



State of New Jersey

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STATE WELL DRILLERS AND PUMP INSTALLERS
EXAMINING AND ADVISORY BOARD

BOB MARTIN
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NEW JERSEY WELL DRILLER AND PUMP INSTALLER EXAMINING AND ADVISORY BOARD MEETING MINUTES FOR MARCH 16, 2010

Board Members Present: Art Becker (Chairperson), Anthony Tirro (Vice-chairperson), Richard Dalton, Gary Poppe, Joe Peppe, Carol Graff, and Fred Sickels

Board Members Absent: Joe Yost, Karl Muessig

NJDEP Staff Present: Steve Reya, Tracy Omrod, Pat Bono, John Fields, Brian Buttari, Michael Schumacher, Julia Altieri

Others Present: Thomas Pitcherello (Department of Community Affairs), DAG – Mark Collier (Office of Legal Affairs)

- 1. Call to Order:** - The meeting was called to order by A. Becker at 9:37 am with a quorum present
- 2. Review of Minutes from January 14, 2010:** A motion to approve the minutes was made by G. Poppe, seconded by J. Peppe and approved unanimously.
- 3. Review of Executive Session Minutes from January 14, 2010 –** A motion to approve the minutes was made by C. Graff, seconded by G. Poppe and approved unanimously.
- 4. Review and Certification of Applicants for the April 13, 2010 Exam –**
 - Master –** A motion to approve the applicant roster was made by R. Dalton, seconded by C. Graff and approved unanimously.
 - Journeyman –** A motion to approve was made by C. Graff, seconded by G. Poppe and approved unanimously.
 - Journeyman B –** A motion to approve was made by A. Tirro, seconded by F. Sickels and approved unanimously.
 - Monitoring Well –** A motion to approve was made by G. Poppe, seconded by C. Graff and approved unanimously.
 - Soil Borer –** A motion to approve was made by F. Sickels, seconded by A. Tirro and approved unanimously.

Pump Installer – A motion to approve was made by G. Poppe, seconded by F. Sickels and approved unanimously.

5. **Licensing Topics (Elevator Driller Update)**– A. Becker discussed how he had recently spoken with a well driller involved in elevator installation drilling. This well driller informed him that recent technological advances in the elevator industry have led to the drilling of fewer boreholes and casing installations than in the past. The reason being that the new type of telescopic hydraulic pistons being used can be installed to much shallower depths, often in the pit of the shaft in which the elevator car rides. As a result, drilled boreholes are eliminated completely or reduced considerably in depth. This may be pertinent as the Department continues to work with the Department of Community Affairs (DCA) to come up with permitting, licensing and construction requirements for casings installed for the purpose of elevators.

6. **Licensing Topics (Jurisdiction Issues Between Licensed Well Drillers/Pump Installers and Master Plumbers)**– Thomas Pitcherello, from DCA's Division of Codes and Standards, attended the meeting to provide clarification to the Board members and Department staff regarding the overlap in jurisdictions between Well Driller/Pump Installer Licenses and Master Plumber Licenses over installation of water treatment systems. The demarcation of jurisdiction for the installation and maintenance of home and commercial water treatment systems. This issue, along with the documentation provided by G. Poppe, was discussed at the January meeting. T. Pitcherello noted that the scope of work published by the Master Plumbers Board in 2005 authorizes licensed plumbers to install and connect water treatment systems. Mr. Pitcherello explained that the discharge valve is considered to be the starting point where "plumbing" begins within a home or building. In other words, it begins on the "house side" of the valve following the compression tank. Connections made on the "well side" of the valve do not fall under the jurisdiction of plumbers and plumbing inspectors. Well drillers and pump installers, DEP and local health departments have jurisdiction on the well side of the valve. Mr. Pitcherello acknowledged that a legal determination must be made to settle conflicts between the set of regulations because the plumbing regulations state that plumbers are the only licensed professionals authorized to perform water treatment. The plumbing regulations do not make reference to the valve location.

