



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PHILIP D. MURPHY
Governor

CATHERINE R. McCABE
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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New Jersey Department of Environmental Protection NJ State Well Drillers and Pump Installers Examining and Advisory Board Meeting Minutes for January 22, 2018

Approved by the Board on March 8, 2018

Board Member Attendance:

Present	Absent
Art Becker (Chairman) Gary Poppe (Vice-Chairman) Gordon Craig Joe Yost Carol Graff Steve Domber Richard Dalton	Joe Pepe Jeff Hoffman

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, Pat Bono, Julia Altieri, Steve Reya, Mike Schumacher, Mark Ortega, Mark Miller, Kati Angarone, Kristin Tedesco, Chelsea DuBrul and Melia Stoop

1. Call to Order-

The meeting was called to order by Chairman Art Becker at 9:40am with a quorum present.

2. **Well Rule (N.J.A.C. 7:9D) -** Kati Angarone, from the Director's Office of the Division of Water Supply & Geoscience, spoke on behalf of Director Pat Gardner and thanked the well rule team for all their hard work and assistance in successfully working through both the proposal and adoption phases of amending the well rule. Kristin Tedesco, Chelsea DuBrul and Mark Miller were acknowledged for all of their assistance. She also acknowledged the contributions made by Board members who attended Board meetings, stakeholder meetings and volunteer workgroup sessions to assist in developing the draft version of the rule adoption. Further, T. Pilawski made recognition to Mark Miller for working on formatting and administrative processes to advance the draft rule through the adoption phase immediately following his transfer into the Bureau in May 2017. His experience with rule formatting from his prior Department positions proved invaluable in getting the rules adopted. She also noted that the operative date of the adopted well rule revisions is March 1, 2018. Kristin Tedesco, Kati Angarone, Chelsea DuBrul and Mark Miller left the meeting following this discussion.
3. **Retirement of Well Permitting Section Chief, Pat Bono -**
This meeting will be Pat Bono's final Board meeting, as she is retiring on March 1st. Chairman A. Becker presented both a plaque and letter of appreciation for her service in supporting the Board for over twelve (12) years. The letter read in part "On behalf of the Well Drillers Advisory Board I want to thank you for your dedicated service to the Board over the past twelve years. It is hard to believe twelve years have passed so quickly. You have assisted the Board in making many decisions and your enthusiasm has certainly been noticed and appreciated. We especially want to thank you for your input and assistance with the revisions of NJAC 7:9D and it is quite fitting that the revised regulations have finally been approved during your tenure on the Board. You will be missed and you leave some very large shoes for someone to fill... Thank you so much for your dedication to New Jersey's groundwater resources and the well drilling and pump installation industry."
4. **Review and Certification of the Minutes for the November 21, 2017 Open Session Meeting-**
It was noted that a sentence in Item 15 (Program Updates) states that "The solution to decommission these particular wells have been resolved..." is incorrect as stated. The sentence indicates that the matter has been resolved. The Department, however, is still in the process of amicably resolving the matter with two (2) property owners regarding cases in which two (2) recently installed wells are to be decommissioned to the owners' satisfaction and applicable rules. This sentence will be corrected to reflect that the decommissioning of the wells has not yet occurred.
A motion to approve the November 21, 2017 meeting minutes pending this correction was made by G. Craig, seconded by G. Poppe and approved unanimously.
5. **Review and Certification of the Minutes for the November 21, 2017 Closed Session Meeting-**
A motion to approve the minutes without change was made by J. Yost, seconded by C. Graff and approved unanimously.
6. **Review and Certification of the Minutes for the December 29, 2017 Closed Session-**
A motion to approve the minutes without change was made by G. Poppe, seconded by C. Graff and approved unanimously.

7. Review and Certification of the Minutes for the January 11, 2018 Closed Session –

G. Craig noted that his first initial was incorrectly listed in the third paragraph of Item 2. A motion to approve the minutes pending this correction was made by J. Yost, seconded by C Graff and approved unanimously.

8. Review and Certification of Well Driller and Pump Installer Exam Applicants to approve the scores for the December 6, 2017 Exams –

Master– A motion to approve one (1) listed license exam score was made by J. Yost, seconded by G. Craig and approved unanimously. It was noted that he did not pass the exam.

Journeyman– A motion to approve three (3) listed license exam scores was made by D. Dalton, seconded by S. Domber and approved unanimously. It was noted that one (1) individual passed the exam.

Journeyman B– A motion to approve two (2) listed license exam scores was made by G. Craig, seconded by G. Poppe and approved unanimously. It was noted that no one passed the exam.

Monitoring– A motion to approve thirteen (13) listed license exam applicants scores was made by G. Poppe, seconded by J. Yost and approved unanimously. It was noted that four (4) individuals passed the exam.

Soil Borer– A motion to approve two (2) listed license exam applicants scores was made by G. Craig, seconded by G. Poppe and approved unanimously. It was noted that one (1) individual passed the exam.

Pump Installer –A motion to approve five (5) listed exam applicants scores, was made by J. Yost, seconded by S. Domber, and approved unanimously. It was noted that one (1) individual passed the exam.

9. Correspondence on the Updated Well Rule: Pat Bono-

P. Bono presented a draft document to the Board to obtain members' input on a mass mailing the Bureau intends to send all current license holders and recent exam applicants, which lists the primary updates to the well rules. The draft document lists approximately 10-12 important points that are the highlighted changes and additions to the rules of which all in the industry should be aware. A. Becker suggested that the licensing, testing and continuing education information be moved up in the document to underscore the importance of these changes, as they represent substantial updates to the current rules. P. Bono will update these sections and finalize some of the language. She anticipates that the Bureau will send out the mailing in the next few weeks.

10. Status of Program Development and Agreement with the Examination Manager-

The development of the agreement to be entered between the Department and a third-party testing vendor is progressing as planned, stated P. Bono. The Department aims to have the new exams up and running by mid to late April. She indicated that a draft agreement from the vendor, the National Ground Water Association (NGWA), is being reviewed by appropriate Department staff. Once agreeable, the document will be signed by representatives from both parties. As part of the agreement, the Department must provide all NJ exam modules, which have been developed by the Board, to NGWA by February 12, 2018 for the exams to be available through the testing vendor by the target date. It was noted that this date will provide a smooth transition from the current testing process, as the Department-administered testing program historically held the first exam of a calendar year sometime in April.

11. Department Updates-

The Bureau will be undergoing changes in the coming months. T. Pilawski said the new rules will become operative shortly, the Well Permitting Section Chief is retiring and three (3) Well Permitting hourly employees were recently hired in other Department programs as full-time employees and will need to be replaced as soon as possible. Additionally, both a new Governor and Department Commissioner are taking office.

Training for the Department's staff has now been performed for all three (3) enforcement regions. M. Schumacher recently conducted training for the Water Compliance & Enforcement's Southern Office. During all of the training sessions he has performed he has highlighted what to look for onsite when inspecting a drilling operation or a well/water system. Feedback on the training has been very positive and T. Pilawski hopes the training will prove helpful as enforcement staff is in the field most of their time performing inspections. It is anticipated that they will assist in serving as the Bureau's eyes and ears because they are now more adequately trained on both regulatory and technical aspects related to drilling and pump installation.

12. 2018 Board Meetings and Conference Calls-

The Board will physically meet at the NJDEP Headquarters (401 E. State St. in Trenton.) on following dates beginning at 9:30 am:

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

Board telephone conference calls will be held during the intervening months to establish a continuing education program in addition to approving qualified candidates for NJ driller or pump installer licenses. The calls will be held at 10:00 am on the following schedule:

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

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 six (6) field inspections during the past eight (8) weeks. Field staff witnessed the proper construction of one (1) new public supply well. Additionally, Bureau staff investigated two (2) instances in which well drillers started constructing wells without first obtaining approved well permits. Staff investigated a complaint from a NJ Master well driller who confronted two (2) unlicensed individuals, he witnessed reportedly installing a submersible well pump and altering the casing of a well. The Master driller took pictures of the alleged violations and sent them to the Bureau. Bureau staff inspected the site later that day and gathered additional photo documentation to pursue the case.

B) On-going issues of well drilling violations – The Bureau successfully resolved one (1) issue of non-compliance involving a drilling company that constructed an unpermitted irrigation well in Ocean County. This well reconstruction is the second of five (5) wells that were ordered sealed by the Department as part of the resolution of a long standing Administrative Order and Notice of Civil Administrative Penalty Assessment (AONOCAPA).

C) Additional partial settlement of well drilling violations – An Alternate Dispute Resolution (ADR) meeting, initially scheduled for November 30, 2017, was re-scheduled and held on December 22, 2017. Staff from the Central Bureau of Water Compliance & Enforcement and Well Permitting met with the driller involved and the vice president of the company for which he works. ADR involves settlement of the penalty portion of the enforcement action against the licensed well driller and his company for improperly grouting two (2) closed loop geothermal wells located at a property in Mercer County. The result of the ADR meeting was a reduction in penalty assessed to the driller and company from \$9,000 to \$3,000. Other terms of the ADR settlement involve resubmission of accurate Well Record and formal withdrawal of any previously filed request for an Adjudicatory Hearing.

D) Enforcement Coordination Meetings – On December 13, 2017, Bureau staff met with Central and Northern enforcement region representatives to discuss plans to explore licensing sanctions involving a repeated instance of unlicensed and improper hydrofracturing and another repeat violator of the well permitting and drilling regulations.

14. Suspension of Open Session Portion of the Meeting-

At 11:00am, a motion to suspend the open meeting was made by J. Yost, seconded by G. Craig and approved unanimously. Following a short break, the Board will enter closed session to finalize the exam content for delivery to the examination manager, the National Ground Water Association (NGWA).

A motion to enter closed session was made by G. Poppe, seconded by C. Graff and approved unanimously at 11:23 am.

15. Return to Open Session and Board Motions for Implementation of New Testing Program-

After the Board's closed session review and discussion of the new testing program, the following motions were made:

- **At 2:07 pm, a motion to call the open session meeting back to order was made by S. Domber, seconded by A. Becker and approved unanimously.**
- **C. Graff motioned that the NJ exams for Master, Journeyman and Dewatering, be administered as two (2) hours in length, while all other NJ license categories will be one (1) hour exams.** The motion was seconded by G. Craig and approved unanimously.
- **A motion made by G. Poppe stated that the minimum passing score for the NJ regulations module for the Master Well Driller license be 80% and the balance of NJ Regulatory exams shall require 75% or greater to constitute a passing score.** The motion was seconded by G. Craig and approved unanimously. Therefore, the passing score required for the NJ regulations modules for the Journeyman, Journeyman (Class B) Environmental Resource and Geotechnical (ERG), Dewatering well driller, Vertical Closed

Loop Geothermal Well Driller (VCLG), Elevator Borehole well driller and Pump Installer licenses will be set at 75%. The NJ regulations module for the Master Well Driller will have a passing score requirement of 80%.

- G. Craig stated that all Board members have developed and reviewed the full pool of questions for all exam categories, which are to be forwarded to the exam vendor shortly. The Board has now fully vetted each and every exam question. **He made a motion that the Board, therefore, delegate Bureau staff to select from the approved questions to specify which will appear as mandatory and which ones will be pulled randomly from a “bank” of questions. This system will allow the exams to contain questions that rotate in and out so applicants who take the same license category exam more than once do not sit for the identical test. The motion was seconded by G. Poppe and approved unanimously.**

16. Adjournment-

At 2:15 pm a motion to adjourn the meeting was made by G. Poppe, seconded by G. Craig and approved unanimously.



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New Jersey Department of Environmental Protection NJ State Well Drillers and Pump Installers Examining and Advisory Board Conference Call Minutes for February 15, 2018

Approved by the Board on March 8, 2018

Board Members Present at NJDEP Headquarters Building: Richard Dalton, Steve Domber

Board Members Participating Via Telephone: Art Becker (Chairman), Gary Poppe (Vice Chairman), Jeff Hoffman, Gordon Craig and Joe Pepe,

Board Members Absent: Carol Graff, Joe Yost

NJDEP Water Supply (Bureau of Water Allocation and Well Permitting) Staff Present: Terry Pilawski, Pat Bono and Steve Reya

1. **Call to Order** –A. Becker called the meeting to order at 10:02 am with a quorum present via telephone.
2. **Update on Development of NJ Regulatory Exams–**

Following the exam development of all NJ regulatory exam modules by Board members, Bureau staff worked on the formatting of all exams and provided them to the exam the National Ground Water Association (NGWA) on the previously agreed upon deadline. S. Reya noted that Mark Ortega, Pat Bono and he worked to finalize the wording on all question and answer choices. Additionally, multiple exam variants for each license category were developed to allow the vendor to administer exams in which different pool questions appear on each exam. This was done by rotating in questions from a “bank” of available questions while other questions were marked as mandatory, and as such will appear on each exam of the appropriately coded license type.

