



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

April 7, 2016

A meeting of the New Hampshire Water Well Board (“Board”) was held on April 7, 2016, in the Department of Environmental Services Building in rooms 112 and 113, 29 Hazen Drive, Concord, NH 03301.

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

Mr. Hunt brought the meeting to order at 9:45 A.M.

Approval of Minutes

Upon motion by Mr. Pelletier, and seconded by Mr. Skillings, the Board voted to approve the Minutes of the February 12, 2016 meeting as written.

Request for Appeal

The Board considered a request for appeal by Mr. Darrin Cully of administrative fine number AF 15-007 issued by the Department of Environmental Services of February 22, 2016, for constructing a water well and installing a well pump without a water well contractor or pump installer license in Wakefield, NH. The issue before the Board was whether or not it could grant the request for appeal in accordance with RSA 482-B:16, II, which requires an appeal to be filed within 30 days of the date of the decision, and whether a proper notice of appeal was filed in accordance with the rules of the board, We 206.03.

Mr. Schofield was originally contacted by Mr. Cully by e-mail on March 21, 2016 requesting an appeal of the Decision on administrative fine No. AF 15-007. On the same day, Mr. Schofield responded informing Mr. Cully that his e-mail requesting an appeal of the Decision did not meet the requirements for filing a notice of appeal, in accordance with the Board’s administrative rules. Mr. Schofield provided a link to the Board’s rules and RSA 482-B, and attached a copy of We 206.03 Notice of Appeal, which requires a signed and dated written notice, including specific detailed information. His response also informed Mr. Cully that the notice of appeal must be received by the Board no later than the end of business on March 23, 2016, the statutory 30 day limit. The Board did not receive a response from Mr. Cully by the end of business on March 23, 2016. The following day, the Board received an e-mail from Mr. Cully consisting of one sentence, requesting an appeal. The e-mail was date stamped March 23, 2016 7:56 p.m.

By a unanimous vote, the Board found that Mr. Cully had failed to meet the statutory and administrative requirements of RSA 482-B:16, II and We 206.03 for a notice of appeal, and the request for appeal was denied.

Licensing

Great Works & Test Boring Inc

Mr. Schofield provided an overview from the previous meeting.

At the February 12, 2016 meeting the Board considered a letter from Great Works & Test Boring Inc. ("Great Works"), requesting an extension for their appearance until the next Board meeting scheduled for April 7, 2016, to discuss re-instatement of the water well contractor license. The license had previously not been renewed and expired on June 30, 2015. On December 11, 2015 the Board received a late license renewal application from Great Works. The request for renewal was refused by the Board in accordance with an August 13, 2015 Board vote to not accept the license renewal application from Great Works, should one be received, until such time as the licensee comes before the Board to discuss licensing and reporting compliance matters.

David and Cheryl Dionne were invited to attend the meeting, but were not present.

The Membership discussed the possibility that Great Works was no longer in business and the matter was no longer under the jurisdiction of the Board. The Board agreed that if it were found that Great Works is conducting business in New Hampshire, it would be an enforcement matter, which would be investigated by DES, with the possibility of referral to the Office of Attorney General.

License Applicants

The Board considered an application from Mark Schock, doing business as Glacier Drilling LLC, for a water well contractor license for technical drilling. Mr. Schofield reported that the application was complete. Upon motion by Mr. Garside, and seconded by Mr. Chormann, the Board voted unanimously to approve the application.

The Board considered an application from Brian Streeter for a pump installer license. Mr. Schofield reported that the application was complete. Upon motion by Mr. Pelletier, and seconded by Mr. Garside, the Board voted unanimously to approve the application.

The Board considered an application from Richard Mrozowski, doing business as Rich's Well Services, for a pump installer license. Mr. Schofield reported that the application was complete. Upon motion by Mr. Skillings, and seconded by Mr. Pelletier, the Board voted unanimously to approve the application.

Request for Exemption

Gilford Well Company filed a request for an exemption of We 604.05(b), to decommission well #1 at Brookside Crossing, a public water system in Gilford, NH using the following method.

