



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 September 24, 2020

Approved by the Board on October 15, 2020

Board Members Present at NJDEP Headquarters Building: N/A

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

Board Members Absent: Joe Pepe

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

NJDEP Water Supply (Bureau of Water Allocation and Well Permitting) Staff Present: Terry Pilawski, Joe Mattle, Julia Altieri, Steve Reya, and Mark Ortega

Members of the Public: Dermot Dillon, President, New Jersey Ground Water Association, Eric Hoffman, Peak Environmental

1. Call to Order-

The meeting was called to order at 10:01 am with a quorum present via telephone. A. Becker noted that this meeting was supposed to be held in person, however, due to COVID-19, the meeting was changed to a conference call. He noted that the Department had made the phone number available prior to the meeting via the Board's website.

2. Review and Certification of the August 13, 2020 Conference Call Minutes-

A motion to accept the August 13, 2020 minutes as written was made by G. Poppe, seconded by J. Yost and approved unanimously.

3. Tentative 2021 Board Meeting Dates-

The Board members were presented with a list of potential 2021 Board meeting dates. After reviewing the dates proposed by the Department, both A. Becker and G. Craig said that they would be

out of the state for the majority of January and would not be able to attend any in person meetings. A. Becker proposed moving the January meeting to Tuesday, January 12, 2020. After some discussion, the Board decided to continue to meet on the third Thursday of January but changed the January meeting to a conference call so both A. Becker and G. Craig would be able to call in for the meeting. The Board members decided to meet on the following dates at NJDEP Headquarters in Trenton beginning at 9:30 am:

March 25, May 20, July 22, September 23, November 18

The following dates were selected to hold telephone conference calls to begin at 10:00 am:

January 21, February 11, April 15, June 17, August 12, October 14, December 16

A motion to accept the 2021 meeting and conference dates was made by J. Yost, seconded by G. Poppe, and approved unanimously.

S. Reya asked DAG Denyes if there was any specific disclaimer language needed for the public notice in case more meetings are converted to conference calls due to COVID-19. DAG Denyes suggested that the Department run the public notice by her before it goes out to the newspapers. She will check the proposed language for consistency with other Open Public Meeting Act statements since other Boards and Commissions are in the same predicament of not knowing which future meetings will be able to be held in-person.

4. Review Resumes/qualifications Submitted by Candidates for the Upcoming Licensed Pump Installer Vacancy (three candidates)-

A. Becker asked the Board if anyone had any comments about the three applications for the pump installer Board vacancy. The three individuals who applied for the vacancy were Frank Berkey, Obdulio George Cruz, and David Lyman. A. Becker said that he reviewed the resumes of all three candidates and that they were all good, but his vote would be for David Lyman. A. Becker said that he believed that Mr. Lyman's resume stood out to him most of the candidates.

A. Becker confirmed with the Department that it is ultimately their responsibility to make the selection and that the Commissioner will appoint the selected candidate. T. Pilawski suggested that the Board rank the candidates so the Department could use the Board's input to inform their decision.

C. Graff noted that she worked with Mr. Lyman in his capacity serving on the New Jersey Ground Water Association Board. R. Dalton said that Mr. Berkey has a background similar to J. Pepe such that he had experience with electrical and plumbing issues that could be helpful. The Board discussed the experience of the three candidates. A. Becker pointed out that Mr. Berkey stated that he holds a well drillers license in his application. He asked S. Reya to verify this information. S. Reya said that Mr. Berkey does not currently hold a well drillers license, only a pump installer license. A. Becker called for the Board members to vote on their number one and number two candidates.

A motion was made by G. Poppe to recommend Mr. David Lyman as the Board's first choice for the pump installer position. The motion was seconded by J. Yost and approved by all except for C. Graff and R. Dalton who abstained.

A motion was made by G. Poppe to recommend Mr. Obdulio George Cruz as the Board's second choice for the pump installer position. The motion was seconded by J. Yost and approved by all except for C. Graff and R. Dalton, who abstained.