On February 12, 2018 the Department sent NGWA eight (8) licensing exams, of which there were between two (2) and four (4) versions of each exam. The following was provided to NGWA:

- Master well driller – four (4) versions
- Journeyman – three (3) versions
- Journeyman (Class B) – four (4) versions
- Environmental Resource & Geotechnical driller – three (3) versions
- Elevator borehole driller – two (2) versions
- Dewatering well driller – two (2) versions,
- Vertical closed loop geothermal driller – two (2) versions
- Pump Installer – three (3) versions

The anticipated date for when the new exams will be offered to license candidates is late-April/early May of 2018.

P. Bono noted that the agreement containing the project scope of work and associated financial aspects of the agreement is nearly finalized. She expects that it will be completed and signed by representatives for both parties in the next few weeks.

3. Examination and Continuing Education Program Manager-

A motion that the National Ground Water Association (NGWA) be selected by the Department as the Examination and Continuing Education Program Manager was made by S. Domber, seconded by R. Dalton and approved unanimously. As noted previously, the initial phase (examination) is currently being developed for implementation within the next few months.

4. Potential License Applicant Issue-

Board members questioned a license applicant requirement prescribed by section 1.8 of the recently amended well rules, N.J.A.C. 7:9D, which states that the certification exams obtained for NJ licensure must be passed within two (2) years of the application date. A potential issue with this limitation was noted. The initial intent in drafting the rules was that the chosen examination and CEP manager would be the National Ground Water Association (NGWA), as that is the nationally recognized group that has administered technical exams for the well drilling and pump installation for many years. As has been discussed over several years at Board meetings, the existing NGWA technical exams are currently utilized by a number of other states' licensing programs and is the only nationally recognized program in the industry. The Department/Board's intent was like that of other states in that the existing technical exams would be utilized for the technical topics of which license applicants must demonstrate competency. For NJ license applicants, however, those exams would also be supplemented with NJ regulatory exams for each license type, which would all be developed by the Board. This would ensure knowledge of regulatory requirements specific to NJ.

Board members noted that individuals who hold a valid NGWA well driller (CWD) or pump installer (PI) certification that is current with NGWA would have had to obtain continuing education credits every year since passing the certification exam(s). Board members questioned whether such individuals would essentially be exempt from the two (2) year window because they have current/valid certifications. The argument was made that these individuals should be in a different class from those who may have passed an exam many years ago and failed to remain current with the industry by demonstrating the completion of continuing education credits

through NGWA's voluntary certification program. If this is not the case, individuals with current certifications would potentially have to re-take technical exams that they already passed and kept up with associated continuing education requirements.

It was requested that this item be placed on the March 8 Board meeting agenda for further discussion and to seek legal input from the Board's legal counsel.

5. Adjournment- The call was adjourned at 10:34 am.



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CATHERINE R. McCABE
Acting Commissioner

New Jersey Department of Environmental Protection NJ State Well Drillers and Pump Installers Examining and Advisory Board Meeting Minutes for March 8, 2018

Approved by the Board on May 24, 2018

Board Member Attendance:

Present	Absent
Art Becker (Chairman) Gary Poppe (Vice-Chairman) Jeff Hoffman Gordon Craig Richard Dalton	Joe Pepe Joe Yost Carol Graff Steve Domber

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, Julia Altieri, Steve Reya, Mike Schumacher, Mark Ortega and Yvens Dessalines (present for part of meeting) and Bennett Moss

Other DEP Staff: Sheryl Tembe, PhD, Bureau of Energy & Sustainability (present for part of meeting), Bart Cerami, New Jersey Geologic & Water Survey

1. Call to Order-

The meeting was called to order by Chairman Art Becker at 12:15 pm. The meeting began later than originally scheduled due to a delayed opening of DEP offices for inclement weather and snow removal operations. A quorum was achieved at 12:18 pm.

2. Review and Certification of January 22, 2018 Open Session Draft Minutes-

It was noted that the first bullet under Item 15 stated "...a motion to call to call the open session meeting back to order.." This should be corrected to state "...a motion to call the open session meeting back to order..." A motion to approve the minutes pending this correction was made by G. Craig, seconded by G. Poppe and approved unanimously.

3. Review and Certification of January 22, 2018 Closed Session Draft Minutes-

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

4. Review and Certification of February 15, 2018 Conference Call Draft Minutes-

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

5. Introductions and Bureau Staffing Update-

Bart Cerami, Yvens Dessalines and Bennett Moss were introduced to the Board. T. Pilawski noted that Bart Cerami, who is currently a Section Chief at the Geologic & Water Survey, has been kind enough to assist the Well Permitting Section by filling in temporarily as Section Chief since a permanent replacement to backfill the vacancy created by Pat Bono's retirement has not yet been selected. In other staffing updates, she stated that Yvens Dessalines has been hired to perform information technology tasks to assist Water Allocation staff in implementing their program. Bennett Moss, also recently hired, will work in the Well Permitting Section and assist with review of well record and well decommissioning reviews, along with completing well search requests.

6. Status of Program Development and Agreement with the Examination Manager-

S. Reya said the development of the agreement to be entered into between the Department and a third-party testing vendor is progressing close to the schedule reported at the Board's January meeting and February conference call. To have the exams up and running by approximately May 1, 2018, the Department was to provide all NJ exam modules, which have been developed by the Board, to the National Ground Water Association (NGWA), by February 12, 2018 to allow the vendor to have the exams available by the target date. S. Reya noted that the exams were provided to NGWA on the agreed upon date followed by the sending of additional clarification on February 22, 2018 in response to some questions raised by NGWA staff.

M. Ortega indicated that the agreement between the Department and NGWA, which covers setup and administration of the exams and testing phase of the licensing program, was signed by both parties. The second phase, he indicated, will include another agreement that will supersede this original agreement, and will cover both testing administration and the tracking of continuing education unit points. This is a necessary step in the Department's implementation of the continuing education program prior to the June 2020 license renewal (note: credits must be obtained by April 2020).

7. Bureau Correspondence-

At the January meeting, Pat Bono presented a draft document to the Board to obtain members' input on a mass mailing the Bureau intended to send all current license holders and recent exam applicants. The document contained approximately 10-12 bullet points that are the highlighted changes and additions to the rules of which all in the industry should be aware. Input from Board members was

valuable helping P. Bono update the document, which was mailed out following the meeting. Staff reported that a number of questions have been received by phone and email following receipt of the mailing by industry members. Overall it was believed to have been helpful in summarizing the important regulatory changes that became operative on March 1, 2018 as many were overwhelmed when attempting to read through the entire rule and determine what has been changed.

8. Geothermal Incentives and Heat Pump Contractor Survey – Dr. Sheryl Tembe, Bureau of Energy & Sustainability –

S. Tembe discussed the compiled results she recently received in response to a recent survey she sent out that targeted New Jersey's licensed professionals involved with the installation or design of geothermal heat pumps. Specifically, the survey was sent to architects, HVACR contractors, professional planners, NJ Clean Energy Program Contractors and GeoExchange Contractors. From the time the survey was initiated to the time the responses were compiled for an update (February 1 through February 26, 2018), 330 responses were received. The survey was designed to allow the Bureau of Energy & Sustainability to better understand the role of different licensed professionals, the qualifications and certifications held, the market size of geothermal, the approximate percentage of different system types installed and how to increase market penetration and improve product awareness and build customer confidence. Additionally, both she and Denis Crayon, New Jersey Ground Water Association (NJGWA) President, discussed the recent reinstatement of a federal tax credit that applies to the installation of geothermal systems, both new and retroactively for some systems already installed. D. Crayon also mentioned recently meeting with legislators in Washington, DC so he and other NJGWA members could relay the importance of financial incentives to the geothermal drilling industry. S. Tembe intends to send a similar survey to licensed well drillers to further their mission of promoting geothermal technologies and hopes to work with both trade organizations and other regulatory programs such as the NJ Board of Public Utilities (NJBPU). Finally, she noted that her office intends to develop technical guidance regarding the installation of geothermal systems to assist potential customers, designers and installers in determining the feasibility assessments for installing such systems.

9. Horizontal Directional Drilling -

R. Dalton presented an updated document that summarizes Horizontal Directional Drilling (HDD) projects that have been completed in the state thus far and provides recommendations for how the Department should oversee and regulate future projects. The focus of the document, as has been discussed at previous Board meetings, is to assess the potential for such drilling projects to adversely impact ground water resources due to the depths, diameters and distances such projects entail. Historically, the well rules were not applied toward regulating HDD activities as the scope of these projects were often viewed as not meeting the definition of a well, as specified in N.J.A.C. 7:9D-1.5. R. Dalton and J. Hoffman discussed how activities that were viewed as a method of installing relatively shallow utilities under roadways and other surface features that cannot be excavated have expanded over the years. Recent projects have entailed drilling to depths much deeper than the depth many other environmental monitoring wells are drilled. R. Dalton's paper spelled out the rationale and justification for his recommendation that the Department regulate HDD in the same manner as water supply wells, environmental assessment/remediation wells and geotechnical borings as they have the same, if not greater, potential to impact groundwater resources of the state. If not performed or decommissioned properly, HDD installations have the potential to adversely impact aquifers in the same manner as traditional vertical well installations. Board members unanimously agreed and will read through the document and provide further feedback at the May meeting. Board members thanked R. Dalton for his thorough research and recommendations on what they believe to be a very important environmental concern. The final version of the document aims to set forth criteria at

which HDD installations are subject to Department requirements for permitting, licensing, grouting and decommissioning of failed boreholes.

10. Draft Exam Applications, Test Instructions and Recommended Study Material-

S. Reya disseminated and discussed the new draft license applications that will be utilized by license applicants to apply for a driller/pump installer license once he or she has passed all the required certification exam modules specified in the rule for the desired license. M. Ortega drafted new applications, which also describe the new exam scheduling and licensing process, and recommended study material. It was requested that Board members review both documents and provide feedback to S. Reya in the upcoming weeks as the Bureau wishes to update the website as soon as possible to allow access to downloadable copies of these documents as soon as possible. Because it is anticipated that the exams will be able to be scheduled and taken on or shortly after May 1, it is important that the Division's website be updated shortly to reflect the current process and required applications that will soon be submitted to the Board for review of license applicant qualifications.

11. Two (2) 2-year Certification Exam Time Limit Specified for Exam Applicants in New Rule-

A potential problem identified in the revised well rule is the requirement specified in N.J.A.C. 7:9D-1.8(a)3, which states that a license applicant must "Demonstrate that he or she has met the experience requirements by conducting activities in compliance with this chapter within the State of New Jersey, except as provided at (a)4 below, and has obtained a passing grade on the certification exams administered by an examination and CEP manager selected by the Department and required for the proper license class pursuant to Table 1 below, including New Jersey modules, **which shall have been taken within two years prior to submitting an application.**"

This issue was initially identified during the February 15, 2018 conference call as potentially negatively impacting two (2) groups of people: 1) those who currently are licensed in other states that utilize existing National Ground Water Association (NGWA) NGWA exams, which were taken more than two (2) years ago and 2) those who obtain a Journeyman license through the "new" process and must essentially start all over and re-take exams that were already passed. This creates an apparent disparity between those licensed as a Journeyman under the "old" Department-run testing program and the "new" process. The two (2) methods of obtaining a Journeyman license are differentiated in the new rules in the first column of table 1 by referencing those who received their license before 1/2/18 vs. those who received it on or after that date. Those who received the license prior to that date are essentially "given credit" for the previously passed exams because the NJ test they passed was equivalent to certain NGWA certification exams and are not required to take them again. Those licensed after 1/2/18, however, are required to pass the full list of certification exams. With the 2-year window requirement for exams to count towards NJ licensure, those taken to obtain the Journeyman license would not be able to be applied toward the Master license so these individuals would essentially be starting from scratch. This testing requirement inequality may be brought to the Board by those who seek to upgrade their licenses. It is believed that the intent of adding this provision to the rule was to prevent license holders from intentionally not complying with continuing education requirements and utilizing their past exams to simply reapply for a new license.

Several interpretations of the rule language, and potential ramifications of each interpretation were discussed. One such interpretation of the wording was that the timeframe may only apply to the "New Jersey" module, but not all the drilling/pump technical exam certifications. Not enforcing the two (2) year timeframe universally was also discussed, which would likely then need to be followed by a rule change if the Department truly felt that the rule, as written, contained erroneous language. Further interpretation of this issue will be provided by R. Guzek. Bureau staff noted that the draft

applications contain a notation that is consistent with the statement in the rule, so the statement may need to be re-worded.

