



# 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 Meeting Minutes for April 20, 2023

*Approved by the Board on May 18, 2023*

**Board Members Participating Via Telephone/Microsoft Teams:** Art Becker (Chairman), Gary Poppe (Vice-Chairman), Joe Yost, Gordon Craig, Dave Lyman, Richard Dalton, Steve Domber, and Jeff Hoffman (joined at 10:45)

**Board Members Absent:** Eric Hoffmann

**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, Mark Ortega, and Steve Vargo

**Other NJDEP Staff Present:** Donald Hirsch, Northern Water Compliance and Enforcement

**Members of the Public:** Dermot Dillon, Summit Drilling/New Jersey Ground Water Association (NJGWA); Brian McGuire, MB Drilling

### 1. Call to Order and Introductions-

The meeting was called to order at 9:32 am with a quorum present via Microsoft Teams and telephone. Notice of the meeting and instructions on how to participate by video or phone were listed on the Department's website. A. Becker thanked everyone for attending the meeting.

### 2. Review and Certification of the March 16, 2023, Meeting Minutes-

A. Becker asked if anyone had any comments on the March 16<sup>th</sup> draft minutes. No one had any comments, and no further discussion was needed.

**A motion to approve the draft minutes from March 16, 2023, as written, was made by G. Poppe, seconded by D. Lyman, and approved unanimously.**

**3. Review and Certification of License Applications-**

A. Becker said that there were three license applicants for the journeyman well driller license. G. Poppe asked if anyone had heard of Cam Co-Access Water before. A. Becker said that he believed that they were formerly associated with a drilling company down in Atlantic County which is no longer in business. He added that MB Drilling has worked with a company named Cam-Co before, so he assumed that they are related. G. Poppe thanked A. Becker for the information. No further discussion was needed regarding the review of the following license applicants:

License Type	Applicant Name	Employer
Journeyman	Justin W. Amore	Hawk Drilling
Journeyman	Daniel Mancini	D'Agostino Well & Water Services
Journeyman	Jeremiah D. Poley	Cam Co-Access Water

**A motion to approve the three license applicants for licensure was made by G. Poppe. This motion was seconded by S. Domber and approved unanimously.**

**4. Review and Certification of Course Applications-**

*All Star Training Follow Up*

All Star Training had submitted four safety courses, which the Board reviewed during the March meeting and advised that the Department should request a sample log in to allow representatives to review the content and format of the following courses:

Course Name
Water Well Pipeline Safety and Abandonment of Water Well Hazards
Water Well Drilling and Pumps Safety
Water Well Safety
Health and Safety in the Water Well Industry

S. Reya discussed the history of All Star Training with the Board, for the benefit of the members who were not present when they originally began to submit course applications for review. He said that a former Board member had received several complaints regarding the format and duration of All Star Training's former "7 Hour Water Well" course, which caused the Department and Board to investigate. The Department, at the behest of the Board, had requested that All Star Training provide sample course log-in information to view the course. Due to the course format, which had no narration, and the course duration, which took significantly less than seven hours, the Board determined that the former "7 Hour Water Well" course did not meet the Board's requirements and revoked the course approval.

All Star Training revised the "7 Hour Water Well Course" by having an industry expert record new video course material, which was later approved by the Board. The Board also approved several new courses, taught by the same instructor, during the March 2023 meeting. The four safety courses submitted by All Star Training used a different instructor and the format was unclear, which caused the Board and Department to want to audit these courses.

A. Becker said that he audited the courses on behalf of the Board and submitted an evaluation of the four courses to S. Reya and M. Ortega. A. Becker discussed the course format first. He said that the individual pages are not timed, but there is an overall timer to read the full document. None of these

courses were narrated and each course had an easy 5-question quiz at the end of the document. The quiz can only be accessed after the timer expires. While the timer for each course was set to 50 minutes, none of the four courses took 50 minutes to read.

A. Becker discussed his thoughts about the course content for the four courses. He said that there were some relevant topics, but a lot of the information that was presented throughout the four courses overlapped. He added that a licensee would receive a lot of redundant information if they were to take more than one of these courses.