The Board also discussed instances in which a facility is served solely by public community water systems. These situations would clearly be under the sole jurisdiction of Master Plumbers, not well drillers. A number of Board members raised concerns regarding the installation of water treatment systems by individuals who are neither licensed as a driller, pump installer or plumber. Currently, neither DCA nor DEP have a licensing program for the installation of water treatment systems. Since drillers are required to provide potable water, some feel that the driller's authority to install water treatment systems is inherent. T. Pitcherello believed that DEP and the State Board of Master Plumbers need to coordinate to obtain a better interpretation of such issues and to clarify sections of the Uniform Construction Code governing the Master Plumbers. He also thought that both sets of regulations might need better definitions and that some wording containing exemptions for those licensed through other state agencies. Note: the plumbing regulations are N.J.A.C. 13:32; the law is N.J.S.A. 45:14.

DAG, Mark Collier, stated that the Board needs to obtain a determination on which rule needs to be changed. He suggested that both Boards work together to come up with a position beforehand. T. Pitcherello noted that DCA does not sponsor the regulations for the Master Plumber Board (Uniform Construction Code is 5:23). F. Sickels believed that DEP would support such clarification but a mechanism for changing the laws and/or regulations would be need to be worked out by the two Departments. M. Collier suggested that the Board submit in writing the issue to the Office of Legal Affairs requesting a legal interpretation/clarification. T. Pitcherello emphasized the need to obtain clarification on where potable water begins. He said that they would have to clarify the fact that potable water wouldn't start until the second valve, which would be the valve on the house side of the pressure tank (not the discharge valve at/on the tank). F. Sickels mentioned that there are a number of health concerns with water that may meet the driller's definition of potable but fails the state's drinking water standards.

7. **Discussion of Enforcement Violations** – A. Becker discussed a meeting he, F. Sickels, P. Bono and J. Altieri had with James Hamilton, Administrator of the Department's Water Compliance and Enforcement Division, on February 25, 2010. The result of the meeting was that the Bureau of Water Systems & Well Permitting agreed to start using the same formats as other DEP programs for documenting violations. Compliance and Enforcement will work more closely with the well permitting program to follow-up on these actions. The Board members discussed the fact that the Bureau seems to send out Notices of Non Compliance, which are not being followed up on for those individuals and companies. Mr. Hamilton mentioned that the Board has the authority it needs to call-in repeat offenders for formal administrative hearings as a method for dealing with outstanding violations. Should these not produce a desirable outcome, the Compliance and Enforcement staff could then follow-up on the recommended actions of the Board, such as license suspension.

What is needed to start this process is to develop criteria for identifying the worst offenders. J. Altieri presented a list of the ten individuals with the most egregious/highest number of outstanding violations based on a process used in the past. Members asked a number of questions as to how the list was developed. Also discussed is the perennial lack of enforcement field presence to prevent or discourage wrongdoing, the ineffectiveness of some types of past enforcement actions and the need to hold drillers accountable by suspending licenses when warranted.

Board members discussed the conditions, criteria and procedures that would be needed in order to commence enforcement actions. Board members were cautioned by F. Sickels that such enforcement actions could require a considerable time investment in addition to the regular Board meetings. Also considered were: developing a consistent and appropriate method for identifying the most egregious violators, the amount of notice that needs to be provided to a driller to appear before the Board, what type of documentation would be needed from the Department and the ability of the DEP's Compliance and Enforcement staff to implement the recommendations of the Board. Pertaining to the last item, F. Sickels agreed to have the well permitting staff check with Enforcement to make sure that the criteria is fair and enforceable.

Action Items identified for the May meeting:

Develop criteria for identifying the worst offenders;

Identify those individuals who meet that criteria; and

Approval of Enforcement and the DAG regarding the two items listed above

At the next meeting (May), the Board will determine who to call in so that these people will appear before the Board at the July or September meeting. Additional enforcement issues and updates will now be a standard item on Board agendas.

Local Issue- G. Poppe noted that he had recently discovered a problem with the Middlesex County, Monroe Township website's laws and regulations. There is apparently reference made to the fact that a twenty-foot deep potable well is legal. G. Poppe has informed the head of the Middlesex County Health Department of the outdated and incorrect material. P. Bono stated that if the problem is not rectified, the Bureau could reach out to the county and/or municipality to advise them of the error.

8. **Technical Topics –**

Baroid, Barotherm Grout and Barad 381 Cement Additive Update- S. Reya recently spoken to Dr. Charles Landis, Technical Director for Halliburton Industrial Drilling products, about the Board's comments at the last meeting, which were in response to his letter requesting Departmental approval of both of the above referenced products. S Reya also consulted with R. Dalton of NJGS, recently for clarification on some of the permeability testing that would be required. Dr. Landis stated that Baroid is willing to perform and submit the permeability and field pumpability tests that the Bureau and Board would require. S. Reya will be sending the requirements to Dr. Landis in writing shortly.

