



State of New Hampshire
WATER WELL BOARD



Kelly M. Dobrowolski, *Pump Installer, Chair*
Peter W. Caswell, C.W.D. - P.I., *Water Well Contractor*
Scott Costa, C.W.D. - P.I., *Water Well Contractor*
Andrew Koff, P.G., *Staff*

Bart Cushing, *Technical Driller*
Rene Pelletier, P.G., *Dept. of Environmental Services*
Frederick H. Chormann, Jr., P.G., *State Geologist*
Steve Lamb, P.G., *Public Member*

Final
NH WATER WELL BOARD MINUTES

October 5, 2017

A meeting of the New Hampshire Water Well Board ("Board") was held on October 5, 2017, in the Department of Environmental Services Building in rooms 112 & 113, 29 Hazen Drive, Concord, NH 03301.

Present were: Kelly Dobrowolski, Chair
Board Members: Scott Costa, Bart Cushing, Steve Guercia, Rene Pelletier and Rick Chormann
NHDES Staff: Andrew Koff

Ms. Dobrowolski brought the meeting to order at 9:38 A.M. The Board members introduced themselves and welcomed the public in attendance.

Approval of Minutes:

The Board reviewed the minutes for the August 3, 2017 Board meeting. Mr. Cushing commented that part of the conversation about the well completion report update was missing from the minutes. After discussion, Mr. Cushing motioned to approve the August 3, 2017 Water Well Board Minutes once amended by staff with the missing comments. Mr. Guercia seconded the motion and the Board unanimously voted to accept the amended Minutes.

Meeting with Mechanical Board Representatives on HB298

Mr. Jeff Cyr and Mr. Bill Trombly, representatives of the NH Mechanical Board, were invited to the table to discuss House Bill 298. Mr. Trombly began the discussion with an introduction about HB298 and summary of previous discussions between the Mechanical Licensing Board and the Water Well Board. Mr. Cushing discussed that he was not aware of any agreement between the Boards. Mr. Guercia discussed that during the rulemaking process last year, the Board was considering adopting rules related to individual licensing of pump installers and water well contractors. In order to accommodate plumbers, they discussed making an agreement with the Mechanical Board that allowed plumbers to replace well pumps under certain circumstances. There was discussion surrounding if this agreement was still in affect without the individual licensing program since it was not adopted. The two trades, plumbers and pump installers, have an overlap in their work and an agreement is needed to clarify who can do what under each statute.

Ms. Dobrowolski stated that the agreement was contingent on the individual licensing rules that were not adopted. Mr. Trombly stated that their current law and rules give plumbers the ability to work on pumps since they can perform work on existing water systems. It does not make sense to have dual licenses for the same activity. Mr. Costa discussed concern over giving plumbers additional authority on well pumps since some plumbers are not qualified to work on pumps.

Mr. Cyr discussed HB298 and how to create clarity between the overlap in these trades. Mr. Cushing mentioned issues related to plumbers incorrectly working on well pumps and asked what is the public benefit to allowing plumbers to install well pumps? Mr. Guercia discussed that it is a benefit to the public to allow plumbers to fix a pump during a no-water call. It is both inconvenient and costly to the homeowner they have to get an additional contractor to the site to complete the work after the plumber is already there. Mr. Trombly discussed that plumbers are currently replacing well pumps under the law. Mr. Trombly stated that the Mechanical Board is going to incorporate pump installation into future continuing education.

There was additional discussion about previous agreements between the boards and the interpretation of the laws. What can each trade do and what can't they do? There is also a conflict in the law with pump installers installing a pressure tank in the house. Mr. Trombly stated that it is allowed in the pump installer rules, but not the plumber rules. Mr. Costa discussed some of the issues of plumbers installing pumps including electrical and troubleshooting concerns. Mr. Cushing mentioned that there are also disinfection problems with plumber's work in wells. Also, Mr. Cushing stated that plumbers don't have the knowledge to properly extend well casing if the well is completed in a pit. Mr. Cyr discussed that disinfection issues should be communicated better between the boards.

Ms. Dobrowolski discussed that it is not feasible for two different agencies to govern pump installations. How will enforcement be handled if plumbers are allowed to replace pumps? There is an issue with replacing pumps with like-in kind since many pump setups that were installed in the past, no longer meet today's code. The electrical requirements are continually changing and it frequently is not appropriate to replace a pump in-kind. Often upgrades are needed to make the water system safe and up to current code.

The Board discussed how to find common ground with the Mechanical Board in addition to what is good for the public. Plumbers are allowed to repair and maintain existing pump systems. There was a discussion concerning plumbers installing new pump systems. Everyone agreed that they want to resolve this conflict in the long run and they all know what the problems have been. The Boards can spend forever going through these individual problems or work on a path forward. In order for the Water Well Board to adopt individual licenses, it will need an agreement with the Mechanical Board on this issue. There was a discussion about forming a subcommittee to continue to talk and figure out a compromise.

Mr. Dean Sotirakopoulos stated that pump installers have the statutory authority to work on the electrical side of pump, whereas plumbers do not. It is the recommendation with the Board to strike the language related to pumps within HB298 so that the rest of the bill can pass. Mr. Pelletier discussed that they might be able to adopt language related to this in a future bill in early 2018. The Board discussed the subcommittee meeting ahead of the next Water Well Board meeting in December.

