

Minutes – Thursday, Sept. 18, 2008

State Well Drillers and Pump Installers Examining and Advisory Board

Board Members Present: Chairman Art Becker, Tony Tirro, Dick Dalton, Joseph Pepe, Sr., Fred Sickels, Karl Muessig, Joe Yost, Gary Poppe, Carol Graff

Board Members Absent: – None

NJDEP Staff Present: Brian Buttari, Steve Reya, Michael Schumacher, Julia Altieri, Pat Bono, Kristin Tedesco, Tracy Omrod

Others Present: Alan Uminski (soil borer), Dan Bryant (Geo Cleanse International)

1. **Call to Order** – The meeting was called to order by Art Becker at 9:35 am with a quorum present
2. **Review of Minutes from July 10, 2008, Board Meeting** – A motion to accept the minutes without changes was made by Gary Poppe, seconded by Tony Tirro and unanimously approved.
3. **Review of Executive Session Minutes from July 10, 2008, Board Meeting** – A motion to accept the executive minutes without changes was made by Fred Sickels, seconded by Art Becker and unanimously approved.
4. **Review and Certification of Master Well Driller Applicants for October 7, 2008, Exam** – A motion to accept the Master Well Driller applicants for the October exam was made by Tony Tirro, seconded by Dick Dalton and approved unanimously.
5. **Review and Certification of Journeyman Well Driller Applicants for October 7, 2008, Exam** – A motion to accept the Journeyman Well Driller applicants for the October exam was made by Karl Muessig, seconded by Joe Pepe and approved unanimously.
6. **Review and Certification of Journeyman B Well Driller Applicants for October 7, 2008, Exam** – The Board reviewed the list of Journeyman B applicants and questioned why several of the applicants were rejected from sitting for the exam. Steve Reya stated that many of the applicants were missing parts of the application and had submitted their application at the last minute. Therefore, there was no time for them to provide the additional information needed

by the deadline. A motion to accept the Journeyman B Well Driller applicants for the October exam was made by Tony Tirro, seconded by Gary Poppe and approved unanimously.

7. **Request by Alan Uminski to Reinstate Soil Borer's License** – Alan Uminski has written a letter requesting that the DEP grandfather his Soil Borer's Certification into a Soil Borer license. With the adoption of new regulations in 2001, the Department sent notices to all individuals with a Soil Borer's Certification, which notified them of the new rule change and provided them with an opportunity to convert their certification into a license. Mr. Uminski claimed he never received a notice of the rule change. He only recently learned of the new requirements when he contacted the DEP about drilling borings over 50 feet and was told his certification had lapsed. Mr. Uminski feels that because he was never notified and because the Soil Borer certification had no expiration date, he should have the opportunity to convert his certification to a license. In addition, Mr. Uminski works as a contractor for the EPA and therefore has no New Jersey licensed drillers who can serve as references should the Department require him to retake the exam. Gary Poppe stated that precedence should be the same across the Board with regard to other individuals who have previously submitted requests to reinstate licenses and certifications. Steve Reya stated that (per Helene in the past) a license holder has the responsibility to keep informed of rule changes and license expiration dates. However, he did not recall an instance where a certification was not renewed due to the fact that a certification would not have an expiration date. Art Becker suggests that the Board hold off on making a decision until the next meeting when the Department can get Helene's legal opinion. DEP staff will contact Helene, look at the list of people who received notification of the rule change in 2001 and review past Board decisions on requests to grandfather licenses or certifications. The DEP will also check to see what was required on exam applications from other federal contractors (i.e. Anthony Stegner) with no NJ licensed well driller to verify experience. *Note: Mr. Uminski's address is currently listed as "unknown" in the Department's database. This is the status given after mail has been returned to the Department by the Post Office.*
8. **Geo-Cleanse International Presentation of Injection Well Installation** – Dan Bryant from Geo-Cleanse International is requesting approval to use direct push technology for site remediation. Geo-Cleanse is the designer/builder and would hire a NJ licensed well driller to install the Category 3 injection wells. All the well construction standards are met with the with the exception of the 4" oversize borehole. Geo-Cleanse has received the approval of the Site Remediation Program provided that Well Permitting approves the use of these wells. Using direct push is successful in applications on contaminated sites where it is critical to achieve a competent seal so the chemicals can't be physically pushed out into the surrounding area. With the other methods, such as the use of hollow stem augers, the pressure of injection is too much for the annular seal and can lead to failure. Karl Muessig agreed that the argument for approving this application is that the failure rate is much lower. Tony Tirro stated that with a 3" hole vs. an 8" hole for a standard injection well, it is evident that the 8" hole has potential for failure based on the larger surface area. Steve Reya stated that the DEP has previously approved on a case by case basis based on site dimensions but is now looking for general approval on when it is acceptable. Art Becker called these wells "micro" wells, saying the smaller wells are better for the environment. Art added that the wells can be effectively decommissioned and current rules allow for us to approve on technical merit. The concern is with the expertise of the driller. The Board recommended that the Department approve this application provided that the wells are part of an approved remediation plan, where the plume is already delineated. This application is limited to injection wells with a minimum size inner diameter casing of 3/4" and a maximum size cutting tool of 3 1/2".

