



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 Conference Call Minutes for April 16, 2020

Approved by the Board on May 21, 2020

Board Members Present at NJDEP Headquarters Building: N/A

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

Board Members Absent: Joe Yost

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: Terry Pilawski, Joe Mattle, Steve Reya, and Mark Ortega

Members of the Public: Dermot Dillon, Summit Drilling and President of NJGWA (joined the call at 10:35)

1. Call to Order-

The meeting was called to order at 10:04 am with a quorum present via telephone.

A. Becker opened the meeting by letting the Board members know that in addition to covering the agenda previously provided, there would be a discussion about irrigation wells at the end of the meeting. This update to the agenda was added at the last moment by the Bureau to update the Board on recent impacts of the COVID-19 pandemic to the drilling industry.

2. Review and Certification of January 23, February 13, and March 26, 2020 Draft Meeting Minutes-

A motion to approve the draft minutes from the January 23, 2020, February 13, 2020 and March 26, 2020 meetings without change, was made by G. Poppe, seconded by G. Craig, approved unanimously.

A. Becker confirmed the Board's decision to remove the online continuing education point (CEP) cap due to the Department's inability to successfully track the information, which was noted in meeting minutes. Board members discussed concerns with individuals seeking to take a large percentage of required CEPs via online courses and not engaging in in-person training courses. G. Craig noted that the Board's decision to eliminate the intended limit on online courses acceptable for credit was based on the Department's assertion that tracking online/in-person in addition to the other categories (technical/industry and safety) for the next CEP cycle is problematic with existing licensing software and staff resources. M. Ortega informed A. Becker that the Department will continue to monitor individuals who take online classes and can provide information if the Board ever wants to see how many licensees rely solely on online classes. C. Graff reminded members that the Board will still have to approve all classes, online and in-person so all content will be evaluated.

3. Testing & Licensing-

S. Reya informed the Board that the Department received two license applications, but neither were administratively complete. Bureau staff will contact the applicants and report back to the Board if and when the applications are sufficiently corrected.

4. PSI Update-

S. Reya informed the Board that the National Ground Water Association (NGWA) notified the Department that PSI, the testing vendor for license exams, had closed all exam locations due to the COVID-19 outbreak. PSI has been looking into online testing in the event of a prolonged quarantine. S. Reya continued by stating that all of PSI's testing centers will be closed until April 30, 2020 and that they will try to open some of their locations beginning on May 1, 2020. Due to the closed testing locations, the Board will probably not receive many license applications in the coming months.

5. Department status regarding COVID-19 impact on license/continuing education deadlines-

S. Reya reminded the Board that during the March 26, 2020 call the Board and Department staff had discussed pushing back the continuing education and licensing cycles due to foreseeable issues coordinating with IT to convert licenses. It was initially thought that necessary IT resources would be overtaken with COVID-19 emergency tasks and would not be able to assist with converting license types (Soil Borers, Monitoring Well Drillers and Journeyman B well drillers) in time for the renewal to proceed as planned. S. Reya informed the Board that those issues were addressed by M. Schumacher and himself and that they were able to work with IT to get the appropriate licenses converted in time for the renewal invoices. The March 30th CEP and June 30th CEP license deadlines remain in place, as specified in the rule.

The NJ Department of Treasury will process the invoices on April 27 and the Department will mail them out to those eligible to renew during the first week of May. S. Reya told the Board that the non-renewal letters would be sent out to licensees who did not meet the continuing education requirement by the deadline. After briefly describing what was in the letter, he asked the Board if they wanted the Department to include any language about CEP waiver requests that may be submitted by a licensee, pursuant to N.J.A.C. 7:9D-1.9(f). The Board ultimately decided that the waiver information was in the rule if any licensees wanted to submit a waiver request for review by the Board. Additionally, program contact information is contained in the letter. Licensees who receive written notification that they are not eligible to renew due to failing to obtain the required seven (7) CEPs may contact that program with questions or further information on recourse should they wish to remain licensed.

M. Ortega provided the Board an update for CEP completion percentages. He stated that as of the deadline 69 percent of all licensees had completed the requirement and the other 31 percent would be receiving the non-renewal letter that S. Reya had discussed with the Board. A. Becker confirmed that the Department expected about 70 percent completion and were on target with what was expected. M. Ortega stated that the Department is likely to receive a few more applications or approved courses from licensees who receive the non-renewal letter.

6. Evaluation of existing approved courses for the 2020-2023 cycle-

The existing list of approved classes, which the Board had taken formal action on during the prior continuing education cycle, was summarized by Bureau staff. This master list of classes was provided to the Board via email prior to the call. There are 27 total classes that are eligible for approval: 12 in person, 10 online, 5 with multiple providers.