While no motion was made, Mr. Frank Berkey would be the Board’s third choice for the pump installer position.

5. Review of Well Driller License Applications-

After reviewing the license applicant information, A. Becker asked the Board if there was any further discussion for the one pump installer applicant. No further discussion was needed.

A motion to approve the one Pump Installer license applicant was made by G. Craig, seconded by C. Graff, and approved unanimously.

License Type	Applicant Name	Employer
Pump Installer	Wesley Allman	Jersey Shore Lawn & Sprinkler

6. Review of Continuing Education Course Application-

The Board reviewed courses submitted by the American Ground Water Trust (AGWT) and the National Ground Water Association. The Board started by reviewing the one submission from AGWT.

J. Yost said that he thought that the PFAS course was focused on water treatment and may not be relevant to NJ well drillers and pump installers. A. Becker said that PFAS is an emerging topic and that a lot of environmental consultants have to deal with PFAS site clean ups. He added that he thought that this was a good topic and thought that everyone should be aware of this pollutant. S. Domber agreed with A. Becker’s assessment of this course as it is a statewide concern.

A motion was made by G. Poppe to recommend the approval of the NJ, MD, & DE PFAS course, seconded by C. Graff, and approved unanimously.

The Board began to discuss the 42 new courses submitted by NGWA. R. Dalton said that he had a concern about the length of some of the courses and the amount of continuing education points (CEPs) requested by NGWA. G. Craig noted that there are seven courses that are approximately 40 minutes and asked if those courses could count for three quarters of a point. J. Yost noted that the Board had previously made a motion that the smallest denomination of points was a half of a point. G. Craig suggested that if the course goes into the next half hour by more than halfway into the next half hour or hour, to round up to the nearest half hour/hour.

G. Poppe made a motion to round up to one CEP if the course is 45 minutes or longer, but down to a half of a CEP if the course is less than 45 minutes. J. Yost seconded this motion. All were in favor except for R. Dalton who voted nay.

After further discussion, A. Becker asked for the motion to be restated. G. Poppe restated his motion to make it clearer.

G. Poppe made a motion to round courses which are 45 minutes or greater up to the nearest hour. If a course is less than 45 minutes into the hour, it gets rounded down to a half hour and will receive half of a CEP. This rounding applies to all hours. Further, the minimum course

duration eligible for CEPs will be .5 hours so any course shorter than a half hour would not be awarded any CEPs. His motion was seconded by J. Yost and approved unanimously.

The Board went down the list of courses and stopped to discuss courses which they thought should not be recommended for approval. The following courses were not recommended for approval by the Board:

- Age of Amazon 2.0
- How Water Well Contractor Can Become Invincible to Lawsuits and Save Thousands in Taxes
- Green Infrastructure
- Getting Past the “Feel Good” Part of a Groundwater Project in Third World Counties
- Supply Chain Survival in the Age of Amazon

The Board voted on the course entitled, “How to Build a Better Business and then Sell it for a Profit”, however, due to a tie vote, the course could not be approved or denied. The Board decided to table this for another time.

The following list of courses were recommended for approval by the Board:

Course Name	Presented By	Technical Points	Safety Points
NJ, MD, & DE PFAS Webinar	AGWT	6	
Direct Push Logging Workshop	NGWA	.5	
Iron Bacterial Remediation	NGWA	1	
Treat Muddy Drilling Water by Using a Sediment Filter Bag as a BMP	NGWA	1	
A Hybrid Geothermal Heat Pump–Photovoltaic Solar System Yields 5 Times the Efficiency	NGWA	1	
PFAS and Groundwater: Real and Perceived Risk	NGWA	1	
Water Management Software Technology Workshop	NGWA	.5	
Chromate removal, the ins and outs of available technologies	NGWA	1	
Understanding Friction Loss Calculations	NGWA	.5	
Not Just a Bolt-on; Integrating Safety into Operational Excellence	NGWA		1
Sustainable Removal of Iron Clogging in Boreholes	NGWA	1	
Working in a Surface Mine	NGWA		1
Drone Based Geophysical Surveys for Groundwater Applications	NGWA	1	
The Multiple Challenges of Unused Wells	NGWA	1	
Three Fields of Science That Can Influence the Life Cycle of a Water Well Geology – Chemistry - Microbiology	NGWA	1.5	
Water Well Maintenance – Maintaining Production and More Consistent Quality	NGWA	1	
Why Recommend Certified Products?	NGWA	.5	
Radium Removal from Potable Water Supplies	NGWA	1	

