to the Board members prior to the meeting for review as they were deemed administratively complete by the Bureau. Below is the information for the course and how many continuing education points (CEPs) were requested:

**Utility Location: Safety and Science – EPI – 2 technical CEPs and 1 safety CEP**

G. Craig discussed his opinion of the course. He said that he believed that this would be a very good course, as drillers need to know what to look out for and be aware of underground utility hazards. G. Poppe agreed with G. Craig's view of this course. R. Dalton asked if there is a required safety certification necessary for an individual to teach a safety course for utility location. He noted that the course instructor has no safety background listed in his resume. A. Becker stated that he didn't know of any certificate for underground utilities that the Board would

be able to cite or require that a course instructor possess. A. Becker said that the OSHA standards are often vague when it comes to who can teach those courses as they often reference qualified individuals, which is left to the discretion of the employer.

A. Becker discussed his concern with the course instructor's statement on the application that indicated he would submit the course roster by the end of the licensing cycle (the current requirement prescribed in the rule). He asked that the Department emphasize the Board's prior recommendation that the provider submit attendance records within 45-days of the course being held.

**A motion to recommend approving Utility Location: Safety and Science for 2 technical and 1 safety CEPs was made by G. Poppe, seconded by G. Craig, and approved unanimously.**

A. Becker discussed his concern that there is no requirement from the Department for a course provider disclose if they are charging money for a course that they are administering. He noted that without that information being listed on the Department's website, well drillers and pump installers would not know that there is a fee until they go to register for the course.

J. Pepe discussed the Water System Fundamentals course, which he attended on October 9, 2019. He spoke very highly of the course and said that about 85 people attended. He asked the Board if companies have the right to limit course that they offer to their customers. That was not done at the course he attended but he noted that this issue will likely going to come up at some point and the Board should have a position on whether providers are able to deny those who are not customers from registering. A. Becker said that he did not believe the Board and the Department should support such a practice. J. Denyes, DAG, agreed with A. Becker and felt that to the extent possible, the Board should not endorse any course limited only to the provider's customers. It was noted that the current course application does not require providers to disclose any associated costs or limitations of the individuals eligible to register.

S. Reya talked about the soon to be scheduled license upgrade course and how it would be restricted to currently licensed soil borers and journeymen (Class B) well drillers so there are instances in which limiting a course offering to a subset of the licensed community is warranted. He also brought up how companies have inquired with the Department and in-person at Board meetings if they can put on a course for their employees, which was deemed acceptable by the Board provided the course criteria meets the requirements of the rule. J. Denyes said there are appropriate instances for limiting courses, such as in these examples, but they should not be limited solely for marketing or financial gain as it would be restrictive to licensees who are not customers of that company. A. Becker said that the Board and the Department should look to restrict approvals to course providers who are putting on classes for profit motivation as a sales pitch for their business. He also inquired about whether it would be possible to include language about such restrictions in the approval letters that the Department sends to course providers. It was also suggested that the current application be modified to ask that providers disclose any limitations due to venue size, current customers, etc. so the Board is fully aware of all aspects of each course under review.

A. Becker asked to push this discussion until the November meeting and requested that it be added to the agenda if time allows.

**3. License Application Review-**

The Bureau received one license application for the Vertical Closed Loop Geothermal (VCLG) license:

VCLG

Tony Brokaw

The applicant was found to meet the regulatory requirements of N.J.A.C. 7:9D-1.8. G. Poppe made a motion to approve the applicant for licensure. The motion was seconded by G. Craig and approved unanimously.

**4. Hearing Briefing-**

S. Reya talked about the upcoming hearing, which is scheduled for the November 21, 2019 Board meeting. He said that the Department has not received a response from Mr. Blumhagen or his attorney indicating whether or not he intends to attend nor was any documentation provided for review, which must be submitted a minimum of 30 days prior to the hearing per the most letter sent by the Board. A. Becker asked J. Denyes what happens if the documentation is not received by the deadline. J. Denyes said that the Board could choose to reject the evidence if there is not enough time to review information that was submitted. S. Reya informed the Board that T. Pilawski arranged for a state trooper to be present at the hearing and that she is working on scheduling a stenographer.

**5. Adjournment-**

At 10:32 am a motion to adjourn the conference call meeting was made by J. Hoffman, seconded by G. Craig and approved unanimously.