A. Becker opened the discussion by saying that he has attended the Well Contractor's Workshop, which is a 12 CEP course offered by the International School of Well Drilling. He said that this class is very comprehensive and that he recommends it for reapproval.

G. Graff suggested changing the amount of points that a licensee would receive for attending the OSHA HAZWOPER 8-Hour Refresher course. S. Reya reminded the Board that they made a motion that one hour of training equals one CEP and that for consistency, all course approvals have followed that ratio. A. Becker said that Maryland has gone back and forth with the OSHA HAZWOPER 8-Hour Refresher course, but that they currently accept it for credit in their continuing education program. G. Craig recommended keeping it the same as it was in the prior continuing education cycle, which is that it counts for eight safety points and can only be taken once in a three-year period. A. Becker asked if there was any further discussion on OSHA classes. No further discussion was needed.

A motion to approve the OSHA HAZWOPER 8-Hour Refresher course for eight safety CEPs was made by G. Poppe, seconded by G. Craig, and approved unanimously.

G. Poppe said that the rest of the classes listed by the Department were all acceptable to him. G. Craig clarified that the course providers do not need to do anything or submit any additional documentation to the Department if their courses were reapproved. S. Reya said that no additional information is needed from the course providers unless they change the course content and/or instructor(s). If a course provider needs to add dates for a course, then they just need to notify the Department of when the courses will be administered so the new dates can be added to the Department's website.

A motion to approve the remaining courses on the list (26 total) was made by G. Craig, seconded by R. Dalton, and approved unanimously.

7. Review of continuing education course information provided by individual licensees who wish to have courses not previously approved credited for CEPs towards their licenses-

The Board was presented with course information provided to the Department by three licensees: Henry Boyd, Glenn Endreson, and Glen Carleton. S. Reya stated that Mr. Boyd had submitted a large number of courses that he had either administered or attended over the course of the licensing cycle. The Board and Department staff ultimately decided to review the information that Mr. Boyd provided for the Connecticut Private Well Conference that he attended.

A motion to recommend the approval of Mr. Boyd's Connecticut Private Well Conference for 10 CEPs was made by G. Poppe, seconded by C. Graff, and approved unanimously.

Before the vote had passed, A. Becker had asked if he needed to abstain since he knows Mr. Boyd and had attended his presentations in the past. DAG Denyes informed A. Becker that he would not need to abstain for those reasons. DAG Denyes also confirmed that as the Board Chairman, A. Becker would only need to vote as a tiebreaker.

The Board reviewed the information submitted by Mr. Carleton and Mr. Endreson and decided that there was not enough information to process their applications. The Board asked Department staff to investigate further.

R. Dalton made a motion to hold off on further discussion of Mr. Carleton's courses until additional information is provided to the Department. This was seconded by C. Graff and approved unanimously.

G. Craig made a motion to hold off on further discussion of Mr. Endreson's course until additional information is provided to the Department. This was seconded by G. Poppe and approved unanimously.

8. Irrigation Well Discussion-

T. Pilawski stated that the Department had received a letter from the Irrigation Association which states that irrigation wells and appurtenances are considered a utility and therefore are acceptable work to be conducted under Governor Murphy's Executive Order (EO) 122, which ordered that all non-essential construction cease. T. Pilawski explained to the Board that Department staff had looked through the list of well uses and determined that irrigation wells drilled for existing structures did not meet the intent of the Governor's EO. A list was submitted to the Commissioner's office of well uses that would be acceptable under the EO.

The Department has returned well permits for irrigation wells for existing dwellings technically deficient due to the EO, T. Pilawski explained. Currently, the Department does not have anything in writing from the Governor's Office that states that this work is considered essential under the EO. The letter received from the Irrigation Association states that the Governor's Office approved this work and Department staff had forwarded up the chain of command for clarification. She indicated that if the Department is instructed that the Governor's Office confirms that irrigation wells are deemed a water utility and the work may proceed, the Bureau will again approve well permit applications. Consistent with all other permits issued since the EO, a condition would be included on the permit noting that all well drilling activities must comply with the social distancing requirements prescribed in EO 122.

G. Poppe left the call at 11:17.

A. Becker asked T. Pilawski what the Department would do with the well permits that were sent back technically deficient if they are deemed as essential work. T. Pilawski stated that the Department would reach out to the affected parties and subsequently approve the well permits.

9. Program Updates-

T. Pilawski informed the Board that the new agreement with NGWA was signed and sent back to them. This contract would continue the testing which NGWA has been administering since May 2018.

T. Pilawski also informed the Board that drilling has commenced at Princeton University. She reminded the Board that this is to construct a large geothermal well field.

10. Adjournment-

At 11:20 am a motion to adjourn the meeting was made by G. Craig, seconded by C. Graff, and approved unanimously.