



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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STATE WELL DRILLERS AND PUMP INSTALLERS
EXAMINING AND ADVISORY BOARD

New Jersey Department of Environmental Protection Well Drillers and Pump Installers Examining and Advisory Board Meeting Minutes for March 15, 2012

Board Members Present: Art Becker (Chairman), Richard Dalton, Joseph Pepe, Steve Doughty, Carol Graff and Dr. Karl Muessig

Board Members Absent: Gary Poppe (Vice Chairman), Joseph Yost
There is a Board vacancy for a driller position.

Board Legal Advisor Present: Jill Denyes, DAG, & Tirza Wahrman, DAG

NJDEP Bureau of Water Allocation & Well Permitting Staff Present: Pat Bono, Steve Reya, Julia Altieri, Melia Stoop. Terry Pilawski (afternoon session)

Other NJDEP staff present: Kristin Tedesco & Katrina Wessling (Division of Water Supply, attended the afternoon session) and Melissa Hornsby (Compliance & Enforcement, attended the morning session only)

Member(s) of the Public who attended the morning session: Gordon Craig of Craig Test Boring Co.

1. Call to Order –

Chairman Art Becker called the meeting to order at 9:30 am without quorum present. He stated that the Board was unable to fulfill the quorum requirements for the meeting as a result of the fact that the Department and/or Governor's Office have been delinquent in appointing a member to the vacant licensed well driller position. Two licensed Board members were unable to attend the meeting, which meant the Board was unable to satisfy the quorum requirement of having three licensed individuals present. A. Becker urged the Department to work on the remaining appointment so the Board would be able to operate effectively at future meetings.

2. Review of Minutes from January 26, 2012 Meeting –

A motion to approve the regular meeting minutes could not be done without a quorum. Two suggested corrections were noted by present Board members:

- Item 4 (page 2) under "Pump Installer Test Survey Update- " the second sentence should be omitted because the statement is repetitive of the first sentence.

- Item 8 (page 3) under the “Board Business: Licensing Activities-“ The first sentence should be revised to indicate that current well driller exams “were provided to NGWA.” Bureau staff will make these corrections for the Board’s certification at the May 24th meeting.

Board members reviewed the “executive session” minutes as well and did not suggest any changes. These will also be certified at the May meeting.

3. Review and Certification of Exam Applicants for the April 4, 2012 Master, Journeyman, Journeyman B, Monitoring, Soil Borer and Pump Installers Exams-

S. Reya noted that Vice-Chairman G. Poppe reviewed and certified the applicants for all exam types and certified all exam applicants by email (dated March 14, 2012) to allow a quorum vote for applicant certification.

Master – A motion to approve all listed applicants for the exam was made by S. Doughty, seconded by C. Graff and approved unanimously.

Journeyman - A motion to approve all listed applicants for the exam was made by S. Doughty. The motion was conditioned upon the fact that one applicant, Mr. Edward Killip, submits payment for an outstanding penalty assessment issued by the Department. It was noted that his check was reportedly mailed to the Department on March 14, 2012. Mr. Killip shall be considered “approved” for the exam provided the Department receives his full payment prior to the exam date. The motion was seconded by C. Graff and approved unanimously.

Journeyman B – A motion to approve all listed applicants for the exam was made by A. Becker, seconded by R. Dalton and approved unanimously.

Monitoring – A motion to approve all listed applicants for the exam was made by R. Dalton, seconded by J. Pepe and approved unanimously.

Soil Borer – A motion to approve all listed exam applicants was made by C. Graff, seconded by S. Doughty and approved unanimously.

Pump Installer – A motion to approve all listed exam applicants was made by J. Pepe, seconded by S. Doughty and approved unanimously.

4. Board Business: Enforcement Activities-

J. Altieri provided a compliance and enforcement update on what has occurred since the Board’s last meeting. She spoke about the fact that DEP’s Water Compliance and Enforcement program had devoted significant time over the past two months to address a number of the Well Permitting Program’s outstanding enforcement actions. Pursuit of these past violations resulted in the receipt of \$6,000 in outstanding fines.

