



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

December 12, 2023

The New Hampshire Water Well Board (“the Board”) held a meeting on December 12, 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: Chair: Norman Harris, III
Board Members: Kelly Dobrowolski, H. Keith DuBois, Peter Caswell, David Hunt
Interim NHDES Staff: Stephen Roy
Absent were: Rene Pelletier, Shane Csiki

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

Meeting Minutes

The Board reviews the minutes for the October 2023 Board meeting. Mr. Hunt makes a motion to accept the minutes as written. Mr. Caswell seconds this motion. The Board votes unanimously to accept the minutes.

Ms. Dobrowolski brings to the attention of the Board the language in the Board agenda cover page. She states that, as worded, the language implies prior notice of attendance (by the public) to a Board meeting, and that such wording may deter involvement in Board meetings by both licensees and the public in general. The Board discusses the matter and wording in general. Mr. Roy states that he would edit the existing language to imply more open access to Board meetings by all members of the public.

Licensing

Mr. Roy presents a table to the Board of licensees that have not renewed their license with a cross-reference indicating whether or not the entity is the designated qualified individual (QI) of the business. Mr. Roy then summarizes for the Board the current license renewal process, which includes a 30-day grace period (June 30 to July 31) and then an 11-month late-filing fee period (August 1 from license year to June 30 the next year) over which a licensee can renew. The Board discusses individual Board member familiarity with the renewal process, and discusses the status of some individual companies on the list that are either not known or known to Board members to be out of business. Mr. Harris asks what measures NHDES has taken to contact these individuals. Mr. Roy states that letters and phone calls have been sent to all of these entities, but in-person individual business visits have not been conducted. Ms. Dobrowolski asks if the list represented

both pump installer and well contractors. Mr. Roy states that it included both. Mr. Roy states that further attempts will be made to contact licensees for renewal.

New License Applications

The Board reviews the well contractor license application submitted by Mr. William Conaway. Mr. Hunt makes a motion to accept the Conaway application and allow the applicant to sit for the well contractor exam. The motion is seconded by Ms. Dobrowolski. The Board votes unanimously to accept the motion.

The Board Chair signs the new technical well contractor license certificate for Sean Pepling of Parrott-Wolff, Inc.

Enforcement Report

NHDES staff have no enforcement to report. Mr. Harris asks about the status of the issues surrounding the Conway subdivision well installations that the Board encountered about a year+ ago. Mr. Roy summarizes the interaction with the licensed pump installer (Streeter) who was required by the Board to offer to fix pump installation code violations to all consumers involved. Additionally, Mr. Roy states that the non-licensed entity (Nelson-Bergman) applied to take the well installation exam and was not approved by the Board as meeting the minimum qualifications to sit for the exam, and they were notified by NH AG about license violations and to cease all water well related work. Mr. Roy states that there is no further action planned at this time.

Current Water Well Program Manager - Position Status

Mr. Roy states that the position posting request for the water well program manager has closed and received one applicant, who was interviewed and offered the position, but declined the offer. Mr. Harris asks if the applicant stated what the reason for the decline of offer was. Mr. Roy states it was related to other opportunities and higher salary. Mr. Harris asks about issues that might affect hiring and discussed salary level. Mr. Roy describes the current salary range and the unlikelihood of changing the job classification to a higher pay grade at the current time. Mr. Roy reminds the Board of the fact that two positions used to support the Board up to 2011, after which, one position was liquidated by State legislative action. Mr. Roy describes that the next step for the position will be to have it posted externally in January/February 2024. The Board discusses prior staff for the Board. Mr. Roy states that the governing statute for the Board requires the Board to be self-supporting and that current licensing fees do not cover an individual position and associated agency/personnel costs, and that fees derived by licensure requirements, under the Board's governing statute (RSA 482-B), go into the State's general fund.

