



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 March 25, 2021

Approved by the Board on April 15, 2021

Board Members Present at NJDEP Headquarters Building: N/A

Board Members Participating Via Telephone: Art Becker (Chairman), Gary Poppe (Vice-Chairman), Joe Yost, Eric Hoffmann, Jeff Hoffman, and Richard Dalton

Board Members Absent: Gordon Craig, David Lyman, Steve Domber

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, Summit Drilling/New Jersey Ground Water Association (NJGWA), Dennis Crayon, Summit Drilling/Experience Safety Institute LLC

1. Call to Order-

The meeting was called to order at 9:33 am with a quorum present via telephone. This meeting was held via conference call due to the COVID-19 pandemic. Notice of the meeting and instructions on how to participate by phone were listed on the Department's website.

2. Ethics Requirement Reminder-

S. Reya and A. Becker reminded the Board members to complete their ethics briefing and to complete the Outside Activity Questionnaire, both of which were recently sent to members.

3. Review and Certification of the February 11, 2021 Conference Call Minutes-

A. Becker recommended two changes to the minutes as they were written. There were two typographical errors in the last two paragraphs of page two: "modues" should be "modules" and in the last sentence of the page "sets" should be "set". Department staff took note of the necessary changes.

A motion to approve the draft minutes after the corrections are made was made by G. Poppe, seconded by E. Hoffmann, and approved by everyone except for R. Dalton who abstained.

4. Licensing-

Review of License Applicants

The Board members reviewed the applicant information for two pump installer licenses and one environmental resource and geotechnical (ERG) well driller license. A. Becker asked if there was any discussion needed for the license candidates. No further discussion was needed.

A motion to approve the three license applicants was made by J. Hoffman, seconded by G. Poppe, and approved unanimously.

License Type	Applicant Name	Employer
Pump Installer	Peter Parker	Accurate Well & Pump LLC
Pump Installer	Trevor Smith	Accurate Well & Pump LLC
ERG	David Lott	ADR Environmental

Inquiry from a Licensed Well Driller

S. Reya said that he received a call from a licensed Journeyman well driller who had a question about upgrading to a Master well driller license. The licensee wanted to know if he had to take eight exams or three exams for his upgrade since he took his tests and passed in 2017 but had received his license in February 2018.

S. Reya said that this licensee had taken and passed his exams for his Journeyman license during the last in-person exam which the Department offered in December 2017, prior to the agreement with the National Ground Water Association. After the Board met in January 2018, his license was issued to him in early February 2018. In Table 1 of the well rule (N.J.A.C. 7:9D), there are two tracks for Journeyman well drillers to take for their exams to upgrade to a Master license. If licensed on or after January 2, 2018, a licensee will need to take eight exams to upgrade to their master driller license. If licensed before January 2, 2018 then the licensee will only need to take three exams.

S. Reya noted that the intention is to have drillers take three exams to build upon their experience instead when seeking to upgrade rather than having them start fresh but wanted to bring it to the Board's attention since he received his license after the cutoff date stipulated in the rule. He asked the Board and J. Denyes for their opinion on this situation. A. Becker said that he believed that since he passed his exams before the cutoff date that he should be able to take the lesser number of exams but deferred to J. Denyes for her opinion. J. Denyes said that there does not appear to be a way around what the rule says. If the Board and Department pursue allowing the licensee to take the lesser number of exams, then they would be doing so at their own risk.

S. Reya spoke of the Department's perspective on the situation. During the December 2017 exam, there were only three Journeyman well driller applicants who sat for the exam; only one of those three passed the exams. This situation would not apply to anyone except this one person. S. Reya noted that the effective date for the well rule was January 2, 2018, but the operative date for the rule was March 1, 2018. He asked if that changes the situation. A. Becker asked the Department and J. Denyes to investigate the effective and operative dates and report back.

