



State of New Hampshire  
**WATER WELL BOARD**



Roger B. Skillings, C.W.D. – P.I., *Water Well Contractor*  
David R. Hunt, *Water Well Contractor*  
Kelly M. Dobrowolski, *Pump Installer*  
Richard P. Schofield, P.G., *Staff*

Steven Garside, *Technical Driller*  
Rene Pelletier, P.G., *Dept. of Environmental Services*  
Frederick H. Chormann, Jr., P.G., *State Geologist*  
Steve Guercia, Certified Operator, *Public Member*

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NH WATER WELL BOARD MINUTES

August 13, 2015

A meeting of the New Hampshire Water Well Board (“Board”) was held on August 13, 2015, in the Department of Environmental Services Building in rooms 112 & 113, 29 Hazen Drive, Concord, NH 03301.

Present were: David Hunt, Chairman  
Brandon Kernen for Rene Pelletier, Secretary  
Board Members: Steven Garside, Roger Skillings, Kelly Dobrowolski, and Frederick Chormann  
NHDES Staff: Richard Schofield and Katie Murphy

Mr. Hunt brought the meeting to order at 9:35 A.M.

**Approval of Minutes**

Upon motion by Mr. Skillings, and seconded by Mr. Garside, the Board voted to accept the Minutes of the June 4, 2015 meeting, as printed.

Upon motion by Mr. Skillings, and seconded by Mr. Garside, the Board voted to accept the Minutes of the July 14, 2015 meeting, as printed.

**Request for Exemption**

**Geosphere Environmental Management, Inc.**

The Board considered a request for exemption of We 604.03 (b)(1) from Geosphere Environmental Management, Inc. (Geosphere) on behalf of Aquarion Water Company of New Hampshire (Aquarion), to decommission a gravel packed public water supply well that is no longer in service. Raymond Talkington, of Geosphere, addressed the Board regarding the request. Geosphere requests to decommission the well by pulling the pump and chlorinating to 50 mg/L, using 3/8 inch x 3/16 inch gravel pack from 15 feet to 21 feet, No. 2 sand pack from 13 feet to 15 feet, No. 00N sand pack from 11 feet to 13 feet, granular bentonite from 10 feet to 11 feet, and neat cement with 6% bentonite to 2 feet below existing grade. The casing would be cut off 2 feet below grade, the exact latitude and longitude would be collected, and the well would be back filled with clean sand to grade. This method is requested to reduce the risk of altering the groundwater flow dynamic in the sand and gravel aquifer and reducing the yield and water quality of a nearby gravel packed well. Upon motion by Mr. Garside, and seconded by Mr. Chormann, the Board voted unanimously to accept the proposal to decommission the well using the approved methods presented by Geosphere.

**Reporting****Great Works and Test Boring, Inc. – David Dionne**

The Board continued the discussion from previous meetings regarding reporting of Great Works and Test Boring, Inc. (hereinafter Great Works). On April 6, 2015 the Board reviewed the annual compliance report and identified Great Works and Test Boring, Inc. as failing to submit well completion reports in 2013 and 2014. On April 6, the Board sent a letter addressed to David Dionne requesting a letter of confirmation that the Board's records were correct, or to file any missing reports that remained due. The letter also requested a letter of explanation of why the reports were being submitted late, if so. No response was received from Great Works. On May 14, the Board sent a letter inviting Mr. Dionne to the June 4, 2015 meeting, but Mr. Dionne did not attend that meeting. At the June 4 meeting, the Board agreed to send Mr. Dionne another letter, giving him a second chance to attend the August 13, 2015 meeting; however Great Works was not present at the meeting. Mr. Schofield presented the Board with a letter received by e-mail the morning of the meeting from Cheryl Dionne, responding to the invitation to attend the current meeting. In the letter, Great Works promised to submit a missing report for a monitoring well installed in the Town of Wakefield. Great Works stated that they have not been submitting reports because their work has primarily been geo-technical projects rather than wells. Mr. Schofield also presented several abandoned well registration reports received from Great Works for wells decommissioned in Seabrook, Wakefield, Newport, and Rochester. Mr. Schofield noted that his response to Ms. Dionne's email contained a reminder that Great Works had not renewed their license for 2015-2016.

