



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

April 4, 2019

A meeting of the New Hampshire Water Well Board ("Board") was held on April 4, 2019, 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, Frederick Chormann and Peter Caswell
DES Staff: Abigail Fopiano

Administrative Hearing – Wash Well Company, Water Well Contractor License No. 1464:

An administrative hearing was held to consider whether the water well contractor license No. 1464, held by Robert Tupper and The Wash Well Company, should be suspended or revoked for failure to file well completion reports as required by RSA 482-B:10, or for willful failure to comply with the provisions of RSA 482-B, or the rules adopted by the Board, We 100 through We 1000. The hearing was held under the authority of RSA 482-B:8 & 9 and RSA 541-A.

Ms. Dobrowolski opened the hearing at 9:34 A.M., and read the opening statements. The Board members introduced themselves and welcomed the public in attendance.

Ms. Fopiano was sworn in and provided testimony and evidence to the Board relative to well completion reports that were submitted late from the years 2016, 2017, and 2018 by The Wash Well Company (Robert Tupper), water well contractor license no. 1464. In addition, Ms. Fopiano provided a synopsis of Mr. Tupper's history of non-compliance with well completion reporting.

Following Ms. Fopiano's testimony, Mr. Tupper (water well contractor license no. 1464), the qualified individual of Wash Well Company, was sworn in and provided testimony to the Board. Mr. Tupper noted that he had submitted well completion reports late in the past and he discussed his drilling operations and practices. Mr. Tupper stated that he is currently up to date in his well completion reporting.

Following questions from the Board, Ms. Fopiano's and Mr. Tupper's testimony concluded.

The hearing of record ended at 10:12 A.M.

Deliberations were held from 10:12 A.M. to 11:15 A.M. Following the discussion, upon motion by Mr. Cushing and seconded by Mr. Costa, the Board voted unanimously to place water well contractor license no. 1464 under probation with the following conditions:

- The Wash Well Company probationary period is for 3-years. During this probationary period, The Wash Well Company will be required to submit well completion reports within 60 days of construction, rather than 90 days.
- The Wash Well Company shall submit an acceptable written plan on how the business will improve future well completion report practices to the Water Well Board within 30 days.
- The Wash Well Company shall submit an affidavit, within 30 days, to the Water Well Board relative to compliance of the well reporting rules since issuance of the water well contractor license.
- The Wash Well Company shall submit any missing information and correct any inaccuracies from the 2016, 2017, and 2018 well completion reports within 60 days.
- The The Wash Well Company shall submit, within 60 days, any relevant Non-Conforming Well Forms or Well Setback Reduction Forms for wells installed since January 1, 2015.

After the end of deliberations at 11:15 A.M. there was a break in the meeting. Ms. Dobrowolski brought the Board meeting to order at 11:27 A.M.

Approval of Minutes

The Board reviewed the Minutes for the February 7, 2019 Board meeting. Ms. Dobrowolski noted a change from the term “non-public” to “non-meeting” that should be addressed. Mr. Cushing motioned to approve the February 7, 2019 Water Well Board Minutes. Mr. Caswell seconded the motion and the Board unanimously voted to accept the February 7, 2019, Board meeting minutes.

New License Applications

One new applicant seeking two licenses was presented to the Board. Timothy Allen is seeking a dug well, point well and wash well water well contractor licenses, as well as a domestic pump installers license. Ms. Fopiano introduced the information within the applications to the Board, specifically noting that Mr. Allen does not have the prerequisite experience nor references from currently licensed individuals. Ms. Fopiano noted that Mr. Allen, as part of his applications, provided additional references and submitted a personal letter detailing relevant experience.

The Board discussed declining to review Mr. Allen’s applications due to lack of experience and references. Following this discussion, Mr. Cushing motioned to not review the applications for Mr. Allen or discuss allowing him to sit for the exam due to lack of experience. Mr. Costa seconded the motion. The Board voted unanimously not to review Mr. Allen’s water well contractor or pump installer applications based on lack of experience. Mr. Allen was present at the meeting, the Board declined to invite Mr. Allen to the table to discuss the applications. The Board then discussed amongst themselves how Mr. Allen might proceed in obtaining any of the above mentioned licenses.

