



# 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 October 15, 2020

*Approved by the Board on November 19, 2020*

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

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

**Board Members Absent:** N/A

**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:** Joe Mattle, Julia Altieri, Steve Reya, and Mark Ortega

**Members of the Public:** Eric Hoffman, Peak Environmental, Nick Thies, Boring Bros.

**1. Call to Order-**

The meeting was called to order at 10:02 am with a quorum present via telephone.

**2. Review and Certification of the September 24, 2020 Conference Call Minutes-**

**A motion to accept the September 24, 2020 minutes as written was made by G. Poppe, seconded by G. Craig and approved unanimously.**

**3. Review of Continuing Education Course Applications-**

The Board was presented with an application and supplemental information for WorldWide Drilling Resource, Inc. for a seven-hour seminar. The following courses will be offered during the 2020 WorldWide DownHome Drillfest™:

- Water Well History and Drilling, A Common Sense Approach
- Drill Rig Safety

- Mud Rotary-Based Advanced Drilling
- Drilling/Pump/Well Development Presentation and Discussion
- Drill Rig Maintenance
- Saving Money Pumping Groundwater
- The 12 Critical Traits for Sustained Profitable Business Growth

A. Becker asked the Board members if they had any comments on this seminar. S. Domber said that he did not believe that “The 12 Critical Traits for Sustained Profitable Business Growth” course should be counted for credit. G. Craig disagreed and reiterated his belief that business courses are of great importance for well drillers and pump installers. The Board members took a vote on all the courses except for “The 12 Critical Traits for Sustained Profitable Business Growth”, which they voted on separately. The Board members agreed that the six other course offerings were relevant to the NJ well drilling and pump industry and that continuing education points (CEPs) should be approved for the requested amount.

**S. Domber made a motion to approve all courses proposed for the 2020 WorldWide DownHome Drillfest™, except for “The 12 Critical Traits for Sustained Profitable Business Growth”. This motion was seconded by J. Hoffman and approved unanimously.**

**G. Craig made a motion to approve “The 12 Critical Traits for Sustained Profitable Business Growth”. The motion was seconded by G. Poppe. The motion was opposed by J. Yost, S. Domber, R. Dalton, J. Hoffman, and C. Graff. The motion did not pass so “The 12 Critical Traits for Sustained Profitable Business Growth” was not recommended for approval.**

S. Reya brought to the Board’s attention that they had a tie vote during the September 24, 2020 Board meeting for one of the National Ground Water Association (NGWA) online courses. The tie vote was for the NGWA University course, “How to Build a Better Business and Then Sell it for a Profit”. A. Becker asked the Board for another vote since all Board members were present.

**G. Poppe made a motion to approve “How to Build a Better Business and Then Sell it for a Profit”. The motion was seconded by G. Craig. C. Graff, J. Pepe and A. Becker voted in favor of the motion. It was opposed by J. Yost, J. Hoffman, S. Domber, and R. Dalton. The motion passed (five to four).**

#### **4. Request for Reinstatement of License and Allowance for “late” Continuing Education Points (CEPs)-**

S. Reya informed the Board that Mr. Dennis Gaughan recently notified the Department that he was unable to obtain his CEPs due to medical issues that he experienced during the licensing cycle. Board members were provided with an email, dated September 29, 2020, from Mr. Gaughan in which he stated that he had health issues that prevented him from obtaining the regulatory requirement that he obtain CEPs by March 31, 2020 in order for him to be eligible for license renewal. G. Craig said that licensees had a long time to obtain their seven CEPs and it was not clear why he was unable to do so. C. Graff asked if there was any additional information available and asked if Mr. Gaughan was drilling during that time. J. Yost asked about the availability of online courses that he could have completed from home even if he was not well enough to attend in-person classes. M. Ortega said that the International School of Well Drilling and All Star Training course were available in the middle of 2019.

A. Becker asked for the Department to reach out to Mr. Gaughan for some additional information since his email did not include any specific dates, thus it was not possible for the Board to evaluate his requests for special consideration in requesting a waiver from the CEP requirement prescribed in N.J.A.C. 7:9D-1. He asked DAG J. Denyes to assist the Department in requesting further information to avoid violations of the Health Insurance Portability and Accountability Act.

#### **5. Discussion of Well Driller Oversight Activities-**

A. introduced Mr. Nick Thies, President of Boring Bros and a journeyman well driller. Mr. Thies had referenced an ongoing Department enforcement issue involving an out-of-state company allegedly performing illegal soil boring activities. Mr. Thies was contracted to be on site for the proper decommissioning of these soil borings as there was an unlicensed well driller who drilled and improperly abandoned the 100 ft. borings without permits. Mr. Thies expressed his concerns about allowing contractors who are not licensed in New Jersey to perform work in New Jersey under the oversight of a New Jersey licensed well driller as he believes it subverts licensing requirements and the intent of NJ regulations. He discussed his encounters with out-of-state drillers who are unfamiliar with the laws in New Jersey and sometimes do not know how to operate a drill rig.

A. Becker asked the Board members for their comments on what Mr. Thies had just discussed. R. Dalton referenced a site where 3000-foot cores were needed, and no New Jersey licensed well drillers had the experience or technology to accomplish this task. He noted that there is sometimes a need for techniques and technology that are not immediately available in the State. J. Yost said that he brought this issues up a few years ago and he believed that contractors should be licensed. Mr. Thies suggested that these companies take out special permits if they will be doing this work but that it should be reviewed on a case by case basis. A. Becker said that the procedure of subcontracting services is universal throughout the United States and would require a statue change as current rules allow for a licensed driller/pump installer to oversee work performed under their license. He noted that it would be very difficult to pass a law saying that you cannot subcontract out to another company. G. Poppe also noted that if a company is not conducting work in full accordance with NJ rules, it is the licensed driller's responsibility to either ensure that they are or put an end to the job. Therefore, the license requirements are effective because it is incumbent on the licensee to ensure that the rules are followed since that licensee is ultimately responsible for the work performed.

Mr. Thies reiterated that he frequently sees out-of-state companies drilling wells without the supervision of a New Jersey licensed well driller or pump installer of the proper class. A. Becker asked Mr. Thies to report this activity to the Department immediately if he witnesses something. He praised the Department for their swift action when a complaint is filed.

A. Becker expressed this thanks to Mr. Thies for bringing this to their attention and spending time with the Board.

G. Poppe, J. Pepe, and Mr. Thies departed the call at 10:42 am. A quorum was still present.

#### **6. Status of N.J.A.C. 7:9D Rule Proposal-**

S. Reya informed the Board that the rule proposal containing the necessary updates that have been discussed over the past few years will be published in the New Jersey Register on October 19, 2020. All Board members will be emailed on the morning of Monday, October 19, 2020 with more information about the public comment period and how they can view and comment on the rule proposal. All individuals on the Well Permitting Section's email distribution list will also be emailed this information.

**7. Adjournment-**

**At 10:45 am, a motion to adjourn was made by J. Yost, seconded by C. Graff, and approved unanimously.**