



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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### New Jersey Department of Environmental Protection State Well Drillers and Pump Installers Examining and Advisory Board Meeting Minutes for September 19, 2024

*Approved by the Board on October 17, 2024*

**Board Members Participating Via Telephone/Microsoft Teams:** Gary Poppe (Vice-Chairman), Joe Yost, Gordon Craig, Dave Lyman, Eric Hoffmann, and Richard Dalton

**Board Members Absent:** Art Becker (Chairman) and Steve Domber

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

**NJDEP Water Supply (Bureau of Water Allocation and Well Permitting) Staff Present:** Steve Reya, Mark Miller, Mike Schumacher, Mark Ortega, and Steve Vargo

**Other NJDEP Staff Present:** Don Hirsch, Northern Water Compliance and Enforcement

**Members of the Public:** George Cruz, King George Enterprises, LCC; Rick Howlett, New Jersey Water Association; Dermot Dillon, Summit Drilling; Louis Bainbridge, WB Drilling; Jeffrey Winkowski, WB Drilling

#### 1. Call to Order and Introductions-

The meeting was called to order at 9:31 am with a quorum present via Microsoft Teams and telephone. Notice of the meeting and instructions on how to participate by video or phone were listed on the Board's website. G. Poppe thanked everyone for attending.

#### 2. Review and Certification of the August 15, 2024, Meeting Minutes-

G. Poppe asked if anyone had any comments on the draft minutes from the August 15, 2024, Board meeting. No further discussion was needed.

**A motion to approve the draft minutes from August 15, 2024, as written, was made by J. Yost, seconded by D. Lyman, and approved unanimously.**

**3. Review and Certification of Well Driller and Pump Installer License Applications-**

S. Reya provided the Board with some information about the license applicants. He said that Mr. Thomas Achilles, who was applying for his pump installer license, required additional review by the Board because he submitted a letter with his license application, in which he described why he was unable to fulfil all of the listed application requirements. Additionally, S. Reya noted that Mr. Brian Sweeney applied to again be licensed as an Environmental Resource and Geotechnical (ERG) well driller after he did not meet the continuing education requirements for last cycle, which resulted in his license lapsing. Mr. Sweeney met the continuing education point (CEP) requirements for the prior and passed the required exams.

There were three ERG well driller license applicants and one Pump Installer license applicant, which were deemed acceptable by the Department. S. Reya recommended voting on these four applications and then discuss Mr. Achilles separately as his application requires further review and discussion. G. Poppe asked if the Board had any comments on the four license applicants who were deemed acceptable by the Department. No further discussion was needed.

**A motion to approve the four license applicants deemed acceptable by the Department was made by G. Craig, seconded by J. Yost, and approved unanimously.**

Below is a list of license applicants approved for licensure:

License Type	Applicant Name	Employer
ERG	Brian P. Sweeney	Cascade Remediation Services
ERG	Christopher W. Smolda	Summit Drilling LLC
ERG	Melvin A. Abrego	ANS Consultants Inc.
Pump Installer	John E. Hall	Hall Andrew E & Sons Plumbing and Heating

Next, S. Reya discussed the letter that was attached to the license application submitted by Mr. Achilles. This letter, received on September 12, 2024, informed the Board that Mr. Achilles was unable to obtain a signed reference questionnaire from his prior employer, Mr. Anthony Favorito of Envirosafe, who is a New Jersey licensed pump installer. Mr. Achilles noted in his letter that he attempted to make contact with Mr. Favorito, but he would not sign off as a reference. Mr. Achilles provided W-2 forms from 2017 until 2022 to show that he was an employee at the company. S. Reya explained that occasionally applicants will submit a letter with their application if their reference is deceased or cannot be located, but there are rare occasions when someone will refuse to sign.

The Board noted that their expectation of a licensee is that as a reference they cannot deny the history of the applicant and must provide information on the applicant's work history as it relates to well pump work so the Board can ascertain if he is qualified. They felt he should be compelled to answer and provide details one way or the other; refusing to answer a former employee's work history inquiry should not be acceptable. G. Poppe and D. Lyman recommended that the Department send a letter to Mr. Favorito to request the required information.

