



## State of New Jersey

Department of Environmental Protection

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STATE WELL DRILLERS AND PUMP INSTALLERS  
EXAMINING AND ADVISORY BOARD

### State Well Drillers and Pump Installers Examining and Advisory Board Meeting Minutes for Sept. 17, 2009

**Board Members Present:** Chairperson Art Becker, Vice Chairperson Anthony Tirro, Richard Dalton, Carol Graff, Karl Muessig, Joe Pepe, Gary Poppe, Fred Sickels and Joe Yost

**Board Members Absent:** none

**NJDEP Staff Present:** All members John Fields, Acting Bureau Chief of BWS&WP, (am only) Steve Reya, Pat Bono, Tracy Omrod, Michael Schumacher (pm only), Brian Buttari (pm only),

**Other State Personnel Present:** D.A.G. Jill Denyes - Legal advisor to the Board

**Member(s) of the Public:**

**1. Call to Order –**

The meeting was called to order by A. Becker at 9:35 AM with a quorum present.

**2. Review of Minutes from July 16, 2009 Meeting –**

The draft minutes for the July 16<sup>th</sup> meeting submitted to the Board members for their review contained a lengthy write-up of the discussion which took place regarding grading and scoring of license exams as well as a description of recent activities from outside parties requesting the department to change the application process to allow geothermal well drillers to sit for the Journeyman B exam. Some members felt that the minutes were too detailed but that the motions voted upon at the meeting were presented accurately. After some discussion, it was decided to adopt the minutes with minor changes. Board members and DEP staff agreed that less detail is needed for the minutes of future meetings. A motion to accept the July minutes, with the minor changes was made by F. Sickels, seconded by G. Poppe and unanimously approved.

**3. Review and Certification of the October 6, 2009 Master, Journeyman, and Journeyman B Test Applications**

**Master** – A motion to approve applicants was made by F. Sickels, seconded by T. Tirro and unanimously approved.

**Journeyman** – One applicant on the roster, Richard Gregory, was applying to sit for the exam because he had allowed his Journeyman license to expire as of June 30, 2008. Mr. Gregory submitted an application for the October 6, 2009 Journeyman exam, however, his application indicated that he had never received a high school diploma or GED, which is requirement for new applicants. P. Bono had consulted the Board's legal counsel, DAG Jill Denyes, on this issue prior to the Board meeting as to whether or not the high school diploma/GED requirement specified in NJAC 7:9D applied to those applicants who were previously licensed. DAG J. Denyes noted that the regulations make a distinction between a licensee who fails to renew his or her license and applicant for a new license. She further noted that the regulations do not allow for a previously licensed individual to simply pay a late fee to have the license reinstated once the grace period had expired. However, this distinction also indicates that applicants do not have to satisfy all the same all criteria as a new applicant for a license.

Mr. Gregory was listed as "pending" because of his Journeyman license expired on June 30, 2008 and Mr. Gregory failed to renew. Mr. Gregory submitted an application for the October 6, 2009 Journeyman exam, however, his application indicated that he had never received a high school diploma or GED. S. Reya noted that he and S. Reya felt that R. Gregory should be changed from "pending" to "approved" on the Journeyman Exam applicant roster. A motion to approve the exam roster, with this one change, was made by G. Pope seconded by K. Muessing and unanimously approved.

**Journeyman B** – A motion to approve the applicants was made by G. Poppe, seconded by A. Becker and unanimously approved.

4. **Challenge to Pump Installer test by Mark Colangelo** – The Board entered executive session to discuss the grading of three questions on Mr. Colangelo's June 9, 2009 Pump Installer Exam. As a result of the discussion, a motion to have the exam score remain as initially graded was made by C. Graff, seconded by J. Yost, and approved by all except G. Poppe, who abstained.

5. **Study Guide Materials**- Since the last Board meeting, A. Becker, A. Tirro and S. Reya met to discuss developing a comprehensive study guide that would give exam applicants a better idea of the pertinent information they should be studying prior to taking a well drilling or pump installation exam. A. Becker indicated that the test might have to be tailored to meet the study material (preferably confined to one or two texts) rather than tailoring the study material to the test if a limited number of references were to be used. He had hoped that only one reference would have been needed, but recent revisions to revised Johnson's "Groundwater & Wells" no longer contained a significant amount material contained in the previous edition. Specifically, the drilling methods, mud and air rotary, were now only discussed in a limited capacity in the text, which made finding a reference for many of the exam questions difficult. The group had concluded that a minimum of five texts would be needed to find answers to questions in some of the longer exams, such as the Journeyman. The Board members discussed the possibility of having the DEP staff and the Board members write their own study material for licenses applicants. C. Graff volunteered to look into copyright laws regarding existing texts to see if such works could be compiled into one guide, as she believed that writing original material would be far too time consuming and difficult. The possibility of using the National Groundwater Association (NGWA) exams was raised since study guides exist for these exams. They also discussed the feasibility of adding a New Jersey regulation section to their pre-existing exam to ensure that applicants are tested on New Jersey-specific information. This approach would mean

that the Bureau and Board would not be required to develop study material, with the exception of providing applicable rules and regulations to the applicant. Another approach that was discussed would be to still write the exams "in-house" but contract an outside company to administer the exams. A. Becker said that he would be willing to look into outside testing companies. C. Graff noted that she would ideally like to scan documents and compile a PDF file with the scanned image to give to the exam applicants.