12. GeoPro CG Plus Geothermal Grout: Request for Product Approval-

S. Reya updated the Board on the status of the request for product approval. As noted during previous Board meetings the onsite samples collected during a field demonstration of the product in the presence of Board representatives did not meet the permeability requirement specified in N.J.A.C. 7:9D, when tested by an independent laboratory in accordance with ASTM D5084. GeoPro Inc. representative, Tyler Harbeck had since submitted a letter and supporting documentation via email on January 25, 2018 in which he asserted that the Type of cement used onsite (Type I), which was believed to be acceptable, does not result in a satisfactory product as the permeability value was found to exceed the Department's standard. He noted that testing the product, when mixed with Type II cement has demonstrated that the product will meet the permeability standard and noted that their product sheets have since been modified to state that only Type II cement may be used in the mixture. Based on the supplied documentation, the manufacturer requested that their product be approved for use in NJ. Prior to the meeting, R. Dalton reviewed the letter and supporting documentation. Following his summary of the issue and discussion by the Board, the consensus among members was that CG Plus, like all other grouts for which NJ state approval is requested, must undergo the field demonstration and permeability testing of the actual mix/product proposed for use. Allowing field testing to be conducted on samples of one mix and drawing conclusions about how the samples would have tested with a substituted material in the mix sets a precedent that would affect the review and approval process that is to be implemented the same for all products and manufacturers.

Therefore, should GeoPro wish to pursue approval of CG Plus in NJ, a field demonstration must again be performed and samples of the product obtained for independent permeability testing by a certified laboratory, in accordance with ASTM D5084. It was noted at the Board meeting, however, that it may be possible for GeoPro representatives to coordinate the sample collection at a site in NJ without necessarily being onsite to oversee the sample collection. Provided a protocol is set up with a NJ licensed driller of the proper class, it may be possible for the drilling contractor to obtain the samples necessary for testing, provided the product is mixed and pumped in accordance with GeoPro's specifications, in the presence of Board/Department representatives. S. Reya will respond to Mr. Harbeck to notify him of the Board's comments and remaining steps for approval of their geothermal grout product.

13. Water Allocation & Well Permitting Enforcement and Field Work Activities – A summary of Well Permitting Program's enforcement and field activities over the past seven (7) weeks was presented by Julia Altieri.

A) Field Inspections- Well Permitting Section staff performed three (3) field inspections during the past seven (7) weeks. One of which was a follow-up inspection to verify reinstallation of illegal well pump installation that was reported to the Bureau by a Master well driller while he was in the field. The property owner claimed that they did not know they needed a license to work on and reinstall their own submersible pump.

B) On-going issues of well drilling violations – The Bureau successfully resolved another issue of non-compliance involving a licensed driller who constructed an unpermitted irrigation well in Ocean County. This well removal and reconstruction is the third (3rd) of five (5) wells that were ordered sealed by the Department as part of the resolution of a long standing Administrative Order and Notice of Civil Administrative Penalties Assessment (AONOCAPA).

C) Additional partial settlement of well drilling violations Settlement agreement documents were sent out by DEP's Central Compliance and Enforcement to parties involved regarding settlement penalties due because of the Alternative Dispute Resolution (ADR) meeting that was held on December 22, 2017. The driller and his company will each pay a penalty of \$3,000 in monthly installment payments to the Department. The ADR involves settlement of the penalty portion of the enforcement action against the well driller and his company for improperly grouting 2 closed loop geothermal wells located at a property in Mercer County. The result of the ADR meeting was a reduction in penalty owed by the driller and his company from \$9,000 to \$3000.

D) Enforcement Coordination Meetings- DEP's Northern Compliance and Enforcement is pursuing a case involving a repeated violator of unlicensed and improper hydrofracking practices. The individual has agreed to settle the issue with the Department now. This case has the potential to progress to licensing sanctions under the new regulations for a chronic violator of the well rule.

14. Program Updates-

Geothermal Wellfield Recommissioning Pilot Plan Status-

T. Pilawski said the Department continues to work on the review of a pilot plan for the recommissioning of a geothermal wellfield. To recommission the wellfield, the geothermal loops that were previously installed in violation of the well rule (N.J.A.C. 7:9D) must be removed and reinstalled in accordance with the rule. If this cannot be accomplished, the Department will enforce the Administrative Consent Order (ACO).

Well Permitting Outreach Initiative-

Michael Schumacher traveled to Assunpink Cabin on February 21, to conduct cross – training with the Department Coastal land use folks as part of their Quarterly staff meeting. The training was well received as part of well permitting educational outreach initiative. Mr. Schumacher had already performed training sessions for the three (3) Water Compliance and Enforcement Regions within DEP.

15. Adjournment-

At 2:52 pm a motion to adjourn the meeting was made by G. Craig, seconded by G. Poppe and approved unanimously.



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PHILIP D. MURPHY
Governor

CATHERINE R. McCABE
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

DIVISION OF WATER SUPPLY AND GEOSCIENCE
NEW JERSEY GEOLOGICAL AND WATER SURVEY ELEMENT
BUREAU OF WATER ALLOCATION AND WELL PERMITTING
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www.nj.gov/dep/watersupply

New Jersey Department of Environmental Protection State Well Drillers and Pump Installers Examining and Advisory Board Conference Call Minutes for April 19, 2018

Approved by the Board on May 24, 2018

Board Members Present at NJDEP Headquarters Building: Jeff Hoffman

Board Members Participating Via Telephone: Gary Poppe (Vice Chairman), Carol Graff, Joe Yost, Richard Dalton, Steve Domber and Joe Pepe

Board Members Absent: Art Becker (Chairman), Gordon Craig

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

NJDEP Water Supply (Bureau of Water Allocation and Well Permitting) Staff Present: Terry Pilawski, Mark Ortega, and Steve Reya

1. Call to Order –

The meeting was called to order at 10:06 am with a quorum present via telephone.

2. Update on Development of NJ Regulatory Exams–

S. Reya stated that the exams are anticipated going live on or about May 1st at which point individuals will be able to schedule exams online and take the exam(s) a day or two later. The Department continues to work with the National Ground Water Association (NGWA) in resolving a few remaining contractual and purchasing items. In anticipation of the exams being able to be scheduled in the coming weeks, the Department needs to have finalized exam applications available shortly for completion by eligible applicants. Those who sit for exams will receive their scores and exam results the day the exam is taken, which means individuals could be applying for licensure as soon as the Board's May meeting.

At the Board's last meeting draft exam applications and recommended study material sheets were reviewed. Bureau staff requested feedback from Board members on any suggested revisions from Board members at the meeting. Following his review of the document, J. Yost noted during the conference call that the wording on the draft application that asks whether the applicant possesses a high school diploma or GED is misleading. Because the newly revised rule no longer specifies that this is an educational requirement that must be met for licensure, he felt that the existing wording makes it appear as though it is a requirement, not simply a place for schooling to be listed. The following section is for the applicant to list secondary schools, colleges or universities attended. It was suggested that the high school diploma/GED question be eliminated and that high school or equivalency schooling could be added to this section as a list of possible schools that could be listed by applicants, none of which are a well driller or pump installer requirement. All Board members agreed, therefore, Bureau staff will revise this section to make it clear a diploma/GED is not required.

3. Two (2) Year Certification Exam Timeframe Requirement (per N.J.A.C. 7:9D-1.8(a)3)-

The potential issue of the two (2) year window in which exam certifications shall have been passed to count toward NJ licensure, as discussed at the Board's March 8, 2018 meeting and February 15th conference call, was noted as a remaining outstanding issue that must be resolved before the exam applications may be finalized and posted to the website. S. Reya has been in contact with R. Guzek who will be further discussing the issue with his colleagues and providing recommendations as to the interpretation of this provision. As discussed previously, there is the potential for license applicants to have to re-take certification exams that they took when applying for another state license or for a "lower" category of license when seeking a new license. R. Guzek and his office will provide input within the next day or two, at which point the exam application can be posted if the notation is to remain as currently drafted. Further consultation with the Board may be necessary if changes are needed.

4. Continuing Education Program Discussion-

The Board also discussed many continuing education questions, however, the full program implementation process has not been fully laid out beyond what is currently specified in the rule for license holders and course approval criteria for course providers. J. Hoffman noted that at the next Board meeting (May 24th) a Department representative for the Licensed Site Remediation Professional (LSRP) Board will be attending to provide input on how the LSRP Board handles course approvals and implementation of the required continuing education for license holders.

5. Program Updates-

S. Reya noted that he had spoken with Chairman A. Becker earlier in the week (who is currently out of town and does not have cell phone access) who wanted him to mention to the Board that the Department is sending staff to multiple New Jersey Ground Water Association (NJGWA) meetings to assist in answering questions and concerns from the industry related to the new rules, specifically the new licensing and continuing education requirements.

6. Adjournment-

A motion to adjourn the call at 10:25 am was made by J. Yost, seconded by J. Pepe and approved unanimously.



State of New Jersey

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New Jersey Department of Environmental Protection NJ State Well Drillers and Pump Installers Examining and Advisory Board Meeting Minutes for May 24, 2018

Approved by the Board on July 19, 2018

Board Member Attendance:

Present	Absent
Art Becker (Chairman) Gary Poppe (Vice-Chairman) Gordon Craig Joe Yost Richard Dalton Jeff Hoffman	Joe Pepe Carol Graff Steve Domber

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 (present for most of the meeting), Julia Altieri, Steve Reya, Mike Schumacher, Mark Ortega, Jeremy Wick and Melia Stoop

Other DEP Staff: Dana Haymes, Site Remediation and Waste Management Program (present for part of meeting), Bart Cerami, New Jersey Geologic & Water Survey, Bryan Barrett, Water Compliance & Enforcement – Central Region

Members of the Public Present: Pat Bono (NJDEP Bureau of Water Allocation & Well Permitting – Retired), Denis Crayon, New Jersey Ground Water Association (NJGWA) President/Summit Drilling Co.

1. Call to Order-

The meeting was called to order by Chairman Art Becker at 9:39 am with a quorum present.

2. Review and Certification of the Minutes for the March 8, 2018 Meeting-

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

3. Review and Certification of the Minutes for the April 19th Conference Call-

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

4. Board Business and Correspondence-

Remaining meetings and conference calls for 2018:

The Board will physically meet at NJDEP Headquarters (401 E. State St. in Trenton) on the following dates beginning at 9:30 am:

July 19th, September 20th, November 29th

Board telephone conference calls will be held during the intervening months to establish a continuing education program in addition to approving qualified candidates for NJ driller or pump installer licenses. The calls will be held at 10:00 am on the following schedule:

June 21st, August 16th, October 18th, December 20th

5. Ethics Training for Board Members-

S. Reya informed the Board members that there is there a State requirement that those serving on State Boards must complete ethics training every three (3) years and a condensed (less than 10 minute) online briefing on the intervening years. S. Reya will look into the status of each Board member and will provide further instruction as to what online version each member will need to take and send out the links to the necessary online training prior to the Board's next regularly scheduled meeting.

6. New Examination/Licensing Process Development Update-

M. Ortega gave an update on the current exams and the agreement with the National Ground Water Association (NGWA). He stated that due to a clerical error, NGWA needed to complete updated paperwork to become a vendor for the New Jersey Department of Environmental Protection. As of May 23, 2018, the Bureau of Water Allocation and Well Permitting had received confirmation that NGWA is nearly done with all the new forms. As soon as the new forms are completed, they will be paid for their services. M. Ortega also stated that despite the error with the paperwork, NGWA still moved forward and posted the New Jersey Regulatory modules on the PSI (NGWA's testing administrator subcontractor) website.

7. Website Update: License Applications, Testing Instructions, and Recommended Study Materials-

S. Reya informed the Board that the Well Permitting Section's Licensing and Exams webpage had been updated to reflect the recent changes made to the licensing program. He stated that there are currently instructions that detail how to schedule exams, instructions for applying for a license, new applications to apply for a license and new study materials posted. S. Reya also

explained that while there is a section on the page for continuing education, that there will be limited information posted for the time being.

8. Discussion of 2-Year Exam Certification Time Limitation Specified for Exam Applicants in New Rule-

S. Reya recapped what was discussed in previous meetings regarding the two (2) year requirement in which licensing exam modules shall have been taken to be eligible to count towards licensure. R. Guzek suggested that the Department move swiftly to get the language in the current well rule changed if the Board and Department determine that changes to the rule are necessary. It was suggested that if the rule is changed within the next two years, it would have minimal impact to the regulated community. A. Becker asked Well Permitting staff to come up with a few potential solutions for the next in-person Board meeting. T. Pilawski proposed talking to the other Department staff to see how long of a process it is to complete a minor rule change that targets a few small problematic sections.

Additionally, R. Guzek provided some language and possible solutions for candidates who are currently applying for a journeyman well driller licensee, to whom this issue will apply, which will be further discussed at the next meeting as a means of preventing individuals from having to retake all of the certification exams taken to obtain the journeyman license when upgrading to a master license. Well Permitting staff will draft a letter based on this language to present to the Board for the next in-person meeting.