Other updates included:

- 1.) Summit Well Drilling voluntarily meeting with Well Permitting staff to settle outstanding reporting violations and outstanding well record submittals. Staff prepared a complete account of outstanding actions, primarily the submission of well records and outstanding NONCs. J. Altieri said that Summit Well Drilling’s staff was extremely responsive to resolving their violations and has hired a full time employee to review their old files and submit all delinquent well records.
- 2.) An unlicensed Pump Installer, whose license lapsed many years ago, paid 12 outstanding fines for conducting well pump installation work without a license.
- 3.) The issue of a well driller utilizing contaminated well water in the drilling of potable wells has been resolved. The Department’s Southern Water Compliance and Enforcement and Atlantic County Health Department were instrumental in resolving this matter.

J. Altieri added that continued coordination between all three Compliance and Enforcement regions (Northern, Central and Southern) has helped to resolve old issues, while continuing to issue new enforcement correspondence on a regular basis.

5. Board Business: Reappointment of Board Members, Status Update –

The Board was informed of an Administrative Order (Number 2012-01) signed by the NJDEP Commissioner, appointing individuals to serve as members of the NJ State Well Drillers and Pump Installers Examining and Advisory Board. The order consisted of only eight appointments, leaving a driller vacancy open. A second order has been prepared for the Commissioner's signature and sent to his office for review. S. Doughty said that he is attempting to expedite the newest Administrative Order, which would finalize the appointment of a new Board member for the vacant well driller position. As stated by A. Becker earlier in the meeting, the lack of a complete Board, in particular a licensed driller position has impacted the Board's ability to function and caused problems with meeting quorum requirements at Board meetings.

6. Letter of Thanks-

A Becker read a letter he had recently sent out on behalf of the Board thanking Mr. Anthony Tirro, Master Well Driller, for his many years of outstanding service to the Board. The Board members present were unanimous in their support of the letter.

7. Memo from Jill Denyes, DAG, Regarding Website requirements for State Boards-

J. Denyes discussed a memo she wrote March 13, 2012 and sent P. Bono concerning L. 2011, c.167 and application to DEP Board and Commissions. The law that becomes effective February 1, 2013 and requires that Board are to maintain internet websites and to post certain information on that website.

Her memo notes that "The act requires 'Environmental authorities, boards or commissions', 'Regional Authorities' and 'state authorities, boards or commissions' to also maintain websites and to post certain information such as mission statement, budget audit reports, regulations, Open Public Meeting Act notices and a list of attorneys, consultants and contractors." Her recommendation, on behalf of the NJ Department of Law and Public Safety's Division of Law, is that the Board complies with this law and develops or updates website information accordingly.

J. Denyes noted that the Board already has an area on the Department's website that contains much of the required information. A. Becker pointed out that some of the information posted on the current website is outdated or incorrect. He indicated that the new statutory requirement is a positive requirement for the Board since it will force the Department and Board to keep the website up to date. S. Doughty volunteered to spearhead updating the Board information contained on the current Department website.

8. Technical Topics-

S. Reya discussed a question recently posed to him by a CETCO Drilling Products representative. Specifically, the representative asked if the Board would be willing to modify the onsite testing procedures for their CETCO High TC Geothermal Grout. Rather than pump the grout mixture (for which CETCO has documented acceptable lab permeability data, tested by an independent lab and found to be below the Department's maximum allowable permeability value), it was requested that the field demonstration be modified to allow for the pumping of the grout through a horizontal tremie line. The rationale for this is due to a limited number of closed loop geothermal well installations proposed for New Jersey, according to the CETCO representative. A. Becker said that he believes that the Board should remain consistent and require that CETCO conduct all required field demonstrations in accordance with what has been required of both CETCO and other drilling product manufacturers in the past. All Board members present agreed. S. Reya will inform CETCO representatives that the recommendation of Board members present was that the test should be conducted in accordance with previous tests, which entails pumping the proposed grout material into an actual geothermal well and testing samples from the grout mixer and the borehole return.