A. Becker said that he did not believe that these four courses meet the Board's standards. He asked the Department to weigh in on their evaluation of the courses. S. Reya said that he looked over all four courses and had S. Vargo review two of the courses with him. S. Reya said that he felt that the information was very superficial and provided some examples to the Board. Overall, the Department had the same comments as A. Becker.

A. Becker asked S. Vargo for his opinion on the courses that he took with S. Reya. S. Vargo said that the courses were repetitive and superficial. He said that the quizzes were very easy, and that the timer did not work as it should have. A. Becker agreed with S. Vargo's assessment of the courses. A. Becker said that he also had some issues viewing some of the PDFs, but the Department did not experience any issues with that. A. Becker suggested to the Board that they did not approve these four courses.

**G. Craig made a motion to not approve the four safety courses submitted by All Star Training and for the Department to provide All Star Training with the Board's feedback. This motion was seconded by D. Lyman and approved unanimously.**

*International School of Well Drilling (ISWD)*

S. Reya said that ISWD submitted two new online courses for review. He said that both courses are about grout and noted that one of the courses covers the Nebraska grout study, which has previously been discussed in detail by the Board and Bureau. Each course is about an hour in duration and ISWD requested one continuing education point (CEP) each. A. Becker added that all the courses that he has taken from ISWD have good content and course format.

A. Becker asked if any discussion was needed for these two courses. R. Dalton said that he believed that there should be some notes about state/local rules pertaining to grouting. A. Becker said that it is up to the licensee to be aware of state/local rules in addition to their local geology.

**A motion to approve Grout I and Grout II for one technical CEP each was made by J. Yost. This motion was seconded by G. Poppe and approved unanimously.**

*NJGWA*

S. Reya and A. Becker introduced the course to the Board. S. Reya noted that the Board had previously reviewed and approved the Solar Pumping Systems course which was taught during a prior NJGWA meeting in the last cycle. A. Becker added that the course instructor, Mr. Jim Hartmann, is an excellent speaker and is very knowledgeable.

**A motion to approve the NJGWA May 2023 Membership Meeting with Solar Pumping Systems course for two technical CEPs was made by G. Poppe. This motion was seconded by J. Yost and approved by all except for R. Dalton, who voted against the motion.**

G. Poppe asked if this course would count towards the 2023-2026 continuation education cycle. S. Reya said that it would count for the 2023-2026 continuing education cycle. He explained that well driller and pump installer licenses have an offset continuing education and licensing cycle to allow for continuing education information to be processed before renewal invoices get mailed out. New Jersey licensed well drillers and pump installers could have started to earn points towards the next renewal as early as April 1, 2023, if they met the CEP requirements for the 2020-2023 continuing education cycle.

**5. Waiver Request (Mr. Alphonse Famiano)-**

The Department received a letter from Mr. Famiano on March 16, 2023, in which he requests a waiver from the continuing education requirements for the 2020-2023 continuing education cycle. A. Becker reviewed the letter and asked DAG J. Denyes for her opinion. He said that it is hard to pin down what affected him during this cycle. J. Denyes agreed and suggested that the Board request additional information. She cited the well rule, which says that the licensee shall provide documentation to the Board. A. Becker agreed and noted that he was surprised that Mr. Famiano did not apply for a waiver sooner if he was having persistent issues. It was also noted that with the availability of so many online courses it was unclear why he could not obtain the CEPs at any point throughout the three (3) full years of the cycle.

R. Dalton asked if Mr. Famiano had any CEPs. S. Reya said that Mr. Famiano had not earned any CEPs. R. Dalton said that after reading the letter, he got the impression that Mr. Famiano was the only licensed pump installer at his company. He asked if the company has any other licensed pump installers, which the Department did not know offhand. R. Dalton and A. Becker expressed concern that there may be unlicensed pump work happening as the letter appeared to indicate that Mr. Famiano was the only licensee at the company yet potentially had multiple people/crews performing pump work.

G. Poppe added that all licensees should be aware of the CEP requirements at this point. He said that he believes that it would set a bad precedent if the Board were to approve this without any supporting documentation. A. Becker agreed with G. Poppe.