**A motion to have the Department write a letter to Mr. Favorito, requesting that he provide information on Mr. Achilles's pump installer license application and work history was made by J. Yost.**

Additional discussion was needed before the Board voted. D. Lyman asked DAG J. Denyes what type of information could be requested to verify the applicant's experience. Specifically, they inquired as

to whether a character reference could be solicited and/or if asking the reason(s) that Mr. Favorito refused to sign his paperwork would be acceptable. DAG J. Denyes stated that as long as the request does not ask for privileged or personal information and is specific to ascertaining whether license requirements have been met it would be acceptable. The Board discussed the implications of a license applicant not being supervised by a licensed person. No additional discussion was needed and the vote on the motion continued.

**The motion was seconded by G. Craig and approved unanimously.**

M. Ortega will draft the letter and send it to Mr. Favorito.

#### **4. Review of Continuing Education Course Offerings-**

##### *WB Drilling – Well Rig Pump Maintenance*

S. Reya reintroduced the course, Well Rig Pump Maintenance, which was administered by WB Drilling to their own employees. The course is geared towards rebuilding a mud pump. S. Reya explained that this company was approved to put on another course for its employees a couple of months ago. He said that he felt the course was relevant, but the Board had questions about this course during the last meeting because it was not offered to the full list of licensees. The Board asked DAG J. Denyes to investigate whether that could be done or if it would be considered exclusionary.

J. Denyes explained that courses like this have been approved by the Board in the past and that the rule does not prohibit this from taking place. The Board is responsible for ensuring that the course content is relevant and to ensure that the course instructor is qualified. After those steps, the Board makes a recommendation to the Department on whether or not the course should be approved. J. Denyes added that the Board could request that the rule be rewritten to cover this subject.

The Board members spent some time discussing the implications of allowing this. Some argued that it is problematic and will cause every company to submit course applications to the Department for mandatory training that they are already conducting. Others argued that this is done in other industries with no issues.

Mr. Jeff Winkowski added that the course is very important to the industry and explained that WB Drilling is not trying to keep this course to themselves. He noted that there are space restrictions and recommended recording the course in the future. The Board recommended that WB Drilling charge for the course and make it available to everyone online.

**A motion to approve this course after it is made public and advertised on the Department's list of approved courses was made by D. Lyman.**

Additional discussion was needed before the Board voted on the motion. S. Reya clarified that the Department does not advertise courses. The Department maintains a list of every course that was approved by the Board. Mr. Bainbridge explained that the course was already administered because the Board said that WB Drilling could proceed with the course during the August meeting. WB Drilling will attempt to digitize this course. It was also noted that WB Drilling has space constraints at the facility at which the course will occur so even though it will be listed as available for others to register to attend on the Department's website, only a limited number of non-employees will be able to attend.

**This motion was seconded by J. Yost and approved unanimously.**

S. Reya said that there are three courses up for review. Two courses are being administered at the same event and the other application was submitted by an individual who attended the Florida Ground Water Association (FGWA) 2024 Convention.

*FGWA Convention*

R. Dalton said that he did not agree with granting credit for a lot of the courses. After some discussion, the Board agreed not to approve the following courses: 811 Essentials – Digging Safely in Florida, Annual Membership Meeting, or Setbacks. These were viewed as not being relevant to those licensed in New Jersey. Additionally, the Board only awarded a maximum of two CEPs for attending four hours at the Trade Show Hall.

**A motion to approve the FGWA 2024 Convention courses which were not previously discussed by the Board was made by R. Dalton, seconded by E. Hoffmann, and approved unanimously.**

*Phase Technologies/A.O. Smith*

R. Dalton asked to discuss the A.O. Smith course, Water Source, Contaminants, and Treatment Technologies. He said that he did not believe that surface water is a relevant topic of discussion for well drillers and pump installers. S. Reya noted that groundwater under the direct influence is an important topic for licensees. The Board wanted to know how much time is spent discussing surface water versus discussing groundwater.

**A motion was made by D. Lyman to table the discussion until the Department could reach out to the course provider to find out how much time is spent discussing surface water versus groundwater. This motion was seconded by J. Yost and approved unanimously.**

R. Dalton said that the course application from Phase Technologies did not have a course description. M. Ortega noted that the course provider submitted their entire PowerPoint presentation for this course. D. Lyman said that he took a similar course during Groundwater Week and thought it was good.