Mr. Schofield informed the Board that the program had received evidence of non-compliance with the reporting requirement from an invoice dated September 29, 2014, for a well constructed in the Town of Wakefield, which the Great Works' letter had referred to. DES issued a Letter of Deficiency on July 22, 2015, requesting that Great Works submit a completed well completion report for this well and any other overdue well completion reports to the Board. Mr. Kernen stated that DES is currently continuing to investigate any other wells drilled, which have not been reported.

The Board expressed concern that the qualified individual at Great Works is currently unlicensed as a water well contractor and technical driller in addition to not cooperating with an ongoing enforcement action. Upon motion by Mr. Kernen, and seconded by Mr. Skillings, the Board voted, in accordance with the Board's authority under RSA 482-B:8, that the Board not accept the renewal application from Great Works and Test Boring, Inc. until such time the responsible individual comes before the Board to discuss compliance and licensing requirements, well completion report submittal requirements, and addressing the lack of cooperation with DES enforcement actions.

**Licensing****License Applicants**

The Board considered an application from Adam Dragon for a pump installer license, domestic and industrial. Upon motion by Mr. Garside, and seconded by Mr. Skillings, the Board voted unanimously to approve the application.

The Board considered an application from Joseph Dragon for a rotary drilling license. Upon motion by Mr. Garside, and seconded by Mr. Skillings, the Board voted unanimously to approve the application.

The Board considered an application from Blake Cabit for a technical drilling license. Upon motion by Mr. Skillings, and seconded by Mr. Garside, the Board voted unanimously to approve the application.

#### Technical Drilling

Mr. Schofield informed the Board that he received an email on June 11 from Dermot Dillon, of Summit Drilling, inquiring whether a New Hampshire drilling license was required for collecting soil samples at 41 locations to a depth of 30 feet below ground surface. Mr. Schofield advised Mr. Dillon that New Hampshire licensing law, RSA 482-B:2, requires a technical drillers license for the proposed work. The Board agreed with Mr. Schofield's determination but suggested that the definition of 'well' within the statute should be clarified.

#### Renewals

Mr. Schofield updated the Board on renewed licenses, which were sent out on July 30, 2015 along with the Water Well Newsletter. Thirty three contractors have not renewed their license, as of the Board meeting.

#### Administrative Rules

Present for the Board's discussion of the rules were Bill Trombly, representing the Mechanical Safety and Licensing Board; Bill Glennon, President of the Plumbers, Fuel Gas Fitters, and HVAC (PFGFHVAC) Association of NH; Jim Fabrizio, a member of the PFGFHVAC Association of NH (hereinafter PFGFHVAC Association); Steve Schwed, President of the NH Water Well Association; and Steve Smith, a member of the NH Water Well Association.

Mr. Schofield informed the Board that the rulemaking process will need to begin relatively soon and provided a summary of the process and the discussions regarding the proposed rules thus far. The rules are set to expire in June 2016 and the process generally takes about six months to complete. In April, Mr. Schofield and Mr. Kernan met with the PFGFHVAC Association to present the Board's proposed rules for licensing. In May, the PFGFHVAC Association sent a letter to the Board stating that they were opposed to the proposed rules. At the June 4, 2015 Water Well Board meeting, the Board responded to the concerns of the PFGFHVAC Association, as interpreted, and the Board issued an exemption for the business license fee so that a plumber holding a pump installer license would not have to pay a business license fee. At the same meeting, the Board also issued an exemption for the exam for employees of a licensed plumber who are applying for a pump installer license.

On June 17, Mr. Schofield attended the Mechanical Safety and Licensing Board and heard their questions regarding the proposed rules. On June 29, Mr. Kernan and Mr. Schofield met with the PFGFHVAC Association to try to resolve some of the concerns of the Association, however the two parties agreed that a separate stakeholder meeting of members of the Mechanical Safety and Licensing Board, PFGFHVAC Association, Water Well Association, and the Water Well Board, should be held to discuss the rules. At the current meeting, Mr. Trombly stated, on behalf of the Mechanical Safety and Licensing Board, that the current Water Well Board meeting was not to be considered a stakeholders meeting.

Mr. Glennon approached the Board with the May letter from the PFGFHVAC Association and outlined the Association's concerns regarding the proposed rules. The Association is not opposed to a pump installer license; however, they feel plumbers should be exempt from the license to avoid an additional, unnecessary burden. Mr. Glennon informed the Board that the plumbers feel

that they are given the right to work on pumps without a license, based on their laws and rules. Mr. Skillings explained to Mr. Glennon that the pump installer license is an asset to plumbers. The license also ensures that pump installers know the rules of pump installation. Mr. Schofield stated that plumbers are required to have a pump installer license to install pumps.

