



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

February 6, 2020

A meeting of the New Hampshire Water Well Board (“Board”) was held on February 6, 2020, 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, Rick Chormann, Peter Caswell and Rene Pelletier  
DES Staff: Abigail Fopiano

*Ms. Dobrowolski brought the Board meeting to order at 9:32 A.M.*

**Administrative Hearing – T&K Drilling, Water Well Contractor License No. 1516:**

An administrative hearing was held to consider whether the water well contractor license No. 1516, held by Sean McGarry and T&K Drilling, should be suspended or revoked for failure to file well completion reports as required by RSA 482-B:10, and for willful failure to comply with the provisions of RSA 482-B and the rules adopted by the Board (We 100 through We 1000) and for not complying with the Board’s Decision and Order of September 4, 2019. The hearing was held under the authority of RSA 482-B:8 & 9 and RSA 541-A.

Ms. Dobrowolski opened the hearing at 9:32 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 or missing from 2002 to January 2020 by T&K Drilling (Sean McGarry), water well contractor license no. 1516. In addition, Ms. Fopiano presented letters Mr. McGarry submitted in relation to the Board’s September 4, 2019 Decision and Order on his license.

Following Ms. Fopiano’s testimony, Mr. McGarry (water well contractor license no. 1516), the qualified individual of T&K Drilling, was sworn in and provided testimony to the Board. Mr. McGarry noted that he had submitted well completion reports late in the past and still may not be current in his reporting. Mr. McGarry noted that he had not signed the affidavit as required by the September 4, 2019 Decision and Order as he knows there are outstanding reports that he will submit in time.

Following questions from the Board, Ms. Fopiano’s and Mr. McGarry’s testimony concluded.

The hearing of record ended at 10:15 A.M. Deliberations were held from 10:15 A.M. to 11:10 A.M, with a break in deliberations from 10:32 A.M. to 10:47 A.M. Following the discussion, upon motion by Mr. Pelletier and seconded by Mr. Cushing, the Board voted unanimously to approve the motion to set the following Decision and Order on water well contractor license no. 1516:

- Suspend T&K Drilling water well contractor license for ninety (90) days. This suspension shall be held in abeyance until September 4, 2021, subject to T&K Drilling filing required reports within 45 days for all wells installed or abandoned by T&K Drilling until September 4, 2022. If T&K Drilling violates the requirements of this order any time prior to September 4, 2021, License #1516 will automatically be suspended for 90 days.
- Beyond the suspension period ending September 4, 2021, T&K Drilling shall file all required reports within 45 days for all wells installed or abandoned by T&K Drilling until September 4, 2022.
- T&K Drilling shall submit any outstanding well completion or well abandonment reports, constructed prior to February 6, 2020 at any time without the penalty of the suspension conditions.
- Should T&K Drilling wish to renew its drilling license #1516, it shall do so annually by June 30. If the license renewal is received late, an administrative hearing will automatically be scheduled.
- Failure to comply with the requirements of this Decision and Order will result in the immediate imposition of the 90-day suspension and the scheduling of an administrative hearing to consider revocation of the water well contractor, license No. 1516.

### **Approval of Minutes**

The Board reviewed the Minutes for the December 17, 2019 Board meeting. Mr. Chormann and Ms. Dobrowolski noted edits that shall be made. Mr. Chormann motioned to approve the December 17, 2019 Water Well Board Minutes. Mr. Costa seconded the motion and the Board voted unanimously to accept the December 17, 2019, Board meeting minutes with edits. Mr. Caswell abstained from the vote as he was not present for the December 17, 2019 meeting.

### **New License Applications**

One license application was presented to the Board. Stephen Fournier is seeking domestic and industrial pump installers license under an existing company, Hampstead Area Water Company. Following review of the application, Mr. Pelletier motioned to deny the application due to the references inadequately proving the applicant has the required 3-years' experience actively engaged in pump installations (per RSA 482-B:5, III, and associated We 302.05 and We 302.06). Mr. Costa seconded the motion. The Board voted unanimously to deny the application.

### **Probation Report**

Ms. Fopiano reported that three licensees, Tri-State Drilling & Boring (License #1762), Wash Well Company (License #1464), and GeoSearch (License #1782) are considered in compliance with the terms

of their probation. T&K Drilling's (License #1516) compliance with the terms of probation was discussed in an earlier Administrative Hearing.

As requested at the December 17, 2019 Board meeting, Ms. Fopiano presented examples of the well reports that are being submitted by all those on probation.

### **DES Enforcement Report**

Ms. Emily Jones of DES presented a brief summary 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 status of correspondence in currently active cases.

### **Old Business**

At the December 17, 2019 meeting, the Board discussed electronic reporting and the need for licensees who submit reports electronically to sign a form certifying that all reports submitted electronically under their license number shall be considered signed by them. Ms. Fopiano presented the disclaimer that all electronic reporting licensees agree to when registering to report electronically. Ms. Fopiano also provided an example certification form if the Board chooses to request one. Ms. Dobrowolski noted that the RSA and rules do not give the Board authority to require such a certification. The Board discussed and determined the disclaimers and processes current in place are sufficient.

Ms. Fopiano provided an update to HB667, the proposed legislation relative to private well testing. The bill passed the House on January 8, 2020. It will now move on to the Senate.

Mr. Pelletier noted that there is a proposed bill, HB 1120, proposing to require that the drinking water in rental properties be tested.

### **New Business**

Mr. Cushing proposed that the Board send Governor Sununu a letter expressing frustration with the DES OneStop website being under maintenance for over a month and the impact this has on the industry. The Board agreed to have Mr. Costa prepare and send a letter on behalf of the Board.

Ms. Dobrowolski recommended Board members attend an upcoming Administrative Law Training event, held by the State of NH. Ms. Fopiano will inform the Board when and where this training is scheduled to take place.

*Mr. Pelletier motioned to adjourn the meeting. Mr. Chormann seconded the motion, the Board unanimously voted to adjourn at 12:30 P.M.*



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Rene Pelletier, Water Well Board Secretary