Gilford Well Company proposed to fill the bottom 300 feet of the well #1 with 3/8 inch washed stone, place a seal with 2 bags of 3/8 inch bentonite chips on top of the stone, and tremie grout the remainder of the well with a mixture of bentonite and neat cement. This method was proposed because replacement well

#3 is hydraulically connected to well #1 by water bearing fractured bedrock between approximately 390 and 410 feet of depth. Placement of washed stone in the bottom 300 feet of well #1 will prevent the likelihood of bentonite grout migrating into well #3, and will allow the bedrock aquifer flow pattern to remain unobstructed.

The Board voted unanimously to grant the exemption request as proposed.

DES Enforcement Report

Leah McKenna, Drinking Water and Groundwater Bureau, Enforcement Supervisor, presented a report for the Board of enforcement actions initiated by DES for violations of RSA 482-B and the rules of the Board, We 100 - 1000. The report included a general overview of the violations, DES actions, and current status of specific cases handled mostly over the last two years.

Reporting

The Board reviewed the annual report of well completion reports submitted by licensed water well contractors for the year ending 2015. Several well contractors were noted that did not file reports in 2015, or that filed significantly fewer reports than in previous years. The Board agreed to send a letter to those contractors inquiring if the number of reported wells was correct.

The Board discussed the reporting status of Faxon's Artesian Wells and Pumps. Mr. Schofield reported that 14 well completion reports had been submitted in 2015. DES had sent a Notice of Findings to Faxon's Artesian Wells and Pumps in January requesting the number of wells constructed in 2015, and a second reminder was sent on March 3, 2016. The 14 well completion reports were filed electronically through the OneStop Data Provider program under license number 364, and were signed by Lucy Faxon. The Board questioned why well completion reports were being filed under license number 364, when Lucy Faxon stated to the Board in 2014 that all wells would be reported under her license number, 1768. Staff was instructed to follow-up.

Contractors on Probation

Mr. Schofield reported that the two water well contractors that were on a quarterly reporting schedule had not filed any well completion reports for the current quarter, January 1, 2016 through March 31, 2016, with a due date of April 10, 2016. The Board noted the due date had not transpired on the date of the meeting, and the first three months of the year are generally slow months for well construction.

Royal View Development

Mr. Schofield reported on program efforts to obtain well completion reports for two wells constructed in a subdivision in Conway, NH. One well was constructed by an unlicensed well driller who has subsequently moved to Idaho, and the other well was constructed by a well driller in Maine.

Ferguson Well Drilling

Mr. Schofield reported that Mr. Ferguson had waived his right to a hearing and paid the administrative fine proposed by DES for violations associated with the investigation conducted by staff last summer. The Board had still not received a well completion report for four of the wells identified in the report. The Board instructed staff to call Mr. Ferguson to obtain the reports.

The Wash Well Company

Mr. Schofield reported that The Wash Well Company had responded to a Notice of Findings issued by DES regarding the number of well completion reports submitted for wells constructed since 2009 to the present. Mr. Tupper responded to the notice and filed a list of wells constructed by year, filed well completion reports, and submitted a letter of explanation. In the letter Mr. Tupper explained that he had not filed some well reports for jobs that he considered to be well repairs. The work included pulling an existing well casing and screen, which had become plugged, and re-installing a new well casing and screen, like in kind, to the same depth.

Following discussion the Board determined that the process described in the letter is a well replacement and not a repair. The basis for the Board's conclusion is that once a casing and screen has been removed, the hole that remains in the ground is no longer a well because water can no longer be withdrawn from the original screened depth interval, and the new casing and screen must be advanced mechanically, "pushed, driven, or washed", to the same depth as the original well. Therefore, a new replacement well has been installed, which is required to be reported in accordance with RSA 482-B:10 and We 801.03.

The Board agreed that staff will draft new proposed rules for well repair and replacement, including a provision for grandfathering existing locations, for the Board's consideration at the next meeting.

Administrative Rules

The Board continued a review of the revisions and issues raised by the DES rules attorney. The Board addressed those issues and made the appropriate changes and recommendations. Mr. Schofield will continue to work with the rules attorney.

Elections

The Board conducted an election for Chairman and Secretary. Votes were cast by ballot. By a unanimous vote, David Hunt was elected to continue as the Chairman, and Rene Pelletier was elected to continue as the Secretary.

Old Business

No old business was discussed.

New Business

No new business was discussed.

The Chairman noted for the record that the previously scheduled non-public session did not take place.

The meeting was adjourned at 4:10 pm.

Rene Pelletier
Water Well Board Secretary