9. Licensed Site Remediation Professional (LSRP) Continuing Education Program Procedures and Requirements (J. Hoffman & Dana Haymes, Regulatory Officer for the LSRP Licensing Board)-

J. Hoffman introduced Dana Haymes to the Board and she proceeded to explain how the LSRP Board handles continuing education point (CEP) tracking. In her presentation, the Board learned that 36 CEPs are needed for LSRPs to renew their license. Credits obtained by LSRPs must be in one of three categories: technical, regulator, and ethics. Maximum point totals were instituted for each category: technical is 14 points, regulatory is 10 points, and ethics is 3 points. A total of 18 of the 36 CEPs obtained can be taken online in their program. Online courses need to have a verification system, such as a quiz or periodic questions, to ensure that the attendee is present for the entire course. Dana Haymes discussed how once a course is approved, an approval number is assigned to the course and listed on the LSRP Board website. She said that due to the volume of course approval requests, a subcommittee was created to review all applications and provide recommendations to the Board. The vast majority of requests are apparently submitted by licensees; most come in from the course providers. She added that a category of credits are required to be obtained in “ethics” which generally is that category not met by license holders due to the limited offerings of approved courses. Those who do not obtain the required CEPS may potentially lose their licenses once a hearing is held (as is required by the Administrative Procedures Act).

Dana Haymes was thanked for her presentation by attendees and departed the room at 10:52 am.

The discussion moved on to the continuing education program for well drillers and pump installers, specifically how things are going to work with timing. M. Ortega informed the Board that the Department cannot enter a new agreement with the National Ground Water Association until the 2019 fiscal year had begun in July. M. Schumacher asked the Board to start considering

CEPs and their allocation and break down. Based on M. Schumacher's suggestion, A. Becker asked the Board members to have suggestions together for the July meeting.

S. Reya asked the Board if there was any interest in having applications for course providers to submit their information to the Department. A. Becker asked if the applications could be submitted online. Well Permitting staff to investigate.

10. Well Permitting Program Updates-

T. Pilawski gave a program update. In her update she stated that Bennett Moss, one of the Well Permitting hourly employees, was hired by the Division of Water Quality and will be starting there soon. She also informed the Board that Jan Gheen, a section chief in Water Allocation, was retiring at the end of June.

A. Becker inquired if Well Permitting is still accepting paper documents. M. Schumacher explained that the new well rule requires all documentation to be submitted electronically, including well decommissioning reports, which did not require electronic submittals under the old well rule. He went on to explain that there is a hardship clause built into the rules just in case a document cannot be submitted to the Department electronically. This clause will allow for a paper submittal of any document.

11. Discussion of Potential License Sanctions for a NJ Licensed Pump Installer-

T. Pilawski asked the Board if they wished to have NJDEP Water Compliance and Enforcement present a case for license sanctions for a New Jersey licensed pump installer. T. Pilawski gave the Board an update regarding this individual. After hearing discussions about how a licensed pump installer, on two (2) occasions was caught illegally hydrofracturing wells without a licensed well driller onsite and performing the work too close to the regulatory minimum setback from the nearest well, Board members expressed interest in having the case presented to the Board for potential license sanctions. **A motion was made by G. Craig to hear the investigation results from DEP Enforcement on the charges made against the individual for the two (2) instances of hydrofracking of wells in violation of N.J.A.C. 7:9D. J. Hoffman seconded the motion and the Board unanimously approved the motion.**

12. Enforcement Activities and Field Work-

Water Allocation & Well Permitting Enforcement and Field Work Activities – A summary of Well Permitting Program's enforcement and field activities over the past ten (10) weeks was presented by Julia Altieri and Bryan Barrett.

A. Field Inspections – Well Permitting Section staff performed eight field inspections during the past ten weeks. Bureau staff inspected three sites to verify that there were properly permitted and licensed individuals on site; one was a public supply well. None of the field inspections found violations of the well construction regulations. Staff also witnessed a sonic well drilling operation and horizontal directional construction activities.

B. On-going issues of well drilling violations – The Bureau successfully resolved another issue of non-compliance by witnessing the proper permitting and reinstallation of two illegally constructed monitoring wells at Newark Liberty International Airport as part of a notice of non-compliance follow-up. The monitoring wells were constructed without permits. The well drilling company resolved the issue of non-compliance by properly

removing the existing illegal well and reconstructing new, properly constructed wells installed under valid well permits under staff supervision. Further enforcement action is pending against the licensed well driller who illegally constructed the first two monitor wells.

- C. Hydrofracturing Deviation Issue** – Bureau staff discussed an issue in which a new 500 ft. deep domestic well was constructed on small lot in Hopatcong Borough and reportedly produced little or no water. To increase the yield of the well, the homeowner and well driller requested approval to conduct hydraulic fracturing on the well with a neighboring well within 100 feet. The current well drilling regulations (N.J.A.C. 7:9D) require a setback distance of at least 150 feet from existing wells; therefore, the Bureau denied the request. The property owner was dissatisfied with the decision as there are no feasible alternatives due to insufficient space for new well and a water main is too far away. The Board agreed with the decision to deny the deviation request.
- D. Enforcement Coordination** –The Bureau continues to coordinate with the 3 Regions of Water Compliance and Enforcement to send settlement offer letters to various drillers who have violated the well regulations. Three cases were referred to Central Water Compliance over the past 10 weeks and should be settled soon.

13. Review and Certification of License Applicants-

S. Reya asked the Board if they preferred to review applications in full for individuals applying for a license or if they would rather be presented with a summary applicant roster list after Well Permitting staff reviews each application. The Board members said that they prefer a summary sheet.

Master: No applicants

Journeyman: A motion to approve one license applicant was made by G. Poppe, seconded by J. Yost and approved unanimously. It was noted that this was the first license applicant to utilize the new testing process for which the Board recommended

Journeyman (Class B): No applicants

ERG – No applicants

Dewatering – No applicants

Elevator – No applicants

VCL – No applicants

Pump Installer – No applicants

14. Horizontal Directional (HDD) Drilling-

At previous Board meetings a document summarizing HDD drilling projects and the associated environmental concerns was discussed by R. Dalton. Following his most recent discussion of the document at the March 8th meeting, members agreed to thoroughly read through the paper and get any remaining comments and/or suggested revisions to R. Dalton who said he did receive multiple comments from A. Becker, which have since been incorporated. J. Hoffman stated that both he and R. Dalton believe that HDD can be regulated under the current rule. As such, he believes that current and future HDD projects within the state need to be overseen by appropriately license NJ licensed well drillers. In accordance with the recommendations set forth in the paper, only those projects over 25 ft. in depth from land surface would be regulated. Those shallower than 25 ft. would be unregulated. This depth, as previously noted, is the depth at which borings must be grouted per the well rules the borehole exceeds this depth.

15. GeoPro CG Plus Geothermal Grout Update-

GeoPro representatives have been notified of the requirement to have their CG Plus Geothermal Grout product mixed and pumped on a drilling site once again to obtain samples collected for permeability testing. This is due to the problems identified with the samples that were obtained at the initial demonstration performed in the presence of Board and Bureau representatives. S. Reya will notify the Board of any updates regarding scheduling this event in case any members wish to be present.

16. NJDEP Outreach-

S. Reya discussed outreach that Well Permitting staff have done to communicate the rule changes that went into effect on March 1st, 2018. Staff attended the New Jersey Ground Water Association (NJGWA) quarterly meeting on May 22, 2018 and the Private Well Consortium on May 30th, 2018. At the NGWA meeting, M. Schumacher provided a detailed presentation detailing the key updates to the well rule. D. Crayon thanked Well Permitting staff for attending the New Jersey Ground Water Association meeting and giving a presentation to their members. He also noted that the meeting was well attend.



State of New Jersey

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New Jersey Department of Environmental Protection State Well Drillers and Pump Installers Examining and Advisory Board Conference Call Minutes for June 21, 2018

Approved by the Board on July 19, 2018

Board Members Present at NJDEP Headquarters Building: Jeff Hoffman

Board Members Participating Via Telephone: Art Becker (Chairman), Gordon Craig, Carol Graff and Richard Dalton

Board Members Absent: Gary Poppe (Vice Chairman), Joe Yost Steve Domber and Joe Pepe

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

NJDEP Water Supply (Bureau of Water Allocation and Well Permitting) Staff Present: Terry Pilawski, Mark Ortega and Steve Reya

1. Call to Order –

The conference call began at 10:16 am, however, a Board quorum was not obtained. No motions could be made during the call, but it was noted that this would not be a problem as the Department had not received any well driller or pump installer license applications or applications for continuing education course approval on which the Board needed to officially act.

2. Mandatory Ethics Training–

Following the May Board meeting S. Reya contacted the Department’s ethics Liaison Officer to obtain clarification on the ethics training and briefing requirements to ensure that Board members were in compliance. The representative from the Commissioner’s office volunteered to attend the July 19th Board meeting and present the required briefing. All who are in attendance will be documented as having completed the required briefing for those serving as NJ state Board members. Only those who are unable to attend the meeting will be emailed the link to complete the training online from their personal computer. Members on the call felt that the in-person training would be preferred, as in past years there were problems obtaining the completion certificate at the completion of the course for several members who took the training.

3. Two (2) Year Certification Exam Timeframe Requirement (per N.J.A.C. 7:9D-1.8(a)3)-

At the Board’s May 24th meeting, the Board requested that Bureau staff look into options to resolving the potential issue of the two (2) year window in which exam certifications shall have been passed to count toward NJ licensure, including drafting language for a potential rule change related to this section. Staff sought clarification from Board members as to options identified thus far so they can draft something prior to the July meeting. Specifically, staff identified possible options to resolve the issue as follows:

- Alter the punctuation such that the phrase “including New Jersey modules, which shall have been taken within two years prior to submitting an application:” applies only to the New Jersey modules, not the drilling/pump installation technical exam modules. This option would mean that only one exam for each license type would fall into the two-year window, not the full listing of required certifications, which can total up to eight (8) exams in the case of a Master license.
- Change “two years” to “_____years” (3, 4, 5?) Note: this may necessitate further changes to N.J.A.C. 7:9D-1.9 to prevent individuals from intentionally subverting continuing education requirements and utilizing previously passed certification exams to immediately apply for and receive a “new” license. Similarly, through a limited rule change to the licensing and continuing education requirements the Board could implement a required “wait period” for those who do not meet their continuing education credits before such individuals are eligible to reapply for the same license.
- The timeframe for certifications could be eliminated entirely. This poses the same potential continuing education compliance issues as identified in bullet #2 above.

Bureau staff will prepare draft rule language covering the above scenarios for review by the Board at the July 19, 2018 meeting.

4. Continuing Education Application Form for Course Providers/Licensees-

At the Board meeting, during which Dana Haymes discussed the Licensed Site Remediation Professional (LSRP) Board’s handling of continuing education course approvals for the course providers, she mentioned how their Board has an application that is submitted online. Staff has since reviewed their application and drafted a similar version for review by the Board. The draft application, which incorporates the requirements prescribed at N.J.A.C. 7:9D-1.9(g), was developed by M. Ortega and sent to the Board prior to the call. During the call members noted that they would look over it prior to the July meeting and determine if changes are needed. By having an application that includes the required nine (9) or so items from the rule, it should make the Board’s review of course provider requests much easier due to having information submitted in a consistent format by all requestors. It should also make it easier for the course providers, as

the Department can refer them to a form rather than several provisions in the rule as inquiries for approval are received. One item noted by A. Becker was the phrase near the bottom of page 1 (under #2), which states that the Department will not approve Continuing Education Points (CEPS) for courses where the course provider does not provide a certification that all information required to be submitted to the examination and CEP manager that administers the continuing education program including, but not limited to, documentation related to the course and certification of attendance, will be submitted in the required format no later than the end of the continuing education period. He felt that the “no later than the end of the continuing education” phrase was far too lenient because a course provider should not be allowed the full three years to submit documentation if the course is given near the beginning of the cycle. Though this phrase was pulled directly from the rule, the issue will be further discussed in July to determine if this phrase also should be altered should a rule change be pursued for other issues previously identified.

Another topic that was discussed regarding approval of courses, seminars and workshops resulted in finding an incorrect cross reference in the rule. It was noted that N.J.A.C. 7:9D-1.9(g)1 refers to “(g)3 below” though this should actually refer to “(g)4”.

5. Adjournment-

The call (which never had a Board quorum) ended at 10:36 am.



State of New Jersey

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*NJ STATE WELL DRILLERS AND PUMP INSTALLERS
EXAMINING AND ADVISORY BOARD*

New Jersey Department of Environmental Protection NJ State Well Drillers and Pump Installers Examining and Advisory Board Meeting Minutes for July 19, 2018

Approved by the Board on September 13, 2018

Board Member Attendance:

Present		Absent
Art Becker (Chairman)	Carol Graff	N/A
Gary Poppe (Vice-Chairman)	Jeff Hoffman	
Gordon Craig	Richard Dalton	
Joe Pepe	Steve Domber	
Joe Yost		

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

NJDEP Bureau of Water Allocation & Well Permitting Staff Present: Terry Pilawski, Julia Altieri, Steve Reya, Michael Schumacher, Mark Ortega, Melia Stoop, and Mark Miller

Other DEP Staff: Nicholas Horiates, Deputy Ethics Liaison Officer (present for part of meeting), Bart Cerami, New Jersey Geologic & Water Survey

Other NJ Division of Law Staff: Kevin Fleming, Deputy Attorney General (DAG)

Members of the Public Present: Denis Crayon, New Jersey Ground Water Association (NJGWA) President/Summit Drilling Co.