D. Lyman suggested that the Department ask how many pump installers he has working at the company. T. Pilawski suggested sending two letters to Mr. Famiano: one requesting more information to support his waiver request and one to ask what other licensed pump installers he has working for him. The Board agreed with T. Pilawski's suggestion.

J. Denyes discussed the precedent of approving waivers for general hardships. She offered to work with the Department on crafting a letter to send to Mr. Famiano. S. Reya said that he and M. Ortega will work on the letter.

**6. Final Continuing Education Report on the end of the 2023 Cycle-**

M. Ortega said that as of March 31, 2023, 614 licensed well drillers and pump installers met the CEP requirements. He reiterated that the Department had been forecasting that 75 percent of all licensees would meet the CEP requirements and that 75 percent had met the requirements by the deadline. After the cycle ended, more licensees met the requirements. As of April 20<sup>th</sup>, 644 licensees had met the CEP requirements, which is 79 percent of all active licensees.

M. Ortega noted that six of the 644 took courses after the CEP deadline and will be subject to the \$500 CEP late fee. He noted that he and S. Reya talked to another six licensees who said that they

planned on taking courses late in order to meet the requirements before June 30<sup>th</sup> when licenses expire.

M. Ortega informed the Board that renewal invoices will be mailed out to eligible licensees in early May. On April 11<sup>th</sup>, the Department mailed out 182 notices to licensees who did not meet the CEP requirements advising them of their options if they still wished to renew their license. M. Ortega noted that they have only heard from a small handful of people who received those letters.

A. Becker asked M. Ortega if he knew how many pump installers met the CEP requirements who said that 153 pump installers met the CEP requirements. He confirmed for A. Becker that 492 licensed well drillers met the requirements.

A. Becker discussed the demands of well drillers. He added that the number of licensed well drillers is dwindling and that it is getting hard to find licensed drillers for employment. The Board members agreed with A. Becker's assessment. A. Becker also said that many licensed well drillers only know how to operate direct push rigs. He said that there are not many people who know how to do air rotary, mud rotary, or dual rotary.

A. Becker thanked M. Ortega for the update.

**7. Enforcement and Potential License Sanction Discussion with Donald Hirsch, Chief, Northern Water Compliance and Enforcement-**

T. Pilawski introduced Mr. Donald Hirsch to the Board. D. Hirsch is the Bureau Chief of Northern Water Compliance and Enforcement and will be attending Board meetings in case the Board has any specific questions related to the enforcement process. She discussed a referral that the Well Permitting Section will be developing for a company who was delinquent in submitting well records and well decommissioning reports, which would be sent to D. Hirsch's group in the northern region. T. Pilawski told the Board that the Well Permitting Section recently met to strategize how to bring license sanctions against repeat offenders.

D. Hirsch and T. Pilawski discussed the enforcement process and the hearing process. D. Hirsch said that Water Compliance and Enforcement sticks to the rules and regulations. He said that when Well Permitting sends an enforcement referral, he knows that they have reached the end of the line in that case. He informed the Board that all enforcement regions are very busy and said that some cases move slower than they would expect due to workload and the required procedures that must be followed but they are followed up on and taken seriously. T. Pilawski reminded the Board that Water Compliance and Enforcement regularly sends out staff to do inspections.

A. Becker said that he is happy to see the Department acting. He added that there are a lot of great people in the industry and that it is a slap in their face when no enforcement action is taken against bad actors.

D. Hirsch said that he is looking forward to working with the Board. A. Becker thanked him.

**8. Type 1L Cement (continued from prior meetings)-**

A. Becker said that G. Craig has been doing a lot of work to test Type 1L cement. He added that R. Dalton and S. Reya have been reviewing the lab data. G. Craig explained to the Board that he had a certified lab perform tests on two mixes of Type 1L cement: six gallons of water per bag of Type 1L cement and seven gallons of water per bag of Type 1L cement. G. Craig was pleased to report that so

far, the permeability tests have shown that both mixes meet the Department's permeability requirements. G. Craig added that they did not do any shrink testing or any pump tests yet.

