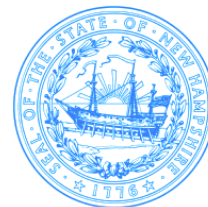




The State of New Hampshire
WATER WELL BOARD



Norman Harris, III, C.W.D. - P.I., *Pump Installer, Chair*
Peter W. Caswell, C.W.D. - P.I., *Water Well Contractor*
Kelly M. Dobrowolski, C.W.D. - P.I., *Water Well Contractor*
Stephen Roy, P.G., *Staff (interim)*

Rene Pelletier, P.G., *Dept. of Environmental Services*
David Hunt, C.W.D. - P.I., *Technical Driller*
Shane Csiki, *NH State Geologist*
H. Keith DuBois, *Public Member*

NH WATER WELL BOARD MINUTES

October 11, 2023

The New Hampshire Water Well Board held a meeting on October 11, 2023 at 9:00 a.m. The meeting was held in Room 208C in the NHDES office at 29 Hazen Drive, Concord, NH. Members of the public, if necessary, could participate in this meeting in person.

Present were: Norman Harris, III, Chair
Board Members: Kelly Dobrowolski, H. Keith DuBois, Peter Caswell, David Hunt,
Rene Pelletier (partial attendance)
Absent: Shane Csiki
Interim NHDES Staff: Stephen Roy

Mr. Harris brought the Board meeting to order at 9:02 A.M.

Meeting Minutes

The Board reviews the minutes for the August 2023 Board meeting. Ms. Dobrowolski notes a correction for a typographic error, Mr. Caswell makes a motion to accept the minutes as written with the typographic error corrected. Ms. Dobrowolski seconds this motion. The Board votes unanimously to accept the motion and minutes.

Licensing

The Board next reviews the status of the 2023-2024 license renewal process and status, inclusive of the current count of non-renewed licenses, and count of non-renewed licenses that have exceeded the expiration deadline and cannot be renewed without the former licensee re-applying for a new license and re-taking an exam. Mr. Roy states that 26 license holders have not renewed and will be sent a letter. Mr. Hunt and Mr. Caswell ask the status of individual licensees. Mr. Roy states that the list reflects individual licensees—not business licenses—and that although individual licensees may expire, the business license may be renewed with a different qualified individual. The Board discusses grace periods related to license renewals. Mr. Roy states that staff could develop a company license list to compare against non-renewed individual licenses. Mr. Roy summarizes last year's renewal process and discusses next year's process—noting that it will be wholly online and not in hardcopy.

New License Applications

The Board reviews the commercial pump installer license application submitted by Curtis King. Mr. Hunt notes that the applicant already has a domestic pump installers license and is applying to

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-2513 • Fax: 271-5171 • TDD Access: Relay NH 1-800-735-2964

upgrade to a commercial license and go out on his own (business). Mr. Pelletier makes a motion to accept the King application and allow the applicant to sit for the commercial pump installer exam, the motion is seconded by Ms. Dobrowolski. The Board votes unanimously to accept the motion.

The Board reviews the technical driller license application submitted by Pepling. Mr. Roy describes to the Board that the applicant's company (Parrot-Wolff) lost their NH-licensed driller and Mr. Pepling was applying to be the new qualified individual for the company. The Board discusses the issue of reciprocity and how, or if, it would apply to such an application because the applicant is licensed in three other states. Mr. Hunt states that, historically, the Board has supported reciprocity agreements with other states, but some legislative issue has blocked reciprocity from being approved. The Board discusses, in general terms, if reciprocity issues related to a recently passed bill applies to this Board because this Board is not administered by the NH Office of Professional Licensure and Certification. Mr. Pelletier suggests to the Board that they request input about licensure reciprocity from the Board's attorney from the State's AG office. Mr. Hunt makes a motion to accept the Pepling application and allow the applicant to sit for the technical driller exam, the motion is seconded by Mr. Pelletier. The Board votes unanimously to accept the motion.

Mr. Roy states that there are about 5 applicants with partial (non-complete) applications that are waiting on additional information or reference letters, and will be brought to the Board when complete.

Current Water Well Program Manager - Position Status

Mr. Roy states that the position posting request for the water well program manager is being routed through the agency, and the position will not likely be able to be posted before mid- to late-November. Mr. Pelletier briefly describes for the Board the agency's process for position posting, retiree/departing staff pay-out, and re-hiring. Mr. Roy describes the program's paperwork handling experience over the last year, with specific reference to hardcopy license renewals, hardcopy well construction records, and program backlog. Mr. Roy states that next year, and over the next three years, the program needs to and shall move to electronic submittals to the Board, and that the result will be that the program manager has more time available to initiate enforcement actions.

Mr. Harris asks if the fee framework for licenses is sufficient. Mr. Pelletier states that the agency has not proposed or supported any fee increases in bills over the last year, but the Board, on its own, could find a legislator to propose a bill to increase the fee. Mr. Roy describes a prior effort by a 2010-2012 subcommittee of the Board to evaluate license fee adequacy, which concluded that fees needed to be increased to achieve self-funding, and to develop single license only or tiered licensing. Mr. Hunt states that he recalled the outcome of the subcommittee and believes that the money issue is tethered to number of well construction reports. Mr. Harris states that paying per well construction report is similar to a permit or well construction application. Mr. Hunt states that he believes that a well construction report fee can be done without legislation. Mr. Harris states that he feels a new law would be needed for a new fee. The Board generally discusses pitfalls of well construction record fees and how it could result in negative outcomes.