Kelix Geothermal System- S. Reya noted that he has not received any recent submittals regarding the casing material for this system. The drilling contractor who is interested in installing this system at their shop in the presence of Board/Bureau representatives has not yet compiled the required information from the system manufacturer and/or engineer. A. Becker added that while attending recent National Ground Water Association (NGWA) meetings, he noticed an increased number of new geothermal systems being presented. It is his opinion that new advances in technology will ultimately lead to increased submittals for approval of systems that do not entirely comply with the current closed loop geothermal requirements stipulated in the current well regulations.

9. **DEP Program Updates (Potential Use of NGWA Exam/Certification Program)–** A.

Becker, P. Bono and S. Reya had a meeting on March 11, 2010 to review the current licensing structure and how it could be improved upon. A. Becker stated that they reviewed the testing program that is administered by NGWA. Seventeen states currently use the NGWA exam certification process. They discussed how to use the NGWA exams in combination with an added New Jersey regulatory portion for each license type. Additionally, they tried to correlate current New Jersey license categories with existing NGWA categories and determine which NGWA exams would be required in order to obtain a New Jersey license. Two areas that presented the largest problem were:

- a. NGWA does have a Master Well Driller License (although passing 12-14 certification tests along with the master contractor exam would result in a Master Contractor's license). However there is large difference between the requirements of the two licensing programs, with the NGWA Master license being much more comprehensive in areas not required by NJ's program.
- b. There is also no real Soil Boring exam or it's equivalent. The closest category is known as Monitoring and Augering but there are not two separate categories of monitoring and soil boring, as New Jersey's program currently allows.

A. Tirro suggested making the Monitoring Well and Soil Borer the same license, as he feels there is such an overlap in the work, that there is no longer a need to have two separate licenses. He also thought this would grant individuals in the geotechnical industry increased flexibility to perform additional types of work if the licenses were combined. P. Bono states that there may be some folks who wouldn't want the full Monitoring Well Driller license and that testing them on additional material may not be fair. A. Becker pointed out that there are study guides that cater to each test category, which has been a major deficiency in the New Jersey licensing program. He pointed out the NGWA program has a required passing score of 70 percent, as opposed to the 80 percent required now. He also added that an independent study performed by Ohio State University confirmed that the 70 percent would be more than adequate for the minimum competency level an applicant should attain before being awarded a license. NGWA utilizes PSI Lasergrade to administer the exams, which would also allow applicants to schedule their own exams.

Also of concern was whether or not the Bureau and Board would have the ability to review and certify the experience and qualifications of applicants prior to allowing them to sit for the NGWA exams for purposes of obtaining a New Jersey license. Some type of Bureau review is anticipated before exam candidates are given an approval to sit for the exams. Costs to administer the program were also discussed: the charge for each test of NGWA certification category is \$75.00. To be awarded a New Jersey Journeyman exam an applicant would have to spend \$375.00 in fees, in addition to the NJ-regulatory section. Applicants would, however, only have to re-test those sections they failed if unsuccessful. The minimum notice requirement to take a test is 48 hours. There is no review of tests and applicants must wait 90 days to retake failed portions of the test.

P. Bono suggested that the Board seriously consider what knowledge and experience Master applicants should possess as there is no equivalent in the NGWA licensing program. This is the last outstanding issue that needs to be resolved prior to adopting the national testing and licensing system. C. Graff believed that the Bureau might have to administer the Master exam, while all others would be handled by NGWA. Additional investigation and dialogue with NGWA will be required to determine what steps must be taken if the Department utilizes this testing program.

10. Mandatory E-permitting – The Department's new commissioner, Bob Martin, recently visited with all Department programs and questioned why the Bureau is not currently receiving 100 percent of all permit applications via e-Permitting. M. Schumacher noted that 77 percent of our permits were submitted electronically last month, but many significant upgrades to the ePermitting program would be required in order to make the system capable

of processing 100 percent of all permit applications. The Bureau will be working to improve the program to allow the industry to submit all permits electronically and phase out paper submittals.

11. Adjournment- The meeting was adjourned by A. Becker at 3:03 pm