



State of New Jersey

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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 September 13, 2012

Board Members Present: Art Becker (Chairman), Gary Poppe (Vice Chairman), Richard Dalton, Gordon Craig, Joseph Yost, Joseph Pepe, Steve Doughty, Carol Graff, and Dr. Karl Muessig

Board Members Absent: None

Board Legal Advisor Present: Tirza Wahrman, Deputy Attorney General (DAG)

NJDEP Bureau of Water Allocation & Well Permitting Staff Present: Terry Pilawski, Pat Bono, Steve Reya, Julia Altieri, Mike Schumacher, Brian Buttari, Julie Mullins and Melia Stoop

Member(s) of the Public: None.

1. Call to Order –

Chairman Art Becker called the meeting to order at 9:44 am with a quorum present.

2. Review of the Minutes from the July 19th, 2012 Meeting –

A motion to approve the minutes without change was made by G. Poppe, seconded by G. Craig and approved unanimously.

3. Review and Certification of Exam Applicants for the October 3rd, 2012 Master, Journeyman, Journeyman B, Monitoring, Soil Borer and Pump Installers Exams –

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

Journeyman - A motion to approve all listed applicants for the exam was made by R. Dalton, seconded by G. Craig and approved unanimously.

Journeyman B – A motion to approve all listed applicants for the exam was made by G. Poppe, seconded by J. Yost and approved unanimously.

Monitoring – A motion to approve all listed applicants for the exam was made by G. Craig, seconded by G. Poppe and approved unanimously.

Soil Borer – A motion to approve all listed exam applicants was made by J. Yost, seconded by A. Becker and approved unanimously.

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

4. Proposed National Ground Water Association (NGWA) Testing Program-

Board members discussed integrating the current New Jersey Well Driller and Pump Installer exam questions into the NGWA format meaning all questions need to be multiple choice or true/false. Several members volunteered to review the current NJ pump installer exam and reformat questions for the NJ module of the exam that is to be administered by NGWA. The topics covered will primarily include NJ regulations and safety questions. The technical portions of the pump installer exam will be covered in the two technical NGWA exams which will also be required for all applicants.

Work on the Pump Installers Exam will commence this afternoon after the conclusion of the regularly scheduled Board meeting. Additionally, a meeting to work on the NJ Module for the Environmental Resource and Geotechnical Well Driller (currently known as Monitoring Well Driller) exam is scheduled for October 23, 2012. Volunteers from the Board include C. Graff, G. Craig, A. Becker and R. Dalton.

5. NJDEP Enforcement Activities Update-

J. Altieri provided a compliance and enforcement update on Department activity since the Board's last meeting. Bureau staff members have done field inspections for five (5) locations in the past seven (7) weeks following up on reports of violations well permitting and well construction regulation violations. Also, Bureau staff has met multiple times with a NJ Deputy Attorney General (DAG) to resolve a case involving multiple wells drilled in saltwater environments. DEP is making the case that the wells were constructed in violation of both well permitting and construction provisions of the regulations. J. Altieri thanked R. Dalton, K. Muessig and Steve Johnson in the Geological and Water Survey Program for their valuable information and input regarding the geologic formations and groundwater quality in the vicinity of the wells in question. An expert report summarizing this information was prepared by Steve Johnson. Bureau staff will continue to work with their assigned DAG and the well drilling contractor's attorney to attempt to reach a settlement in the case; otherwise a hearing will be necessary.

A discussion of appropriate well construction practices in known or suspected saltwater environments ensued. Bureau staff may alter the regulation proposal to clarify some of the existing wording to ensure that it is clear how to properly construct wells so that the groundwater resources are protected from the risk of salt water intrusion.

It was also noted that Brian Buttari and Julie Mullins were successful in catching a well driller constructing a well without obtaining the required NJDEP well drilling permit. This inspection came as a result of a phone call report of the illegal activity to the Bureau. The Bureau will continue to follow up on this case. Additional field inspections were also conducted in Atlantic County and Ocean County. Staff were following up on reported problems that included suspected improper well construction and the use of a deceased pump installer's license by an unlicensed person. Unfortunately, neither inspection yielded any conclusive findings.