Mr. Glennon informed the Board of additional concerns of the PFGFHVAC Association. The Association feels that plumbers are permitted by law to install pumps without a license under RSA 482-B:15, Maintenance and Repair of Wells and Pumps. Regarding the two hour continuing education requirement of the pump installer license, the PFGFHVAC Association acknowledges the benefit of education but finds it to be a burden for plumbers because of existing continuing education requirements of other licenses held by plumbers. However, working these two hours into the required continuing education of the plumbers' license could be a viable solution.

The Board addressed some of Mr. Glennon's concerns. The maintenance and repair clause, RSA 482-B:15, has been interpreted by the Board to exclude the installation of new pumps, and dates back to a time when pumps contained interchangeable parts which made them repairable. Mr. Schofield expressed his professional objections to unlicensed pump installers based on experience with plumbers installing pumps without a pump installer license. He informed all parties that he has seen cases of trial and error replacements, which can be inefficient and costly to the customer, and stressed the importance of training, which is a benefit of the pump installer license.

Mr. Trombly addressed the Board on behalf of the Mechanical Safety and Licensing Board (hereinafter Mechanical Board). The Mechanical Board requested that a stakeholder committee is developed with one to two representatives from each party to discuss the issue and come to a resolution. He also stated that the main concern of the Mechanical Board is the burden of an additional license for the plumbers. The plumbers were first incorporated into the Mechanical Board to lower licensing fees, but if plumbers are now required to obtain a pump installer license to work on pumps, then the industry is right back to where it was. However, Mr. Trombly stated that he did not disagree with educating plumbers on the proper installation of pumps and would not be opposed to adding one or two hours dedicated to well pump installation to the continuing education syllabus for plumbers.

Mr. Fabrizio addressed the Board as a member of the PFGFHVAC Association regarding his objections to the Board's enforcement of pump installation and suggested that enforcement should reside under the Mechanical Board. Mr. Fabrizio stated that plumbers would be better able to identify the size pump required for the plumbing of the house.

Mr. Hunt concluded the discussion by requesting that Mr. Schofield contact the Mechanical Board and the PFGFHVAC Association to schedule a stakeholder meeting between all parties to come to a resolution on the proposed rules.

The Board reviewed the changes to the current rules as proposed at the July 14, 2015 meeting. Changes to We 306.03, regarding Existing Employee Exemption, were accepted by the Board.

**Old Business****Cushing & Sons Letter**

Mr. Schofield read into the record a letter dated June 15, 2015 from Bart Cushing of Cushing & Sons, regarding the request for exemption and late reports discussed at the June 4, 2015 Board meeting. Mr. Cushing commented that approving the request for exemption for Wragg Bros Well Drilling sets a bad precedent if the rules were waived for economic reasons. He stated that if the waiver is to be the new protocol for well abandonment, it should be written into the rules.

Mr. Cushing also commented on the submittal of late well completion reports by contractors. He asked that the Board be firm with offenders by enforcing the law and directing NHDES to follow through with enforcement. Mr. Cushing proposed that contractors who fail to respond to requests for well completion reports, have outstanding reports, or have frequent unreported wells should have their license renewal held in abeyance.

Mr. Kernan addressed the comments regarding late reports and explained that although NHDES has never neglected to act on unreported wells, the process lacks a team dedicated to inspecting wells and identifying unreported wells. Issues can be addressed if they are brought to the attention of the Board, but many offenses are not known by the Board. The Board discussed the benefits of a well permit process for enforcement.

**Program Standard Operating Procedure - Enforcement for Late Well Completion Reports**

Mr. Schofield presented the Water Well Program Standard Operating Procedure – Enforcement for Late Well Completion Reports to the Board, a NHDES procedure. Mr. Schofield stated that the probationary period for contractors that fail to submit well completion reports is not written into the SOP because NHDES has no authority over licensing, which is the Board's jurisdiction.

Upon motion by Mr. Garside, and seconded by Mr. Skillings, the Board voted to adjourn the meeting.

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Rene Pelletier  
Water Well Board Secretary