



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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**New Jersey Department of Environmental Protection
NJ State Well Drillers and Pump Installers Examining and Advisory Board
Meeting Minutes for January 23, 2020**

Approved by the Board on April 16, 2020

Board Member Attendance:

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

Board Legal Representative Present: N/A

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

Members of the Public Present: Dermot Dillon, New Jersey Groundwater Association (NJGWA) Secretary/Summit Drilling Co.

1. Call to Order and Opening Statement-

The meeting was called to order by Chairman Art Becker at 9:36 am with a quorum present.

Dermot Dillon, of the New Jersey Ground Water Association and Summit Drilling, was introduced to the Board. S. Reya informed the Board that Deputy Attorney General, Jill Denyes, was ill and would not be present at the meeting. If any legal questions were to arise then she was available for a call-in.

2. **Review and Certification of November 21, 2019 Draft Meeting Minutes-**
A motion to approve the draft minutes from the September 19, 2019 meeting, pending one correction made by T. Pilawski, was made by G. Craig, seconded by C. Graff, approved unanimously.
3. **Review and Certification of December 19, 2019 Draft Conference Call Minutes-**
A motion to approve the draft conference call minutes from October 17, 2019 was made by G. Poppe, seconded by S. Domber, and approved by all expect for C. Graff and J. Yost who abstained.

4. **Board Business and Correspondence-**
Remaining meetings and conference calls for 2020:

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

March 26, May 21, July 23, September 24, November 19

Board telephone conference calls will be held during the intervening months to review continuing education course applications and candidates for NJ driller or pump installer licenses. The calls will be held at 10:00 am on the following schedule:

February 13, April 16, June 18, August 13, October 15, December 17

5. **Testing and Licensing-**
The Bureau received two (2) license applications for review: one for the environmental resource and geotechnical (ERG) license and one for the journeyman license. S. Reya summarized the license applicant list:

ERG – Jeremy Triepke
Journeyman – Thomas Starner

The applicants were found to meet the regulatory requirements of N.J.A.C. 7:9D-1.8. A. Becker asked if there was any discussion regarding these applicants. No further discussion was needed.

A motion to approve Jeremy Triepke for the ERG license and Thomas Starner for the journeyman license was made by G. Craig, seconded by C. Graff, and approved unanimously.

6. **License Suspension Update-**
S. Reya informed the Board that Mr. Kevin Blumhagen surrendered his license on January 2, 2020. He noted that settlement agreement letter covers what happens if Mr. Blumhagen violates the terms of the agreement while his license is suspended. S. Reya said in lieu of additional monitoring from the Department, a letter was sent to Sussex and Warren county Health Departments to notify them of the license suspension. S. Reya reminded the Board that Mr. Blumhagen can continue business as usual as long as he is under the supervision of a licensed well driller of the proper class.

S. Reya said that Mr. Blumhagen would need to supply the Board with a letter to reinstate his license prior to the March 26, 2020 meeting. He said that as long as Mr. Blumhagen complies with the settlement agreement then the Department will not have an issue with his license being reinstated.

7. Continuing Education Program-

A table summarizing one (1) administratively complete course, along with supporting documentation, was provided to the Board members prior to the meeting for review. Below is the course information and requested continuing education point (CEP) totals:

Maryland Delaware Water Well Association (MDWWA) 2020 Convention – MDWWA – Varies

A. Becker said that the content for MDWWA has been good in prior years and that they do a good job. He said that he knows a lot of New Jersey well drillers that hold licenses in either Maryland or Delaware that attend these conventions. There was some discussion about the course content and which sessions should be acceptable for credit in New Jersey. A. Becker proposed that the Board should not restrict regulatory classes because they are regulations for different states.

A motion is made to recommend approving the MDWWA 2020 Convention except for the sessions that are specific to Maryland and Delaware regulations by G. Craig, seconded by J. Yost, and approved unanimously.

8. CEP Update-

M. Ortega informed the Board that 47 percent of all of the licensed well drillers and pump installers have completed the CEP requirement. He asked the Board to review the stat sheet that he provided to them at their convenience. The stat sheet listed percentages of completion by license type and total completion. This spreadsheet also contained a list of courses that were taken during the National Ground Water Association's Groundwater Week, which A. Becker had asked for during the last meeting.

M. Ortega said that he looked how many licensees did not renew during the previous two licensing cycles. He concluded that approximately 10 to 15 percent of licensees did not renew their licenses during these cycles. S. Reya said that the Department expects a much larger percentage of licensees to not renew due to the continuing education requirement.

A. Becker had requested that M. Ortega create a list of licensees who have not started earning CEPs. M. Ortega explained the lists that he had created to Board: one for licensees who have not started earning CEPs and one for licensees who have started earning CEPs but have not met the seven-point requirement. A. Becker asked the Board members to look through these lists for individuals that they know so that they can spread the word.