9. **E-Permitting** – Mike Schumacher presented a demonstration of the e-permitting program which is expected to go online by the end of the year.

10. **DEP Program Updates**

License Renewals – Steve Reya reviewed the breakdown of those drillers and pump installers who have renewed their licenses. In general the numbers of expired licenses are down and currently at around 16% as of September 15.

NJGeoWeb Training – Pat Bono discussed the upcoming NJGeoWeb Program, which will eventually replace I-MapNJ. I-MapNJ will continue to be active until the NJGeoWeb Program is fully up and running. The DEP has been successfully conducting training classes for the well drilling community. Pat Bono expects NJGeoWeb to go online in about a month.

11. **Permit Extension Act**- Pat Bono stated that the Permit Extension Act, which was recently passed does impact well permits. The Bureau will notify the public upon receipt of further clarification with regard to which permits are actually extended beyond the original expiration date.
12. **Recognition of Service**- Art Becker thanked Vince Monaco for his hard work and commitment to the Board. Mr. Monaco will be leaving the Department in November. The Board wished him well in his future endeavors.
13. **Listing of Duplicate Wells by Well Drilling Exam Applicants**- Steve Reya raised the issue that was initially discussed at the July 10 2008 board meeting, which was the Bureau policy that did not allow the use of duplicate well permit numbers by multiple applicants. The motion passed at the July meeting stated that if soil boring applicants worked on permitted (over 50 ft. deep) soil borings under the supervision of a licensed driller/soil borer, two applicants could utilize the same borehole to document their experience. Steve Reya stated that a similar policy should be examined with regard to all other well drilling licenses. He noted that the Bureau policy had always been that once a permit number was “used” by an applicant, any other applicant could not use it. He also said that the policy was arbitrary, as the number was considered “used” in the order the application was reviewed. Additionally, he questioned the rationale behind not allowing more than one helper as verification of experience when often times two helpers may assist one licensed driller. Many wells also take days, weeks, or even months to drill, and there has never been any stipulation on depths, well use, or time of drilling to allow an exemption to the one to one ratio of applicant to permit number. Different crews could often work on the same well. Both Joe Yost and Gary Poppe stated that they use multiple helpers on their larger wells. Currently, the Bureau calls the listed references to verify experience when there is an apparent discrepancy to discern whether the applicant possesses the required experience. Steve Reya said that generally the monitoring well driller applications are the most common applications where duplicate wells are listed. He also said that the applications do not state the “internal policy,” so there is no way the applicant would know the policy. There is also no clear way that an applicant would know the permit numbers listed by someone else working for the same employer. He believed that the intent of the current policy was to restrict applicants from using shallow wells, which are often drilled in one day, as experience for several applicants.

Art Becker believed that when the well use is listed as “public supply,” multiple applicants should be allowed to utilize the same permit number. Art asked Joe Yost how many helpers

would generally be involved when his company drills a public supply well. Mr. Yost stated that three to nine helpers, in addition, the licensed driller would usually be involved with the drilling of the well. Joe Yost also said that his company also re-drills wells, which involved re-drilling the lower portion of the well, re-setting the screen and maintenance casing, and gravel packing the well. This would be done on multiple cased, large diameter wells, but Joe was concerned with the fact that the Bureau might not consider such activity as drilling experience, as the well was not entirely re-constructed. He noted, for instance, that there is generally, no new grout placed in the well unless a liner is being installed as part of the re-drill. Mr. Reya said that since the work required a permit, must be performed by a licensed driller, and involves the physical modification of a well, he believed that such work should be acceptable experience. Art Becker also believed that since a licensed driller is signing off on the applicant's experience in such cases, the work could be viewed as acceptable experience. Mr. Becker stated that review of the applications should left up to the discretion of Bureau staff. He felt that multiple permit numbers should be allowable for multiple applicants, provided staff feels that the experience seems reasonable. It was the consensus of the Board that staff would bring any questionable applications, which contain duplicate wells as experience, to the Board's attention for discussion prior to certification.