**A motion to approve The Relationship Between VFD's, Pumps, and Motors was made by E. Hoffmann, seconded by D. Lyman, and approved unanimously.**

**5. Enforcement and Field Work Update-**

S. Vargo informed the Board that no new referrals have been sent to Water Compliance and Enforcement, however, they have reached out to Well Permitting regarding three referrals that were sent to them.

S. Vargo discussed some illegally decommissioned wells that were brought to the Department's attention by the Department of Transportation (DOT). Well Permitting staff had a meeting with the DOT recently and they provided pictures which show that wells were being improperly decommissioned.

He also noted that Well Permitting staff conducted nine field visits since the last enforcement and field work update. He said that the drillers that were encountered were generally happy to see Well Permitting staff out doing inspections. S. Vargo discussed the specific field visits with the Board:

- The first field visit was set up so staff could witness a well being measured after sending a Notice of Non-Compliance (NONC) to a well driller. The measured depth ended up being satisfactory to the Department and the NONC was rescinded.

- M. Ortega performed a site visit in Cape May County where he discovered that there were no bags of cement grout on the site, despite the permit condition requiring a saltwater resistant grout used to seal the outer casing. The drillers were concerned that the heat of hydration would crush the casing, however, M. Ortega explained that the depth and diameter should not cause the casing to be crushed. The drillers obtained the cement grout to seal this well. Unfortunately, the well had to be decommissioned after accidentally pulling up on the outer casing which was sealed, resulting in the grout in the outer annulus to enter the casing.
- S. Vargo performed an inspection in Cumberland County of a four-inch domestic which required additional casing. This well took more grout than expected, but the driller obtained additional grout and properly constructed the well.
- S. Reya observed the construction of a double-cased irrigation well in Ocean County. This driller was able to construct a double-cased well in one day, partially due to the shallow depth of clay in the area.
- S. Vargo and J. Walker observed an irrigation well drilled at a farm. During their visit, they witnessed the driller using a substance called Tetrasodium Polyphosphate. The Department is currently investigating this substance to ensure it is safe to use for well construction. S. Vargo said that this substance will be discussed later in the agenda.
- S. Reya witnessed a domestic well get constructed in Sussex County. S. Vargo added that S. Reya encountered Type 1L Portland cement during this inspection. He added that S. Reya will discuss this later in the meeting.
- J. Walker and G. Fernandes went to follow up with a driller for a well that was drilled in an area of known contamination. The well driller reported an unsatisfactory construction of the well on the well record. This well was televised and discovered to not be a conforming well.

G. Poppe thanked S. Vargo for the update. He added that the New Jersey Ground Water Association (NJGWA) is pleased to see the Department doing more inspections.

S. Vargo discussed some of the notices and letters that the Department has sent out. The Department sent out three letters to people or companies who were reportedly performing unlicensed pump work. Nine NONCs were sent out, mostly for not complying with permit conditions. Five rescind letters were issued after the Department concluded that no violation occurred. Two warning letters were sent out for lesser offenses.

The Board and Department discussed whether or not a license is required to disinfect a well. S. Reya explained the history of this topic, noting that the Department's standpoint is that the rule does not prohibit someone who is not licensed from doing this work. The Department drafted a letter for individuals who advertise well disinfection as a service, but it is still undergoing legal review. The Board urged the Department to finish the letter and send it out sooner rather than later.

## **6. Tetrasodium Polyphosphate-**

S. Reya reminded the Board that S. Vargo encountered this substance while doing a recent inspection. The driller informed him that this product is used to help break down drilling mud. S. Reya cited N.J.A.C. 7:9D-2.11(d)5, which states that chemical treatment is an acceptable method of

development/redevelopment of wells. He said that materials must be designed for water wells but there is no reference that he could find that states these products must be NSF-certified. Of three such products he researched, which he provided specifics on via email, only one appeared to be NSF-certified. Further, one version of this product not that many states do not allow the product to be used so it cautioned drillers against using it prior to checking with their state regulatory authority. S. Reya said that he already made note of this in the spreadsheet the Department is using to track proposed changes to the rule in the event language is needed to further clarify criteria that these development/redevelopment chemicals must meet. S. Reya asked the Board if this is regularly used in the field.