M. Ortega talked about the overlap with the soil borer class and how many soil borers have not started earning continuing education points. He indicated, on the lists distributed to the Board, the soil borers that have made contact with the Department to schedule a class, which would put them on higher notice to earn their CEPs.

9. Course Reevaluation-

S. Reya began the discussion by citing N.J.A.C. 7:9D-1.10 (j) 2, which states that course recommendations shall be reevaluated at the end of the three-year licensing cycle for which they were recommended. He said that the Department needs the Board's input for the reoccurring courses.

S. Reya gave examples of course that would be eligible for reapproval. He said that the International School of Well Drilling's online courses would remain the same and therefore would be able to be reapproved. The New Jersey Ground Water Association meetings would not carry forward since they are all different. He said that moving into the next continuing education cycle, M. Ortega needs to get together new course numbers for the classes that are being accepted for the new cycle.

A. Becker recommended putting it as an agenda item for a future meeting. S. Reya said that the Department would gather a list of courses which are eligible to be renewed and provide it to the Board. S. Reya suggested that the Board forms the subcommittee, like what was done in early 2019 when the course application volume was high.

10. Online CEP Limit Discussion-

S. Reya presented the Board with a list of their motions related to continuing education from 2018. He pointed out that one of the motions limited the amount of online CEPs that a licensee could take. He requested that the Board reevaluate this motion because the Department, who is asking as the CEP manager, does not have the ability to track subsets of technical and safety points. This would make the tracking of CEPs difficult and could potentially lead to errors in reporting, S. Reya explained.

G. Craig asked how many online CEPs are currently allowed based on the Board motion. M. Ortega said that a maximum of eight (8) online CEPs were approved in the Board motion that S. Reya referenced. S. Domber asked if other states have restrictions to online points. A. Becker said that some states have restrictions, but not all of them do.

A. Becker expressed his concerns with online courses. He stated that some courses are not as sophisticated as others and that those courses allow a licensee to potentially not be sitting at the computer while the course is running. S. Domber brought up that electronic learning is trending up academically and that younger generations are more used to learning through online courses. G. Craig stated that the benefits of allowing more online courses is that a business owner would have more flexibility to let their employees take the classes that they need to maintain their licenses during nights and weekends.

There was a discussion amongst the Board about the amount of online CEPs that should be acceptable. There were recommendations to raise the maximum allowable online CEPs to 10, 11, and 14. M. Schumacher explained the capabilities of the New Jersey Environmental Management System (NJEMS) in reference to its ability to track CEPs. He said that NJEMS only allows the Department to track categories of CEPs, like technical and safety, but not subcategories, like online and in-person. He continued to explain that due to the incapacibilities of NJEMS that the Department would need to track those online CEPs manually.

A. Becker continued to discuss his concerns regarding licensees circumventing the CEP requirement by taking online classes that do not properly track your attendance or presence. M. Ortega reassured A. Becker by reminding him that all classes still need to be approved by the Board. If there was an online class that was presented, whether by a course provider or an individual, that the Board can deny the class if they feel as if the monitoring requirements are too lackadaisical. A. Becker and G.

Poppe agreed, but still stated that they did not think that a licensee should be able to obtain all of their CEPs online.

C. Graff reminded the Board that the problem is that the Department's system, NJEMS, is only capable of tracking two categories. If the Board proceeded with a limitation to online credits, then the Department would need to manually track everyone's CEPs. A. Becker suggested disallowing online CEPs to be accepted altogether since the Department is unable to track online CEPs. S. Reya said that if no online CEPs will be allowed then there is a real risk of having a very large percentage of licensees not renew in 2023. M. Ortega said that if the Board goes in that direction that the Department would need to immediately notify course providers with online courses to tell them that they will not be renewed for the 2020 – 2023 licensing cycle.

S. Domber said that after hearing all of the discussion that he was in favor of only having the two categories and removing the online requirement. He said that if the Board decides to go that route that it can always be changed for future licensing cycles. G. Craig agreed with S. Domber. M. Ortega said that the Department would still monitor the amount of individuals taking online courses. A. Becker asked if there was any further discussion before making a revised motion. There was no further discussion.

A motion was made to allow approved web-based continuing education credits if they fall within the technical and safety categories during the three-year licensing period by J. Yost, seconded by G. Craig, and approved unanimously.

11. Soil Borer/Journeyman (Class B) Upgrade Class Schedule-

S. Reya provided an updated on the classes that have been administered by the Department. M. Schumacher and A. Becker taught two classes on January 21, 2020. Each class was three hours and was split event between the two instructors. All scheduled attendees were present and both classes went very well.

