



Hole Talk

Spring 2022
Published Quarterly

www.nywelldriller.org

2022 ESWWDA Spring Meeting April 1, 2022

We're taking a chance this spring and planning a live, in-person meeting that will not be cancelled or go virtual thanks to **Ricky Tompkins** and **Reliable Pump and Well Services**, 66 Ward St., Montgomery, NY.

Rig and vendor setups will begin at 10 am and continue until noon for our **Tri-State Rig Mixer**. At noon we will open up to the attendees for all to enjoy. A list of participating equipment and vendor displays is listed below. *Let's thank all of them for their participation!!*

Hotel information, for anyone choosing to stay, can be found on **page 2**, along with the itinerary for the day.

Equipment Displays

Lodestar Sales T4 (refurbished), **Tony Fritz**

NE Drill TRD69PTO new rig

New refurbished **22w cable tool 1955**, **Chris DeWitt**

Refurbished **T3W**, **Tommy Hansen**

C02 Sterling Acterra Hydrofrack unit, **Daniel Boyd**

New **Epiroc TH-60 2022**, **Ed Hook**

New **Rosewall water truck**, **Ricky Tompkins**

Drillmax with **Glen Slater**

Schramm T660W, rebuilt

Vendors

D&S Pump and Supply

Group One, **Bernie and Ron**

Groundwater Supply, **Pat**

Blake Group

NE Drill Supply (Reichdrill), **Mike**

Arthur J. Gallagher Insurance, **Analisa Jesco**

Epirock, **Joe Mela**

East West Drilling, **Merle Hoover**

Preferred Pump

Flexcon, **Shawn**

Aqua Flow, **David Bruce**

NE Drill Supply, **Pat Dempsey**



Mission

The ESWWDA is committed to taking a leadership role in protecting our natural resources through the promotion of the ground water industry. It strives to support a spirit of cooperation, communication, and education within the industry and with the consumers and regulatory agencies.

Visit www.nywelldriller.org

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Spring Meeting Agenda:

2022 Empire State Water Well Drillers' Association

Friday, April 1, 2022

Reliable Pump And Well Services
66 Ward Street, Montgomery, NY 12549
(845) 649-0785

10:00 - noon Rig and Vendor Set up

Noon - 7:00 pm Displays available

1:00 - 7:00 pm Food catered by Rosemary's Pub;
cocktails served

2:00 - 3:00 pm Board of Directors Meeting

NO STREET PARKING IS AVAILABLE
AT THE RIG SET-UP SITE!!

All Parking is to be at the Wesley Hall Sr. Citizens Center,
36 Bridge St., Montgomery, NY 12549

Location: Holiday Inn Express Montgomery, NY



2105 Route 208
Montgomery, New York, 12549
Check in: 3:00 pm
Check out: 11:00 am
Check-in age: 21
Phone: 845-457-7373

A small block of rooms has been set aside under the association name. Please register under the block using your own name and c/c information. Cancellation policy is 24 hrs. prior to Friday check in. Room rate is \$149.00 plus taxes.

2021

Board of Directors

President

Tyler Wills, MGWC, Smith Well Drilling
PO Box 585, Niverville, NY 12130
(518) 758-6142 • Driller1234.tw@gmail.com

Vice President

Dave Rosick, CWD/PI, Rosick Well Drilling LLC
1175 Farley Road, Hudson Falls, NY 12839
(518) 746-0173 • Rosickdrilling@yahoo.com

Past President

Jim Wild, Jim Wild Well Drilling
PO Box 131, Gardiner, NY 12525
(845) 255-4155 • Jimwildwelldrilling@gmail.com

Secretary/Treasurer

Charles W. Crover, CWD/PI
Roarke Well Drilling, Inc.
431 Scotchtown Ave., Goshen, NY 10924
(845) 783-9355 • Chuck@RoarkeWellDrilling.com

ESWWDA Correspondence Manager

Julie Boyd
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(845) 225-3196 • Jewels2564@aol.com

ESWWDA Assistant Correspondence Manager

Susan Bates
900 N. James St., Rome, NY 13440
(315) 339-8960 • Gramsue67@gmail.com

3 - Year Directors

Mike Palleschi, CPG, CWD
Senior Geologist, Alpha Geoscience
(518) 348-6995 • mpalleschi@alphageoscience.com
Chris Root, CWD/PI, Root Contracting
(585) 593-4304 • Rootwaterwell@gmail.com

2 - Year Directors

Jeremy Baldwin, MGWC, Hawk Drilling Co., Inc.
(518) 885-7952 • hawkdrilling@aol.com
Daniel Boyd, DNA Well Maintenance
(772) 626-4515 Daniel.Boyd70@gmail.com

1 - Year Directors

William Frey, MGWC, Frey Well Drilling Inc.
(716) 937-7977 • DrillerFrey@aol.com
Rus Turnbull, CWD/PI, Turnbull Well Drilling Assoc., LLC
(845) 406-0255 • Rus@Turnbullwelldrilling.com

Supplier Directors

David Chugg, Ground Water Systems, Inc.
(585) 746-8055 dchugg@groundwatersystemsinc.com
Bernie Kistner, Group One Northeast, Inc.
(845) 473-1969 bkistner@aol.com
Jeff Quinn, Matrix Corp.
(603) 931-0835 Jeff.quinn@matrixcp.com
Dave Keough, Blake Equipment
(845) 258-7867 Dave.keough@blakeequip.com

Values

The Board of Directors and membership of E.S.W.D.A. believe in the promotion of the ground water industry through:
Professional Standards • Communication
Education • Integrity • Affordability

The President's Thoughts

Getting Back to Normal

If you missed our last meeting, First and foremost, I want to apologize for cancelling the **Annual Meeting**. It was a last-minute decision, fueled by COVID, mask mandates, low room reservations, and economics. I know we were all looking forward to a great escape from all of the nonsense and getting back together at last. Unfortunately, I had to make the call last minute. So, I apologize, but thankfully for our membership, they have saved my butt again.

