



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 MAY 20, 2010

Board Members Present: Art Becker (Chairperson), Anthony Tirro (Vice-Chairperson), Richard Dalton, Gary Poppe, Joe Pepe, Joe Yost

Board Members Absent: Carol Graff, Karl Muessig, Fred Sickels

NJDEP Staff Present: Tracy Omrod, Steve Reya, Pat Bono, John Fields, Brian Buttari (pm only), Julia Altieri (pm only)

Others Present: DAG Jill Denyes, Office of Legal Affairs (appointed Board Counsel)

1. **Call to Order-** The meeting was called to order by A. Becker at 9:44 am with a quorum present.
2. **Review of Minutes from March 16, 2010-** A motion to approve the minutes without change was made by G. Poppe, seconded by A. Tirro and approved unanimously.
3. **Review and Certification of the April 13, 2010 Master, Journeyman, Journeyman B, Monitoring, Soil Borer and Pump Installers Exam Scores-**

Master – A motion to accept the scores was made by D. Dalton, seconded by J. Yost and approved unanimously.

Journeyman – A motion to accept the scores was made by G. Poppe, seconded by D. Dalton and approved unanimously.

Journeyman B – A motion to accept the scores was made by T. Tirro, seconded by J. Yost and approved unanimously.

Monitoring – A motion to accept the scores was made by G. Poppe, seconded by J. Yost and approved unanimously

Soil Borer – A motion to accept the scores was made by T. Tirro, seconded by D. Dalton and approved unanimously

Pump Installer - A motion to accept the scores was made by J. Yost, seconded by A. Becker and approved unanimously

4. **Review and Certification of Applicants for the June 9, 2010 Exam-**

Master – There were no Master Well Driller exam applicants.

Journeyman – A motion to approve the applicant roster was made by G. Poppe, seconded by A. Becker and approved unanimously.

Journeyman B – A motion to approve the applicant roster was made by J. Yost, seconded by G. Poppe and approved unanimously.

Monitoring Well – A motion to approve the applicant roster was made by G. Poppe, seconded by A. Becker and approved unanimously.

Soil Borer – A motion to approve the applicant roster was made by A. Tirro, seconded by J. Yost and approved unanimously.

Pump Installer – A motion to approve the applicant roster was made by G. Poppe, seconded by J. Pepe and approved unanimously.

5. **Licensing Topics**– At the March meeting, Board members discussed the potential for using NGWA certifications in lieu of the NJ pump installer and driller exams currently administered by the NJDEP for the various licenses. The discussion included what certifications would be necessary to keep the same NJ license class. The discussion at this meeting centered on what to do about the master license, since the National Ground Water Association (NGWA) does not currently have a certification category that is equivalent to New Jersey's Master Well Driller License. The Statute (N.J.S.A. 58:4) and the current regulations authorize two responsibilities exclusively to NJ Master Well Drillers: 1) the ability to supervise three Journeyman Well Drillers working for one company and, 2) the ability to drill public supply wells. The consensus of the Board members was that the issue of supervision of three or more Journeyman Well Drillers is both difficult to enforce and yields little to no positive impact to the drilling community. It was generally agreed that there is no reason to require that multiple Journeyman work under the supervision of a Master Well Driller. Currently, the statute and regulations require a drilling company employing three or more drillers to have a master driller as supervisor. Regarding the drilling of public community supply wells, however, the Board members felt that it is imperative to maintain the requirement that only a Master Well Driller can drill these. The Board members agreed that the current experience requirements to sit for the master License should be maintained. A. Becker also noted that Master Driller applicants should be required to demonstrate that they have experience with the installation of Category 1 and 2 wells.

Board members also discussed the potential manner in which licenses of New Jersey drillers would be tracked if the initial license were issued through NGWA. A. Becker stated that NGWA tracks certifications in their program by requiring certification holders to obtain and submit proof of Continuing Education Unit (CEU) credits. He added that seminars, safety training, meetings, etc. all count towards CEU credits. If the required credits are not accrued throughout the specified time period, NGWA sends renewal notices and allows a "grace period" for applicants to obtain the required credits and still maintain valid NGWA certification(s).