1. Call to Order-

The meeting was called to order by Chairman Art Becker at 9:35 am with a quorum present.

2. Review and Certification of May 24, 2018 Draft Meeting Minutes and June 21, 2018 Draft Conference Call Minutes-

For the May 24th meeting minutes, it was noted that in the Other DEP Staff Section that "...Water Complaine..." should be corrected to state "...Water Compliance...". It was also noted in Item 9 that the sentence that states, "Those who do not obtain the required CEPS may potentially lose their licenses pulled once a hearing is held..." should have the word "pulled" removed. A motion to approve the meeting minutes pending these corrections, as well as approve the conference call minutes without change, was made by G. Craig, seconded by J. Hoffman and approved unanimously.

3. Board Business and Correspondence-

Due to availability issues, the Board proposed to reschedule the September Board meeting, which was to be held on September 20, 2018. Board members requested that the meeting be rescheduled to Thursday, September 13, 2018. R. Guzek volunteered to research the minimum amount of time needed from the time public notice is given of an open public meeting before the meeting may occur. If his findings are that the Board has sufficient time to do so the meeting date will change to September 13, 2018. The Department will make the appropriate notifications via the website and newspaper and will email all Board members.

The Board will physically meet at NJDEP Headquarters (401 E. State St. in Trenton) on the following dates beginning at 9:30 am:

September 13, November 29

Board telephone conference calls will be held during the intervening months to establish a continuing education program in addition to approving qualified candidates for NJ driller or pump installer licenses. The calls will be held at 10:00 am on the following schedule:

October 18, December 20

4. New Examination/Licensing Process Development-

M. Ortega discussed the recent updates with the National Ground Water Association (NGWA) testing and licensing program. NGWA, after requesting a status update, was informed that there were still two (2) documents that needed to be filled out to complete the documentation required to obtain payment for the services they are to provide. Once those final documents are submitted a purchase order can be processed for the testing setup and administration.

Ms. Kathy Butcher, from NGWA, informed the Department that NGWA staff is busy in November and December due to Groundwater Week. M. Ortega suggested to the Board to try and have the bulk of the continuing education decisions made on or by the next in-person Board meeting. If this happens then the Department could begin working on a contract with NGWA that includes tracking of continuing education units. Specific input will have to be provided by the Board regarding the process of reporting, documenting, availability of licensees to track accumulated points and any specific category requirements (technical, safety, regulatory, business, etc.). The sooner this input is provided, the sooner the Department can work on working with NGWA on the next phase of implementing this program.

5. Continuing Education Course Approval Application Follow Up-

S. Reya discussed the course provider application with the Board. The application follows the format laid out by the Licensed Site Remediation Professional (LSRP) Board application but contains the

required items from the well rule in the checklist fields. A. Becker had previously pointed out how there was an issue with the timeframe that was provided to the course providers on the application as it allows the provider until the end of the continuing education cycle to report the course attendance. This language was essentially pulled from the rule, however, so the application is consistent with how the rule is currently constituted. A. Becker asked the Department to investigate tightening this language up if changes are made to the rule.

6. Ethics Compliance Training for Board Members-

Nicholas Horiates, Deputy Ethics Liaison Officer from the Office of the Commissioner, introduced himself to the Board members and all Board members and staff introduced themselves to Mr. Horiates. Nicholas proceeded to introduce the ethics training requirements to the Board, who are deemed Special State Officers who must take mandatory training on a regular basis. N. Horiates stated that the full training module, which is required every three (3) years, will need to be completed by all Board members in 2019. On the intervening years when a full ethics training module need not be completed, a brief ethics video module must be completed by all members. He also informed everyone that any time a new Board member starts, they will need to receive the full training, regardless of when they start in the cycle.

Before playing the annual ethics briefing video, Board members sought clarification on times in which they would need to recuse themselves from discussions and/or motions as Board members. After the discussion, N. Horiates played the short ethics module for the Board members. He noted that this in-person ethics briefing that will satisfy the annual ethics briefing for all Board members present. Those in attendance (all members) will not have to take the online version on their home computer. After the video module ended, the Board members thanked N. Horiates and he departed at 10:35 am.

7. Discussion of Potential License Sanctions for a NJ Licensed Pump Installer-

K. Fleming was introduced to the Board. It was explained that K. Fleming was the DAG for Compliance and Enforcement. A. Becker inquired if it was still possible to take action against the licensed individual based on existing language in the Settlement Offer Letter (SOL). K. Fleming stated that the second SOL, which was sent to the licensed individual, clearly reserved the right for additional actions beyond the imposition of the penalty assessment (fine). T. Pilawski briefed the Board members, for those who weren't familiar with the situation, about the two (2) separate instances involving violations committed by the licensed individual. In both 2011 and 2017, this individual performed work that that wasn't permitted with his license and conducted the work within violation of the minimum setback distances allowed in the well rule. The infractions in 2011 and 2017 were the same, and the licensed individual received fines for each occurrence. T. Pilawski explained that in order to move forward, the timing of events is crucial.

J. Hoffman asked K. Fleming what set of rules govern hearings and if a stenographer would be required for the session. K. Fleming explained that hearings are covered under the Administrative Procedure Act and that a stenographer would be needed for the hearing. It was further explained that an appeal could occur if the Commissioner decides to suspend the license.

R. Guzek explained that Compliance and Enforcement would need to present the information to the Board by August 13, 2018. After sending the information to the Board, a presentation could then be made at the September 13, 2018 Board meeting. Board members agreed that an individual in violation of the same regulatory requirements multiple times should be further looked into to determine if license sanctions are warranted. **G. Poppe made a motion to hear Compliance and**

Enforcement's case against the licensed individual. The motion was seconded by J. Yost and approved unanimously.

8. Enforcement Activities and Field Work-

Closed Loop Geothermal Wells-

T. Pilawski stated that the Department's ongoing enforcement matter regarding a closed loop geothermal wellfield that was installed in violation of the well rule is still ongoing. A recommissioning or decommissioning pilot plan, which is acceptable to the Department, was not submitted by the May 31, 2018 deadline. Therefore, the responsible party is out of compliance with the May 19, 2017 ACO by failing to submit a timely approvable Pilot Plan. She added that because of this, stipulated penalties had begun accruing on June 1, 2018. Board members questioned the next steps to correcting the well construction in a timely manner as they felt that having the wells remain onsite in their current state for as long as they have without the contractor addressing them poses a risk to the regional aquifers.

Julia Altieri presented a summary of the Bureau's recent enforcement, field work and training/outreach initiatives that included the following:

Field Inspections – May 24, 2018 thru July 19, 2018- Seven (7) total

- Improper construction- closed loop geothermal- enforcement follow up
- Abandoned wells-successful location with Water Allocation Program staff
- New domestic construction observation-enforcement follow up
- New domestic construction-witnessing special permit condition-driller compliance check
- New monitor well construction compliance verification- not drilled prior to permit date.

New Investigation-Homeowner complaint filed May 29, 2018.

- Issue: Non-functioning-new 375', 4" PVC domestic replacement well construction in Lumberton Township, Burlington County.
- Alleged Violations: unlicensed well construction and pump installation work, improper grouting of borehole, improper well screen size and failure to cover a well discharge line minimum of 3 feet.
- Enforcement Action: Site visit to confirm improper well construction, letters sent to order well to be decommissioned under staff supervision, notices of non-compliance issued to unlicensed individual, licensed well driller of record and company for aiding and abetting. Staff to witness decommissioning of well, penalties pending.

New Enforcement initiatives

- Pending electronic well permits-technically deficient well permit applications sent back to companies from 2009-2017 that were never re-submitted for approval. Estimated 100-200 pending, mostly monitor wells. Potential further enforcement action.
- Well Permitting adding "Conditions to notify" notifications to new well drilling permits.

Well Permitting Outreach

Bureau staff (Michael Schumacher) conducted cross training at the Coastal Land Use Enforcement (CLUE) Bureau Meeting on June 13, 2018 as well as the New Jersey Geological & Water Survey office on June 14, 2018.

9. Two (2) Year Certification Window for Exam Certification-

As has been discussed during previous meetings, the current rule limits the time in which certification exam modules can be used for NJ licensure to two (2) years. This has been identified as problematic for both those who intend to utilize the new testing and license cross-state reciprocity tests as well as those seeking to upgrade their NJ license. The rule, as written, will require individuals to re-take any certification exam module that was passed more than two (2) years prior to the application signature date. During the June 21, 2018 Board Conference call options regarding how to potentially resolve the issue via a rule change to N.J.A.C. 7:9D-1.8(a)3. Board members were again asked to consider several potential alternatives.

One option presented was to remove the comma after the “New Jersey modules” reference and revise the wording in this provision that states “including New Jersey modules, which shall have been taken within two years prior to submitting an application” to specify that the two-year requirement only applies to the NJ modules, not all certification exams (such as drilling and pump installation technical exam modules).

A motion that the Department proceed with a rule revision to N.J.A.C. 7:9D-1.8(a)3 to stipulate that the two-year window applies only to NJ-regulatory exam modules, as further detailed above was made by G. Craig, seconded by C. Graff and approved unanimously.

Another avenue to assist in resolving this issue has also been discussed at several meetings. DAG, R. Guzek noted that based on the wording in the rule those who wish to upgrade from a Journeyman to Master license and want to build upon their recently passed modules to upgrade their license could apply for a license during the two-year window from the time the exams were passed. Rather than starting from scratch re-taking all required exams they would only have to take the additional required certifications. Such individuals would not be able to be approved for a Master license until they had reached the minimum time of having a Journeyman license for two years, but it would allow them to not have to repeat exams that “expire” as they are gaining the requisite experience required by the rule.

After discussion of this matter at previous Board meetings, R. Guzek drafted language that could be included in a letter sent to newly licensed Journeyman advising them of this process. **Following review of R. Guzek’s language, G. Poppe motioned that the Board approve the draft language for inclusion in letters to be sent to licensees. The motion was seconded by G. Craig and approved unanimously.** After additional discussion, the Board recommended that the Department hold off on sending letters until the potential rule change timeframe can be better estimated. If the rule likely cannot be revised in a timely fashion (before this issue negatively impacts licensees) the Department can run a report of Journeyman licensees who obtained their license through the new process and send letters to all affected individuals at one time.

10. Continuing Education Classes-

Due to the number of decisions that will need to be made soon to fully implement the continuing education program in coordination between the Board, the Department and a third party continuing education manager, a subcommittee will be formed. Carol Graff, Joe Pepe, Joe Yost, and Art Becker all volunteered to meet as a subcommittee and prepare recommendations. The subcommittee will update the Board on their progress at the next regularly scheduled Board meeting. Some preliminary discussion of how the licensees would take approved classes, attendance would be recorded and reported, how licensees could view a running tally of their accumulated points within a continuing education cycle. J. Pepe stressed that it is crucial that the Department focus on significant outreach within the continuing education cycle to let licensees know how they are progressing with meeting

their continuing education cycle. He and other members noted that this is especially important during the first renewal cycle because this will be the first renewal in which this requirement will be imposed.

11. Continuing Education Requirements at N.J.A.C. 7:9D-1.9(e)-

Board members were asked to look at the wording of this section as it relates to those who fail to comply with the continuing education deadline. S. Reya noted that he believes the rule appears to be silent with regard to how someone can go about reapplying for a license on July 1 if he/she does not obtain the required credits by April 1. The rule specifically states how someone goes about reapplying for the license if the licensee fails to renew within six months following the expiration date of the license (N.J.A.C 7:9D-1.9(d)). He questioned how someone would reinstate the expired license on July 1 since the continuing education deadline would have already passed (thus could not be met) but the rule only gives them an option for how to apply for a new license once six more months pass. This would effectively leave the person without a license for more than six months (factoring in application filing and Board review of the submitted application) when the person may have only missed the point total by one or two.

Regardless of how strict the Board wished the consequence for failure to meet the point total was intended to be, S. Reya believed the rule should state how someone can reinstate or reapply within six months of license expiration as it is not reasonable to point to a provision to state that there are directions on what to do that includes a mandatory wait of six additional months so that the provision applies. Members felt that the wording was acceptable as constituted in the current rule and again stressed the need for public outreach and a tracking tool, so license holders can keep up with the running tally of their points accumulated. They felt that by having these measures in place a responsible license holder who relies upon the license for their livelihood would have to heed the regulatory deadlines in effect. Loss of the license would, therefore, be attributed to that individual's failure to comply with licensing requirements and repeated written notices from the Department and/or the continuing education program manager.

12. Adjournment: At 12:55 pm a motion to adjourn the meeting was made by G. Poppe, seconded by J. Hoffman and approved unanimously.