Useful On-line Tools and Applications for Well Drilling Businesses	NGWA	1	
Water Well Rehabilitation and Time Based Preventive Maintenance	NGWA	1	
The Emerging Revolution in Groundwater Rights	NGWA	1	
Phase Converters, VFDs and Low Harmonics. Why Should I Care?	NGWA	1	
Drilling Reactive Clays and Shales	NGWA	1	
Protecting Today's More Efficient Pump Motors from PWM Damage	NGWA	.5	
Constant Pressure Systems - The Opportunity, the Challenges, the Playbook	NGWA	1	
Maximizing Efficiency in the Drilling Process Panel	NGWA	1	
Performing Plumbness and Alignment Tests - The Lost, but Essential Art	NGWA	1	
An Introduction to Behavioral Based Safety (BBS)	NGWA		.5
Solar Powered Single Phase 3-inch AC Pumps for Replacing Windmills	NGWA	.5	
Redefining Water Treatment Technology Selection for Today's Water Quality Challenges	NGWA	1	
Don't Forget to Disinfect...Developing a Strategy for Microbiological Contamination in Private Water Systems.	NGWA	1	
Scientific Groundwater Terminology You May Not Fully Understand - Let's Discuss	NGWA	1	
Risk Management for the 21st Century Business	NGWA	1.5	
Water Well Design by the Numbers	NGWA	4	
Drilling Mud Quality, Additives, and Mixing Course	NGWA	3.5	
Introduction to Groundwater Resources	NGWA	1.5	
Safe Practice in the Groundwater Industry	NGWA		3

7. License Renewal Update-

S. Reya discussed issues with license renewals with the Board. Due to a glitch with the software that the Department uses, renewal invoices were sent to individuals who were no longer eligible for renewal because they did not meet the CEP requirement. S. Reya said that 14 individuals had paid those invoices, despite email correspondence going out as soon as the Department became aware of the glitch. The Department responded by ensuring those 14 ineligible licenses were not delivered to the individuals who did not obtain the required CEPs. Certified letters will be mailed out to them and their money will be refunded shortly.

S. Reya updated the Board on the status of the Environmental Resource and Geotechnical licenses, which were printed with the incorrect expiration dates. He said that the Department had requested that these licenses be reprinted for a third time and staff will be checking and mailing them directly to make sure they are correct and all accounted for this time.

S. Reya noted that there was a tentative topic on the agenda which would not be taking place. He noted that M. Ortega received a waiver request from the CEP requirements from a well driller recently. M. Ortega had requested some follow up information for the Board, however, no follow up

information was provided. If additional information is obtained, it will be discussed during a future meeting.

8. Enforcement Update-

J. Altieri provided the Board with an update on the Well Permitting Section's recent enforcement activities as follows:

Well Permitting Enforcement Activities– 7/23/2020-9/24/2020

New Investigations: Improper pump installation – Monmouth, Somerset County

Issue: Two instances of consumer and driller reported complaints of individuals allegedly working on well pumps improperly and/or without a license.

Enforcement Action: After investigation, both cases had non-specific documentation or work that was not covered under well regulations. Department staff reached out to all individuals to clarify what is covered in current well regs and sent letters of clarification.