A motion to enter executive session was made by Gary Poppe and seconded by Tony Tirro.

- 14. Return to open session-** A motion to end executive session was made by Fred Sickels and seconded by Gary Poppe.
- 15. New Business-** Art Becker asked Fred Sickels whether there was any update regarding enforcement actions, as had been discussed at the last meeting. Fred stated that there had not been any coordination meetings since then and he did not have any news to report. Art Becker also asked whether the penalty point matrix system had been modified, as they had discussed at the previous meeting. Pat Bono noted that a new matrix had not been drafted. Fred emphasized the fact that other programs already had matrices that were fairly straightforward and could probably be adapted to the well permitting program. Gary Poppe questioned why we would attempt to further draft matrices or regulations when there are already clear regulations that outline misconduct penalties. He also noted that the current regulations should be strictly enforced rather than drafting anything new. Fred Sickels explained that due to limited staff resources, the Bureau would have to rely on local health departments to enforce the regulations. He felt that additional outreach to health departments would help identify common problems in the drilling industry, which would allow them to better assist us. Gary Poppe noted that new construction is slow in the state. He felt that local inspectors generally had more time on their hands than in recent years. Mr. Poppe suggested that the Bureau should contact the local inspectors. Joe Pepe volunteered to look into the Electrical Board's regulations and inspections program and see how it functions to determine if a similar system would work with the well drilling industry. Gary Poppe asked who he should contact within New Jersey's government to address the problem of inadequate staffing within the Bureau. Fred stated that he would get back to him with the appropriate contact person.
- 16. CEUs-** Art Becker discussed the possibility of the state hiring a third party to administer such a program. He was familiar with several other states that utilized a third party to manage the program and forward the results to the state, thereby eliminating most of the work involved in administering such a program. Fred discussed the fact that the Department may not legally be allowed to choose a third party because it would be difficult to demonstrate the fact that the Department was unbiased in the decision to pick one party over another. Art

questioned whether the New Jersey Ground Water Association (NJGWA) could look for an independent third party able to perform the work. Fred said that such an arrangement might be feasible and that NJGWA should keep the Bureau and Board informed with as they look into possible solutions.

17. GPS requirement- Art Becker discussed the fact that at the last NJGWA meeting, many drillers expressed the fact that they are not utilizing the appropriate equipment to GPS well locations. He noted that many drillers were using recreational grade units or simply altering the original easting and northing coordinates that they obtain from iMapNJ. Many drillers are apparently not using the mapping grade GPS units that are in accordance with the Department's GIS specifications. Mr. Becker felt that the community was aware that the Bureau could not enforce the regulation, since the well record simply lists the easting and northing coordinates. Bureau staff agreed that without the submittal of proof of the GPS unit used, along with other pertinent information, they do not know how the coordinates were obtained. They also noted that such a requirement would effectively double the amount of paper volume the Bureau receives. Art suggested that the Bureau should require the submittal of documentation to enable the Bureau to ascertain the accuracy of such coordinates.

18. Direct exchange geothermal technology- Fred Sickels discussed the fact that a geothermal company was exerting pressure on New Jersey lawmakers to allow the installation of direct exchange geothermal systems. Mr. Sickels stated that the company did not believe that such systems should be regulated under the Department's well drilling regulations. Therefore, they claimed the systems did not require permits, oversight by New Jersey licensed well drillers, or any construction requirements. Mr. Sickels instructed them to provide documentation to the Board and Bureau for review, and informed them of the proper channels that must be followed to obtain approval for such a system. Steve Reya added that two or three other manufacturers of such systems had also approached him and he had instructed them in the same manner as Fred Sickels.

19. Adjournment- A motion to adjourn the meeting at 3:45 p.m. was made by Fred Sickels, seconded by Joe Pepe and approved unanimously.