State of New Jersey

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*NJ STATE WELL DRILLERS AND PUMP INSTALLERS
EXAMINING AND ADVISORY BOARD*

New Jersey Department of Environmental Protection State Well Drillers and Pump Installers Examining and Advisory Board Conference Call Minutes for August 16, 2018

Approved by the Board on September 13, 2018

Board Members Present at NJDEP Headquarters Building: Richard Dalton

Board Members Participating Via Telephone: Art Becker (Chairman), Gary Poppe (Vice Chairman), Joe Yost, Gordon Craig, Carol Graff, and Steve Domber

Board Members Absent: Joe Pepe and Jeff Hoffman

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

NJDEP Water Supply (Bureau of Water Allocation and Well Permitting) Staff Present: Steve Reya and Mark Ortega

1. Call to Order –

The meeting was called to order at 10:05 am with a quorum present via telephone.

2. License Application Review-

One (1) applicant applied for an Environmental Resource and Geotechnical well driller license since the last Board Meeting. This applicant was determined by the Department to be ineligible for recommendation for licensure by the Board. S. Reya explained to the Board that the applicant for an Environmental Resource & Geotechnical (ERG) license had not taken all of his required certification exam modules within the two-year window required by N.J.A.C. 7:9D-1.8(a)3, which is also specified within the license application. Upon calling the applicant, S. Reya discovered that the applicant had read the language on the application but wanted to see if his application would be accepted since he had maintained his certifications with continuing education courses through the National Ground Water Association (NGWA). S. Reya explained to the applicant that the Board and Department are investigating a potential rule change so that

technical modules would not have to fall within the two (2) year window. The applicant was told that he would retake the necessary exams (General Drilling and Augering & Monitoring) and submit a revised application. The Department will send a rejection letter to the applicant.

A. Becker brought up the proposed rule change to the Board to ensure that everyone was still in favor of moving forward to try to have the language changed for the two-year certification requirement. All Board members present on the call agreed that they are heading in the right direction with getting the rule changed.

3. Subsurface and Percolating Waters Act Language at N.J.S.A. 58:4A-6-

A. Becker began discussing the Subsurface and Percolating Waters Act provision that requires that a master well driller must be employed as a supervisor if three (3) or more well drillers are on staff at any company. A. Becker suggested that either the Department should begin to enforce this, or the law needs to be changed if the Department has no intention of enforcing this requirement. G. Craig stated that the Department does not currently enforce this law because it is no longer valid in today's industry and suggested that the law be changed. G. Craig continued by stating that nothing is gained in the environmental and geotechnical well drilling industry by having a master well driller on staff since no pump work is being performed. A. Becker asked for the opinion of G. Poppe and J. Yost, since they are more experienced with water well and public supply well drilling. J. Yost stated that he believed that a master well driller should be mandatory when drilling of a public supply well is occurring. This is a requirement of the well rule, however, so requiring that three (3) licensed well drillers of any class to be supervised by a Master driller was viewed by some Board members as having no real benefit. It was also noted that at the time the original statute was written, there were only two (2) license types, so the Journeyman was viewed as a "lower" level license. Currently, out of eight (8) license types, the Journeyman is the second "highest" so it should not be viewed as a lower level license within the industry today.

A. Becker suggested having the law changed so that it only effects companies that drill water wells. G. Craig reminded the Board that there are no questions regarding business practices on the master well driller examination. So, if the purpose of having a master well driller on staff is because they're a better businessperson, there is no mechanism available to test their business skills. A. Becker asked the Board members to come up with ideas for the next in-person meeting. C. Graff suggested that changes be made to the newly implemented licensing structure to include "master driller" for other categories of licenses. For example, have a master environmental resource and geotechnical well driller. The Board members stated that Maryland currently does this. G. Craig asked the Department to look at the content on the master and journeyman well driller exams to view the differences and report the findings back to the Board. A. Becker reiterated the fact that the Department's historic failure to enforce this statutory requirement is seen by many in the industry as selective enforcement, as violating certain requirements will result in enforcement action by the Department, while this requirement need not be complied with as the Department has never enforced it.

S. Reya stated that T. Pilawski recently discussed this issue with A. Becker and added it to the Commissioner's Office list of potential necessary legislative changes. He added that there is no timeframe in which the issue would be resolved nor guarantee that it would be further investigated.

4. Potential License Sanctions Against a NJ Licensed Pump Installer-

S. Reya informed the Board that the inspector from the Department's Northern Water Compliance and Enforcement who performed the original inspection, who was supposed to present the case to the Board members at the September meeting, will be presenting the findings at the November meeting due to a scheduling conflict. S. Reya reminded the Board members that they will receive a package of information a minimum of 30 days prior to the November meeting for them to review.

5. Continuing Education Program Development Status/Subcommittee Meeting(s)-

A. Becker stated that the continuing education subcommittee, which was formed during the last Board meeting and consists of A. Becker, J. Yost, J. Pepe, and C. Graff, was meeting on Friday, August 17, 2018 to begin discussing continuing education.

S. Reya informed to Board that the Department received an inquiry from a company that was looking to conduct a demonstration in October. The company was informed that their request was a little premature. He noted that it would be helpful if the Board subcommittee could review the draft application for continuing education course approval at their meeting the following day. He believed it would aid in allowing course providers to be able to view the checklist of required items because they will likely be submitting applications for review soon.

6. Adjournment-

At 10:31 am a motion to adjourn the meeting was made by G. Poppe, seconded by G. Craig and approved unanimously.



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New Jersey Department of Environmental Protection NJ State Well Drillers and Pump Installers Examining and Advisory Board Meeting Minutes for September 13, 2018

Approved by the Board on November 29, 2018

Board Member Attendance:

Present	Absent
Gary Poppe (Vice-Chairman) Joe Yost Gordon Craig Joe Pepe Carol Graff Richard Dalton	Art Becker (Chairman) Jeff Hoffman Steve Domber

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

NJDEP Bureau of Water Allocation & Well Permitting Staff Present: Terry Pilawski, Julia Altieri, Steve Reya, Michael Schumacher, Mark Ortega, Melia Stoop, and Kimyata Glover

Other DEP Staff: Bart Cerami, New Jersey Geologic & Water Survey

Members of the Public Present: Wesley Eichfeld, SGS North America Inc., Denis Crayon, New Jersey Ground Water Association (NJGWA) President/Summit Drilling Co.

1. Call to Order-

The meeting was called to order by Vice-Chairman Gary Poppe at 9:35 am with a quorum present.

2. Review and Certification of July 19, 2018 Draft Meeting Minutes-

It was noted that in Item # 7 there was a typo of the word “rule”. A motion to approve the meeting minutes pending this correction was made by G. Craig, seconded by J. Pepe and approved unanimously.

3. Review and Certification of August 16, 2018 Draft Conference Call Minutes-

It was noted in Item # 3 that the word “seventh” should be “second”. A formatting error was also pointed out in Item #4 (the first sentence should read “...inspector from the Department’s Northern Water and Compliance Bureau who performed...” and the first two lines should not have been separated. **A motion to approve the conference call minutes pending these corrections was made by J. Yost, seconded by R. Dalton and approved unanimously.**

4. Board Business and Correspondence-

Remaining meetings and conference calls for 2018:

The Board’s final remaining meeting for 2018 will be held at NJDEP Headquarters (401 E. State St. in Trenton) on November 29th beginning at 9:30 am.

Board telephone conference calls will be held during the intervening months to establish a continuing education program in addition to approving qualified candidates for NJ driller or pump installer licenses. The calls will be held at 10:00 am on the following days:

October 18 and December 20

5. Board Meeting Schedule for 2019-

The Board members were presented with a list of potential 2019 Board meeting dates. **After review of the proposed dates a motion was made by G. Craig to accept all the in-person meeting dates, seconded by J. Pepe and approved unanimously.** Board members selected the following dates on which to physically meet at NJDEP Headquarters in Trenton beginning at 9:30 am:

January 17, March 21, May 16, July 18, September 19, November 21

Board members were also presented with a list of potential 2019 Board conference call dates. After review of the proposed dates, the Board members accepted the dates listed below. **A motion was made by G. Craig to accept all the conference call dates, seconded by J. Yost and approved unanimously.**

Board members selected the following dates to hold telephone conference calls to begin at 10:00 am:

February 14, April 18, June 20, August 15, October 17, December 19

6. Review and Certification of License Applicants-

Environmental Resource and Geotechnical – A motion to approve three (3) license applicants was made by J. Yost, seconded by J. Pepe and approved unanimously. The following individuals were approved for licensure by the Board: Garrett Stiers, Matthew Freck and Brian McGuire.

S. Reya noted that these three (3) license applicants are the first to be accepted that went through the entire new licensing process that is administered by a third party from start to finish. Board members expressed concern with the lack of applicants applying for licenses and asked NJDEP staff to work with the National Ground Water Association (NGWA) to start obtaining pass/fail rates for the New Jersey Regulatory Exams, so they could see if there are any trends that are occurring. S. Reya explained to the Board members that there were more applicants under the old rule because applicants applied to take the exam, but applicants under the new rule are only applying once the individual has met all requirements and have taken all the necessary exams. Therefore, the Department only

receives an application for those who have passed the exams. In the prior testing structure applicants often submitted applications multiple times for review and certification, as few passed the exam on the first attempt. NJDEP staff agreed to work with NGWA to see if this information could be obtained.

G. Craig followed up by asking about the status of the courses that the NJDEP was going to offer to currently licensed Soil Borers and Journeyman (Class B) well drillers. S. Reya said that it is still the intention of the Department to offer these courses which will upgrade a Soil Borer license to an Environmental Resource and Geotechnical well driller license and a Journeyman (Class B) license to a full Journeyman license. T. Pilawski stated that after the NJDEP staff clears out some existing projects, such as getting the continuing education program setup, that the classes will be developed and scheduled. G. Craig asked if NJDEP staff could send out email notifications to all well drillers once these classes are organized, rather than sending them out to the individual well drillers who qualify for the upgrade.

7. Continuing Education Program Development-

C. Graff and J. Pepe provided a summary of what was discussed during the continuing education subcommittee meeting which occurred on August 17, 2018. Topics discussed during the meeting included the definition of a continuing education point (CEP), breakdown of CEP categories/point allocations, and course provider application. C. Graff explained that the subcommittee thought that it would be best to make one (1) CEP equal one (1) hour of training/course study and that the minimum allowable CEP would be .5.

The subcommittee, which was comprised of C. Graff, A. Becker, J. Pepe and J. Yost, had questions regarding CEP documentation and management of the CEP's. S. Reya described the tentative process to the Board members. He explained that the CEP manager would receive all of the attendance documentation from the approved course providers. The CEP manager would then provide the Bureau a list of all licensed individuals' CEPs which they accumulated during the given licensing cycle. He further stated that the Bureau's intention is to make the CEP totals available either via the Department's website report tool, Dataminer, or directly on the Division's Licensing and Exams webpage. CEPs would be searchable via license number rather than by name, for confidentiality purposes.

Board members provided recommendation that course providers, as a part of the Board approval process, should be required to document attendance but also provide a certificate of course completion the day it is given. J. Yost stated that courses he has taken in the past for other licenses have had this process. He believed it is essential that the licensees are given such documentation as mistakes and omissions may be made. If there is a discrepancy with a license holders CEP point total he or she would have a certificate to prove the course was attended and be sure that credit is awarded for all courses taken.

The discussion moved on to the length of time that a course provider has under the current rule to submit their course completion documentation to the CEP manager. The rule as written states that the course provider will submit documentation related to the course and certification of attendance no later than the end of the continuing education period (*N.J.A.C. 7:9D-1.9 (g) 3*). The subcommittee recommended that the course completion document be submitted to the CEP manager no later than 45 days from the date that the course was administered or by the end of the continuing education cycle, whichever comes first. S. Reya suggested making the 45-day recommendation a part of the approval letter that is sent to the course provider upon approval of the course. T. Pilawski later stated that she was going to have this included in the list of potential rule revisions.

Members of the subcommittee further summarized the conversations that were held regarding CEP categories. Subcommittee members stated that they believed that there should be two categories for CEP's: technical and safety. During the subcommittee meeting, it was proposed that a licensed individual should obtain a minimum of four (4) and a maximum of eight (8) CEP's in the safety category. This would prevent a licensed individual from obtaining all of their credits in a licensing cycle by using OSHA refresher courses. The Board members and NJDEP staff discussed whether the OSHA refresher classes or the 40-hour HAZWOPER course should be permitted for CEPs or not. It was suggested that putting a limitation on points for these specific courses would encourage licensed individuals to take other more specialized safety courses, such as lockout/tagout procedures. T. Pilawski suggested splitting courses up into both categories during the review of the course. However, M. Schumacher recommended keeping the process as simple as possible for ease of tracking and reducing confusion within the regulated community. Bureau staff asked the Board for some flexibility with approving courses in the technical category. S. Reya asked if courses regarding bookkeeping, GIS, or other miscellaneous industry-related courses, which were not necessarily technical, would be counted as technical. The Board and Bureau staff discussed whether "technical" should be changed to "technical/industry", to allow for other classes within the scope of the industry to be accepted.

