



## 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 Meeting Minutes for June 15, 2023**

*Approved by the Board on July 20, 2023*

**Board Members Participating Via Telephone/Microsoft Teams:** Art Becker (Chairman), Gary Poppe (Vice-Chairman), Gordon Craig, Dave Lyman, Eric Hoffmann, Richard Dalton, Steve Domber, and Jeff Hoffman

**Board Members Absent:** Joe Yost

**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, Steve Reya, Mark Ortega, and Steve Vargo

**Other NJDEP Staff Present:** Donald Hirsch, Northern Water Compliance and Enforcement

**Members of the Public:** None

#### **1. Call to Order and Introductions-**

The meeting was called to order at 9:32 am with a quorum present via Microsoft Teams and telephone. Notice of the meeting and instructions on how to participate by video or phone were listed on the Board's website. A. Becker thanked everyone for attending the meeting.

#### **2. Review and Certification of the May 18, 2023, Meeting Minutes-**

A. Becker asked if anyone had any comments on the May 18<sup>th</sup> draft minutes. No discussion was needed.

**A motion to approve the draft minutes from May 18, 2023, as written, was made by G. Poppe, seconded by J. Hoffman, and approved unanimously.**

**3. Review and Certification of License Applications-**

A. Becker said that there were three license applicants, including one applicant who was upgrading from an Environmental Resource and Geotechnical (ERG) license to a Journeyman license. In total, there was one Journeyman applicant, one ERG applicant, and one Pump Installer applicant. No further discussion was needed regarding the review of the following license applicants:

License Type	Applicant Name	Employer
Journeyman	James A. Steelman	Uni-Tech Drilling
Pump Installer	Daniel E. Bussian	A.C. Schultes
ERG	Casey Rickard	Summit Drilling, LLC

**A motion to approve the three license applicants for licensure was made by D. Lyman. This motion was seconded by G. Poppe and approved unanimously.**

**4. Review and Certification of Course Applications-**

*Course Renewals*

M. Ortega informed the Board that there are two additional courses which the Board needed to consider for renewal from the 2020-2023 continuing education cycle: Pipeline Safety & Coordinated Response Exercise and Water & Graphite; A Geothermal Game Changer. He reminded the Board that they renewed approximately 100 courses earlier in the year, between January and March. M. Ortega added that both courses would remain the same for the 2023-2026 continuing education cycle.

A. Becker asked about the online component of the Pipeline Safety & Coordinated Response Exercise course. M. Ortega explained that the Board only approved the in-person version during the 2020-2023 continuing education cycle. He clarified that the Board only needs to take action on the in-person version of the course at this meeting. M. Ortega explained that he can send the Board additional information regarding the online version of the course for the Board to consider at a future meeting.

R. Dalton expressed some confusion with the applications that the Department provided for review. S. Reya explained that he provided the original course applications, which were submitted during the 2020-2023 cycle, as background information on the courses for the Board.

**A motion to renew the two courses was made by R. Dalton. This motion was seconded by G. Craig and approved unanimously.**

Course Name	Course Provider	CEPs
Pipeline Safety & Coordinated Response Exercise – Excavator	Paradigm Liaison Services	2 Safety
Water & Graphite; A Geothermal Game Changer	Minerals Technology Inc.	1.5 Technical

**5. CEP Waiver Request-**

A. Becker introduced the topic and stated that Mr. Mike Faria submitted a waiver request of the continuing education point (CEP) requirements for the 2020-2023 cycle. Mr. Faria discussed a number of medical issues in his wavier, which he asked the Board to consider. S. Reya reminded the Board that they could go into an executive session if they needed to discuss any specifics on Mr. Faria’s circumstances. S. Reya discussed the waiver requirements with the Board.

S. Domber asked if the Board could request additional documentation from Mr. Faria. S. Reya and the Board discussed the rule language from N.J.A.C. 7:9D-1.9(f)4, which states the following:

*“A licensee in good standing may submit in writing to the Department, pursuant to N.J.A.C. 7:9D-1.17, a request, including supporting documentation, for a waiver from continuing education requirements pursuant to this subsection on the basis of active duty in the military or reserves, illness, disability, or other good cause.”*

DAG, Jill Denyes explained that there is no specific guidance in the rule regarding the types of documentation that must be submitted to the Board for review. S. Domber asked about the Board’s prior decisions for waiver requests. S. Reya cited two instances where the Board requested additional information from the requestors. The first occurred during the 2017-2020 continuing education cycle and the second instance occurred during the April 2023 Board meeting. In both instances, the requestors did not follow up with supporting documentation for the Board to review. S. Reya updated the Board about the latest request, from Mr. Alphonse Famiano. S. Reya explained that Mr. Famiano has since earned his CEPs and paid for his license.

A. Becker discussed his view on Mr. Faria’s waiver request. A. Becker said that Mr. Faria’s issues began in January 2020, which was during the prior licensing cycle. Mr. Faria successfully renewed his license for the 2020-2023 cycle. A. Becker expressed his sympathy for Mr. Faria, who noted numerous medical issues in his request, but said that he has some concerns with approving his request. A. Becker noted occasions, as cited by Mr. Faria, where he was cleared for light duty work. Additionally, Mr. Faria indicated in his request that he was unaware of the continuing education requirements. G. Poppe agreed with A. Becker’s assessment of the request.