Ms. Fopiano informed the Board that three applications approved at a previous meetings passed their examination and are now licensed. Kevin Hanscom and Jeffery Lee both received their technical drilling

license for S.W. Cole Explorations out of Bangor, ME. Mark Perry is now an industrial (all HP) pump installer working for Epping Well and Pump Company in Epping, NH.

DES Enforcement Report

Ms. Emily Jones presented a report for the Board on the 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 the current status of the specific cases handled over the last year.

Probation Report

Ms. Fopiano reported that three licensees, Lucy Faxon (License # 1768), Tri-State Drilling & Boring (License #1762), and, Roth Artesian Well Company (License #20) are considered in compliance with the terms of their probation.

New Complaints and Violations

Ms. Fopiano informed the board that no new complaints or violation had been made aware to her.

2018 Well Completion Reporting Summary

Ms. Fopiano presented a summary, organized by water well contractor license number, of the number of well reports submitted to DES in 2015, 2016, 2017 and 2018. The Board reviewed this summary and requested Ms. Fopiano prepare letters to 14 licensees who reported less well completion reporting in 2018 as compared to the previous three years. This letter will request the licensee confirm reporting numbers for 2018. Ms. Fopiano presented a separate summary, organized by water well contractor license, of licensees who have not submitted any well completion reports between 2015 and 2018. After discussion, the Board requested Ms. Fopiano prepare a letter for all licensees who have not reported any wells between 2015-2018 period requesting the licensee to check their records and submit any outstanding reports. This letter would not be sent to business that hold multiple business licenses, as long as well reports are being submitted under the one of the other business license numbers.

The meeting broke for lunch at 12:33 P.M. Ms. Dobrowolski brought the meeting back to order at 1:24 P.M.

Pump Installer Continuing Education Class - Spring 2019

Ms. Fopiano requested the Board provide input on the topic of the annual 2-hour pump installer training held at DES. Ms. Fopiano presented the Board with a list of topics that have been used in the past twenty years (2000-2019). The Board discussed possible topics and the consensus was to focus on water chemistry, as it relates to local geology.

The Board recommend that the 2019-2020 license renewals paperwork include a survey of topics that licensees would like to see in upcoming years.

New Business

Ms. Fopiano introduced Jonathan Whaland to the Board. Mr. Whaland will be working part time for the water well program at DES and will aide in Ms. Fopiano's duties for the Board. Mr. Whaland introduced himself and provided a synopsis of his experience in the water well field.

Ms. Fopiano informed the Board that Aaron Lank of American Water Works in Bow had recently passed away. Mr. Lank was a licensed pump installer.

Ms. Fopiano discussed a new treatment option for radon which incorporates the installation of a drop pipe, for the injection of air, directly into a well. Ms. Fopiano requested the Board provide input as to whether a pump installer or water well contractor license would be required to install this type of equipment. The Board discussed the topic.

Ms. Fopiano noted that that herself and Ms. Dobrowolski attended the NH Attorney Generals Administrative Law Training in March. This training is beneficial for anyone that sits on a Board. It is offered every year and Ms. Fopiano will continue to invite all Board members each year. Ms. Fopiano intends to create a packet for all Board members that details their roles and responsibilities.

Ms. Fopiano stated that she is working to compile lists of individual town ordinances and regulations as then pertain to water wells, their construction, water quality, water quantity and water treatment requirements. Ms. Fopiano noted that the Town of Hampstead recently approved a local ordinance to require well yield testing prior to issuance of a building permit.

The Board discussed potential regulation of the water treatment industry under the Water Well Board RSA. Ms. Fopiano will provide guidance to the Board as to the law and rulemaking process.

Mr. Costa motioned to adjourn the meeting. Mr. Cushing seconded the motion, the Board unanimously voted to adjourn at 2:44 P.M.



Rene Pelletier
Water Well Board Secretary