



State of New Jersey

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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 17, 2021

Approved by the Board on July 22, 2021

Board Members Present at NJDEP Headquarters Building: N/A

Board Members Participating Via Telephone: Art Becker (Chairman), Joe Yost, Gordon Craig, Dave Lyman, Eric Hoffmann, Jeff Hoffman, Steve Domber, and Richard Dalton

Board Members Absent: Gary Poppe

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, Mark Ortega, and Steve Vargo

Members of the Public: N/A

1. Call to Order-

The meeting was called to order at 9:33 am with a quorum present via telephone. Notice of the meeting and instructions on how to participate by phone were listed on the Department's website.

2. Review and Certification of the May 20, 2021 Conference Call Minutes-

A. Becker pointed out a correction to be made with the draft minutes. He suggested removing "a" from the second to last sentence on page six.

D. Lyman made a motion to approve the minutes after the correction has been made. This was seconded by J. Yost and approved by everyone except for J. Hoffman and E. Hoffmann who abstained as they were unable to participate in the May call.

3. Continuing Education-

One course was presented to the Board for approval. This course was deemed to be administratively complete by the Department.

Experience Safety Institute, LLC

A. Becker described the course, Utility Proximity/811 Markout, to the Board, and asked if there were any comments or questions about the class. A. Becker said that he believed that this course was very appropriate for those working in the well drilling and pump installation industry. R. Dalton questioned the length of the course, noting that he has not seen a course like this last for two hours.

A motion to approve Utility Proximity/811 Markout for two safety CEPs was made by J. Yost. This motion was seconded by G. Craig and approved unanimously.

4. Disinfection of Wells by Unlicensed Individuals-

S. Reya explained that him and D. Lyman had been discussing a situation where an unlicensed person was advertising that he performs well disinfections. S. Reya explained that this practice is not covered by N.J.A.C. 7:9D. He explained that N.J.A.C. 7:9D-1.6, which details general provisions, does not state that unlicensed individuals are prohibited from disinfecting wells. He acknowledged that the Department believes that disinfection is important and pointed out that the Bureau of Safe Drinking Water has guidance documents available regarding proper disinfection of wells but that disinfection of a well has not historically been interpreted to fall under the scope of what is required to be done by a licensed individual, such as modifying, repairing, or installing the well/pumping equipment.

D. Lyman explained that someone had contacted about a person advertising that they disinfect wells, but this person was not a licensed well driller or pump installer. D. Lyman asked the Board if this should fall under a well repair or maintenance and be regulated by N.J.A.C. 7:9D. He noted that this person who advertised that they disinfect wells improperly disinfected a well by tossing chlorine tablets in a well pit. A. Becker indicated that he believes this practice to be already regulated under N.J.A.C. 7:9D and was surprised to hear Department representatives assert that it was not. A. Becker said that he believed that anyone who takes the well cap off of the well needs to be licensed. S. Reya said that the Department does not require an individual to be licensed to remove the well cap. He provided the example of environmental consultants who remove well caps in order to take water samples; these individuals do not need to be licensed.

A. Becker and J. Yost agreed that if you open a well then you should have a license. A. Becker asked DAG J. Denyes to weigh in on this topic. J. Denyes looked over N.J.A.C. 7:9D-1.6 and agreed with S. Reya's interpretation that it does not state that you cannot disinfect a well if you do not have a license. She also brought up the Safe Drinking Water guidance document which instructs homeowners how to disinfect their own wells. E. Hoffmann brought up that disinfection is mentioned in N.J.A.C. 7:9D-1.7, under the general provisions for well driller and pump installer licenses. S. Reya said that the Department added disinfection to certain licenses to say that those licenses can perform that work, but it does not say that anyone who does not hold a well driller or pump installer license cannot disinfect a well.

J. Denyes said that disinfection of wells does not appear to be prohibited to her. Disinfection is specifically mentioned in N.J.A.C. 7:9D-1.7, but not in N.J.A.C. 7:9D-1.6. The words maintenance and repair appear in both 1.6 and 1.7, but disinfection only appears in 1.7. She noted that she is not disagreeing that the person who D. Lyman discussed is improperly disinfecting well, but this not something that is covered under N.J.A.C. 7:9D.

