



## 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 December 15, 2022

*Approved by the Board on January 19, 2023*

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

**Board Members Participating Via Telephone/Microsoft Teams:** Art Becker (Chairman), Gary Poppe (Vice-Chairman), Joe Yost, Gordon Craig, Dave Lyman, Eric Hoffmann, Richard Dalton, and Steve Domber

**Board Members Absent:** Jeff Hoffman

**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

**Members of the Public:** None

#### 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 wished everyone a happy holiday season. He praised the Board for all of the accomplishments that they've made over the year.

#### 2. Review and Certification of the November 17, 2022 Meeting Minutes-

A. Becker asked if any discussion was needed for the November minutes. S. Domber brought up a correction needed to the second to last paragraph of item four, in reference to the presentation he gave on domestic well installations. He said that the last sentence of the paragraph which says, "That number is probably closer to 400,000 in 2022", is erroneous. M. Ortega noted that he and S. Reya had already corresponded with S. Domber via email and will make the necessary correction to the minutes by omitting this sentence.

**A motion to approve the draft minutes from November 17, 2022 with the one noted correction was made by J. Yost, seconded by S. Domber, and approved unanimously.**

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

S. Reya said that there was one license applicant for the Journeyman well driller license. This applicant is currently licensed as an Environmental Resource and Geotechnical well driller and passed all of the required certification exams and met all of the other requirements for the Journeyman license. No discussion was needed.

License Type	Applicant Name	Employer
Journeyman	David Lutterbach	Advanced Drilling Inc.

**A motion to approve one license applicant for licensure was made by G. Poppe. This motion was seconded by D. Lyman and approved unanimously.**

**4. Type 1L Cement/Phasing Out of Type 1 Cement-**

A. Becker started the discussion by saying that he attended the National Ground Water Association's Groundwater Week earlier in the month. He said that everyone in the industry that he spoke with regarding the change from Type 1 cement to Type 1L cement is unsure how to deal with the change and how to manage the process.

A. Becker asked S. Reya to comment on the Department's progress into finding a solution to have this new grout tested. S. Reya said that some staff within the Division of Water Supply and Geoscience had met with the Division of Science and Research to discuss options. He said that Science and Research does not have the capability to run any of the test in-house. They did say that they would be able to work with Rutgers or the New Jersey Institute of Technology (NJIT) to see if they would be able to perform the work. S. Reya added that he is unsure about the timing of everything and the capabilities of each lab. S. Reya noted that the Well Permitting Section will need to submit a scope of work to the Division of Science and Research in order for them to reach out to the labs at Rutgers and NJIT. He asked the Board members to think of some parameters to test so a scope of work can be drafted.

A. Becker said that no one in the industry has seen the product rolled out yet. G. Craig said that he would speak with his contacts in Pennsylvania to see when Type 1L cement will start to be distributed in our region. R. Dalton noted that he sent some of the Board members information that he found on Ohio oil and gas regulations. He said that he believes that Type 1L cement has already been used for oil and gas wells. There was some additional discussion about Halliburton creating their own cement grout.

A. Becker said that this will continue to be an agenda item for the foreseeable future. R. Dalton said that he is aware of three cement plants in the Northeast that produce Type 1L cement. A. Becker asked everyone to keep their eyes out on the cement that they receive in case the switch from Type 1 to Type 1L occurs abruptly.

**5. Program Updates-**

J. Mattle briefly talked about ongoing blueberry inspections and enforcement actions being taken against farmers who are out of compliance. There are multiple wells being decommissioned and new, permitted, wells are being constructed in place of the unpermitted wells. T. Pilawski briefly went into

the history of the blueberry farm inspections, which started occurring in the summer of 2021. She praised M. Schumacher for the work that he had done on these endeavors.

T. Pilawski briefly discussed the requirement of homeowners to hook into public water of new houses if there is an existing water main within 200 feet of the property boundary. This is stipulated in the Safe Drinking Water Act Rules, N.J.A.C. 7:10. T. Pilawski informed the Board that this requirement takes up a lot of time and staff resources to look into multiple times a week.

A. Becker asked for a status update on enforcement activities that the Well Permitting Section has done recently. T. Pilawski and J. Mattle indicated that the new process of delivering enforcement referrals to Compliance and Enforcement does not work for the Well Permitting Section. A. Becker discussed the repercussions of the Department not conducting field investigations or sending out fines and enforcement documentation. T. Pilawski had discussed two enforcement cases that were just taken on by Compliance and Enforcement.

G. Poppe departed the call at 10:06 am.

E. Hoffmann asked the Department about the staffing issues that T. Pilawski had brought up in prior meetings. T. Pilawski said that the Well Permitting Section still has not seen postings for the positions vacated by J. Altieri, who led the Technical Assistance and Licensing Unit, and L. Stout, who led the Well Permitting Unit. She added that the Well Permitting Section is also waiting on an entry level backfill for L. Stout in the Well Permitting Unit.

S. Reya departed the call at 10:08 am.

E. Hoffmann asked if there was any way that the Board could assist with ensuring that these positions get filled. He asked if the Board should write a letter to the Department's management to try to make filling these positions a priority. J. Mattle said that it would be prudent to have something from the Board. A. Becker said that 10 years ago drillers would do whatever they wanted because they knew that there would be no ramifications. He lamented that things are trending back to those times and he often hears from people that they do not think the Department will go after them if they violate a rule.

D. Lyman asked about hiring temps who are licensed well drillers and pump installers to conduct inspections. He added that licensees love to do inspections. T. Pilawski spoke about the ethical complications of hiring licensees to conduct well inspections.

The Board asked T. Pilawski who they should send a letter to regarding these issues. T. Pilawski told the Board that they can send the letter to the Assistant Commissioning of Water Resource Management, Patricia Gardner, and the Director of Water Supply and Geoscience, Patricia Ingelido.

**A motion was made by G. Craig to have the Board draft and submit a letter to the Department's management requesting that they fill the vacancies within the Well Permitting Section and add additional positions. This motion was seconded by D. Lyman and approved unanimously.**

A. Becker and E. Hoffmann volunteered to co-author the letter. E. Hoffmann said that he would write the first draft and share it with A. Becker. He asked A. Becker to share any template letters that he may have.

**6. Adjournment-**

M. Ortega noted that the next Board meeting will be held on Thursday, January 19, 2023. A. Becker said that he would be unable to make it to that meeting and that he would let Vice Chairman G. Poppe know.

**At 10:20 am, a motion to adjourn the meeting was made by G. Craig, seconded by E. Hoffmann, and approved unanimously.**