J. Hoffman said that the right thing to do would be to consider this licensee under the old rule. He added that if the Department had the exams graded in 2017 and it was determined that he had passed

then the Board should accept that he would have been licensed in time had they met in December 2017.

A motion was made to advise the Department to proceed with this licensee as if he had obtained his license prior to the January 2, 2018 cutoff date was made by G. Poppe, seconded by J. Yost, and approved by all except for R. Dalton who was opposed.

R. Dalton noted that he disagreed with the motion because he believed that it sets a bad precedent.

J. Denyes had departed the call, stating that she would return after a meeting.

5. Continuing Education-

Bureau staff went over the list of courses with the Board, noting that the Department had determined that these courses were administratively complete. The Board members reviewed each course.

Rutgers - PCBs and the Site Remediation Process

E. Hoffmann said that he has taken this course before for his licensed site remediation professional (LSRP) license and does not believe that it applies to well drilling. R. Dalton said that after reviewing this course, he thinks that only one or two hours would apply. J. Hoffman agreed with R. Dalton's assessment. A. Becker agreed that there is some information that is not necessary for well drillers and/or pump installers but thought that it was appropriate for ERG well drillers. The Board discussed potentially awarding partial credit for this course.

A motion to not recommend PCBs and the Site Remediation Process for credit was made by G. Poppe, seconded by E. Hoffmann, and approved by all except for A. Becker opposed the motion and J. Yost who abstained.

Milby Company – Virtual Pump School

R. Dalton said that he believed that the hour regarding solar pump did not apply. G. Poppe said that he believes that solar pumps are relevant and that he receives a lot of questions about them. A. Becker said that most of the information listed applies.

A motion to accept the Virtual Pump School for eight technical continuing education points (CEPS) was made by G. Poppe, seconded by R. Dalton, and approved by all except for J. Yost who abstained.

Experience Safety LLC – Excavation – Trenching

R. Dalton noted that he believes the course to be relevant and extremely important to the industry. No major discussion was needed for this course. This course had also been previously approved as part of NJGWA's March 2020 membership meeting.

A motion to accept the Excavation – Trenching course for one safety CEP was made by R. Dalton, seconded by J. Yost, and approved unanimously.

Rutgers – ArcGIS

R. Dalton said that he does not believe that this course applies to well drillers and pump installers. E. Hoffmann agreed with R. Dalton's assessment of the course. E. Hoffmann mentioned related topics that would be relevant training for well drillers and pump installers, like NJ GeoWeb tutorials or information about using a GPS, noting that this course does not teach those topics.

A motion to not recommend the ArcGIS course for credit was made by G. Poppe, seconded by R. Dalton, and approved unanimously.

Rutgers – Restoration Ecology

R. Dalton said that he does not think that this course applies to well drillers and pump installers. The rest of the Board members agreed.

A motion to not recommend the Restoration Ecology course for credit was made by G. Poppe, seconded by E. Hoffmann, and approved unanimously.

Rutgers – Wetland Construction

A. Becker and R. Dalton noted that while this is a good course, it is not related to the industry. No further discussion was needed as this was this consensus of most Board members.

A motion to not recommend the Wetland Construction course for credit was made by R. Dalton, seconded by J. Hoffman, and approved by all except for J. Yost who abstained.

The agenda item discussion regarding All Star Training was moved to later in the meeting to allow, DAG, J. Denyes to be present.

6. Enforcement Update-

J. Altieri provided the Board with an enforcement update as summarized below:

Well Permitting Enforcement Activities–1/21/2021-3/25/2021

New Investigation: One unpermitted monitor well installation – Camden City, Camden County

Issue: Bureau received notification of a monitor well that was erroneously decommissioned and then over-drilled and reconstructed at a former landfill without obtaining a new well permit. It was later discovered that the well was also redrilled by an unlicensed well driller, during the time when the persons license was had lapsed and was inactive. The individual did not meet his CEP requirement by the deadline and became inactive on July 1, 2020. The driller's license has since been reinstated.