A. Becker also suggested that Bureau representatives reach out to Cathy Butcher at NGWA to determine what services their association could provide with regard to a licensing and continuing education program. He also noted that seventeen other states currently utilize the NGWA certification process in some capacity when issuing state well driller and pump installer licenses. Therefore, he felt that NJ DEP should be able to set up a system compatible with NJEMS. Additionally, he discussed how he currently holds a well drilling license in nine states, five of which require continuing education credits (CEUs) in order to maintain an active license upon renewal. Board members agreed that if NGWA is able to administer the licensing program, it would be best to have them track the CEUs for both licensees who are licensed through NGWA

exams and those whom have already been licensed through NJDEP's testing program. NGWA will ultimately need additional information from the Bureau in order to provide a proposed program and develop a rough cost estimate.

P. Bono suggested putting together a summary of a proposed licensing/CEU program that would be acceptable to both the Board and the Bureau. She stated that this could be summarized and emailed out to Board members prior to the July meeting. A. Becker volunteered to contact NGWA and determine what information they would need from the Bureau. He made it clear that this letter would simply be a request for further information, but in no way did he wish for it to appear that the Department is attempting to go out to bid or enter into a contract with NGWA at this point in the process. The Board members also noted the need to maintain a review of applicant qualifications and experience prior to issuance of a license, even if the actual testing is administered by NGWA.

6. **Jurisdiction Issues Between Licensed Well Drillers/Pump (Continued from March 16, 2010 meeting)**- A. Becker informed the rest of the Board that he, Benjamin Primost, from the New Jersey Ground Water Association (NJGWA), and their lobbyist, Paul Bent, attended a recent Master Plumbers Board meeting to discuss some of the conflicting current and recently proposed regulations regarding demarcation of jurisdiction in the installation of water treatment equipment. He indicated that the proposed changes will no longer be included in the current rule proposal. Members of the NJ Well Driller and Pump Installer Board and The Board of Master Plumbers both feel that their respective licensees are entitled to install water treatment system according to the regulations that are currently in place. Proposed plumbing regulations would have made this activity solely the jurisdiction of plumbers. A. Becker referenced a NJGWA newsletter article written by Mr. Bent summarizing the issue, which stated "after hearing the testimony the Chairman suggested to the members that there were issues with the current proposal and pushed for the changes to be held for further discussion at a future date. This means that this language will not be included in the adoption of the current rule proposal." However, A. Becker still believes that a letter must be sent to the Department of Community Affairs to clarify this ongoing problem. He will send a letter and have it reviewed by the Office of Legal Affairs. It is unclear whether this letter should first be submitted to NJDEP's Office of Legal Affairs or the New Jersey Office of Legal Affairs. J. Denyes, DAG, will look into this issue. As discussed previously, the intent is for all the stakeholders to meet to resolve this conflict: both of the Boards, NJDEP and the New Jersey Department of Community Affairs. A. Becker also hopes to develop a strategy for enforcing the regulations with regard to those individuals who do not hold any license at all (Well Driller/Pump Installer or Master Plumbers licenses) but continue to install water treatment systems.
7. **Correspondence With DEP Commissioner**- A. Becker mentioned that he submitted a letter, dated February 18, 2010, to NJDEP Commissioner Martin, regarding updating the well construction regulations. On March 25, 2010, Assistant Commissioner Brubaker sent a response. A. Becker indicated that the letter did not specify any immediate plans or procedures through which the regulations could be revised. As he felt that the current regulations prohibit proper enforcement by both the Bureau and Board, he will again send a letter to Commissioner Martin requesting a means by which shortcomings in the regulations can be addressed.
8. **Baroid Geothermal Grout & Cement Additive Update**- S. Reya said that he scheduled a meeting with Dr. Charles Landis, Technical Director of Baroid Industrial Drilling Products, on the results of recent permeability tests that were conducted as a result of the Board's review of his initial submittals. S. Reya invited any interested Board members to attend the meeting, scheduled for May 27, 2010.

9. **Election Of Board Chairperson/Vice Chairperson-** Votes for these two Board officers were taken by secret ballot.. Art Becker was voted Chairperson and Anthony Tirro was voted Vice-Chairperson.