S. Reya went over the attendance for the first set of classes. He said that 17 licensees attended the first class, which was a mix of soil borers and journeyman (Class B) well drillers. An additional 14 licensees attended the second class in the afternoon. S. Reya reminded the Board that there are 103 eligible licensees for this course and after the first day of classes approximately a third of the licenses can upgrade their licenses to the higher license types. Additional classes will be held on February 6, 2020 and March 12, 2020.

12. Upcoming Deadlines-

S. Reya reminded the Board members that well drillers and pump installers need to obtain their seven CEPs by March 31, 2020. S. Reya recommended getting J. Denyes on the phone just to verify that the Department has done their due diligence to notify these individuals of what will happen if they do not comply with the well rule.

A. Becker asked S. Reya to remind the Board what happens if individuals do not comply with the well rule. S. Reya explained the history of late fees. He said that the Department, under the old well rule, only had a late fee for those license holders who did not pay their license renewal invoice by June 30 of the year that the license expired. The license could be renewed with the payment of a 50-dollar late fee if it was paid prior to December 31 of that year. S. Reya said that there is a similar provision in the current rule, but there is no provision for license holders who do not meet the continuing education requirement by the March 31 deadline. He said that if a license holder does not

demonstrate that they earned credit by the deadline that they are unable to renew their license by June 30.

The Department had previously proposed a 500-dollar administrative fee for these individuals as a penalty due to all of the behind-the-scenes work that needs to be completed. However, the corrections to the well rule will not make it in time for the deadline, S. Reya added. A. Becker asked about the process, if this provision were to be approved. S. Reya said that the license holder will need to pay the 500-dollar fee and earn the credit before they can renew their license. They will only need to pay the 50-dollar fee if they did not pay for their renewal before June 30.

J. Denyes joined the meeting via conference call.

S. Reya caught up J. Denyes on the topic. After bringing her up to speed, he said that the Department was going to send one last mailing later in January, which would give license holders two months to comply with what is in the well rule, as it is currently written. This letter will spell out what will happen if the license holder does not comply with the continuing education requirement. S. Reya also said that the Department would send out a letter to the soil borers who have not yet attended the upgrade course.

J. Denyes asked about the percentage of individuals who have complied with the CEP requirement. S. Reya said that approximately 42 percent of licensees are still non-compliant, but that there were still two months left in the continuing education cycle. J. Denyes suggested that if there is large percentage of non-compliance and licensees saying that they did not receive enough notice that the Board might want to consider an extension. S. Reya said that the Department hopes that after this final reminder that the non-compliance percentage shrinks.

J. Denyes discussed the rule proposal, which tackles the issue of a driller not completing their CEPs on time. She said that there might be some basis to extend the cycle based on how far that rule proposal is. T. Pilawski stated that the proposed rule changes are currently with the Department's Office of Legal Affairs (OLA) and that the Board's former DAG, Robert Guzek, has been assigned the task of reviewing the rule proposal. J. Denyes said that she would touch base with R. Guzek to check the status of the proposal.

A. Becker asked for clarification on licensees submitting CEPs to the Department. S. Reya said that a licensee can still submit information to the Department after April 1, 2020 and it can be accepted if it is an approved course. He said that it might hold up the licensee getting their invoice, but they should still be able to renew if they took seven CEPs. J. Denyes said that it sounds like the Department is doing everything that they can and is following what the rule says.

There was a brief discussion about the provision in the rule about CEP waivers. J. Denyes said that if a licensee said that they were ill and thus unable to meet the requirement that the Department would have to accept the CEP waiver. S. Reya discussed his concerns with a licensee potentially being able to circumvent a requirement that was in place for 18 months because a licensee was ill for a week or a month.

The Board members thanked J. Denyes for her time and wished her well. J. Denyes departed the call.

A. Becker asked for clarification about the soil borers who haven't registered for the class. S. Reya said that the Department will send out one more letter to the soil borers in an attempt to get any stragglers to sign up for the class. If the soil borers do not take the upgrade course then they will not be licensed after July 1, 2020. The reminder letter is not being sent to the journeyman (Class B)

drillers because it is not mandatory for them to take. If a journeyman (Class B) well driller does not attend the upgrade course then they will continue to be licensed as a journeyman (Class B) driller after they renew.

13. Princeton Geothermal Project Update-

S. Reya reminded the Board about the motion they made in reference to the Princeton geothermal project. He said that due to the scope of the project that the Board made a motion that they strongly recommend that an independent inspector licensed by the International Ground Source Heat Pump Association (IGSHPA) be hired for this project. S. Reya told the Board that Princeton University and the Department met via the Department's Bureau of Permit Coordination and engaged in conversation about the upcoming project.

S. Reya continued to explain the discussions that were held during this meeting. He said that J. Hoffman brought up a concern about the wells impacting surface water temperatures. This is of concern due to the large number of harmful algal blooms that was seen in 2019. J. Hoffman said that he requested monitoring wells to be installed to monitor water temperatures. J. Hoffman said that Princeton was in favor of the Department's recommendations and that the meeting was very good.

