



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*
Abigail Fopiano, 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 4, 2018

A meeting of the New Hampshire Water Well Board (“Board”) was held on October 4, 2018, in the Department of Environmental Services (DES) Building in rooms 112 & 113, 29 Hazen Drive, Concord, NH 03301.

Present were: Kelly Dobrowolski, Chair
Board Members: Scott Costa, Bart Cushing, Steve Lamb, Rene Pelletier and Rick Chormann
DES Staff: Andrew Koff, Abigail Fopiano

Ms. Dobrowolski opened the meeting at 9:31 A.M., and read the opening statements. The Board members introduced themselves and welcomed the public in attendance.

Approval of Minutes

The Board reviewed the Minutes for the August 2, 2018 Board meeting. Mr. Chormann noted grammatical edits that should be addressed. Mr. Cushing motioned to approve the August 2, 2018 Water Well Board Minutes. Mr. Chormann seconded the motion and the Board unanimously voted to accept the minutes.

SB 247 Lead Bill

Amy Rousseau with the NH DES Drinking Water Groundwater Bureau presented details on the recently signed lead bill (SB 247). Ms. Rousseau explained that the bill requires all licensed child care centers to perform water quality testing for lead at every faucet where water is available for consumption. This applies to every licensed child care center; whether a public water system or not, there are approximately 1400 facilities in the state. The testing is required to occur by July 1, 2019 and within every 5 years thereafter. If there are exceedances in lead, the parents/guardians of the students attending that facility must be notified and a remediation plan, approved by NH DES, must be implemented. Mr. Cushing noted that pH should have been included in the testing requirements to aid in determining causes and treatment and noted concerns as to the costs associated with this bill. Ms. Rousseau noted that many facilities are already abiding by the bill and some remediation plans are in review.

New License Applications

Ms. Fopiano informed the Board that the two applications approved at last meeting did not pass their examination. They both plan to re-take the exam at the next exam offering, October 13, 2018.

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Three new applications were presented to the Board. The first application is seeking a technical drilling license under an existing licensed company. Upon review, the Board noted a discrepancy in the duration and depth of experience between the application form and the reference submitted by a licensed water well contractor. The Board requested Ms. Fopiano reach out to this reference for clarity on work experience. Mr. Cushing motioned to allow the applicant to sit for the exam as long as this reference, submitted by a licensed water well contractor, confirms the applicant has the experience necessary. Mr. Pelletier seconded the motion. The Board voted unanimously to allow the applicant sit for the exam, as long as it is confirmed that he has at least 3 years' experience.

The second application is seeking a rotary drilling license under an existing licensed company. Following review of the application, Mr. Pelletier motioned to allow the applicant to sit for the exam. Mr. Costa seconded the motion. The Board voted unanimously to allow the applicant sit for the exam.

The third application presented to the Board was for an application seeking a cable tool license as a new company. Ms. Fopiano noted that the application may not be considered complete as confirmation of the business entity form the Secretary of State was not submitted. In addition, one of the references was received in 2017 and the other two were received in 2018. Mr. Cushing motioned to table the discussion until the application is considered complete. Mr. Pelletier seconded the motion. The Board voted unanimously to table review of the application until it is complete.

License Renewal Process

Ms. Fopiano provided a report to the Board that detailed the licensees that have yet to renew their license for the 2018-2019 year. Ms. Fopiano asked the Board if reminder letters to these entities shall be sent, the Board did not think that was necessary.

Probation Report

Ms. Fopiano reported that two of the licensees, Lucy Faxon (License # 1768) and Tri-State Drilling & Boring (License # 1762) are considered in compliance with the terms of their probation. One licensee, Roth Artesian Well Company (License #20), has not submitted a well completion report since May 8, prior to when he was put on probation (June 15, 2018). The Board discussed the license held by Roth and the option to take action. Mr. Pelletier motioned to schedule an administration hearing at the next Board meeting to discuss taking action against the license held by Charles Roth of Roth Artesian Well Company. Mr. Cushing seconded the motion. The Board voted unanimously to hold an administrative hearing to consider taking action against the license held by Charles Roth of Roth Artesian Well Company for non-reporting violations.