10. **Enforcement-** J. Altieri discussed the current enforcement laws, regulations and enforcement procedures the Bureau follows when dealing with violations. She also clarified the various enforcement documents that are utilized by the Bureau. A. Becker discussed the Boards authority, as stipulated in both the law and the regulation, and requested assistance from J. Denyes on the proper procedure that must be followed when holding a hearing. A. Becker stressed the importance of following applicable procedures to ensure an effective hearing that has merit and will assist the Bureau's enforcement efforts. He asked that J. Denyes provide him with this process by the July Board meeting. J. Altieri noted that in past years, the Board sent notice to those with outstanding violations and directed them to attend Board meetings; however, these were not formal hearings. The Board members requested that she email any available correspondence regarding these informal proceedings to them prior to the next meeting.

A. Becker also discussed the Bureau's continued inability to adequately enforce the well drilling regulations. He indicated that he might send a letter to the DEP Commissioner's office questioning why frequent violators of these laws are able to continually able to apply for permits with the Bureau and their licenses are never suspended or revoked under the current regulations or enforcement procedures.

J. Denyes will look further into legal issues that may arise should the Board institute hearings and a more active role enforcing violations. She stated that she will further research the potential liability of the Board members and try to determine whether a Board member could be sued individually, and if so, whether the Department would provide legal services and/or monetary compensation for legal fees to Board members.

Prior to the next meeting J. Altieri will compile an anonymous list of the most frequent violators with the most egregious violations over the past five years. This will allow the Board to develop a plan for holding hearings and determine an estimate of the number of individuals involved. The past five years will be focused on to ensure that all violations occurred under the scope of the current regulation (NJAC 7:9D). Board members stressed the fact that the top offenders should be identified based upon the severity and frequency of the violation. They indicated that those with outstanding violations pertaining to improper well construction or decommissioning and those individuals without licenses who continue to drill wells or work on pumping equipment should be targeted first. They indicated that it is not their intent to hold hearings for those individuals who have mistakenly drilled once or twice on an expired permit or failed to submit the occasional well record/well decommissioning report within the required timeframe. The list compiled by J. Altieri will use a code to allow omission of both individual and company names. This will allow the Board to discuss and identify the highest priority offenders without fear of a conflict of interest, as they will be identifying people and companies based on violation history, not who they are or based on the company for which they work.

11. **DEP Program Updates -**

E permitting - P. Bono stated that approximately 80% of permits that the Bureau currently processes are those submitted electronically. She reported that the Department's Commissioner and management are urging the Well Permitting Program to ultimately make e-permitting mandatory and to cease issuance of "paper" submittals. This is not possible until multiple

upgrades are made to the current e-program. The well permitting staff are working with their management and the DEP IT program to resolve the problems which result in the system "going down." Over the preceding months, it was noted the e-permitting system was interrupted approximately 30% of all workdays, causing interruptions in submissions and processing of well permit applications.

Another problem with the current system is the delay that the drilling community encounters when attempting to print the PDF image of a well record. The initial design of the system was such that the user could not print the image until the well record was reviewed and ultimately approved by Bureau staff. With current staff resources and the number of other tasks being performed, however, the system apparently has approximately 800 backlogged well record submittals awaiting review. P. Bono stated that the Bureau is finding new ways to free up additional staff resources to review well records. Additionally, a tool is being developed that will allow the user to print a PDF of the information submitted on the (un-reviewed) well record. This printout will have a disclaimer noting that it is a submittal and may not necessarily be the same as the final/approved copy of the well record. P. Bono anticipates that this tool will be working in the next few weeks. Board members indicated that it is imperative to solve the problem soon because the permitting aspect of e-permitting has been so well received that they would hate to see acceptance of the program fall out of favor because of problems submitting the well records/decommissioning reports.

Well Searches/Online Reports – P. Bono discussed new online reports the Department is currently working on posting on the website. She indicated that users would soon be able to view the well record images, in PDF format, by accessing them via the internet rather than having to submit a well search through the Bureau. She stated that the permits and records submitted electronically would be available first since the software is already available online. Security concerns regarding accessing the Bureau's historic well permits and paper records are still being worked out.

12. **Adjournment** - A motion to adjourn the meeting was made by G. Poppe, seconded by A. Becker and unanimously approved at 2:55 PM.