Mr. Pelletier leaves the Board meeting for another agency commitment.

Old Business

Ms. Dobrowolski states that enforcement is a concern for her and noted well location problems she has observed in areas like Ossipee and Tamworth. Ms. Dobrowolski asks if the Board itself could enforce. Mr. Harris states that local enforcement might be best down by town code enforcement staff or health officers; and asks if NHDES staff does anything with these entities to have them review private well related issues. Mr. Roy describes annual training that the water well program manager co-presents at the annual DOI/DHHS NH Builders association meeting and conference with NHDES Subsurface Bureau staff. Mr. Hunt describes last year's input to a lobbying effort to establish private well water quality testing. Mr. Hunt and Mr. Harris discuss how fees related to licenses are handled. Ms. Dobrowolski states that any fine related to past enforcement has gone into the general fund and not back to the Board. Mr. Roy states that he reprioritized the program manager primary duties when the last manager was hired, specifically refocusing away from enforcement actions to address other programmatic obligations, like well construction record database, developing a well construction record map tool for contractors, and refining the online license renewal system. Mr. Harris states that most issues come down to funding, and asks staff what any new program manager will be tasked with. Mr. Roy states that he will be coordinating with IT staff for the well construction record database himself, the new program manager will be tasked with improving the online well construction map, and fully implementing the digital license renewal process, and working with NHGS to reduce well construction record backlog.

The Board has a general conversation about the process of moving their licensing process to OPLC, and concludes they will likely still review, test and issue licenses, and enforce well construction code violations. Mr. Harris and Mr. Hunt state that the advantage of moving to OPLC is to free up program manager time. Mr. Caswell asks about the process under the current OPLC. Mr. Roy states that the OPLC would not put in the same amount of recurring contact with licensees who do not renew their license. Ms. Dobrowolski states that the Board will likely be the same code enforcement entity and non-licensed enforcement entity, but may not be in as good a position to control or know about information when it comes to who has, and has not, renewed their license. Ms. Dobrowolski states that it, however, would not be a bad idea to free up some of the program manager's time to enable more time for enforcement, field visits, and the like.

Ms. Dobrowolski and Mr. Harris state that it would be instructive to have someone from one of the Boards that did move to OPLC to understand how the process worked for them and what benefits the Board realized. Mr. Roy states that a move to OPLC may also trigger applicability of recent laws that mandate license reciprocity. The Board then generally discusses getting legal input from the State's AG office about whether or not current laws related to OPLC apply to the Board's licensing process, and specifically if the Board were to move their licensing to OPLC then would the new law apply to the Board's licensing. Mr. Roy states that he will reach out to the mechanical Board and, possibly over the next two meetings, to the OPLC to discuss how their process works.

The Board generally discusses the potential need to assess the exams they administer because they are the same exams developed in the mid 1980's when the Board was formed.

Mr. Roy provides a follow-up to the Board's past practice of filling Board seats. Mr. Roy states that it is the Board's discretion as to how they solicit interest in becoming a member of the Board, and noted that the informal process followed last time was fine. Mr. Roy then states that he was told by the Board administrator that the Board has no role in nominating any new Board member, or approving or vetoing a nominee; only the governor office and exec. counsel can

nominate/approve/appoint to the Board. Mr. Harris states that he felt we need to send out notices to licensees, even new licensees, early in their career. Ms. Dobrowolski states that she believes that interest is low in becoming involved in the trade group association and the Board, and referred to past efforts to drum up interest in the Board having limited results. Mr. Hunt states that he believed the trade group association should send out the letter to encourage involvement in Board activities. The Board then discusses the last process of appointment of new members. Mr. Roy suggests to the Board to start the process of soliciting interest for available Board seats at least six months in advance. The Board then discusses the association doing two annual mailings to association members to garner interest in Board membership. Mr. Hunt suggests an actual physical mailing, possibly have the association coordinate a physical mailing with the American Groundwater Trust (AGWT).

Probation and Enforcement Reports

NHDES had no probation or enforcement activity to report on.

New Business

Mr. Roy stated that the new business item listed on the agenda is pulled for the purpose of collecting more information.

Other Items

Mr. Roy describes to the Board that the facility at Hazen Drive is undergoing a substantial mechanical and heating system upgrade, and it will affect next year's Board meeting schedule and location.

The Board members ask staff about building access badges, and Mr. Roy states that he will discuss the matter with facility management staff. Mr. Harris asks about possibly moving the December meeting due to a conflict with the NGWA Groundwater Week conference, and Mr. Roy states that he will send the Board members some date options for their December meeting.

Mr. Caswell discusses the fact that, in the past, some Board members have played the role of investigator, after stepping away from the member role on the case, and specifically mentioned Ferguson and Bemis. Mr. Caswell and Mr. Dobrowolski state that it could be an item for Board consideration in the future when enforcement is needed due to a violation.

At 11:20, Mr. Harris makes a motion to adjourn the meeting, and Mr. Hunt seconds this motion. The motion is moved, all in favor, none opposed.



Rene Pelletier, Water Well Board Secretary