New Investigations: Improper well construction – Gloucester County

Issue: The Department is working to resolve an instance of improper well construction of a domestic replacement well in which the licensed Journeyman well driller did not construct a well with a sufficient amount of grouted casing to case off a potential source of contamination. The well to be constructed was short of the minimum distance to a septic system so the approved permit was issued with a condition requiring the installation of additional casing and grout as usual permitting procedures.

Enforcement Action: The driller was issued a Notice of Non-compliance (NONC) and ordered to properly decommission the well. The follow up response received from the driller was not sufficient to rescind the NONC so the well is still pending proper decommissioning at this time.

Status Update: Ongoing Enforcement

Issue: Payment of Settlement Agreements

Settlement Agreements for penalties owed to the Department for three confirmed issues of non-compliance have been paid for violations of unlicensed pump installation, unlicensed well drilling and decommissioning, improper well construction (grouting), and drilling wells without permits.

Issue: Administrative Hearing – ADR coordination

On July 9, 2020 the Department's Office of Alternative Dispute Resolution/Southern Water Compliance and Enforcement, Well Permitting staff and the licensed well driller agreed to properly decommission a well as part of an Administrative Order and Notice of Civil Administrative Penalties Assessment (AONOCAPA) issued by the Department.

Update: Still pending resolution. Previously agreed upon timeframe for ordered decommissioning of well has passed (August 2020). Office of Dispute Resolution reaching out to driller for current status of pending decommissioning.

Issue: Unlicensed decommissioning – Montville Morris Co.

Three total reported cases of alleged unlicensed well decommissioning of deep cased wells. Individual is licensed pump installer with the State of NJ who claimed to use a licensed company did not. In 2018, same individual was investigated for same issue.

Update: Still pending resolution. No response to the issued NONC. Case to be referred to Water Compliance Enforcement for further settlement and possible remediation of work and licensing sanctions.

A. Becker left the call at 11:48. Vice-chairman, G. Poppe, presided over the duration of the call with a quorum present.

9. Geothermal Updates-

Woodbury

S. Reya informed the Board that as of August 31st, 45 geothermal wells have been over-drilled and replaced with conforming wells to comply with the site recommissioning plan. He stated that there are a few more wells which can be completed without issue. Approximately 80 total wells are believed to be onsite all of which are to be overdrilled. There are some wells that currently have access issues and cannot be located by excavation for proper recommissioning at this time. The Department has been in contact with the drilling contractor performing the work and is being kept apprised any access issues that would lead project delays or potential alterations to the previously approved recommissioning plan under which they are currently working.

Princeton

S. Reya informed the Board that as of the latest update he received, nearly 100 wells were completed at the Princeton site. Between the three companies, 82,000 linear feet have been drilled. S. Reya noted that it is expected that there will be six drill rigs on site starting in October (from two drilling companies).

G. Poppe asked S. Reya if he had any plans on going to this site soon as he would like to see the drill site. S. Reya said that he would try to set something up with the university and would get back to him.

Total Green

S. Reya informed the Board that there has been no movement on scheduling a grout/DX geothermal system installation demonstration with Total Green.

10. Horizontal Directional Drilling (HDD)-

J. Hoffman said that there are more HDD projects that are being considered in New Jersey. He reiterated that the Board's standpoint of HDD wells is that they are a threat to the State's groundwater resources. Department staff has been working with the Division of Land Use Management due to an incident in Monmouth County where an inadvertent return of an HDD bore reportedly destroyed the foundation of someone's house.

T. Pilawski reported that the Land Use Permits for the Southern Reliability Link pipeline have been suspended by Land Use pending further evaluation of the project.

R. Dalton said that the Division of Science and Research was asked to investigate HDD wells. R. Dalton and S. Reya were selected to work with the Science Advisory Board for evaluation of HDD projects and potential impacts to groundwater.

11. Program Updates-

T. Pilawski informed the Board that the amendments to the Well Rule will be published in the New Jersey Register on October 19, 2020. The Department will do outreach after it is published.

12. Adjournment-

At 12:09 pm, a motion to adjourn the meeting was made by C. Graff, seconded by G. Craig, and approved unanimously.