The subcommittee proposed that attending groundwater-related expositions/conventions/all-day meetings, such as NGWA's Groundwater Week, should count for one (1) CEP per day attended. It was also recommended that attending a quarterly New Jersey Ground Water Association (NJGWA) meeting would earn a licensed individual one (1) CEP. It was clarified to Bureau staff that these points would be awarded for attending the seminar/meeting and not taking any courses. If an approved course is also offered at the seminar/meeting, the approved point(s) would be awarded in addition what is awarded for attending the event itself.

The Board, at the subcommittee's recommendation, suggested that NJDEP staff create a standardized attendance sheet which will be submitted to the course providers once their course has been accepted. This would allow for consistency between NJDEP and the CEP manager for tracking and documentation.

The Board members made motions on the items that were discussed:

Motion: G. Craig made a motion to recommend that one (1) CEP equals one (1) hour of training and that the minimum recordable CEP allowed would be .5 CEP's. R. Dalton seconded the motion and it was approved unanimously.

Motion: G. Craig made a motion that the Board recommends that as a component of course approval, providers be strongly encouraged to submit all necessary course completion documentation to the CEP manager 45 days from the date on which the course is given so licensees are awarded credit for course completion prior to the continuing education deadline. J. Pepe seconded the motion and it was approved unanimously.

The Board and NJDEP staff discussed the structing of point totals. M. Schumacher suggested leaving both the technical and safety categories open, with no maximum totals. He recommended that rather than setting a minimum of four (4) and a maximum of eight (8) points in the safety category that the Board should consider setting only minimums for each category. There were further discussions about what to set the minimums to, but ultimately it was agreed upon that licensed individuals should have a minimum of 10 CEP's in the technical/industry category and a minimum of four (4) CEP's in the safety category.

Motion: G. Craig made a motion to recommend that a licensed individual should take a minimum of 10 technical/industry CEP's and a minimum of four (4) safety CEP's. J. Pepe seconded the motion and it was approved unanimously.

A brief discussion was held regarding the "Application for Approval of Continuing Education Points" document, which was created by M. Ortega and S. Reya. S. Reya and stated that R. Guzek had given him some recommended changes during the last meeting, which were reflected on the copy presented to the Board. R. Guzek, during the meeting, had also proposed a few other changes to the language on the draft document. The subcommittee had also recommended during their meeting to include the CEP/training hour conversion and recommendation for the course provider to submit course completion documentation to the CEP manager within 45 days on this document.

Motion: G. Craig made a motion to accept the "Application for Approval of Continuing Education Points" document after making the changes that R. Guzek had suggested. R. Dalton seconded the motion and it was approved unanimously.

8. Potential Rule/Statue Changes-

In the previous meeting, Chairman A. Becker asked the Board members to think of ways to handle the language in the Subsurface and Percolating Waters Act (N.J.S.A. 58:4A) regarding the master well driller supervisory requirement. The law states that a master well driller is required when more than three (3) other well drillers are hired within the company. T. Pilawski explained to the Board that when the Department's administration questioned if there were any statutory changes that need to be made, she identified this issue. T. Pilawski continued by stating that it is unlikely that any changes to the statute will come from her recommendation and that this is the furthest that NJDEP could pursue this. She informed the Board that either the NJGWA or the Board itself would need to lobby to have a change made.

S. Reya brought up the recently identified potential problem with the well rule regarding licensed individuals whom do not meet the continuing education requirement by the April 1st deadline. He added that T. Pilawski requested that Mark Miller of Water Allocation work with Well Permitting staff to draft language to attempt to fix the current rule language. J. Yost asked for clarification about what was discussed at the previous meeting. M. Ortega and S. Reya explained that at the last in-person meeting the Board decided that it would be impactful for a licensed individual to lose their license for six months or more if they do not meet the continuing education requirement by the deadline. M. Ortega continued to explain that as the rule is currently written, if a licensed individual fails to meet the CEP requirement by April 1st they will be unlicensed after July 1st and will be unable to renew their license until January of the following year per the existing rule language. S. Reya stated that the suggested language drafted for the Board's consideration would impose a \$500 administrative fee for someone who does not meet the continuing education requirement by the April 1st deadline should they wish to obtain the credits for the lapsed license and reinstate it. The new language would also require the individual to retake the New Jersey Regulatory exam module if it was taken more than two (2) years prior to when the license lapsed. S. Reya explained that by doing it this way there is still a severe negative impact for not meeting the CEP requirement, but there is an avenue for the individual to renew their license after July 1st without leaving the individual unable to reinstate the license for at least six (6) months. G. Craig agreed that imposing a \$500 administrative fee as a deterrent against complying with the prescribed deadline is a good compromise but disagreed with making the licensed individual retake their New Jersey Regulatory exam module. **A motion was made by G. Craig to accept the language that the NJDEP provided to fix the six (6) month period following license expiration, except for the provisions that would require a licensed**

individual to retake their New Jersey Regulatory exam module. J. Yost seconded the motion and the Board unanimously approved the motion.

9. Enforcement Activities and Field Work-

J. Altieri presented the following summary of enforcement activity since the Board's last meeting:

Field Inspections – July 19, 2018 thru September 13, 2018 - 9 total

- Investigated incident of suspected unlicensed, unpermitted well construction triggered phone complaint logged by licensed well driller from the field. No drilling activity noted at time of inspection. -Spring Lake, Monmouth County
- Witnessed successful decommissioning of improperly constructed domestic well by drilling out to original drilled depth of 375 feet (Lumberton Twp., Burlington County). Bureau coordinating with enforcement to determine if situation warrants higher level enforcement action.
- Witnessed successful decommissioning and reconstruction of unpermitted irrigation well as partial resolution of enforcement action (Brick Twp., Ocean County). Bureau coordinating with enforcement to determine if situation warrants higher level enforcement action.
- Site inspection for permitted wells that may be abandoned- Successful location of well on site (Lakewood Twp., Ocean County).

New Investigation-Homeowner complaint filed August 3, 2018

- Issue: unsatisfactory and nonfunctioning well issue- Two (2) domestic PVC wells construction in Elk Twp., Gloucester County for same property owner. First well drilled 2012, having water quality issues but usable. Second well drilled 6/27/2018 but producing sand and silt.
 - Alleged Violations: Second well started before permit approval date, improper grouting of borehole and well construction related to well not pumping water free of sand/silt.
 - Enforcement Action-Site visit to confirm improper well construction on August 3, 2018, letters sent to order well to be decommissioned under staff supervision, notices of non-compliance issued to unlicensed individual, licensed well driller of record and company for aiding and abetting. Staff to witness potential decommissioning of well, penalties pending if appropriate. Bureau coordinating with enforcement to determine if situation warrants higher level enforcement action.

New Enforcement initiatives

- Well Permitting Section has added “Conditions to notify” requirements to 18 new well drilling permits since July 2018 to September 13, 2018. Drillers have been responding favorably to the new requirement. This requires contractors to notify the Bureau in writing prior to drilling which allows for inspection and oversight of well installations.

10. Well Permitting Program Updates-

G. Poppe presented M. Stoop with a certificate of appreciation from the Board for her service to both the Board and the Department. M. Stoop will be retiring at the end of September after assisting the Board for the last six (6) years.

T. Pilawski informed the Board that Kimyata Glover, from the New Jersey Geological and Water Survey will be filling in temporarily for M. Stoop until a permanent replacement can be found and thanked her for assisting the program.

11. Adjournment-

At 12:32 pm a motion to adjourn the meeting was made by G. Craig, seconded by C. Graff and approved unanimously.



State of New Jersey

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New Jersey Department of Environmental Protection State Well Drillers and Pump Installers Examining and Advisory Board Conference Call Minutes for October 18, 2018

Approved by the Board on November 29, 2018

Board Members Present at NJDEP Headquarters Building: Steve Domber

Board Members Participating Via Telephone: Art Becker (Chairman), Gary Poppe (Vice Chairman), Joe Yost, Gordon Craig, Joe Pepe, Carol Graff, and Richard Dalton

Board Members Absent: Jeff Hoffman

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

NJDEP Water Supply (Bureau of Water Allocation and Well Permitting) Staff Present: Terry Pilawski, Steve Reya, and Mark Ortega

1. Call to Order-

The meeting was called to order at 10:03 am with a quorum present via telephone.

2. License Application Review-

Journeyman – A motion to approve one (1) license applicant, Joseph Boyle III, was made by G. Craig, seconded by G. Poppe and approved unanimously.

S. Reya noted that this applicant is the first person, under the new rule, to go through the complete new licensing process to obtain a Journeyman well driller license.

3. Continuing Education Program Discussion-

During the September 13, 2018 meeting, the Board made several motions which set criteria for the continuing education program. Bureau staff pointed out that there was no significant discussion at that time regarding online courses for CEPs. It had, however, been previously mentioned that it may be the Board's intention to limit the allowable number of credits that can

be obtained online. Staff requested a policy from the Board on the continuing education points (CEP) limit per licensing cycle should the Board wish to set one, as it will be needed when the Department works with a third-party vendor to track the credits.

G. Craig suggested that there be no limit placed on taking online courses as long as they fit in the appropriate categories that were set forth in the prior meeting and are approved by the Board. R. Dalton asked the Board members to make sure that these courses are carefully vetted to ensure that not all online webinars are approved for credit, as many would be unrelated to the drilling/pump industry. A. Becker suggested that the Board may wish to only allow a small number of allowable credits that can be obtained through online course completion. He explained that most of the online courses currently available do not have any supervision or means of monitoring the progress, attentiveness of the licensed individual or even verifying the identity of the individual sitting at the computer taking the course.

Board members and staff discussed several options for allowing online courses to count for CEPs. G. Craig noted that the Board should be flexible in allowing license holders the opportunity to complete a significant percentage of the required credits online due to limitations in course offerings/availability. Further he said online courses offer benefits to both licensees and employers in being able to take them at any time convenient for them without having to miss out on work or travel to an approved course/event and that there is no reason to believe that they would not provide meaningful education and training. A. Becker asked the Board members if they felt comfortable with the allocation of necessary points, discussed in the September meeting. The Board members agreed that it should stay as a minimum of 10 points of technical/industry and a minimum of 4 points of safety.

A. Becker clarified with the Board members and staff that a licensed individual can obtain all 21 points in one year if needed. He sought to make sure a licensed individual did not need to do seven (7) per year and would be cut off. The Board members and staff agreed that it should not matter when the points are obtained, provided it is before the deadline, as the well rule does not prescribe an annual requirement. C. Graff suggested that the Board members reach out to other states to see how they handle online courses.

Motion: G. Poppe made a motion to allow a maximum of eight (8) web-based credits to count for a licensed individual. J. Yost seconds the motion. All were in favor except for C. Graff, who was opposed.

G. Craig departed the call at 10:29 am.

S. Reya informed the Board members that the Bureau believes that the CEP category breakdown (technical/industry and safety) should be implemented in the first full licensing cycle. Given that licensed individuals will only need seven (7) CEPs for the upcoming partial cycle (April 1, 2019 to April 1, 2020), it would not make sense to use those breakdowns for the shortened cycle.

Motion: G. Poppe makes a motion to accept that the CEP category breakdown will not take place during the shortened licensing cycle. C. Graff seconded the motion and it was approved unanimously by all remaining Board members (G. Craig left the call prior to this motion).

J. Yost noted that both this requirement and the limitation of online credits will have to be actively sent out to the industry via letters, emails, websites, etc. so licensees know the requirements in advance of the license cycle to ensure that they are not taking courses that will ultimately not fulfill all prescribed requirements.

4. Adjournment-

At 10:40 am a motion to adjourn the meeting was made by J. Yost seconded by C. Graff and approved unanimously by all remaining Board members (G. Craig left the call prior to this motion).



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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 29, 2018

Approved by the Board on January 17, 2019

Board Member Attendance:

Present		Absent
Art Becker (Chairman)	Carol Graff	N/A
Gary Poppe (Vice-Chairman)	Jeff Hoffman	
Joe Yost	Steve Domber	
Gordon Craig	Richard Dalton	
Joe Pepe		

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

NJDEP Bureau of Water Allocation & Well Permitting Staff Present: Terry Pilawski, Julia Altieri, Steve Reya, Michael Schumacher, and Mark Ortega

Other DEP Staff: Bryan Barrett, Water Compliance & Enforcement – Central Region, Ed Hudzina, Water Compliance & Enforcement – Northern Region

Members of the Public Present: Denis Crayon, New Jersey Ground Water Association (NJGWA) President/Summit Drilling Co., Pat Bono, New Jersey Department of Environmental Protection (Retired)

1. Call to Order-

The meeting was called to order by Chairman A. Becker at 9:40 am with a quorum present.

