

Minutes – Tuesday, July 17, 2007

State Well Drillers and Pump Installers Examining and Advisory Board

Board Members Present: Norman Primost, Art Becker, Karl Muessig, Richard Dalton, Anthony Tirro, Fred Sickels, Pete Demicco

Board Members Absent: Joseph Pepe, Sr., Robert Stothoff (resigned)

Others Present: Helene Chudzick (DAG), Brian Buttari (DEP), Holly Papp (DEP), Melinda Strahle (DEP), Julia Altieri (DEP), Tracy Omrod (DEP), Vince Monaco (DEP)

1. **Call to Order** – The meeting was called to order by Norman Primost at 9:45 AM with a quorum present.
2. Melinda Strahle was introduced to the Board.

Norm Primost announced that Robert Stothoff has resigned from the Board. He read a letter from Robert Stothoff signifying his resignation and stating how much he had enjoyed working on the Board. It was decided that the Board should send out a letter of thanks for Robert's service to the Board, and that Pat, Vince, Fred or Norm should sign the letter.

Vince Monaco noted that since the letter will be available to the public, in an effort to maintain Robert Stothoff's privacy, the letter should be drafted to his last known address. Board member Art Becker stated he would take upon himself to forward the letter to Mr. Stothoff just in case the DEP letter gets returned to sender.

2. **Review of Minutes from the May 15, 2007 Board Meeting** – Karl Muessig suggested changing a portion of the decommissioning proposal (Section 11(B) of the May minutes) to read "It is believed that the pump may contain 4-6 oz. of oil, possibly containing PCBs"; instead of "...pump may contain 4 to 6 ounces of PCBs..." He noted that the pump most likely does not contain 4 to 6 ounces of pure PCBs. A motion to approve the May 15, 2007 minutes with the suggested change was made by Anthony Tirro, and seconded by Pete Demicco; the motion carried.

3. **Board Vacancy** – A notice stating that there is an opening on the Board and requesting applicants for the position has been posted on the NJDEP website (Division of Water Supply). Art Becker has had calls from 3 drillers regarding their interest in the board position, and they say they are planning to submit their resumes.
4. **Testing and Licensing Issues** –

A. Pump Installers – It was noted that only one applicant (Richard Paprzycki) passed the exam.

A discussion by the Board ensued; various issues were brought to the table. These issues included 1) the need to review the test questions, specifically the regulation portion of the test, 2) the need for better study materials, 3) that although there is a need to review the tests and come up with better questions and/or study material, the Bureau is understaffed for such an undertaking, 4) if the Bureau should amend the rules to require attendance at a course in order to be allowed to sit for an exam, 5) would it be possible for the NJ Groundwater Association to create better study materials.

Art Becker suggested that a few Board members stay after the next scheduled Board meeting to review the tests and come up with better questions and/or create a study guide. Anthony Tirro suggested that this be done for all classes of tests, not just pump installers. It was decided that Norm Primost, Anthony Tirro, Art Becker, Pete Demicco, and Joe Pepe will meet at the DEP building on Monday, August 27, 2007 at 9:30am to review the tests for PI, SB, MW; and decide which questions need to be removed or revised. There was some concern that there must be no more than 4 board members present in the building at once in order to avoid having a quorum, Helene Chudzik will be consulted on this.

A motion to certify the Pump Installer exam scores was made by Karl Muessing and seconded by Pete Demicco – the motion was carried.

B. Soil Borer – Holly Papp noted that there is a mistake on the list of exam scores; Michael Trippett did not pass the technical section of his exam, and therefore, he failed.

Thomas Higgins was accidentally left off of the applicant list, which was approved during the May 15, 2007 meeting. In order for him to be able to sit for the June 12, 2007 test, the Board members voted via email to retroactively accept his application. Karl Muessig motioned to ratify the email vote in order to accept Thomas Higgins' test score, Art Becker seconded the motion, and the motion carried. A motion to approve the soil borer exam scores, with a correction to the outcome of Michael Trippett's exam, was made by Fred Sickels, and seconded by Karl Muessig; the motion carried.

C. Monitoring Well – A motion to approve the Monitoring Well exam scores was made by Anthony Tirro and was seconded by Karl Muessig; the motion carried.

The new *No cell phone or PDA policy* was sent out as a notice before the last testing period and the rule was enforced at the tests.