Gordon Craig, President of Craig Test Boring and Geothermal Services, stated that CETCO staff may contact him for available geothermal wellfield installations within the state. He noted that if his company is not drilling at a time and site convenient to CETCO staff, he would likely be able to refer them to another drilling contractor working in the state.

R. Dalton also provided an overview of all geothermal well grouts presented to the Board for approval over the years and noted that only 3 of the 52 permeability tests yielded values that exceed the Department's maximum allowable permeability value.

9. Status and Development of Amendments to the Well Rules (N.J.A.C. 7:9D)

Bureau of Water Allocation and Well Permitting Bureau Chief, Terry Pilawski, along with other Division staff, Kati Wessling, and Kristin Tedesco presented a working draft of the amendments being proposed to N.J.A.C. 7:9D. T. Pilawski stated that K. Tedesco is currently in the process of drafting rule language and K. Wessling is editing the draft document. The next step will be the review of the draft by Division Director, Fred Sickels, followed by a Department legal staff approval.

K. Wessling said that there is a requirement that a rule be adopted within one year from the date of proposal. If not adopted within this timeframe, the rule would have to be re-proposed. She and K. Tedesco indicated that the time from proposal to adoption will likely be determined by the number of written comments received once the draft goes out for public comments. All comments submitted must be reviewed and responded to by the Department. K. Tedesco noted that revisions have been made to all four subchapters of the well regulations. Additionally, she noted that the Board procedures, which cover hearings for recommending suspension/revocation of licenses, license candidate review/certification and continuing education requirements/course approvals, have been revised since the last Board meeting to incorporate the comments and concerns of Board meetings.

K. Wessling addressed the property rights of license holders and hearing rights for pursuing license suspension as they pertain to complying with the NJ Open Public Meetings Act. J. Denyes added that since a license is a property right, any Board actions to recommend suspension or removal of a license would require holding of a hearing.

A discussion regarding hearing deliberations and Board votes being held in open or closed session ensued. Many Board members expressed security and liability concerns with holding the deliberations and vote in open session. Board members also expressed concern with the perception of a conflict of interest should they recommend suspension or revocation because they would essentially be taking the livelihood of another licensed individual. A point of clarification is that the Board's final vote to suspend or revoke is merely a recommendation to the DEP Commissioner, not a directive. It was, therefore, questioned if the Board's determination needed to remain a part of the public record, as the Commissioner could choose to accept or reject the Board's recommendation. J. Denyes indicated that the Board is definitely subject to the NJ Open Public Meetings Act. This means that the hearing session must occur in an open session; the deliberative discussion can take place in closed session and the final vote must occur in open session. The intention of this act is to ensure transparency of state boards. She also added that the NJ Office of Legal affairs would provide legal representation of Board members acting in their official capacity, provided they conducted themselves in accordance with the Board's Bylaws.

10. Continuing Education-

The current continuing education requirement proposal in the draft well drilling regulations is that DEP require a total of 21 continuing education units (CEUs) over the three-year license cycle. This is

consistent with the National Ground Water Association's annual requirement of 7 CEUs. K. Wessling asked if Board members felt that a minimum prescribed number of credits pertaining to NJ regulations must be obtained each license cycle. One idea suggested was that 3 NJ regulatory CEUs be required, as well as 2 safety related CEUs. Board members felt that this may make the industry more aware of regulatory requirements with which they must comply.

Gordon Craig noted that he did not believe this to be a prudent requirement because the industry would then be at the mercy of NJDEP to provide the required regulatory classes. He felt that for large companies, as well as the total number of licensed individuals in the state, the Department is ill equipped to offer such courses with the flexibility and frequency that would be necessary. He felt that providing CEU courses should be left up to private industry.

Finally, there was a general discussion over the Board's role in approving courses, course providers and the timeframe associated with each.

11. Electronic Well Record and Well Decommissioning Submissions-

A. Becker noted that the Well Permitting Program needs to examine the review process for electronic well records and well decommissioning reports. He indicated that a large number of each is being returned to staff from his company for "technical deficiencies." He requested the WP staff to look into the way we are asking for this information to be reported as it seems to differ from the way experienced drillers interpret the questions.

12. Adjournment –The meeting was adjourned at 2:30 pm.