Licensing Applications:

The Board considered an application for a domestic pump installer's license for Mr. Peter Dupere with Peter Dupere Co from Gilford, NH. Mr. Koff reported that he is a long time water well contractor who specializes in hydrofacturing wells. His application is complete, except for a missing reference. After discussion, Mr. Cushing motioned to approve the license application, although the issuance of his license is contingent on receiving a third favorable reference. Mr. Costa seconded the motion and the

Board unanimously voted to approve the application for a pump installer license by Mr. Dupere, with the above condition.

Licenses:

Mr. Koff provided an update on the water well contractor and pump installer license renewals for 2017. A few companies did not properly register with the Secretary of State's Office and the Board agreed that these companies are no longer licensed as pump installers and/or water well contractors. Letters will be issued to these companies stating this.

Probation Report:

Mr. Koff discussed the status of licensees who are on probation. Faxon Well and Tri-State Drilling and Boring have been submitting well reports in time and in accordance with their terms of the probation. Mr. Koff stated that Fergusons Well Drilling is also on probation.

Well Completion Report Summary:

Mr. Koff presented a summary of well completion reports filed year-to-date for 2017. There was discussion of several companies who appear to be under reporting their wells. The Board discussed that some of these reports are available in the database and others are not, depending on how the reports are submitted. Mr. Koff stated that most paper reports for 2017 have not been uploaded into the database yet. There was a discussion of how this Board would like to go about ensuring compliance with well completion reporting. The Board noted that Fergusons Well Drilling has not submitted any reports for 2017. Mr. Koff and Mr. Schofield observed Ferguson drilling a well in Acworth earlier in the year. The Board agreed to send a letter to Fergusons well drilling to inquire about his recent well completion reports and request that he attend the next meeting.

DES Enforcement Report:

Ms. Emily Jones presented a report for the Board on enforcement actions initiated by DES for violations of RSA 482-B and the rules of the Board, We 100 - 1000. The report included an overview of the violations, DES actions, and current status of specific cases handled over the last year.

Board Membership:

Mr. Koff updated the Board that Mr. Steven Lamb has expressed interest in joining the Board as the next public member. He talked with Mr. Lamb, who is a geologist and consultant with GZA, and he recently submitted a letter of interest to the Governor's office. It is likely that he will be confirmed before the next meeting.

Well Completion Report Forms:

Mr. Koff updated the Board on the roll-out of the paper version of the well completion report forms. The update to the electronic version is still pending and will be reviewed by the Board before it is published. Mr. Cushing commented that the DES logo is on the new water well form. Mr. Koff stated that this was a requirement of DES, which provides administrative support for the Board. There was a

discussion of a few errors that were found in the database. There is an issue with how WRB numbers are being assigned to a few of the electronic reports.

Continuing Education

Mr. Cushing stated that the Board should start planning the continuing education class for pump installers next year. He thought the class should include discussion of electrical installations and well casing extensions. This should be further discussed at the next Board meeting. Mr. Koff told the Board that DES is hosting the New Hampshire Arsenic Consortium meeting on October 13, 2017. There was discussion if this event could count towards pump installer's continued education under the expanded training list in the new rules. The Board decided that it was appropriate training. Mr. Koff also mentioned that the NH Drinking Water Expo will be held at the Grappone Center in Concord on Thursday October 26. Mr. Koff is listening to a webinar on State and Provincial water well databases next week and will report out to the Board on what he learns.

HB298

There was a continued discussion of the earlier meeting with the Mechanical Board. The Board was glad that the meeting occurred and felt that we need to continue this discussion soon. The Board will watch for the finalized version of HB298. There was continued discussion of how to approach an agreement with the Mechanical Board including a test for plumbers on pump installation practices.

Priorities for the Board:

Ms. Dobrowolski began a discussion of the priorities for the new Board. The Board discussed different ideas to focus on for the upcoming year including: advancing the individual licensing program, implementing fees for access to the well database, improving compliance with rules, updating the fee structure for the licenses, and creating a well tagging program. There was a discussion of the benefits and challenges of individual licenses. There was some concern that individual licenses could make it harder to hire and keep good employees in a tight labor market. The benefits of the individual licensing program include better ensuring public safety for consumers and potentially increasing the program's revenue. The Board mentioned reviewing the draft language of the revised statute for individual licensing at the next meeting along with past files on well tagging. There was also a discussion of reviewing the budget for the Water Well Program.

2018 Meeting Schedule

The Board reviewed a draft schedule for 2018 Water Well Board meeting dates. The meetings are scheduled every other month on the first Thursday.

License Database update

Mr. Koff presented to the Board about a need to replace the outdated licensing database that is no longer supported by DES with a new software package. This new software package would allow for licensees to renew their own licenses online, including accepting credit card payments. This could reduce the administrative time required to manage the licensing program. If this is a viable option, the Board would like to explore converting to this system. The Board also discussed changing the licensing cycle

from one year to two or three years to reduce labor associated with licensing. Mr. Koff will continue to explore this option and may have someone present more details on this topic at the next meeting.

Mr. Cushing also mentioned another way to generate revenue that has been discussed in the past is to implement a tax on all well pumps sold in the state.

Mr. Guercia motioned to adjourn the meeting. Mr. Pelletier seconded the motion, and the Board unanimously voted to adjourn at 1:20 P.M.

Rene Pelletier
Water Well Board Secretary