- 5. DEP handles complaints** – Norm Primost brought up the subject of possibly beginning to take away or suspend drillers' licenses who are repeat offenders. He states that the provision to do so is in the regs, yet not utilized. Although offenses are reported and some action is taken (depending on the nature of the offense), it is unusual for a license to be suspended or taken away. Norm states that if this kind of consequence was enforced on repeat offenders, the word would get out among the drilling community and perhaps drillers would more closely adhere to the regs. He believes this is a common interest for both the industry and the DEP, and it is important in order to protect the future of honest and good Well Drillers. Additionally, he believes that the public needs access to more information regarding drillers in order to make more informed comparisons when choosing one. Norm had drafted a "Notice to Consumers" for posting on the DEP website that he asked the Board to review.

Upon review, Fred Sickels noted that complaints regarding drillers and their actions should come to the DEP first, and not the Board. He stated that only problems that may require suspension or revocation of a license should be brought to the Board for discussion. Julia Altieri noted that she receives a majority of the complaints about drillers and that probably 99% of those complaints are non-enforceable violations. However, when a serious violation is registered, the DEP takes (when feasible) immediate action. Richard Dalton noted that we don't have a set of penalties for specific violations in place that would make it easier to enforce. He suggested that when the regs are re-drafted, a penalty table should be added. Vince Monaco agreed for a more aggressive enforcement program; he thinks we should bring the worst offenders in front of the Board for discussions of suspension or revocation of their licenses.

Norm Primost now agrees that most enforcement issues shouldn't come in front of the Board, citing competitor issues. However, he believes the public and other well drillers need to be aware of punishment that is meted for violators; when guilt has been established and punishment handed-out, it needs to be publicized. Fred Sickels agreed that only closed, finalized cases should be published and that that a review of the schedule of penalties needs to be done.

Helene Chudzik stated that the statute needs a front-to-back update. The procedure sequence is confusing and the statute pre-dates the Administrative Procedures Act. She said that when a case might end up in enforcement action, a hearing before an Administrative Law Judge should first be held so that both the driller in question and the DEP can present their case and a record can be created.

The Board then reviews that record. Fred Sickels suggested adding a “Recent Enforcement Actions” section to the Board agenda.

When a discussion of how much of the historical violations should be made public was started, Helene Chudzik recommended we consider using a points system (similar to the DMV). Certain point values will be awarded to differing violations, and once a specified drop-off point has been established, those points would be removed from the driller’s public record if no other violations were incurred during that time period. Pete Demicco noted that Pennsylvania and North Carolina send out newsletters, which contain a section listing all the enforcement actions taken against drillers in that state.

Norm Primost’s draft needs to be revised.

6. Technical Issues

Morrison performed a field demo of their proposed Geothermal Grout Mix on Wednesday, July 11, 2007. Richard Dalton, Anthony Tirro, Art Becker, and Steve Reya attended the demonstration. Richard Dalton stated that the first batch they mixed was too watery and Morrison admitted that they made a mistake mixing that batch. He says that the second batch was a little better, but still thin. It was noted that they had no way of measuring the amount of grout and/or water they were using to create the mix. Steve Reya had also expressed concern that the proposal stated that they would use 3x6 sample tubes and Morrison only had 2x4 sample tubes onsite. It was noted that other aspects of the proposal were not replicated onsite.

Concern was raised by Anthony Tirro as to whether pumping the mix for 100 ft horizontally in any way mirrors the conditions that would be created when grouting a 500 ft well with that same material. Art Becker was disappointed with the demo, calling it a “comedy of errors”. There were problems with the equipment, they didn’t meet the specs with their mud scale, they had no way to measure the amount of water they were using, and they brought different equipment than they included on the proposal.

Helene Chudzik stated that the Board/DEP needs to be clear about what is and is not acceptable for these procedures, and that they need to tell the company beforehand exactly what they are looking for.

Norm Primost motioned to have all future field demonstrations replicate the actual conditions on which the process or material in question would exist; Tony Tirro seconded it – and the motion carried.

Vince Monaco stated that Steve Reya will prepare a formal response to Morrison concerning the demo and will forward the response to Board members for their review and added input. Karl Muessig suggested to not wait for the permeability tests to come back before preparing the response. He thinks we should tell them

right away that we don't approve of their methods and that they didn't do what they said they were going to do. Art Becker noted that the drill rig was shut down when they arrived onsite and was not run the entire time that they were there. He suggests keeping an eye on them for improper drilling techniques. Norm Primost noted that they can not have the only onsite licensed driller drilling a well while someone else is grouting at the same time.

A response to the DEP's letter to Morrison will be requested in which they will be required to state what they are going to change about their procedures and methods and how it will work.

- 7. Meeting adjourned by Norm Primost, seconded by Art Becker at 11:56 AM.**