6. License Suspension Process-

Terry Pilawski, Chief of the Bureau Water Allocation and Well Permitting, discussed suspending licenses for constant offenders and drillers who have showed a continued disregard for the regulations and/or complete incompetence. As has been addressed at multiple Board meetings, a clear process for license suspension was never laid out in the past. However, T. Pilawski pointed out that the draft regulations include this much needed process and she questioned whether the Bureau and Board could implement the process prior to the enactment of the new regulation revisions. She stressed that the Bureau needs the Board's approval and cooperation with this procedure. A. Becker stated that the Board is 100% in favor of taking licenses from people who violate the regulations. He added that a total lack of enforcement from NJDEP has created significant problems in the industry. All members expressed hope that license suspensions to key violators would likely spread throughout the industry and get the word out that the regulations must be followed.

G. Poppe echoed these sentiments and said that law-breakers are running rampant because of lack of enforcement. C. Graff suggested writing articles to notify the public that NJDEP Enforcement staff is beginning to show up on work sites. Another suggestion made by G. Craig was to publicly post violations on the DEP website as another deterrent.

7. Program Updates-

T. Pilawski said that additional staff resources are being brought in to the program to assist with paperwork so that more field people can act. Also, it was brought up that Donna Quinn, who has worked in Well Permitting for many years, is retiring within a few weeks and this will necessitate additional transferring of staff within the program.

J. Pepe expressed a disconnect between local health departments and the State DEP and suggested that the DEP work with these entities to better coordinate well drilling and pump installation permitting and construction requirements. Local health departments receive money from DEP to enforce DEP regulations so making sure this is done is important, as was pointed out by T. Wahrman.

J. Yost brought up what he believes to be a large oversight within the state, which is the limited amount of resources and coordination relating to the construction of public community water supply wells. He feels that the DEP and the Board concentrate too much on residential, environmental and geothermal wells, while generally overlooking public supply wells that supply potable drinking water to millions of people. He also feels that the DEP is encouraging licensed Professional Engineers to design wells and provide sub-standard designs to the Master well driller with which they are expected to comply. He also added that often such designs are not feasible or not even possible to construct in the real world, yet the engineers and certain Bureaus within the DEP continue to focus on and approve such plans. **A. Becker requested that this issue be added to the agenda for the November Board meeting for detailed discussion.**

8. Board Business & Correspondence-LSRP Letter-

Chairman Becker discussed the letter he recently drafted that will be sent to the Licensed Site Remediation Professional (LSRP) Board. The letter stresses the importance of documenting the name, NJDEP driller license number and license class of any individual performing well drilling activities on sites managed under the LSRP program. The letter requests that the LSRP Board reminds LSRPs of these requirements and notes that failure to meet such state requirements could place project results in jeopardy and could result in a violation of the state well drilling regulations. The Board now agrees with the content of the letter and with the revisions that have been made as a result of comments made at the last Board meeting. Karl Muessig provided an update for distribution of the letter which was that he had recently spoke with the Chairman of the LSRP Board, Dave Sweeney, who suggesting using an automated email listserve to send the letter to all

individuals who are on the LSRP email distribution list. This list includes both licensed LSRPs as well as other people within NJDEP's Site Remediation Program who are not licensed.

9. Raw Water Sample Port Location-

Kat Burkhard and Linda Ofori from NJDEP's Bureau of Safe Drinking Water discussed where raw water samples should be taken in a water system. They provided a diagram that they intend to include in a guidance document to instruct those working with water systems on how to best set up their water systems to allow for the collection of a raw water sample. The purpose of this is to ensure that water samples are truly representative of raw water and that the samples are not influenced by other parts of the system such as water storage tanks and system plumbing components. Therefore the location of the water sample port is critical. Additionally, DEP staff is working to make sure that samples are collected in accordance with the Federal Ground Water Rule of 2009. Collection of samples in accordance with this rule applies to both new and existing systems.

Two concerns with locating the sample port in the location depicted on the diagram (on the "pump side" of the check valve and water storage tank) were identified by Board members:

- 1.) Taking a raw water sample before the check valve is problematic to obtain as there is either no pressure because this location is prior to the influence of the pressure tank; or if the pressure switch is manually bypassed to start the well pump, dangerous conditions could be caused by both electrical hazards and high water pressure. A proper test or bypass switch would have to be installed. Alternatively, K. Muessig suggested that demand for water could be created by opening faucets within the building being served, which would then turn the pump on and allow the collection of a sample by opening the sample port as the well pump continues to pump.
- 2.) There should not be a sample tap prior to the check valve because it destroys the integrity of a sanitary well. A raw water sample should not be taken prior to the check valve unless there is a backflow preventer/check valve installed to stop any backflow of contaminants into the water line toward the well. A possible scenario discussed was if the gasket in the sample port fails and a hose is left hooked to the sample port back siphoning through this line would then be possible.