R. Dalton discussed the permeability data from the lab of the two different mixtures and some apparent inconsistencies since increased water content would theoretically result in additional shrinkage and cracking. The permeability of the seven gallon per bag mixture looked better than the six gallon per bag mixture which was surprising to him. He suggested that this might be because the limestone content can vary per bag of cement. G. Craig agreed that there could be some variability but that the initial testing was to get a baseline for what can be expected with Type 1L, which was a complete unknown as far as permeability. Ultimately, R. Dalton added, a pump test needs to be completed.

In prior meetings, the Board had discussed using Type II cement as a replacement to Type I cement. G. Craig said that he has heard that Type II cement will not be available for much longer either due to the financial implications of the manufacturing process effectively applying the same to both types I and II.

G. Craig asked the Board what they should do if Type I cement becomes unavailable before Type II can be approved. He added that cement manufactures are not inclined to do any tests for grout since it is such a small part of their business.

A. Becker said that the industry is not going to be able to wait if cement manufactures stop distributing Type I cement. He added that the industry will be operating illegally. He asked how the Department plans on handling this scenario. S. Reya talked about N.J.A.C. 7:9D-2.8, which discusses the approval of alternative materials and methods. He added that the Department can write something up for the Board to review. He noted that a pump test and additional samples need to be collected and tested during the pump test to be analyzed.

J. Hoffman joined the call at 10:47 am. G. Poppe departed the call at 10:51 am.

A. Becker asked J. Denyes for her opinion on how to proceed. J. Denyes said that the Department has enforcement discretion. She added that they have the ability to enforce, but not the obligation. The Department could also potentially enter a memorandum of understanding. She noted that the Department cannot be the reason for an entire industry shutting down.

J. Denyes asked how other states are handling this problem. A. Becker said that every state currently is experiencing the same problem. J. Denyes said that the Department can engage in emergency rule making. An additional avenue that the Department can go would be to temporarily approve the use of Type II cement until further studies can be completed. J. Denyes said that her office can work with the Department to come up with options.

J. Mattle brought up the Michigan memo, which A. Becker previously provided to the Department. He suggested, after hearing J. Denyes' suggestion of using a memorandum of understanding, that the Department engage in something similar. T. Pilawski suggested that the Board make a motion to help guide the Department.

**R. Dalton makes a motion that the Department put together an interim procedure for using Type 1L cement to grout wells in New Jersey until sufficient data exists in accordance with N.J.A.C. 7:9D. G. Craig seconded the motion and it was approved unanimously.**

D. Lyman asked R. Dalton about using bentonite-based grouts in consolidated (bedrock) formations. R. Dalton said past concerns raised by the Board many years ago that bentonite grouts may be prone to “washing out” through fractures in the rock resulted in the Department not approving bentonite for use in consolidated formations. The 2018 well rule amendments, however, now allow for some bentonite-sand geothermal grouts to be utilized in consolidated formations, due to the increased solids content. R. Dalton further noted that a representative from the drilling and grouting fluid manufacturer, Baroid, once showed him photographs of a uranium mine containing boreholes that were sealed with bentonite well below the water table and there was reportedly no water leakage after many years. D. Lyman said that a bentonite manufacturer may be able to do some of the required testing since they would have a financial interest in having a bentonite product approved, which has been problematic regarding Type 1L cement testing, as previously noted.

J. Denyes asked if Type 1L cement is currently being used. G. Craig and A. Becker said that the material is being used in roads and building construction. Type I and Type II cement will soon be unavailable nationally which makes this a pressing concern. A. Becker added that Florida, Michigan, Minnesota, and a few other states are also investigating the issue. The National Ground Water Association has also been involved in recent investigations into Type 1L cement.

#### **9. Program Updates-**

T. Pilawski thanked D. Hirsch for attending the meeting. She also thanked J. Mattle for his years of service with the Department and noted that he will be retiring at the end of the month. She expressed to the Board that she is hopeful that his replacement will be backfilled soon.

A. Becker thanked J. Mattle on behalf of the Board. J. Mattle thanked the Board for his and said that the last four years that he spent in the Well Permitting Section were the best years of his career. He complimented the Well Permitting staff and wished the Board luck with their upcoming projects.

#### **10. Adjournment-**

S. Reya said that the next Board meeting will be held on Thursday, May 18, 2023. A. Becker thanked everyone for attending. The meeting ended at 11:13 am.