



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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STATE WELL DRILLERS AND PUMP INSTALLERS
EXAMINING AND ADVISORY BOARD

State Well Drillers and Pump Installers Examining and Advisory Board Meeting Minutes for September 15, 2011

Board Members Present: Art Becker (Chairman), Anthony Tirro (Vice-chair), Gary Poppe, Joe Yost, Joe Pepe, Richard Dalton, Karl Muessig, Carol Graff.

Board Members Absent: Fred Sickels

NJDEP Water Supply Staff Present:

Pat Bono, Steve Reya, Julia Altieri, Michael Schumacher (second half of meeting), Brian Buttari (second half of meeting), Tracy Omrod, Melia Stoop (BWAWP), Terry Pilawski, Steve Doughty

NJDEP Enforcement Staff: Jeff Hoffman (morning only), Melissa Hornsby (morning only)

Member(s) of the Public: Gus Schultes from A.C. Schultes, Robert Jensen from Agreenability.

1. **Call to Order** – A. Becker called the meeting to order at 9:36 am with a quorum present.
2. **Review of Minutes from July 21, 2011 Meeting** –
A motion to approve the minutes without change was approved unanimously.
Review of Executive Minutes from July 21, 2011-
A motion to approve the minutes without change was approved unanimously.
3. **Certification of Exam Scores for October 4, 2011 Master, Journeyman, Journeyman B, Monitoring, Soil Borer and Pump Installers Exams–**

Master – A motion to certify the applicant scores was made by G. Poppe, seconded by A. Tirro and approved unanimously.

Journeyman - A motion to certify the applicant scores was made by J. Yost, seconded by C. Graff and approved unanimously. S. Reya noted that Mr. Killip has two pending enforcement issues with the Department. His exam scheduling letter will note that should he be successful in passing his Journeyman Exam, a license will not be issued until all pending enforcement actions are resolved.

Journeyman B – A motion to certify the applicant scores was made by C. Graff, seconded by A. Tirro and approved unanimously.

Monitoring – A motion to certify the applicant scores was made by G. Poppe, seconded by J. Yost and approved unanimously.

Soil Borer – A motion to certify the applicant scores was made by A. Tirro, seconded by D. Dalton and approved unanimously.

Pump Installer – A motion to certify the applicant scores was made by K. Meussig, seconded by C. Graff and approved unanimously.

**4. Testing & Licensing Issues-
Pump Installer Survey**

S. Reya conducted a review of a one year history of the pump installer question that was challenged by Mark Lombardo from A.C. Schultes at the previous meeting. He found that this question, which pertained to the correct depth at which a submersible pump should be set, was answered correctly by only 18.5% of all applicants (five of twenty-seven applicants answered the question correctly). Additionally, he noted that four of the applicants wrote comments adjacent to the multiple choice selections, which indicates that there is confusion as to exactly what the question is asking. The Board members agreed that the question should be re-worded.

A motion to go into Executive Session to revise the question was made by G. Poppe and seconded by C. Graff.

The Board returned to open session at 10:15 am.

**5. Board Business –
Reappointment of Board Members – Status Update**

P. Bono said that the Board member appointment approvals have not been formalized, as the Administrative Order has not yet been signed by the Commissioner's office.

Reschedule Conference Call Originally Scheduled for November 8, 2011. – It was noted that the conference call scheduled for the purpose of approving the October 4 call is scheduled for a state holiday. The conference call will now be rescheduled for Wednesday, November 9th at 10:30 am. Bureau staff will send out updated public notices to the newspapers originally notified about the call as required.

6. Licensing Topics –

Enforcement Activities –

M. Kavlunas/Total Quality Drilling Update (Mr. Kavlunas Originally Addressed the Board on May 26, 2011)-

S. Reya noted that he returned to the site in question on August 23, 2011 to check on Mr. Kavlunas' claim that the well is located too close to power lines, which prohibits him from drilling out the well and placing grout to the total borehole depth upon abandonment. Mr. Kavlunas' second assertion was the fact that the high volume of irrigation runoff from the adjacent farm caused grout to washout from around the casing. The irrigation runoff also reportedly caused a washout and sinkhole around a second well that was drilled later by another drilling contractor to replace the well drilled by Mr. Kavlunas. S. Reya stated that the well drilled by Mr. Kavlunas, which has been ordered sealed by DEP, is approximately 40 ft. from overhead power line along the street and approximately 20 ft. from the overhead power line that runs to the residence. He also reported that the newer replacement well is surrounded by a depression that is a few feet long along the side in which the water line and electric line were trenched. This depression measured approximately 10 inches below grade.