E. Hoffmann said that this product is mostly used as a food preservative, but the dosage needs to be looked at. This product is commonly used in daily used items, such as toothpaste. The Board and Department thought that this product would be cleared out after redevelopment of the well occurs so as long as it is used as directed by the manufacturers it was not immediately thought to pose a risk to groundwater.

E. Hoffmann left the call at 11:00 am.

G. Poppe said that this substance has been regularly used for a long time. He added that most drillers use it. R. Dalton said that a substance called sodium hexametaphosphate used to be used for the same purpose. R. Dalton recommended that tetrasodium polyphosphate be NSF certified. J. Yost brought up how hydrochloric acid is used in some wells but is not NSF certified.

S. Reya thanked the Board for their input.

**7. NJDEP Website Search Tool to Help Users Find a Driller by Geographic Region/Types of Wells They Install-**

M. Schumacher discussed the need for something for people to look for companies that can perform well drilling and pump installation services. M. Schumacher explained that the Department has an established report on the DEP DataMiner which allows someone to see the name of every well drilling company set up in the ePermitting system. He added that the report is not broken down by location and does not remove companies that are not longer actively obtaining well permits.

M. Schumacher shared his computer screen to show the Board the Department's DataMiner report, NJGWA's website, and WellOwner.org's website. He then showed the Board what he is currently working on for New Jersey. He explained how it currently works and asked the Board for feedback. M. Schumacher explained that he does not want to have this act as an advertisement and wants it to be as equitable as possible.

D. Lyman said that he likes the idea. M. Schumacher thanked the Board and said that he will continue to work on this project.

**8. Program Updates/New Business-**

S. Reya informed the Board that the New Jersey Institute of Technology completed their draft report on Type 1L cement on August 25, 2024. The draft is currently undergoing review and will be made available to the Board at an upcoming meeting. S. Reya talked about a recent field visit in Sussex County where he witnessed Type 1L cement being used for the first time. The well driller said that he has not noticed any difference between the types of cement and that the supplier had only recently started providing them with the new bags. S. Reya said that he weighed the grout with his mud

balance, and it was close to the current target density. He added that this grout appeared to pump similarly to Type 1 cement.

M. Ortega informed the Board that he has completed A. Becker's request to investigate new licenses issued by license type. He informed the Board that he would brief them on his findings at the October or November meeting so A. Becker can be present to hear the findings.

M. Schumacher informed the Board that management recently filled Well Permitting's Section Chief position, formerly held by Mr. Joe Mattle. S. Reya will be filling that position and will lead the Well Permitting Section beginning September 23, 2024. The Board congratulated S. Reya on his promotion.

#### **9. Adjournment-**

G. Poppe thanked everyone for attending the meeting. The next meeting will be held on Thursday, October 17, 2024.

**A motion to adjourn the meeting at 11:21 am was made by G. Craig. This motion was seconded by D. Lyman and approved unanimously.**

#### **10. Post Meeting Discussion-**

After the meeting adjourned, Mr. George Cruz and Mr. Rick Howlett asked to discuss potential training opportunities. There was no quorum present at this time, as only three Board members were remaining on the call with some staff from the Department. They explained that they were contracted by the Bureau of Water Systems Engineering to conduct CEHA training. They were looking for some input on what should be included in their curriculum in respect to well installation, maintenance, and inspections.

Department staff noted that they have been working on a handbook called the "Well Drilling Inspection Guidebook" which is designed to be a resource for local health department officials to utilize when inspecting well and pump work. Mr. Howlett noted that they would like to receive a copy of the document as it would help them understand what the Department believes are the important aspects for local inspectors. Staff noted that it is currently being finalized and the draft needs to be reviewed by management after which point it can be shared. Mr. Howlett also volunteered to maintain an open line of communication with the Department and Board as any information they can provide on training recommendations would be helpful for their development of training curriculum. It was noted that the training would be conducted in-person. The Department agreed to stay in touch and keep him updated on the progress of the draft guidebook.