Old Business

Input from NH AG office about applicability of 2023 bills (now passed) HB695 and HB594 to the Water Well Board licensing

Mr. Roy states that, per the request of the Board in October, he contacted the NH AG office to ask if HB695 or HB594 applied to the Board as currently operating, and received a response via email (attached herein as Attachment 1.) Mr. Roy summarizes the NH AG response as follows:

- HB695 (a bill to reorganize the Office of Professional Licensure and Certification [OPLC] and redefine its authorities related to professional licensure boards it administers) does not apply to the Board because it is not managed under or by OPLC.
- HB594 (a bill that mandates licensing reciprocity for licenses for all professional licensure boards administered by OPLC) does not apply to the Board because it is not managed by OPLC, but if the Board were to move under the authority of OPLC, HB594 (mandatory reciprocity) would apply to the Board.

Mr. Roy also informs the Board that it does not have an assigned attorney at NH AG office at this time. The Board discusses the idea of reciprocity and issues related to reciprocity that may arise if it was mandated as a function of any statute.

Input from NH OPLC Administrator on requirements related to administration of Board requirements if it moves under the licensing authority and management of OPLC

Mr. Roy states that, per the request of the Board in October, he contacted the NH OPLC office to ask them questions about how they operate and how OPLC administers requirements for licensing boards they administer, and held a meeting with the licensing bureau administrator at OPLC. The OPLC provided the information that is summarized in Attachment 2. Mr. Roy summarized the OPLC input as follows:

- For professional licensing boards under the OPLC, the OPLC will administer all aspects of licensing (approval for exams, exam oversight, initial issuance and renewals) and administer all board fees and revise fees bi-annually to maintain a self-funding mandate under their governing statute. The Board will be consulted on licensing issues by OPLC only when an applicant requests a waiver to the application criteria in rule.
- The OPLC will conduct all license investigations about alleged code violations and complaints. OPLC has its own enforcement bureau and legal counsel (attorneys and staff) who will consult the board on enforcement action, proposed legal filings and all follow up.

Mr. Roy states that per the input from OPLC, the Board's operating role would shift under OPLC to be largely that of a quasi-judicial Board only, establishing for OPLC what is and what is not a code violation, and making final decisions on enforcement actions that would be sought by the OPLC enforcement bureau against a licensee. The Board discusses the summary of input from the OPLC administrator at length. The Board discusses costs to operate the Board and how its fees and funding works, and operation obligations associated with the current water well program manager position. The Board members generally provide their individual position on whether or not the Board should move to OPLC, and the caucus of opinion of the Board members is not to move Board obligations to OPLC at this time.

New Business

2024 Proposed Meeting Dates

Mr. Roy presents the Board with proposed meeting dates for 2024. The Board discusses moving the December 2024 meeting date back one week to avoid NGWA-sponsored Groundwater Week.

Board Member Term Table

The Board reviews the member term table for existing members and associated term limits.

Other Items

Mr. Harris discusses the need for a review of issues surrounding setbacks and associated requirements related to setback reduction forms. Mr. Roy discusses the general input related to the septic system bureau's perspective on setback reductions, and the fact that last year a house bill was passed to relieve many requirements related to the filing of the 'standard release form' by the licensed septic system designer for a property. Ms. Dobrowolski and Mr. Hunt state that, to their understanding, for newly developed lots, the rule is that the well cannot be moved without approval or a new plan approval from the subsurface bureau. Mr. Hunt states that he understands that for other setback issues on existing lots, the well location may move, but if it moves into a required setback area, there needs to be special methods of well construction followed. Mr. Hunt additionally states that the only time a well cannot move on an existing lot is when the well location is identified as a 'critical well location' on the septic system approval. The Board discusses the history of setback reduction issues and forms at length. Mr. Harris states that the range of issues and confusion about setback issues and forms indicate that this issue should be further discussed by the Board. Mr. Roy states that he will put a discussion on the topic on the next Board meeting agenda.

The Board briefly discusses the need to plan ahead to fill members seats on the Board far in advance of the date a member encounters their term limit.

At 10:57 A.M., Mr. Caswell makes a motion to adjourn the meeting, and Mr. Hunt seconds this motion. The Board passes the motion unanimously.



Rene Pelletier, Water Well Board Secretary