



## 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 June 18, 2020

*Approved by the Board on July 23, 2020*

**Board Members Present at NJDEP Headquarters Building:** N/A

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

**Board Members Absent:** Gary Poppe (Vice-Chairman)

**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, Julia Altieri, Steve Reya and Mark Ortega

**Members of the Public:** None

**1. Call to Order-**

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

**2. Review and Certification of the May 21, 2020 Conference Call Minutes-**

A motion to approve the draft minutes as prepared was made by C. Graff, seconded by S. Domber, and approved unanimously.

**3. Evaluation of letters submitted by three licensees who failed to obtain their continuing education points (CEPs)-**

The Board began by reviewing the letter and supporting documentation submitted by Mr. Ed DeSantis. G. Craig said that the Board set a precedent to accept the late credits from licensees during the May 2020 meeting and said the Board should accept the points for Mr. DeSantis who eventually obtained the required CEPs though after the prescribed deadline, as he outlined in his letter. A. Becker agreed with G. Craig's statement.

**A motion to accept the late credits submitted by Mr. Ed DeSantis was made by G. Craig, seconded by J. Yost, and approved unanimously.**

The Board reviewed the letter and supporting documentation submitted by Mr. Mike Heinold. G. Craig asked what course Mr. Heinold took in lieu of the cancelled Rutgers course. S. Reya explained that Mr. Heinold had attended two New Jersey Ground Water Association meetings during the licensing cycle and had earned four CEPs. Mr. Heinold took three International School of Well Drilling courses after the deadline since the Rutgers Groundwater in Fractured Bedrock course, which he was registered for, was cancelled due to COVID-19. A. Becker said that he believed that this was the most straightforward case since Mr. Heinold was directly impacted by COVID-19. He clearly would have obtained his CEPs prior to the deadline, had the course for which he was scheduled not been cancelled due to COVID.

**A motion to accept the late credits submitted by Mr. Mike Heinold was made by R. Dalton, seconded by G. Craig, and approved unanimously.**

The Board reviewed the letter and supporting documentation submitted by Mr. Mike Stengle. S. Domber asked what course Mr. Stengle took to obtain his seven CEPs. S. Reya said that he took the All Star Training Water Well Course.

**A motion was made to accept the late credits submitted by Mr. Mike Stengle by S. Domber, seconded by C. Graff, and approved unanimously.**

A. Becker requested that the Department add the same language that was discussed during the May 2020 meeting to strongly discourage these individuals from having this happen again. S. Reya explained what language was used in the letters that were distributed at the conclusion of the May meeting.

#### **4. Recent Bureau Enforcement Action Update-**

J. Altieri provided the Board with an enforcement update as summarized below:

##### **Well Permitting Enforcement Activities– 3/26/2020-6/18/2020**

**New Investigations:** Lost and/or Destroyed Wells

**Issue:** Four separate issues of shallow improperly decommissioned monitoring wells that were reported destroyed by excavation during redevelopment and construction activities. All are violations of N.J.A.C. 7:9D-3.1 and were self-reported as a result of the Bureau's lost/destroyed guidelines.

**Enforcement Action:** Cases to be referred to DEP Water & Compliance/Enforcement to issue settlement agreements for penalties totaling \$11,000 for eight wells total.

**Issue:** Unlicensed pump installation activity.

**Enforcement Action:** Verified case to be referred to DEP Water & Compliance/Enforcement to issue settlement agreements for penalties totaling \$1,625 for one violation of N.J.A.C. 7:9D-1.6(c)

**New Investigations:** Unlicensed decommissioning and unlicensed pump installation

**Issue:** Two total reported cases of alleged improper/unlicensed well decommissioning.

**Issue:** Two total reported cases of alleged unlicensed well pump installation. All cases were reported by well drillers or consumer complaint. Located in Atlantic and Ocean counties.

**Enforcement Action:** Bureau sent two letters of inquiry to companies suspected of improper/unlicensed activity asking for their licensed person they use to supervise work. Both companies verified licensed individuals they use and were put on notice to make sure they followed the regulations in the future. Suspected violation could not be verified.

**Enforcement Action:** Bureau sent two separate notices of non-compliance for improper well decommissioning and unlicensed pump installation work. Violation verified, both cases pending referral

T. Pilawski also brought the Board up to speed on two older enforcement cases that had been discussed during prior meetings. She started by discussing the situation with journeyman well driller, Mr. Glenn Battschinger. T. Pilawski explained the background of his violation and informed the Board that the Bureau is not entering an Alternative Dispute Resolution (ADR) with him because he did not comply with the order to seal the well. The Bureau and Water Compliance and Enforcement will only enter into ADR when the accused party has complied with any orders issued by the Department.

T. Pilawski informed the Board that Mr. Joe Buffa of Admiral Water is going to enter a settlement for his violation. Mr. Buffa admitted that he did not have a licensed pump installer on one occasion while he conducted pump work.

##### **5. Discussion of candidate for potential appointment on Board-**

A. Becker reminded the Board that C. Graff is stepping down from serving as the Board's public member. S. Reya notified the Board that Mr. Eric Hoffmann submitted a resume after the Department had made the posting available on their website. S. Reya said that Mr. Hoffman had attended a Board meeting about 10 years ago and had formerly worked with the Board on a site remediation issue.