S. Reya said that by disinfecting a well, you are not repairing the well; they are not the same thing. J. Denyes asked the Board members if homeowners are allowed to install their own wells. Everyone responded by saying no. She asked if homeowners are allowed to disinfect their own wells, which the

Board members indicated that if they own the well then they should be able to treat the well that they own on their property.

E. Hoffmann also briefly discussed New Jersey Pollution Discharge Elimination System (NJPDDES) permits. He said that consultants need to obtain NJPDDES permits to inject steam into groundwater. T. Pilawski and the rest of the Board agreed that NJPDDES permits should not be required for well disinfection. D. Lyman suggested that the Board recommend that the Department regulate disinfection under the current rule or alter the rule to allow for it if it is deemed outside the scope of the current rule.

R. Dalton asked J. Yost who has significant experience disinfecting municipal wells about when and how they need to be disinfected. J. Yost said that the municipality disinfects their own wells frequently, but if a raw water sample fails then a well driller is called to disinfect the well directly at the wellhead. R. Dalton suggested that someone should look into removing the disinfection guidance document from the Safe Drinking Water website as current guidance appears to be recommending that homeowners, who are unlicensed, disinfect their own wells.

D. Lyman explained why he believed disinfection should fall under the definition of a well repair. He said that disinfection changes the chemistry of the water and a licensed professional should be conducting this work. J. Yost said that since disinfection is regulated for public supply wells, it should be regulated for all potable wells.

J. Yost started to make a motion on this topic, but further discussion took place. E. Hoffmann reiterated that N.J.A.C. 7:9D-1.6 does not mention disinfection, but N.J.A.C. 7:9D-1.7 does, therefore, disinfection is defined. D. Lyman suggested that the law needs to be amended to define “repair”, so it includes disinfection. A. Becker and J. Yost agreed with D. Lyman.

J. Yost left the call at 10:15 am.

J. Hoffman asked J. Denyes if she could further investigate whether a licensed person or a homeowner can disinfect a well. If it is determined that a person needs to be licensed to do this work, then allow the Department to refer this case to Compliance and Enforcement to enforce this under the current rule. If it is determined that a person does not need to be licensed, then the Board can pursue recommending that the Department initiate a rule change to revise the noted provisions. J. Denyes agreed to investigate J. Hoffman’s request further and will report back to the Board with her findings.

Further discussion on this topic will occur during the July meeting.

S. Domber left the call at 10:23 am.

5. Ongoing Broad Product Review Status- CETCO

S. Reya reminded the Board that the CETCO Geothermal Grout and TC Booster field demonstration is scheduled to take place on Friday, June 25 at 10 am. It was noted that A. Becker would no longer be able to attend the demonstration. G. Craig, D. Lyman, and R. Dalton planned on attending. S. Reya said that he would reach out to G. Poppe to see if he wanted to attend the demonstration in place of A. Becker.

Total Green

S. Reya said that during the May 20, 2021 meeting, the Board advised the Department to inquire about the material composition of the proprietary materials in the grout. The Department reached out to Total Green and they disclosed this information to the Department. It was determined that these materials are non-toxic in water, which was the Board's primary concern. Total Green also fixed the typographical error regarding the units of measurement listed in the permeability report. Therefore, Total Green has been notified that they may proceed with the proposed field demonstration, utilizing both grout mixtures previously reviewed. The manufacturer has been in contact with a New Jersey licensed driller to schedule a field demonstration of the geothermal system in which copper piping will be installed within a PVC "sleeve" and both annular spaces are to be grouted in accordance with N.J.A.C. 7:9D in the presence of Board and Bureau representatives.

6. New Items-

The Board and Department staff wished J. Altieri good luck with her retirement. J. Altieri has worked with the Department for 33 years, 25 of which have been with the Well Permitting Section. J. Altieri wished the Board well and thanked them for their hard work and guidance.

7. Adjournment-

A. Becker thanked the Board members for their attendance and participation. The next meeting will be held on Thursday, July 22, 2021, at 9:30 am.

At 10:28 am, a motion to adjourn the meeting was made by D. Lyman, seconded by G. Craig, and approved unanimously.