G. Poppe brought up the fact that the Board approved over 100 online courses which someone on light duty could have completed throughout the continuing education cycle. G. Poppe indicated that he does not believe that the waiver request should be approved.

A. Becker said that Mr. Faria’s only recourse is to earn his CEPs and pay for his license along with the appropriate late fees. E. Hoffmann asked the Department about the late fees and grace periods for well drillers and pump installers. S. Reya explained that licensees who took courses after the March 31<sup>st</sup> deadline and submitted them for the 2020-2023 cycle have a \$500 administrative CEP late fee added to their bills. Additionally, eligible licensees who fail to pay for their license by June 30<sup>th</sup>, 2023, will have a \$50 late fee added to their license for not paying on time. Licensees who fail to pay their renewal invoice by June 30, 2023, will have their licenses deactivated. Individuals who fail to pay for their invoices, or earn CEPs, by December 31, 2023, will have their licenses expire. Those individuals will need to take exams again in order to become licensed. Licensees who do not earn their CEPs before December 31<sup>st</sup> will need to earn all their CEPs should they choose to become licensed again at a later date.

D. Lyman agreed with A. Becker and G. Poppe. He added that Mr. Faria has until the end of the year to finish taking all his classes and comply with the renewal requirements. S. Domber and J. Hoffman agreed.

**G. Poppe made a motion to not accept Mr. Faria’s waiver request of the requirements set forth at N.J.A.C. 7:9D-1.9(f)4. This motion was seconded by G. Craig and approved unanimously.**

## 6. Program Updates-

### *Enforcement*

T. Pilawski discussed the Well Permitting Section's recent efforts to address the Board's concerns regarding enforcement. She discussed a few referrals which were sent to Water Compliance and Enforcement. She also discussed additional actions that the Well Permitting Section was taking to further bolster efforts to bring the bad actors in front of the Board for a hearing.

### *Staffing*

T. Pilawski provided the Board with an update regarding the Well Permitting Section's staffing levels. She informed the Board that the Department recently filled the entry-level backfill for Ms. Lynn Stout. This individual accepted the position and is awaiting Human Resources to assign a start date. Additionally, an individual was selected to replace L. Stout to supervise the Well Permitting Unit, however, Human Resources has not yet offered that individual the position. Interviews are expected to take place for the vacant position left by Ms. Julia Altieri soon. T. Pilawski noted that she was supposed to be on the interview panel for this, but she will be replaced by J. Hoffman if she retires before interviews start. T. Pilawski noted that the Section Chief position, vacated by J. Mattle, is still working its way through the process to get approved. A posting was recently made for the Bureau Chief position, which will replace T. Pilawski after she retires at the end of June.

T. Pilawski informed the Board that this would be her last meeting and thanked the Board for all their time and hard work throughout the years. The Board thanked T. Pilawski for her service and everything that she did for the Board. The Board asked who will take her place in the interim. T. Pilawski said that Ms. Jennifer Myers will be acting in the role of Bureau Chief after she retires, until an official replacement is selected.

### *Miscellaneous*

A. Becker asked what happens to someone's well permits if their license gets suspended. S. Reya explained that the permits will still be there in their services, but they can still subcontract another licensed well driller to perform the work. It was also noted that many companies employ multiple licensed well drillers so if a licensed driller will be performing the work under that permit it would be acceptable as there is no mechanism that would rescind a previously issued permit even if an individual's license is suspended for a period. J. Hoffman also pointed out that the permits technically belong to the property owner.

A. Becker asked M. Ortega if he could report to the Board during a future meeting how many well drillers reside in New Jersey. He wanted to get a better understanding of how many of the 501 well drillers who met the CEP requirements, and presumably renewed their licenses, resided in the state versus out of the state.

## 7. Chairman and Vice Chairman Elections

A. Becker explained that he was recently rereading the Board's bylaws and noticed that they missed elections for Chairman and Vice Chairman, which should have occurred during the May meeting. A. Becker said that he's been Chairman for a long time and invited others to put their name in for the position. R. Dalton asked about the eligibility requirements to be the Board Chairman. M. Ortega said that the Chairman must be one of the Master Well Drillers on the Board. G. Poppe nominated A. Becker to remain as the Board Chairman.

**A motion was made by G. Poppe to nominate A. Becker as the Board Chairman. This motion was seconded by J. Hoffman and approved by all except for A. Becker who abstained.**

**A motion was made by A. Becker to nominate G. Poppe as the Board Vice Chairman. This motion was seconded by G. Craig and approved by all except for G. Poppe who abstained.**

S. Domber asked about renewals for Board members. S. Reya said that the current term expires in February 2024. He added that the Department will be working on renewals soon to avoid a lapse in terms.

**8. Adjournment-**

S. Reya said that the next Board meeting will be held on Thursday, July 20, 2023. A. Becker thanked everyone for attending.

**A motion to adjourn the meeting was made at 10:20 am by G. Poppe. This motion was seconded by D. Lyman and approved unanimously.**