S. Reya noted that the new well was not washed out and that since Mr. Kavlunas chose the well location, it is ultimately his responsibility to coordinate with the power company to shut off the power temporarily should he feel that the proximity to the well is not a safe distance when decommissioning the well. Finally, Mr. Reya noted that he used a hand auger to sample the annular space around the well drilled by Mr. Kavlunas and found only a few inches of bentonite grout below the pitless adapter elevation and encountered voids and cuttings below this point. The Department will be sending correspondence to Mr. Kavlunas notifying him that the Order to Seal is still in effect and that he will still have to drill out the well to the depth and diameter of the original borehole.

Mr. Kavlunas requested an administrative hearing on this matter, which has been granted by the Department but may not take place for quite some time due to a backlog in the administrative hearing schedule. Several options were discussed regarding concern over the length of time the well would exist until the hearing takes place. It is not possible for the DEP to go ahead and pay to decommission the well and charge Mr. Kavlunas for the cost; the Department lacks this regulatory authority. G. Poppe stated that this situation incurs danger to the homeowner's drinking water posed by the abandoned well. A. Becker stated that the current enforcement system is not working properly and that the Board and Department need to take a look into correcting the problem. J. Hoffman stated that the well drilling regulations would have to contain the regulatory authority to actually do this. He also noted that the only option to speed up the process of the physical well decommissioning would be to attempt to separate the violations into two Administrative Orders. One would contain fines, which could wait for a hearing and the other would pertain to the physical onsite remediation work that is required and attempt to expedite that portion.

NGWA Certification Program – Update – Kevin McCray, National Ground Water Association (NGWA) Executive Director, recently contacted P. Bono to begin to work on setting up the testing, licensing and continuing education process. P. Bono indicated that the holdup in working with the NGWA is that lack of a solid design concept for the new licensing and continuing education program. Since efforts to work on the rule have resumed, this should become possible in the near future. She and S. Reya will continue to work with NGWA to set up the program.

7. Technical Topics -

Robert Jensen, President of Agreenability, brought in a sample of his geothermal pipe design, which was requested by the Board members at the July 21, 2011 meeting. The six foot long showed the central grout tube (2" diameter) and the orientation of the eight surrounding geothermal pipes (3/4" diameter) that make up four geothermal loops that surround the center pipe in a spiral arrangement. Mr. Jensen handed out a September 12, 2011 report of a grouting bench test he conducted entitled "Report: Validation of 2" Center Pipe Twisted Pipe Bundle (2TPB), grouting (p)rocess." He also provided samples of the Twisted Pipe Bundle that had been surrounded by grout material (Cementitious Thermally Enhanced Grout/Mix 111) in a six (6) inch diameter, four (4) foot long section of PVC pipe that was selected to simulate the well borehole. R. Jensen noted that two holes measuring .5" in diameter are to be placed in the center line and will act as grout ports. A tremie pipe is to be placed to the bottom of the well through this hole. He also stated that they anticipate being able to pump 12 to 24 gallons per minute through the grout ports.

R. Jensen confirmed that the piping, grout and circulating fluid all conform to the standards of N.J.A.C. 7:9D. The reason for his visit was to ask about the ability to properly grout the pipe

bundle within the borehole. He added that the typical installation depth would be between 200 and 350 feet. Board members expressed interest in being onsite to observe the installation and ensure that the design would in fact, facilitate adequate grouting of the borehole. R. Jensen agreed to coordinate the permit application with S. Reya who will contact interested Board members who wish to view the installation.

A motion to advise the Department to approve the pilot program installation and that Board members witness the installation, was made by G. Poppe and seconded C. Graff and approved unanimously.

8. Program Updates-

Historic Well Document Project- Water Supply staff has resumed working on the historic well record data entry project. P. Bono also noted that the Well Permitting staff is currently working more closely with the with other groups within the element (Bureau of Safe Drinking Water and Water Systems Engineering staff) to better coordinate well permitting and well construction issues that overlap multiple DEP programs.