The Department had reached out to him because he had been asking over the years to be notified if the position ever became available. J. Hoffman said that Eric regularly attends the LSRP Board meetings. A. Becker said that he has also worked with Eric and that he has good knowledge of environmental wells. A. Becker asked about the steps that need to be taken in order to get him approved to serve on the Board. S. Reya asked the Board to weigh in on it and then based on their decision, the Department would proceed with bringing his appointment up the chain of command.

R. Dalton asked if anyone else applied to the Board vacancy that was posted on the website. S. Reya said that no one else applied. After Board members had time to review Mr. Hoffmann's letter of interest and resume' A. Becker asked for a motion.

**A motion to recommend the appointment of Mr. Eric Hoffman as the public member of the Board was made by J. Hoffman, seconded by R. Dalton, and approved unanimously. Bureau staff will relay the Board's recommendation to the Commissioner's Office to facilitate his appointment.**

**6. License Renewals-**

S. Reya informed the Board that the percentage of licensees who have met the requirement remains unchanged. Approximately 690 licensees have paid their bills and will receive licenses for the 2020 – 2023 licensing cycle.

He also said that some licensees have made the Department aware that their new licenses were printed with the incorrect expiration date. After looking into the issue, Department staff concluded that this glitch impacted all Environmental Resource and Geotechnical and Vertical Closed Loop Geothermal well drillers. The Department sent an email to everyone registered for their email distribution list of the situation and are working on the issue. Once this situation is resolved, the Department will reprint and redistribute licenses for the impacted licensees.

**7. Program Updates-**

T. Pilawski provided the Board with a brief update about the proposed rule amendments. She told the Board that the proposal was recently sent back to the Department for a minor clarification. After the correction is made, it will be sent back to the legal team for review.

**8. Geothermal Projects Update-  
Woodbury:**

S. Reya provided the Board an update with the progress of the recommissioning of the geothermal site in Woodbury. He stated that in the last monthly report that the Department had received, 19 wells were completed and the contractor located some of the other loops and performed the necessary sitework to facilitate rig access and overdrilling of the wells. S. Reya expressed that the Department has been very pleased with the progress and success of the recommissioning of these wells.

**Princeton University:**

As was reported to the Board during their May conference call, the Bureau has continued to receive weekly updates from the International Ground Source Heat Pump Association certified third party inspector. Currently two drilling contractors are onsite drilling 850 ft. deep closed loop wells. One driller is drilling with mud rotary and polycrystalline diamond compact bits and the other is utilizing the air rotary/down hole hammer drilling method. The Department is currently working with one of the contractors on corrective actions for a well that was not constructed properly. The report submitted to the Department indicated that in one bore, the bore was drilled to 850 ft. but the contractor was only able to advance the geothermal U-bend to 716 ft., reportedly due to problems with their drilling mud cleaning system. Further their crew was only able to advance the tremie pipe to approximately 500 ft. at which point the remaining annular space was grouted. The Bureau has contacted the contractor about the non-conforming well and a conference call is scheduled for this afternoon. The intent is to discuss the necessary corrective actions for the well in addition to the Department making all parties aware of the regulatory requirements that are to be met on all future bores. The drilling contractor, university representative, construction project manager and IGSHA-certified third-party oversight representatives will all have representatives on the call with Department staff.

**Total Green Direct Exchange (DX) Geothermal System:**

The Bureau was recently contacted by the Total Green DX Geothermal System representative who attended the September 19, 2019 Board meeting to discuss a proposed version of his product for use in NJ. The design Bill Buschur presented at that time specified a PVC sleeve in which the copper U-bend would be installed to address the Department and Board’s prior concerns of copper deterioration and potential release of refrigerant into ground water. At that time, he also proposed a grout mix that

had not been tested for permeability in accordance with ASTM D5084. Since that meeting Mr. Buschur has periodically been in contact with the Bureau regarding the grout testing and associated requirements. S. Reya noted that he recently inquired about utilizing a Department-approved grout to seal the annular space between the borehole and the PVC sleeve but wanted to use the unapproved grout to seal between the PVC sleeve and the copper U-bend. The Bureau responded that both annular spaces would have to be sealed using an approved grout since the unapproved grout could not be left in place should the well/system need to be decommissioned and drilling out DX geothermal wells that are potentially drilled on an angle on residential properties would not be a feasible expectation. Mr. Buscher's last correspondence indicated that he would pursue the permeability testing necessary for approval of the grout, which could then be used in both annular spaces. The Board will be kept apprised of any updates and/or with details regarding the proposed field/grouting demonstration that is to occur once the grout is demonstrated to meet applicable permeability standards. Specifically, Board members expressed interest in ensuring that the contractor is able to pump the specified grout through a ½" diameter tremie pipe, as their product installation documents stipulate.

**9. Other Business-**

J. Pepe informed A. Becker and the other members that he does not wish to be reappointed to his position on the Board. He offered to remain as an active Board member until a replacement is found. A. Becker thanked J. Pepe for his service and for offering to remain on the Board until a replacement is found. T. Pilawski said that the Department would be working on getting the position posted as soon as possible so the Department could process the rest of the Board member resumes.

**10. Adjournment-**

At 10:58 am, a motion to adjourn the meeting was made by G. Craig, seconded by C. Graff, and approved unanimously.