



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PHILIP D. MURPHY
Governor

CATHERINE R. McCABE
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
401 E. STATE STREET – P.O. BOX 420
MAIL CODE 401-0Q
TRENTON, NEW JERSEY 08625-0420
TELEPHONE: (609) 984-6831
FAX: (609) 633-1231
www.nj.gov/dep/watersupply

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 hydrofracturing 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.