Rule development – P. Bono stated that she is in the process of preparing a draft revision to the well regulations, N.J.A.C. 7:9D. One important issue that is not addressed in the current regulations is the registration of drilling companies. P. Bono noted that she feels as though the Department would be better able to hold companies accountable for habitual improper well construction practices if companies were required to register with DEP. She also noted that she intends to set up a work session to solicit suggestions and feedback regarding revisions to the current regulations, including the NJGWA subcommittee formed for this purpose. She agreed to set a date in time for G. Poppe to announce at the upcoming NJGWA meeting next week. R. Dalton suggested that DEP update their regulations on a more frequently to keep up with codes and standards being set by other agencies. This could allow for incorporation of new technologies as they arise and keep the well regulations up to speed with newer technologies. Unfortunately, the schedule fore revising regulations is not within the control of the Division and must accommodate the Department's rules schedules.

J. Pepe suggested that P. Bono provide a copy of the draft regulations, which notes the changed/added text in bolded text to allow those who are reviewing the proposed regulations to quickly identify the items that are new. He indicated that he has seen this layout in other regulations and will attempt to find a sample for her to review.

**9. Enforcement Update-
Board Hearings-**

J. Denyes, DAG, stated that the Department and Board appear ready hold a hearing for unsettled enforcement violations at an upcoming meeting. She suggested that one well driller be identified by the Department and brought to the Board through a referral. The hearing will need to be posted as part of the public notice and follow the procedures outlined by J. Denyes at the previous meeting. When the individual is identified by the Well Permitting program, the Department's Enforcement program will issue a notice to the individual, which will require the person to appear at the Board hearing.

J. Altieri asked whether all documentation of an individual's violation(s) would be required to be presented in front of the board. J. Denyes stated that it is the Board's decision regarding how much documentation the members feel is required. A. Becker indicated that he would prefer a

summary of the violations and enforcement actions rather than large document containing every piece of documentation regarding a particular case. J. Denyes also noted that the individual will have the right to go to the Office of Administrative Law after board hearing to appeal the decision of the DEP commissioner (after recommendation was made by the Board).

A. Becker noted that the well drilling and pump installation community is fairly small and that members of the Board know many other individuals within the regulated community. Therefore, he requested guidance on when a Board member must recuse himself/herself from participating in the Board hearing. J. Denyes said she would provide guidance to board members at the upcoming meeting.

Enforcement Correspondence-

J. Altieri provided an Enforcement update regarding all recently sent Administrative Order notices that have been sent by the Department, as well as noting that several additional people have requested hearings. These individuals, therefore, will not comply with the Administrative Order until the hearing is held. Hearing request backlogs further complicate the problem since it is often months or years before the hearing occurs.

10. Technical Topics - (Continued)

Electrode Decommissioning-

S. Reya said that he had recently heard from the Shaw Environmental staff concerning the bench test that was proposed to obtain a deviation for the decommissioning of multiple electrodes on a contaminated site. The bench test had not yet been conducted due to a delay in ordering backfill materials for the test. Shaw Environmental staff will contact S. Reya prior to the next meeting to provide documentation of the bench test and/or will attend the next Board meeting to present the results of the test.

REHAU Geothermal Piping- S. Reya discussed a September 14, 2011 letter from Terry Pilawski, Chief of the Bureau of Water Allocation and Well Permitting, which approved the use of REHAU's PEXa crosslinked polyethylene piping for use as geothermal ground loop piping material. This was a result of REHAU staff providing the Department with the documentation requested at the Board meeting they attended on July 21, 2011. R. Dalton and S. Reya reviewed the documentation and agreed that the piping material met or exceeded the standard required by the regulation, N.J.A.C. 7:9D, in all relevant categories. R. Dalton also noted that the specifications listed in the regulation are outdated and need to be updated in the new regulations that are to be proposed shortly.

Baroid field demo – The permeability data results for the recent field demonstration of Baroid's Barotherm Gold 400/Barotherm 1.2 and Barotherm Max are not yet available according to a September 14, 2011 email sent by Dr. Charles Landis, Halliburton Industrial Drilling Products Technical Director. Preliminary values for some of the samples were provided in this email, which was sent to S. Reya. R. Dalton noted that he will check the ASTM standards for conducting the permeability test to ensure that Baroid's independent lab is conducting the tests within the proper time frame of the sample collection date.

- 11. Board Meeting Rescheduling-** The meeting scheduled for November 29, 2011 will be rescheduled for November 22, 2011 due to scheduling conflicts of several Board members. Public notice of the new meeting date will be posted in all newspapers used to publish the original date.

12. **A Motion to Adjourn** was made at 12:07 pm by C. Graff, seconded by A. Tirro and approved unanimously.