J. Hoffman discussed his other discoveries from their meeting. He said that Princeton's plan was to install all of the wells over the next few decades, installing a few 100 each decade until the project is complete and the entire campus is energy efficient. He said that Princeton backed off of some of their experimental designs after discussing the project with well drillers. Instead of using non-standard grout and casing materials, they are now proposing traditional U-Bend loops at shallower depths.

S. Reya showed the Board a proposed site diagram and explained the new well construction. He explained that there will be some wells that are 850-foot U-Bends and some wells will be 500-foot wells using twister pipe. A. Becker asked if contractors were selected and S. Reya responded that they were. S. Reya said that Princeton asked for the Department to submit a list of criteria which the Department wants reported

14. Enforcement Update-

J. Altieri provided the Board with a summary of field activity between November 21, 2019 to January 23, 2020:

Field Inspections – November 21, 2019 to January 23, 2020 (2 total)

- Issue: 2nd Follow up site inspection-Bureau staff inspected suspected improperly constructed potable well in Plainfield, Union County as part of a multi Bureau enforcement activity conducted by the Department.
 - Enforcement Action- well is out of compliance for various permitting and well construction issues. Department Enforcement working with client to resolve outstanding paperwork issues.
- Issue: The Bureau successfully resolved issue of non-compliance by witnessing the proper permitting and reinstallation of three illegally constructed monitor wells constructed without permits.
 - Enforcement Action- issue of non-compliance resolved - no further action

New Investigation-Lost and/or Destroyed Wells-Settlement Agreement

- Issue: Three shallow improperly decommissioned monitor wells that were destroyed by excavation located in Union City, Union County. Notice of destroyed wells was submitted by the LSRP company representative notifying the Department of improper well decommissioning because of redevelopment and construction activities, a violation of N.J.A.C. 7:9D-3.1.
 - Enforcement Action-Bureau staff reviewed and determined that a violation occurred, and penalties should be assessed to settle the matter with the State in accordance with the regulations. Referral to Central Region Water Compliance and Enforcement to issue settlement offer pending for the 3 wells that were improperly decommissioned.

Status update- Ongoing Administrative Hearings - ADR Requested by the Department

- Issue: Formal Administrative hearing requests filed by well drillers and their companies to dispute five cases of improper permitting, grouting and constructing of domestic and irrigation wells. Hearing requests were granted by the Department. DEP Office of Dispute Resolution requesting affected parties to take part in Alternate Dispute Resolution (ADR) process instead.
 - Update-ADR offer following standard procedures, contact was made with one of the companies, settlements are pending negotiation at this time.

Status update - On-going issues of well drilling violations – Bureau staff to schedule witnessing of decommissioning and reconstruction) of one irrigation well as part of the final issue of non-compliance involving a drilling company who had constructed 5 unpermitted irrigation wells in Ocean County. The well reconstruction will be the 5th and final unpermitted well that were ordered sealed by the Department as part of the resolution of a long standing AONOCAPA. Penalty portion of AONOCAPA has already been settled.

15. Program Updates-

T. Pilawski provided the Board with an update to the well rule amendments proposal. She informed the Board that she will reach out to OLA for an update. T. Pilawski informed the Board that the Well Permitting Section has four hourly positions open. She said that that she is looking for individuals with environmental or geology background. Finally, T. Pilawski provided a brief update to the Woodbury geothermal site. She said that the site was being prepped and that they should begin drilling at the beginning of February.

M. Schumacher provided the Board with some stats from 2019. He prepared charts for the Board that detailed totals of completed well searches, permits issued, well records reviewed, and well decommissioning reports reviewed. A. Becker asked if the Department has a sense of if well drillers are being timelier with submitting their well records. M. Schumacher said that he hasn't looked at that aspect of the data. A. Becker asked when the last time the Department did a large inventory of well records. M. Ortega said that it was about four years ago and that in the near future the Department will try to take another look at the inventory.

M. Ortega inform the Board that the Division is in the process of updating their webpages. He asked the Board for suggestions to improve any of the pages that Well Permitting oversees. A. Becker suggested that the Department add information about what a licensee should do if they move. M. Ortega thanked A. Becker for the suggestion and said that he would add that to one of the Well Permitting pages.

16. Ethics Presentation-

A. Becker, G. Poppe, J. Yost, G. Craig, and C. Graff stayed for the mandatory ethics presentation. J. Hoffman, R. Dalton, and S. Domber departed as the same training is administered to all State employees. A quorum was still present after they departed. The presentation lasted for 45 minutes.

17. Adjournment-

A motion to adjourn was made at 12:59 pm by G. Poppe, seconded by G. Craig, and approved unanimously.