Enforcement Action: Bureau staff has been in contact with the well drilling company involved. The company representative stated that they did not know that the driller's license had lapsed during the time of the well's construction. A notice of non-compliance (NONC) has been issued to the driller and company.

New Investigation: 10 wells constructed in Camden and Mercer County by an unlicensed driller.

Issue: Bureau discovered 10 additional instances of lapsed/unlicensed monitor well construction for wells located in Camden and Mercer Counties. Wells appear to have been constructed by the same unlicensed individual noted above during the time of inactive license period between July 1, 2020 and January 4, 2021.

Enforcement Action: NONC issued to the unlicensed well driller and company for the 10 wells. Additional investigation needed to identify all of the wells drilled by the individual.

Resolved: One potential improper well construction issue – Gloucester County

Issue: One alleged instance of improper well construction of a domestic involving the distance between a well and septic components and the installation of a minimum length of grouted casing stipulated by the Department as a permit condition has been resolved. The driller claimed there was an error in septic distances and tank versus cesspool misidentification on the approved permit. Driller submitted photos of opened septic tank to verify its existence and amended permit for new distances. Issue resolved.

A. Becker asked for clarification about the unlicensed well driller noted in J. Altieri's first issue. S. Reya had elaborated that this individual had taken an approved OSHA course but had never submitted the course completion certificate to the Department. This resulted in him being unable to renew his license by the June 30, 2020 deadline. A. Becker asked if this individual had made any contact with the Department to try to resolve this earlier than December 31, 2020. S. Reya said that the well driller did not attempt to contact the Department and that the Department had sent multiple letters to drillers who were ineligible to renew with contact information.

J. Altieri discussed the Economic Benefit Worksheet which she had distributed to the Board via email. She reminded the Board that some fines increased in 2018 due to the way violations were classified in the rule amendment and a clause was added to increase fines further if the violator gained an economic benefit from a violation. To better capture whether a violator has gained an economic benefit from a violation, J. Altieri provided the Board members with a spreadsheet of approximate costs for wells, of varying construction types. A. Becker and G. Craig completed this worksheet and submitted it to J. Altieri for review. J. Altieri thanked S. Reya and M. Ortega for their help with the worksheet as well as A. Becker and G. Craig for providing industry estimates that will assist the Department in assessing how much financial gains are realized by contractors and/or property owners who do not comply with regulatory standards.

7. Horizontal Direction Drilling (HDD)-

A. Becker recapped what had occurred at the meeting with the Science Advisory Board (SAB), which he and G. Craig had been invited to attend to discuss HDD. They empathized the importance of protecting New Jersey's groundwater resources. A. Becker provided the SAB members with some information about grouting wells. S. Reya thanked A. Becker and G. Craig for attending the meeting. The Bureau believed that the Board's input was needed since the Science Advisory Board had only spoke with HDD designers and contractors directly, so it was important that they hear from well drillers regarding ground water protection techniques utilized in the well drilling industry. S. Reya noted that the SAB should be releasing their initial report soon.

Department staff also noted that a group within Department is currently looking into HDD requirements while they are updating Freshwater Wetlands rules. T. Pilawski noted that Department management is supportive of a rule changes and believes that the Department already has the statutory authority though multiple attorneys are currently assessing the existing statute. T. Pilawski said that she has requested that Mr. Mark Miller, of the Water Allocation Section, work with M. Ortega with the future rule change; new exams and licenses will need to be developed as a result of this rule change, in addition to the technical and construction requirements.

8. All Star Training (All Star)-

With J. Denyes back on the call, the Board began their discussion about All Star. S. Reya recapped the Board's discussion from the February meeting. He said that the Board had made a motion for the Department to reach out to All Star and voice the Board's concerns about the course duration. The Department contacted All Star and had received a response with a revised course to review along with

two logins for the course. Both the Department's email and the revised course application were provided to members for review prior to the meeting. S. Reya and A. Becker took the course and provided the Board with their thoughts.

