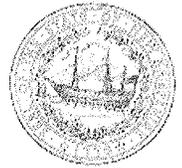




State of New Hampshire
WATER WELL BOARD



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*

DRAFT
NH WATER WELL BOARD MINUTES

October 1, 2015

A meeting of the New Hampshire Water Well Board (“Board”) was held on October 1, 2015, in the Department of Environmental Services Building in rooms 112 & 113, 29 Hazen Drive, Concord, NH 03301.

Present were: David Hunt, Chairman
Rene Pelletier, Secretary
Board Members: Steven Garside, Roger Skillings, Kelly Dobrowolski, and Steve Guercia
NHDES Staff: Richard Schofield

Mr. Hunt brought the meeting to order at 9:30 A.M.

Approval of Minutes

Upon motion by Mr. Skillings, and seconded by Mr. Pelletier, the Board voted to approve the Minutes of the August 13, 2015 meeting, as printed.

Licensing

License Applicants

The Board considered an application from William Richard Lawson for a water well contractor license. Mr. Schofield reported that the business was not currently registered to do business in New Hampshire, however the applicant filed an application with the Department of State the previous day. Upon motion by Mr. Pelletier, and seconded by Mr. Garside, the Board voted unanimously to conditionally approve the application pending registration with the Department of State.

The Board considered an application from Steve Carter for a pump installer license. Upon motion by Mr. Skillings, and seconded by Mr. Pelletier, the Board voted unanimously to approve the application.

Administrative Rules

William Trombly, Jr. and Jeffrey Cyr were present for the Mechanical Safety and Licensing Board; and John Mckinney was present, for the NH Water Well Association.

Mr. Schofield provided a review of the results of the stakeholder meeting, which was held on September 3rd in the DES offices. *Attendees included William Trombly, Jr., and Steven Chartier from the Mechanical Licensing Board; Jeffrey Cyr, Chief Mechanical Inspector; Roger Skillings*

and Steve Guercia from the Water Well Board; Dan Grace, NH Water Well Association; and Richard Schofield, Water Well Board staff.

At the stakeholder meeting a formal request from the Mechanical Licensing Board was introduced to amend the Water Well Board proposed rules, which would allow an individual licensed plumber to replace a well pump, like-in-kind, on an existing system under maintenance and repair. During the meeting specific details and conditions were discussed in order to provide a framework for moving forward, if the amendment was approved. The group tentatively agreed with the proposed amendment, with the understanding that the licensing Boards will have the final decision.

Jeff Cyr addressed the Board and explained that plumbers already have the ability and training to work on private water systems and can currently perform maintenance and repair work on well pump systems under the law. All the Mechanical Board is asking, is to allow a licensed plumber to replace a well pump on a water service call, like-in-kind, so that they can properly serve their customers.

In the past, pumps could be repaired by replacing parts, but in today's market pumps are sold as a single unit. The Mechanical Board would be willing to provide training on wells and pumps, and the Water Well Board rules in their apprentice syllabus, and in continuing education training. Their inspectors would also cite violations of the pump installer rules and refer those to Mr. Schofield if the work was performed by a licensed pump installer, or to the Mechanical Board if the work was performed by a licensed plumber.

Ms. Dobrowolski expressed her concern that training on code requirements for the installation of pumps for occasional repair is a poor substitute for years of hands-on training in the field actually installing pump systems. She felt that what the Board is trying to do by licensing all its installers is to provide greater protection for consumers and greater protection for health and safety, but allowing plumbers to have a pass was going in the other direction.

Mr. Guercia stated that at the stakeholder meeting he realized that there had been a lot of confusion over the years about how the law and rules have been interpreted, and he wanted to move forward to eliminate the confusion. He felt that having the plumbers trained on the water well rules and having oversight by the Mechanical Board to regulate the work was a positive step. He also thought that the Board's proposed rules to establish licensing for individual pump installers were critical, and that it was more likely that the Board would be successful in getting the rules adopted through the JLCAR, if the Board had the plumber's support going into the hearings. He felt this was important enough to drive a compromise.

Mr. Skillings felt it was more important to get the water well industry licensed. Plumbers go to school and receive many hours of training for their license. Plumbers were also installing pumps before the Water Well Board was created, and they've been replacing pumps for a long time. They are just asking the Board to clean up what they're already doing.

John Mckinney addressed the Board on behalf of the NH Water Well Association. Mr. Mckinney stated that the Association was opposed to the proposed amendment. The Association supported the rules as they were originally proposed. He felt it would not be fair to everyone else if individual plumbers were exempt.

Leah McKenna, enforcement supervisor for the Drinking Water Groundwater Bureau, expressed concern about how the amendment would affect DES's ability to enforce the Water Well Board rules.

Following a lengthy debate, upon motion by Mr. Pelletier, and seconded by Mr. Skillings, the Board approved the proposed amendment to We 302.02, with one exception, to replace the word "persons" with the word "individuals". The motion carried by a majority vote, with Board members Kelly Dobrowolski and David Hunt opposed.

Reporting

Ferguson's Well Drilling

Mr. Schofield submitted a report to the Board in response to the Board's request that DES investigate any wells that may not have been reported by Ferguson's Well Drilling as required by RSA 482-B:10. The report identified several alleged violations.

Mr. Schofield was asked to draft a summary of the alleged violations for the Board.

The Board discussed an appropriate response to the alleged violations. The Board agreed that any confirmed violations should be corrected by Ferguson's Well Drilling, and any outstanding well completion reports needed to be submitted.

Upon motion by Mr. Pelletier, seconded by Mr. Guercia, the Board voted unanimously to schedule an administrative hearing to allow Mr. Ferguson the opportunity to show cause why his water well contractor license should not be suspended or revoked for violations of RSA 482-B and the rules of the Board.

Upon further discussion, and motion by Mr. Pelletier, seconded by Mr. Garside, the Board voted unanimously to recommend that DES pursue enforcement action for all violations identified.

The Board requested Mr. Schofield to schedule a hearing before the next regularly scheduled meeting.

Roth Artesian Well Company

The Board considered a letter received by Charles Roth in response to the Board's notice of probation sent following the August 13 Board meeting. Mr. Roth was concerned that the quarterly reporting schedule established by the Board would require him to submit some reports beyond the required 90 day reporting period, and many reports would be submitted less than the 90 day reporting period provided by law.

Following consideration and discussion, the Board instructed staff to send Mr. Roth a letter explaining that if he follows the required reporting schedule set out by the Board, he will be in compliance.

Wash Well Company

Mr. Schofield reported the Board had received a letter and well completion reports from The Wash Well Company for past due reports. He believes the company is up to date.

The Board discussed if any further resources should be invested to verify compliance with the reporting requirement.

New Business

The Board discussed a suggestion by Mr. Skillings that the water treatment industry is getting larger and should be regulated by some entity to reduce confusion and to protect public health. The Membership noted that the Mechanical Licensing Board already certifies water treatment technicians on a voluntary basis. It was agreed a statutory change would be required in response to a public concern.

The meeting was adjourned.

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

Rene Pelletier
Water Well Board Secretary