**6. DEP Program Updates- E-Permitting** – DEP staff provided an update on the e-permitting program. M. Schumacher stated that 812 permits have been issued electronically. The first one issued was May 14 2009. He added that currently approximately 15% of the permits are submitted in electronically. Additionally, he noted that over one half of the 812 have come from one company. Fourteen companies have successfully submitted permits electronically; however, M. Schumacher hopes that more and more companies will begin utilizing the program. He said that thus far, few well records or decommissioning reports have been submitted via e-permitting. G Poppe and A. Becker discussed how beneficial e-Permitting has been for them. Overall, they are pleased with the program. It is stated in the upcoming newsletter that the Bureau is encouraging drilling contractors to begin to only submit electronic permits, rather than continuing to submit "paper" permits.

**7. Additional DEP Program Updates-** G. Poppe expressed concern over the amount of time the Bureau currently takes to process the individual well search questionnaires required for the decommissioning of wells. He asked if it was necessary to continue this process as it slows down the ability of the driller to proceed and sometimes results in excavations being open for a period of time. P. Bono noted that staff are often able to locate the well record so that the driller is able to decommission the well properly. The concern of the Department is that, without a well record in hand, the driller has no incentive to properly decommission the full depth of the well or may be unaware that the well may have more than one casing/annulus.

**8. United Drilling Letter** – The Board reviewed a September 16, 2009 letter from representatives of United Drilling, Inc. The representatives of United Drilling requested that "the DEP relinquish its governing authority over elevator bore holes to the DCA (New Jersey Department of Community Affairs)." The NJDEP laws and regulations require that licensed well drillers of the proper class drill the boreholes that are installed for the purposes of elevator shaft installations and require the approval of a well drilling permit prior to each installation. United Drilling's representatives note that they had only recently learned of such regulations and have claimed that the majority of the elevator shaft drilling industry is not in compliance with these laws and regulations. Company representatives had addressed the Board at a previous meeting and expressed concern with the fact that their drillers would be unable to qualify for a Journeyman/Journeyman B license, as they would be able to list Category 1 or 2 wells on their application, nor would they have worked under the supervision of a New Jersey licensed well driller. This is the same licensing problem that geothermal well drillers are having. Their letter also notes that DCA regulates PVC liners and leak detection monitoring systems to ensure that hydraulic fluids are not released from the elevator's hydraulic cylinder. Therefore, United Drilling felt that such installations did not pose any environmental risk beyond other construction caisson holes, which are not regulated by DEP laws and regulations.

P. Bono noted that because the licensing and permitting requirements are stated in both the law (N.J.S.A 58:4A) as well as in regulation (N.J.A.C. 7:9D), relinquishing jurisdiction did not seem to be something that could be done without a legislative change. F. Sickels said that legal

guidance is required to determine what could be done to address the problem both immediately and as a long term solution. A. Becker said that he would be willing to talk to Mark Ziegenfuss, a licensed well driller involved in the elevator shaft drilling industry, to make sure there aren't any additional environmental concerns of which the Board should be aware. S. Reya asked if, as a result of the Board's last meeting, individuals with only in-state elevator shaft drilling experience would be qualified to sit for the exam, provided they had worked under the supervision of a licensed driller of the proper class. The Board concluded that they would be allowed. Any such applicants, however, would still be required to sit for the Journeyman or Journeyman B license, which would include questions on all types of wells and pumping equipment, many of which would be unfamiliar to these drillers. The conclusion is that either a legislative change is needed to exempt this activity from well permitting or a regulatory change is needed to establish a separate license for drilling elevator shafts.

**9. Licensing Topics (continued from July meeting)** – P. Bono explained that, following the Board's decisions to modify the experience requirements for Journeyman B licenses, it would seem to make sense to alter some of the experience requirements for other licenses as well. These were presented in a chart, which detailed the current application requirements for each license category. Those requirements are as follows.

**Application requirements to demonstrate well drilling experience by license category:**

Dewatering: Five dewatering wells where one is permitted and greater than 25 feet.

Soil Borer: Five Category 5 wells where one is permitted and greater than 50 feet.

Monitoring: Five Category 3 wells where two were constructed utilizing the oversize borehole method

Journeyman B: Five Category 1 or 2 wells

Journeyman: Five wells where three are Category 1 or 2 wells and two are Category 3 wells.

Master: 2 years of experience as a licensed journeyman. Any five wells (applicant is the driller of record)

The Board members determined that the current requirements for Dewatering, Soil Borer, and Master well driller licenses should remain unchanged. Applicants for Monitoring, Journeyman B, or Journeyman will now be required to list any five permitted wells and/or soil borings to qualify for these exams. G. Poppe made a motion to modify the application requirements for these three categories. The motion was seconded by A. Tirro and approved by all Board members, with the exception of F. Sickels who was not present at the time of the motion.

The reference requirements will remain unchanged. S. Reya raised the issue of the regulation requirements, which essentially state that applicants must work under the supervision of a licensed reference who holds the same license or "higher" than the one for which the applicant is applying. His concern is that applicants are limited in their mobility based on the level of license supervision they receive. These oversight requirements are stipulated in the regulations. The consensus of the Board members is that the applications would have to be consistent with such requirements until the regulations are revised. Bureau staff will work to revise the current applications to reflect the new requirements and email them to the Board members for comment prior to the next scheduled meeting.

**10. Adjournment-** A motion to adjourn the meeting was made by K. Muessig, seconded by D. Dalton and unanimously approved at 3:10 PM.