S. Reya said that that two of the seven modules have videos and are narrated by a hydrogeologist. He added that the content for those two modules were excellent, were related to the industry, and took approximately 50 minutes each. Of the remaining five modules, the content is mostly the same as the former version of the course, which allows a user to read at their own pace.

A. Becker provided his assessment of the revised course. He added that he signed up and took All Star's original course along with the revised version. He said that he did not believe that the original course had any good content and that the time did not add up to anywhere near seven hours. He said that the revised course had two good modules, which were the same ones that S. Reya had discussed. A. Becker noted that if you did not sit and pay attention to the videos for the first two modules then it would be very hard to pass the quiz at the end of the module to move on. He added that modules three through seven were disappointing and that it took him between 18 and 23 minutes to read each of the modules.

A. Becker said that based on inquiries that J. Yost had previously made about the International School of Well Drilling's (ISWD) courses, he also registered for their Basic Geology course and thought that the content was excellent. A. Becker explained the format of the ISWD course to the Board and noted that there are no exams or quizzes for their classes but the course is broken down into smaller segment so a student cannot simply sit idle and wait for a timer to expire as in the case of the All Star course.

A. Becker deferred to J. Denyes for her opinion about how to handle this course. J. Denyes asked if this course was a replacement course. S. Reya said that he believes that the newly submitted course was revised to address the concerns brought up by the Board and is, therefore, a revision. It is proposed for the same number of CEPs and contains a revised course outline and partially revised format. While there is no process in the rule to revoke or revise a course, the Department has listed on the Course Provider Application that one hour of training equals one CEP. J. Denyes indicated that the safest course of action, based on the well rule, would be to let it play out and deny the course for renewal in 2023. A. Becker expressed his disapproval, noting that the Board and the Department should be able to take action against the course provider. G. Poppe agreed with A. Becker.

A. Becker reiterated that the first two modules for the revised course were very good. If the course provider submitted similar content for the other modules, then there would be no issues. R. Dalton asked about S. Reya's assessment of the course because he noted that old rule language was used for one of the modules. S. Reya explained that All Star used old rule language from the Federal Safe Drinking Water Act from the 1990's. He also referenced a summary he provided and noted that these two modules were merely rule language that had absolutely nothing to do with well drillers or pump installers. The rule language was outdated, not applicable and also did not contain any context or description so he felt it in no way constituted training material.

J. Yost asked about what would happen to licensees who already took this course. S. Reya said that anyone who has already taken the course will receive full credit as it is a currently approved course, but the Department is seeking to remedy this issue moving forward. A. Becker suggested revoking the approval until they submit something that is satisfactory. S. Reya suggested reducing the amount of CEPs for which the course is approved. T. Pilawski agreed with S. Reya's suggestion. It was suggested to invalidate the original course and have the Board weigh in on a new amount of points.

A. Becker said that he spoke with representatives from Florida's water well continuing education program. He had tried to submit his certificate from the original class (pre-revisions) and was denied approval for points for his Florida license. A. Becker had inquired why it would not be approved and was told that All Star's course did not meet Florida's criteria.

A motion to have the Department notify All Star that the revised course does not meet the criteria for the number of continuing education points requested was made by J. Yost. This motion was seconded by G. Poppe and approved unanimously.

T. Pilawski asked if Department staff should specify a lower number of CEPs that would be accepted or if it is the Board's recommendation that staff should only state that the course does not meet the requirements. A. Becker said that if All Star wishes to revise the course again then they can. He recommended that a deadline be applied to the letter that the Department sends to them, so this back and forth does not continue for a significant amount of time, all while the course is listed as approved on the Department's website. T. Pilawski asked J. Denyes if Department staff could meet with her to develop language for a new letter. J. Denyes agreed to help.