New Complaints and Violations

Ms. Fopiano provided information regarding a water well construction complaint against James E Carr Well and Pump Services (License # 1337). The complaint came to the Water Well Program by the DES Subsurface Systems Program after receiving an amended septic system plan for an approved system at a new construction property in Easton, NH. The complaint is that a well was installed at the property at a location that was not in accordance with the approved septic plan and that the regulations in place to relocate the well were not taken. The well was installed within 75 feet from the septic system. As such, this required the homeowner to obtain a waiver from Subsurface System and submit an amended plan prior to approval. Ms. Fopiano noted that Mr. Carr was not consulted about this complaint prior to the

Board meeting. Based on the well report, the well was constructed in accordance with special methods as it did not meet all setbacks. The Board discussed the complaint, plausible explanations for the circumstances and the potential harm caused. The Board requested Ms. Fopiano send a letter to Mr. Carr noting that the Board is aware of what happened and clarifying the rules related to well locations relative to subsurface plan approvals, specifically for new construction.

DES Enforcement Report

Ms. Emily Jones presented a report to the Board regarding 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 year. This report included a synopsis of cases that have been settled with DES where the respondent is currently within a two-year compliance tracking as a condition of the settlement.

Old Business

Business licensing and working under Trade Names/DBAs

Ms. Fopiano provided an update to the Board's inquiry to Capital Well Company, license #225, to clarify doing business under the trade name of Granite Well and Pump, specifically in relation to obtaining separate license number for Granite Well and Pump. In email on August 24, 2018, Capital Well has reported that they will no longer market well or pump systems under Granite Well and Pump.

Joint Committee on Code Enforcement

Ms. Dobrowolski provided a synopsis of the Joint Committee on Code Enforcement ("Committee") meeting held on September 25th. Per the Statue (RSA Section 153:4-b), the Chair of the Water Well Board is to sit on the Committee. This Committee is currently reviewing regulations (HB1254), which initiated a special legislative group perform study to review the process of adopting building and fire codes. It is the Committee's stance that this review may lead to the code adopting process being put in the control of legislators, rather than in the control of the state Fire Marshall's office. The Committee has met a few times to discuss the issues.

During the September meeting it was discussed that the legislature seems to be open to hearing input from the Committee. The Committee plans to put together a document recommending that Town officials be certified or licensed to perform inspections, as to have some consistency in occupancy approvals, and recommend that any changes in codes go before the Committee for review. The next Committee meeting will be in 6 weeks.

New Business

2019 Board meetings and exam dates

Ms. Fopiano presented proposed dates for 2019 Board meetings and exams. Board members requested adjustments to some dates. Ms. Fopiano will make the requested adjustments and post the revised dates to the website.

Other Business

Ms. Fopiano initiated a discussion of when a pump installer license or water well contractor license is required under certain circumstances and to clarify the setback requirements relative to land that is precluded from development. The Board discussed dug well construction relative to required licenses

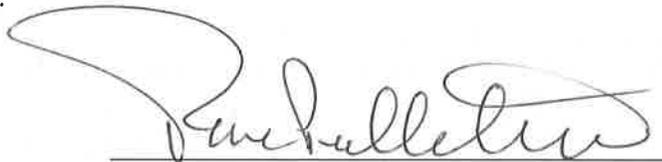
and the use of proper materials. The Board agreed that during maintenance of a well, if any part of the pump system is touched, proper licensure is required. The Board agreed that the intent of the rules is if a well is closer than 75 feet to a property boundary special methods of construction shall be utilized, even if the land abutting that property boundary is precluded from development (wetlands, conservation land, state forests, etc.).

Ms. Fopiano initiated a discussion on the water well program complaints database. The current online licensee query tool shows past complaints on licenses. This database will have to be transferred to the new MLO licensee database. Ms. Fopiano requested to send licensees information that per the rules they can request to remove complaints from the database. After discussion by the Board, Ms. Fopiano noted that she would not reach out to licensees.

Ms. Fopiano noted that the New Hampshire Water Well Association will be offering continuing education presentations at their evening meetings. These presentations will typically be for one-hour.

Mr. Cushing requested that the Board review DES Fact Sheets relative to water wells at each meeting in order to allow the Board to provide input to DES. Ms. Dobrowolski agreed. Ms. Fopiano will include a review of a Fact Sheet in future meeting Agendas.

Mr. Costa motioned to adjourn the meeting. Mr. Lamb seconded the motion, and the Board unanimously voted to adjourn at 12:38 P.M.



Rene Pelletier
Water Well Board Secretary