



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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New Jersey Department of Environmental Protection
NJ State Well Drillers and Pump Installers Examining and Advisory Board
Meeting Minutes for November 21, 2017

Approved by the Board on January 22, 2018

Board Member Attendance:

Table with 2 columns: Present, Absent. Present list includes Art Becker (Chairman), Gary Poppe (Vice-Chairman), Gordon Craig, Joe Yost, Joe Pepe, Carol Graff, Steve Domber, Richard Dalton, Jeff Hoffman. Absent list is None.

Board Legal Representative Present: Deputy Attorney General (DAG) Robert Guzek, NJ Division of Law

NJDEP Bureau of Water Allocation & Well Permitting Staff Present: Terry Pilawski (arrived 10:14 am), Pat Bono, Julia Altieri, Steve Reya, Mark Miller, Mike Schumacher, Chelsea Fernandez and Melia Stoop

Others Present: Denis Crayon, President, New Jersey Ground Water Association (NJGWA)

1. Call to Order-

The meeting was called to order by Chairman Art Becker at 9:37 am with a quorum present.

2. Review and Certification of the Minutes for the September 21, 2017 meeting-

R. Guzek noted that his last name was spelled incorrectly within Item 3 of the Minutes (Review and Certification of Well Driller and Pump Installer Exam Applicants to sit for the October 4, 2017 Exams). A motion to approve the September 21, 2017 meeting minutes pending this correction was

made by G. Craig, seconded by G. Poppe and approved by except for S. Domber and C. Graff who abstained.

**3. Review and Certification of the Minutes for the October 26, 2016 Conference Call –**

G. Poppe noted an inaccurate statement that noted that no one passed the Journeyman exam, however, one individual did pass and was approved by the Board. A motion to approve the minutes pending this correction was made by J. Yost, seconded by G. Poppe and approved unanimously.

**4. Review and Certification of Well Driller and Pump Installer Exam Applicants to sit for the December 6, 2017 Exams –**

**Master**– A motion to approve one (1) listed license exam applicant was made by G. Poppe, seconded by G. Craig and approved unanimously.

**Journeyman**- A motion to approve four (4) listed license exam applicants was made by J. Yost, seconded by S. Domber and approved unanimously.

**Journeyman B**- A motion to approve two (2) listed license exam applicant was made by G. Craig, seconded by J. Yost and approved unanimously.

**Monitoring**– S. Reya noted that one applicant, Kenneth Hynes, is currently obtaining additional documentation to demonstrate that he obtained his high school diploma, as his original diploma was reportedly misplaced many years ago. Board members agreed that provided he submits this documentation to the Bureau with sufficient time to be scheduled for the December 6<sup>th</sup> exam, his application should be approved. A motion to approve fifteen (15) listed license exam applicants to sit for the exam, as well as Mr. Hynes provided the required documentation is submitted to the Bureau. The motion was made by G. Craig, seconded by J. Hoffman and approved unanimously.

**Soil Borer**– A motion to approve three (3) listed license exam applicants was made by G. Poppe, seconded by S. Domber and approved unanimously.

**Pump Installer** – Six (6) applicants were listed with a status of approved. S. Reya said that he identified some questions and possible deficiencies with a seventh applicant, Mr. Kyle Caton, whose application status is listed with a “pending” status. Based on the applicant’s listed age, it was unclear if he had attained the required one (1) year minimum work experience in the pump installation/repair field in accordance with applicable state and federal labor laws. S. Reya intends to follow up with Mr. Caton to obtain additional information to resolve the outstanding issues prior to the exam. Board members agreed that if the additional information is submitted to clarify that he meets the application requirements of N.J.A.C. 7:9D, the Bureau should schedule him for the test. It was also noted that the hourly requirement of what constitutes one (1) full year of experience was clarified years ago by the Board and that previous Board minutes should be researched to ensure consistency with prior established precedent. A motion to approve six (6) listed exam applicants, and Mr. Caton’s application pending the required corrections. was made by G. Craig, seconded by J. Pepe, and approved unanimously.