9. Geothermal Projects Update-

Princeton University

There were three wells that needed to be decommissioned at the Princeton site and all three have now been resolved. It has recently been brought to S. Reya's attention that three more wells had been damaged due to the lack of plumbness of the wells leading new bores to intersect previously installed wells.

Allied Well Drilling has completed their drilling work and no longer has any drill rigs on the site. Midwest Geothermal is operating with four drill rigs on site. The Department is expecting Midwest Geothermal to obtain a new sitewide permit to continue their work; the original well permit is active for one year and a new permit is needed to continue their work.

S. Reya said that there are approximately 405 completed wells. The first phase of this project is nearing completion and will have approximately 600-650 wells. R. Dalton said that he looked at some older well logs in that area for plumbness and discovered that most wells are 68 to 100 feet off vertical. He suggested that these wells are deflecting due to the geology and suggested that the companies try spacing the wells out further apart. S. Reya said that the designer already indicated that the spacing cannot change because Princeton does not have the square footage to spread the wells further apart.

Woodbury

A response was received from the current property owner of the site at which improperly decommissioned closed loop wells are being re-commissioned via over drilling with a sonic drill rig followed by the installation of conforming geothermal well piping and grout. The owner acknowledged that they would properly decommission an abandoned irrigation well at the site that the Department inquired about, however, there are still two closed loop wells that are inaccessible as they are located under or in close proximity to an emergency generator and trash compactor. No satisfactory decommissioning proposal has been provided for these two wells that meets the approved compliance plan for the site. The Department will continue to work with their legal counsel, the property owner and the drilling contractor to resolve the remaining two wells.

10. Program Updates-

Staff Updates

T. Pilawski informed the Board that the Well Permitting Section had recently hired a new hourly employee, Deborah Newcomb. Ms. Newcomb is scheduled to start in a week. T. Pilawski noted that the Bureau of Water Allocation and Well Permitting received two permanent positions, which are backfills from retirements in prior years. One of these positions will go to the Water Allocation Section and the other will go to the Well Permitting Section, in the Technical Unit.

Former Harrison Ave. Landfill- Camden City

T. Pilawski praised D. Lyman for identifying an issue with the former Harrison Avenue Landfill, located in Camden County, which is in the process of being bioremediated. T. Pilawski discussed the specifications of proposed wells which were going to be installed as part of the remediation process. These wells would have allowed storm water to infiltrate into the Potomac Raritan Magothy aquifer. Bureau staff worked other programs in the Department and the site's design engineer to recommend new well designs and ultimately other stormwater management strategies that would not pose the same risks to groundwater quality as the initial design. T. Pilawski thanked D. Lyman for bringing this issue to the Department's attention.

11. New Items/Comments from the Public-

Comments from the Public

Dermot Dillon, President of the NJGWA, asked a question about the technical presentations that are held at the NJGWA membership meetings. He said that they are looking to resume in-person meetings in May if occupancy for indoor events is increased. He asked if NJGWA could submit separate agendas for their membership meetings and technical presentation. A. Becker noted that Governor Murphy approved dining establishments to increase their indoor seating capacity to 50 percent on March 19, 2021.

S. Reya said that administratively, the Department would need the whole agenda (including the meeting portion and technical presentation) to prevent multiple course numbers being assigned to one course. S. Reya noted that NJGWA does not need to include a specific meeting date on their initial course submission if they were looking to have it approved for the future. Provided the course is approved, it can be assigned a course number and the date could later be added to the Department's website upon notification by NJGWA that it had been scheduled.

Rule Launch

J. Mattle informed the Board that a rule launch meeting was scheduled for April. A. Becker asked if the rule had gone through the public comment period already. J. Mattle said that the public comment period had ended earlier in 2021 and that this rule launch meeting was created to discuss the publication of the rule amendments.

12. Adjournment-

A. Becker thanked the Board members for their attendance and participation.

At 11:49 am, a motion to adjourn the meeting was made by G. Poppe, seconded by J. Yost, and approved unanimously.