Board members and P. Bono all agreed that water samplers should all be trained before taking samples to make sure that people are collecting adequate samples in accordance with applicable rules and recommendation while not putting themselves or others in danger. It was also noted that any water system modifications necessitated by these new sampling procedures would have to be performed by licensed well drillers or pump installers.

The Board's advice was that the sample port must be installed prior to the check valve preceding any water storage equipment. Members added that when the sample port is installed in this location, a backflow prevention device (such as another check valve) should precede the sample port and be installed between the sample port and the well pump. Members felt that by putting a check valve prior to the sample port, in addition to the check valve after the port, a true sample of the raw water would be obtained and the well and water supply would not be put in jeopardy of contamination.

The document provided by Safe Drinking Water Staff also noted that sampling ports should be located a minimum of two to three feet above the ground. Most existing setups will not comply with this recommendation. J. Yost provided a diagram of an installation meeting these requirements, which he felt would be satisfactory. K. Burkhardt and L. Ofori will continue to work on the guidance document with input from Well Permitting Program staff as necessary.

10. Discussion of Heating Ventilation Air Conditioning and Refrigeration (HVACR) Rule-

Chairman Becker provided an update on the proposed Heating, Ventilation, Air conditioning and Refrigeration (HVACR) regulations (N.J.A.C. 13:32A), which conflict with geothermal well licensing requirements already established in the well drilling regulations (N.J.A.C. 7:9D). This issue has been brought up at several Board meetings and both the New Jersey Ground Water Association (NJGWA) and NJDEP have sent letters (three total) to the HVACR Board. Some areas of concern that remain unresolved were noted by Board members:

- G. Craig strongly disagreed with the wording on page 5, number 2, which reads “geothermal systems (not including drilling of the well point)” as something that falls under the definition of HVACR work. The issue being that by calling a well a “wellpoint” it is undefined and would not encompass open loop or closed loop geothermal wells, as neither type contains a wellpoint. Since the time essentially has no meaning that pertains to geothermal wells, it doesn’t exempt the proposed new HVACR licensees from doing working on any part of a geothermal system. Also, by listing “geothermal” as being within the jurisdiction of HVACR work, the long established Well Driller and Pump Installer licenses are being completely disregarded.
- Perhaps more important, the Board felt that a statement noting that all geothermal systems must be installed in accordance with the licensing, permitting and construction requirements of the well regulations (N.J.A.C. 7:9D) is necessary. It was suggested that DEP suggest that the statement “geothermal systems shall be installed by a licensed well driller or pump installer in accordance with N.J.A.C. 7:9D” should be added to the proposed regulation. The well regulations have long been in effect and not pointing this issue out now could lead to non-compliance within the industry and likely cause confusion amongst local inspectors if two state regulations contain conflicting information.

S. Doughty volunteered to work with the Director of Water Supply and possibly the Assistant Commissioner’s office to talk to the Department of Consumer Affairs staff to work towards resolving this matter. T. Wahrman, DAG, also volunteered to contact the legal staff assigned to the HVACR rule and make it clear that DEP would like to work with them to make the necessary changes in the draft regulation prior to adoption.

11. Well Permitting Program Updates- Update on Well Regulations (N.J.A.C. 7:9D) Revisions-

T. Pilawski reported that there was no activity on the submitted revisions to the well rules. The Department’s legal staff is currently backed up reviewing other regulatory proposals and has been unable to review the draft well regulations.

Well Search Tool Development-

P. Bono said that Michael Schumacher continues to work on the online well search tool that will allow outside users to access well information from their own computers through a website portal. The tool and associated user identity check/security component of the program are currently in the final stages of development. Department licensed professionals, such as well drillers, pump installers and LSRPs will M. Schumacher anticipates that testing of this new system will commence within the next few months. J. Yost and A. Becker both noted that the ePermitting system has been slow lately and is still in need of additional improvements to make it more user friendly.

T. Pilawski and P. Bono also discussed working with the Department’s Site Remediation Program to obtain more accurate location coordinates on historic well records and data enter all of this information into the Department’s database.

12. Adjournment- A motion to adjourn the meeting was made by K. Muessig, seconded by S. Doughty and approved by all at 1:00 pm.