**5. Board Correspondence-**

P. Bono discussed the status of a letter that was to be drafted by the Bureau regarding the Board’s review of a Pump Installer Exam application submitted by Bryan M. Giles. The letter, which was drafted in response to the Board’s motion at the September 21, 2017 meeting, notifies the applicant that the matter of his high school diploma is still under review as the Department and Board further investigate the matter. Further, the letter notes the status of the proposed amendments to the well rules, N.J.A.C. 7:9D1-4, in which the requirement that an exam applicant possess a high school diploma or GED is to be eliminated. The anticipated date on which the changes will take effect is

noted as “early 2018”, therefore, he will be able to sit for the exam under the new testing process and requirements provided the proposed rules are enacted as anticipated. The letter, which has also been reviewed by the Board’s legal counsel, was signed by Chairman A. Becker on November 21, 2017.

**6. Proposed Well Rule (N.J.A.C. 7:9D) Revisions: Update from Mark Miller-**

M. Miller, who is the manager of the well rules, reported that Bureau staff met with Chief Counsel Ray Cantor on November 1<sup>st</sup> and provided a briefing to the Commissioner on November 3<sup>rd</sup>. As a result of those meetings, the Bureau worked with the Department’s Office of Legal Affairs to resolve one outstanding formatting issue. On November 16<sup>th</sup>, the rule package was signed and forwarded to the Governor’s Office and the Office of Administrative Law for review and approval. If approved and adopted by November 22<sup>nd</sup>, the rule should be published in the December 18<sup>th</sup> New Jersey Register. If there are questions or delays, the publication could be delayed until the January 2, 2018 Register. Due to the large amount of support during the public comment period and the lack of any controversial comments during the open comment period, The Department anticipates the rule will move through this final phase of adoption as projected. However, M. Miller noted that nothing is guaranteed until it is signed by the Governor’s Office. The Bureau will inform the Board once the status is known.

**7. Exam Dates:** The final exam for 2017 will be held on December 6, 2017. As previously noted, once the new rules take effect the Department will no longer administer the exams. Therefore, the December exam is likely the final exam to be scheduled. Under the new format, applicants will schedule exams directly with the exam vendor at the applicant’s convenience.

**8. Work Group for the Proposed NJ Regulations Exam Modules-**

Board members have volunteered to assist in the development of new exam modules that will be used under the new testing format. Every license class will require its own regulatory exam module. For a couple of licenses, the Board will also need to develop exams covering technical knowledge portion. Staff will begin compiling existing exam questions so they can be reformatted and updated to be consistent with the licensing, permitting, construction and decommissioning requirement of the new well rules. Work group meetings were scheduled for December 29, 2017 and January 11, 2018. Additionally, a group meeting will take place immediately following the open Board meeting today to begin this task.

**9. 2018 Board Meetings and Conference Calls-**

Board members selected the following dates on which to physically meet at the NJDEP Headquarters in Trenton beginning at 9:30 AM:

January 22, March 8, May 24, July 19, September 20, November 29

New to the Board’s regular meeting schedule are the addition of meeting via telephone conference calls during the intervening months for the purpose of establishing a continuing education program in addition to approving qualified candidates for NJ driller or pump installer licenses. Board members set the calls to start at 10:00 AM on the following schedule:

February 15, April 19, June 21, August 16, October 18, December 20

#### **10. GeoPro CGPlus and PowerTEC Geothermal Grout (S.Reya)-**

At the Board's September 21, 2017 meeting a motion was passed recommending that the Department approve the following grout products provided the permeability data is found to be in compliance with the standards of the well rules (i.e. the measured values do not exceed the maximum permeability specified therein):

- CG Plus (1.20 Btu/hr-ft- °F)
- TG Lite/PowerTEC (1.20 Btu/hr-ft- °F)
- TG Select/PowerTEC (1.60 Btu/hr-ft- °F)

Following the meeting, S. Reya followed up with the manufacturer representative who informed him that two (2) of the three (3) products tested exhibited permeability values that meet the Department's standard. The TG Lite and TG select permeability values, as measured on the field samples collected at the September 18, 2017 field demonstration that was conducted in the presence of Board and Department representatives, were sent to the Department for verification of compliance with the well rules. The independent lab permeability tables were forwarded to R. Dalton, who confirmed that the values of both products meet the permeability standard specified by N.J.A.C. 7:9D-2.9(b). These products can be approved by the Department consistent with the Board's September 21<sup>st</sup> motion, however, the manufacturer is still troubleshooting the reason that the CG Plus cementitious grout material exceeded the maximum allowable permeability value. S. Reya will keep the Board updated as additional information becomes available.