2. Review and Certification of September 13, 2018 Draft Meeting Minutes-

It was noted that in Item # 7, the word “Pepe” was missing after “J.” in the first sentence. **A motion to approve the meeting minutes pending this correction was made by G. Poppe, seconded by J. Yost and approved unanimously.**

3. Review and Certification of October 18, 2018 Draft Conference Call Minutes-

It was noted in Item # 3 that there should be a change from “...this cycle...” to “...the upcoming partial cycle...”. **A motion to approve the conference call minutes pending this correction was made by C. Graff, seconded by G. Craig and approved unanimously.**

4. Board Business and Correspondence-

Remaining conference call for 2018:

The remaining Board telephone conference calls will for 2018 will be held on December 20th to further develop a continuing education program in addition to approving qualified candidates for NJ driller or pump installer licenses. A. Becker noted that he will not be available to attend the January 17, 2019 meeting and that G. Poppe will be providing coverage for him.

5. Review and Certification of License Applicants-

Environmental Resource and Geotechnical – A motion to approve one (1) license applicant was made by G. Craig, seconded by J. Yost and approved unanimously. The following individual was approved for licensure by the Board: Joseph Francis Flannery.

G. Craig asked Well Permitting staff the status of the soil borer/Journeyman Class B license upgrade course, which will be offered by the staff members to upgrade from a soil borer license to an environmental resource and geotechnical well driller. Well Permitting staff members explained that it would be a priority once the continuing education process is a little further down the line and that no courses have yet been scheduled.

A. Becker informed the Board and staff that he became aware of multiple cable tool drilling questions on the National Ground Water Association (NGWA) General Drilling exam, which is a required exam for all license types except for pump installers. A. Becker said that he reached out to Denis Crayon, who is on the NGWA Board of Directors, to attempt to find out how many of those questions were on the exam and to see if those who fail the exam are failing because of the cable tool questions. This is specifically a concern in New Jersey because the cable tool drilling method is rarely used anymore. Denis stated that it was unlikely that those questions would ever be removed from the exam because cable tool drilling is used in other parts of the county and that the exam is meant to test the person’s knowledge of all types of drilling. Pat Bono asked if there was information about cable tool drilling in the NGWA’s study guide and A. Becker answered that the study guide is very thorough.

6. Geothermal Workgroup Update-

M. Schumacher updated the Board on recent activities of the Geothermal Workgroup, which is run by the Division of Air Quality, Energy and Sustainability. The purpose of this group is to focus on making geothermal wells more prevalent in New Jersey and increase public awareness and knowledge of this technology. M. Schumacher informed the Board that this group, in conjunction with the Bureau of GIS, is in the process of testing a GIS suitability tool to determine whether a geothermal well system is feasible for a particular site. He will update the Board once the demo is available.

7. Horizontal Directional Drilling (HDD) Update-

R. Dalton informed the Board that on October 1, 2018, J. Hoffman, T. Pilawski, S. Reya, M. Ortega, and himself had met with the Division of Legal Affairs to discuss the Department's regulatory issues with HDD. R. Dalton also stated that he had participated as a presenter on a webinar on October 29, 2018 regarding some cases of HDD in New Jersey. Finally, R. Dalton made the Board aware of draft guidelines for HDD that are open for public comment on the Federal Energy Regulatory Commission's (FERC) website.

8. Report Potential Pump Installation/Maintenance by Unlicensed Individual-

J. Altieri explained that the Department recently received numerous complaints alleging that an individual was repeatedly completing unlicensed pump work. She informed the Board that a letter was sent to the company in question on November 26, 2018 and that the individual called a few days later stating that the company employs a licensed pump installer. The person in question was told to send the Department a response in writing.

A. Becker thanked Julia for her update and asked why the names and companies that are allegedly in violation of the well rule are not made public at Board meetings as it increases awareness and importance of following the rule within the industry and may encourage compliance. M. Schumacher and T. Pilawski discussed the point at which Department final agency enforcement actions become public record.

9. Recent Bureau Field Inspections & Other Enforcement Action Update-

J. Altieri provided a brief overview of Bureau field work and enforcement actions taken since the last meeting as follows:

Field Inspections – September 13, 2018 thru November 29, 2018 - 4 total

- Witnessed successful drilling new domestic well to resolve homeowner complaint of unsatisfactory water quality. Original well driller voluntarily constructed new domestic well to replace poorly functioning well and decommissioned old for the property owner. No enforcement action by Department needed. Upper Freehold Twp., Monmouth.
- Site inspection of new public supply well construction- no violations noted. Chesterfield, Burlington County
- Site inspection of new sonic well drilling construction. Unplanned, in field opportunity-no violations noted.

New Investigation-Homeowner complaint filed October 23, 2018

- Issue: improper domestic well installation of 80 ft. deep, 4-inch diameter PVC well in Estell Manor City, Atlantic County. Well originally drilled in 2015 and lost water pressure July 28,

2018 and produced sandy water that would not clear up after original well driller replaced submersible pump. Lack of grout in borehole reported by homeowner to the Bureau after he excavated down to the pitless adapter. A different well driller constructed a new domestic well for the property owner on November 1, 2018.

- Alleged Violations: improper grouting of borehole
- Enforcement Action-Site visit confirmed improper well construction on November 1, 2018. Bureau staff documented very little grout in open borehole, significant void measured to 25 feet below grade along-side of casing. Well will need to be properly abandoned under Bureau staff supervision. Bureau coordinating with Southern Region enforcement to issue appropriate enforcement action documents.

S. Reya brought the Board up to speed regarding the Department's efforts to get an irrigation well decommissioned in Brick Township that had an approved permit to be constructed in an area of contaminated ground water. The original permit was issued without the proper well construction requirements. He explained that the well has been successfully decommissioned by a licensed driller of the proper class and that the issue is resolved.

G. Craig asked if there is an update regarding the Woodbury geothermal wellfield issue. T. Pilawski explained that the Department had recently received a modified pilot plan to determine whether the geothermal wells can be recommissioned in accordance with the well rule. Should the pilot fail to do so, the wells would then have to be decommissioned in accordance with the requirements of N.J.A.C. 7:9D. The Department had recommended minor corrections and anticipates that the pilot plan will be approved once the changes are completed. It was also noted by T. Pilawski that the Department's legal counsel recently filed an Order to Show Cause to enforce the terms of the May 19, 2017 Administrative Consent Order (ACO), which requires proper decommissioning or recommissioning the 80 closed loop geothermal wells that were constructed improperly.

10. Continuing Education Program Development Update-

Well Permitting staff informed the Board that the Licensing and Exams webpage will soon be updated to reflect the recent discussions regarding continuing education. The Board members asked for clarification about the review process for course approvals. S. Reya explained that the administrative review of the materials submitted by course providers would be conducted by Well Permitting staff members and that the Board will review the technical worth of the course and assign a CEP total to the course.

11. Well Permitting Program Updates-

T. Pilawski informed the Board that that the rule change proposal was nearly ready to go out. She stated that the Department wanted to run something by the Board prior to moving it forward since all other recommended changes were brought to their attention. T. Pilawski continued to explain that that there was a recommendation to have all category 1 and category 2 wells be labeled for identification purposes. The current rule states that category 3 and category 4 wells should be labeled, however, category 4 wells are uncased wells and cannot be labeled. This change would make category 1, category 2, and category 3 wells require a label be affixed to the well with the permit number. T. Pilawski asked the Board to weigh in on this suggested change. A. Becker said that he sees the benefit for this change. The rest of the Board members agreed.

Motion – A motion to accept the Department's proposed language for the labeling changes was made by C. Graff, seconded by R. Dalton and approved unanimously.

12. Executive Session-

At the discretion of the Board's legal representative, it was recommended that the Board enter an executive session to discuss possible legal ramifications of proceeding with the review of the Department complaint for potential licensing sanctions against an individual who reportedly conducted hydraulic fracturing of two wells illegally.

Motion – A motion to enter an executive session was made by G. Poppe at 11:47 am, seconded by J. Hoffman and approved unanimously.

Motion –The Board resumed open session at 12:17 pm at which point G. Craig made the following motion:

Following the advice of legal counsel, the Board wishes to table discussion on the complainant charges regarding Kevin Blumhagen until the Board and their counsel determine that the form of complaint meets the requirements of N.J.S.A 58:4A-12, which requires that the complaint be sworn to by the complainant. The motion was seconded by G. Poppe and approved unanimously.

13. Adjournment-

At 12:29 pm a motion to adjourn the meeting was made by G. Craig, seconded by G. Poppe and approved unanimously.



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New Jersey Department of Environmental Protection State Well Drillers and Pump Installers Examining and Advisory Board Conference Call Minutes for December 20, 2018

Approved by the Board on January 17, 2019

Board Members Present at NJDEP Headquarters Building: Steve Domber

Board Members Participating Via Telephone: Art Becker (Chairman), Gary Poppe (Vice Chairman), Joe Yost, Gordon Craig, Joe Pepe, and Richard Dalton

Board Members Absent: Jeff Hoffman, Carol Graff

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

NJDEP Water Supply (Bureau of Water Allocation and Well Permitting) Staff Present: Terry Pilawski, Steve Reya, and Mark Ortega

1. Call to Order-

The meeting was called to order at 10:05 am with a quorum present via telephone.

2. License Application Review-

Environmental Resource & Geotechnical (ERG) License – A motion to approve one (1) license applicant, Veerabhadra Rao Bhagavathula, was made by G. Poppe, seconded by J. Yost and approved unanimously.

3. Department Charges Against an Improperly Licensed Individual for Determination of Holding a Board Hearing for Potential License Sanctions-

Bureau staff advised the Board that the presentation of charges against a licensed Pump Installer for the determination of whether the Board chooses to conduct a hearing for potential license sanctions will not occur at the January 17, 2019 meeting as initially planned. After review of the Department's memo, which was sent to the Board on December 19, 2018 (a minimum of 30 days prior to the hearing of the charges as required by N.J.A.C. 7:9D) some language changes were

suggested. Therefore, once revised by the Department, the document will have to be sent to the Board a minimum of 30 days prior to presentation of the charges, which is now anticipated to occur at the March 2019 meeting. Board members were told to contact R. Guzek directly prior to the meeting with any legal questions related this matter.

4. Continuing Education Program Development-

S. Reya provided an overview of the envisioned process for the approval and subsequent tracking of continuing education points (CEPs) that will satisfy the regulatory requirements for renewal of driller and pump installer licenses. Because the one-year continuing education cycle for 2020 renewal begins in April 2020, the Department does not anticipate being able to enter into a contract with a third party to track, manage and report CEP completion for each license holder. Therefore, the Department will track credits for the first renewal cycle, but in a format that can be handed over with a smooth transition to an outside vendor. Prior to the conference call members were sent a tracking form that illustrated how a course approval number would be assigned to a course upon approval by the Board and Department. The number would serve to categorize the number of credits for which a course had been approved, ensure that duplicate courses are not taken during the same license cycle and identify the category (safety or technical/industry). The number could also be used to track whether a course was offered in person or online to make sure license holders do not exceed the maximum allowable number of credits which may be obtained online. Board members were also notified that the Department has developed a draft attendance sheet to standardize the reporting of attendees to approved courses along with a draft letter to be utilized for course approval that will be provided at the Board's January meeting. The attendance sheet would be sent to the course provider along with instructions describing where the form must be sent upon completion. With these items in place and the posting of the course approval application form to the Division website, which is anticipated in the coming weeks, course providers and/or licensees seeking course approval may begin submitting applications for review by the Board at upcoming meetings.

A motion to approve the course tracking sheet as presented was made by J. Yost, seconded by G. Craig and approved unanimously.

5. Attendance of Meetings and Seminars for Continuing Education Credit-

Board members were asked to give some thought to whether attending a trade meeting or seminar for events, such as those held by the New Jersey Ground Water Association (NJGWA) and National Ground Water Association (NGWA). The Bureau anticipates having an application for review by the Board at the January meeting and it is envisioned that such applications may request that attendees receive credit for attendance of the meeting itself in addition to any credit awarded for presentations made at the meeting/seminar. Board members had a thoughtful discussion regarding the value of such attendance as related to the work done by the license holder and if this warranted credit being obtained. Essentially, it was determined that further information would be required from the event host(s) in order for the Board to assess the merit of the meetings. DAG, R. Guzek suggested that in advance of the January meeting, members review the rule language (at N.J.A.C. 7:9D- 1.9(g) and 1.10(j)) as their review and recommendation for the approval of any CEP credit will have to be in accordance with the allowable criteria prescribed in the rule.

G. Poppe and J. Yost left the call at 10:43 am.

6. Geothermal Site-

T. Pilawski noted that the Department's legal staff is heading to court today and is seeking a ruling on the Order to Show Cause to enforce the May 19, 2017 Administrative Consent Order (ACO) that requires decommissioning or recommissioning of 80 closed loop geothermal wells that were constructed improperly at a site in Gloucester County. She noted that the Bureau anticipates being able to approve a pilot plan to determine whether the geothermal wells can be recommissioned in accordance with the well rule, as the most recent of the plan contains only minor edits that need to be made. Upon approval of a pilot plan that is acceptable to the Department, well modification permit application would have to be submitted by a licensed well driller of the proper class within the timeframe prescribed in the ACO.

7. Adjournment-

At 10:52 am a motion to adjourn the meeting was made by J. Yost seconded by C. Graff and approved unanimously by all remaining Board members (G. Craig left the call prior to this motion).