#### **11. List of Lapsed Licenses-**

Board members were again reminded that the six (6) month grace period in which lapsed licenses may be reinstated ends at the end of the year. They were provided with a list of lapsed licenses and encouraged to notify any of their colleagues who are listed should any of them wish to renew. Once the grace period expires, anyone who wishes to reinstate a licensee will have to retest.

#### **12. Drought Status Update (Steve Domber)-**

S. Domber provided a summary of this year's state-wide precipitation levels and explained that recent rainfalls have improved hydrologic conditions within the state. Currently the water supply status is posted as "normal" across the state.

#### **13. Water Allocation & Well Permitting Enforcement and Field Work Activities:**

A summary of Well Permitting Program's enforcement and field activities over the past eight (8) weeks was presented by Julia Altieri and Bryan Barrett.

A) **Field Inspections-** Well Permitting Section staff performed eleven (11) field inspections during the past eight (8) weeks. Field staff witnessed the proper construction of one (1) new public supply well in Red Bank, Monmouth County. Staff also conducted five (5) random field compliance inspections to verify wells were not constructed before the permit approval dates.

B) **On-going issues of well drilling violations** – The Bureau successfully resolved two (2) issues of non-compliance involving two (2) separate drilling companies that constructed monitor wells before they had approved permits by the Department. Bureau staff witnessed the reconstruction of three (3) monitoring wells in Bergen county and three (3) monitoring wells in Monmouth County. In both cases the drillers and company removed the existing monitoring wells and reinstalled them in the existing boreholes. The Bureau also investigated two (2) instances of individuals installing well pumps without a NJ pump installers license. As a result of the Bureau's investigation both well

pumps were reinstalled by properly licensed individuals as part of the resolution and additional issuance of penalties is pending at this time.

**C) Additional partial settlement of well drilling violations** – The Alternate Dispute Resolution (ADR) meeting scheduled for October 16, 2017 to settle a violation for improperly grouting two (2) geothermal wells in Mercer County has been re-scheduled for November 30, 2017.

**D) Enforcement Outreach Initiative-** Michael Schumacher traveled to Northern Enforcement Region to conduct cross – training with the Departments Water Compliance Enforcement staff as part of the sections educational outreach initiative. Mr. Schumacher had already reached out the Central Region Water compliance staff, as well. Training for the Southern Region is pending.

#### **14. Update on Geothermal Wellfield Pilot Program-**

T. Pilawski provided an update on the status of the pilot plan to retrofit and recommission a geothermal wellfield in which the wells were not permitted and improperly constructed. Department staff and their legal counsel are currently responding to the pilot plan proposal submitted by a consulting firm on behalf of the property owner. As reported at the last meeting there has been no final design agreed upon between the Department and the responsible party.

#### **15. Program Updates-**

Brick Twp., Ocean Co. – T. Pilawski mentioned that there have been recent instances where local municipalities have ordinances that restrict the installation of wells or place additional construction requirements beyond the Department’s constraints for the same area. When a driller and property owner seek to install a well in one these areas, commonly referred to as CEAs, the Bureau will incorporate the added construction requirements in accordance with the DEP program that established the CEA. Typically, these areas are delineated by the Department’s Division of Site Remediation as part of contamination investigation or site cleanup. Recently, the Bureau encountered instances when the Department (state) well permits established construction requirements in accordance with the SRP established CEA. In these instances, that meant double casing to a certain depth for homeowner irrigation wells. Later, it came to light that the local municipality had a larger area delineated as being in a well restriction area where no irrigation wells were to be installed. The two well permits in question resulted in wells being installed without the approval of the local municipality. The Department is working separately with each of the property owners to come to an amicable resolution on the decommissioning of these wells. To prevent this problem from reoccurring, the Bureau is now adding a statement on the DEP drilling permit which directs the driller and property owner to contact with the appropriate local authority with control over the CEA to learn of any additional construction requirements and permits in advance of drilling.

P. Bono announced that she will be retiring on February 1, 2018

#### **16. Adjournment –**

At 11:25 am, a motion to adjourn was made by J. Pepe, seconded by G. Craig and approved unanimously.