I got to admit, my presidency has been a walk in the park. I really do not do anything other than sit here and look pretty. I have not had many meetings, and the ones we have held, have been spoon fed to me. But I am afraid if I intervene, I will mess something up. And to be honest, the meetings that have been presented to me have been better than anything I could put together. Once again, our members have come through and saved my butt.

Pretty much every event this winter has been cancelled. As of this writing, the COVID numbers are coming back down, but there was a recent spike in cases throughout the month of January. Virtually every business in my area had a week or better of shutdown recently due to COVID (us included). But now it seems like things are calming down, and we are going to attempt to return to normalcy.

For the **Spring**, we have options for everyone. **D&S** came to me, with an awesome online event, full of training and factory reps, available to everyone in New England. If you have a few hours the morning of March 4th, this is an awesome, easy way to get points, as well as some great training for the guys.

Also, **mark your calendar for the fall meeting**. We are looking to repeat last year's fall meeting with a **Circle Line** cruise around Manhattan. Trust me,



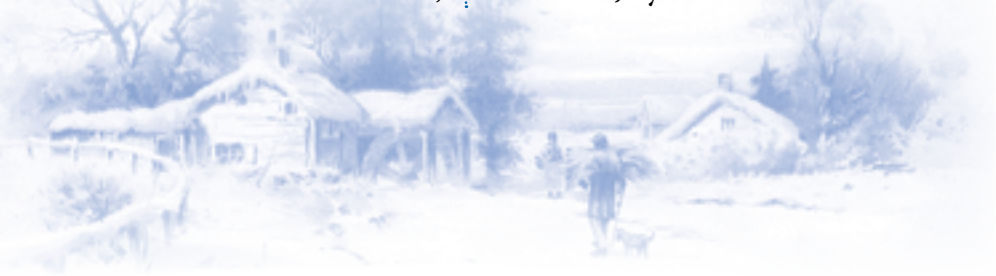
I am as much a country boy as it gets, but the cruise was impressive. Do it.

For those of us who want to rub elbows and chew the fat, head on down to **Ricky Tompkin's** shop for the **Tri-State Rig Mixer! Friday, April 1st**, from approximately noon through 7. You do not want to miss this. As of this writing we are narrowing down exact details, but we are going to have an open event, with some small tabletops from various pump and drill representatives, and a yard full of iron to look at. **Lodestar equipment** is bringing a **refurb T4**, Ricky has a **new water truck**, **Northeast Drill** is bringing a **new RTD69**, **Chris DeWitt** has a **new refurb 22w**, **Drillmax** is going to show off **Glen Slater's** newly **refurbished Schramm 660**, **Ed Hook** is Bringing his **new TH60**, **Danny Boyd** is going to setup his **Frack Rig**, and potentially much more to come. This is just an opportunity for all to get together and see faces that we have not seen in some time. We will only be having a board meeting and are keeping the schedule loose so that everyone is free to come and go as they please.

This is going to be an awesome event, and feel free to bring family, friends, not only from NY, but open to all from all over the Northeast. I cannot thank **Ricky Tompkins** of **Reliable Pump and Well Services** for all he has done. He has single handedly spearheaded this event, and only calls me to see if I am good with what he has planned. **Thank you, Ricky.**

I hope to see all at either event this spring, or hopefully both. Stay tuned, as I may be trying to put together a quick rig demo this summer, in the **Finger Lakes region**. Here is to getting back to normal!

President, Tyler Wills 



2021 Empire State Water Well Drillers' Association Annual meeting

January 19, 2022

President Tyler Wills called the *annual fall meeting of the Empire State Water Well Driller's Association* to order at 9:22 am on **Wednesday, January 19, 2022**, with 41 members in attendance via zoom.

A roll call of officers showed the following Board members to be in attendance:

Tyler Wills, *President*

Dave Rosick, *Vice President*

Julie Bullock, *Correspondence Manager*

Sue Bates, *Assistant Correspondence Manager*

Jeremy Baldwin, *Director*

Daniel Boyd, *Director*

Mike Palleschi, *Director*

Chris Root, *Director*

Bernie Kistner, *Director*

Dave Keough, *Director*

The treasurer's report was given at the Board meeting and approved by the Board. If anyone has specific questions, they can request a copy of the report.

President Wills stated that 2021 was a busy year and he hoped 2022 would be a healthier and busy year also. As we all are aware the **Annual Meeting** was cancelled at the last minute and moved to zoom because of covid numbers, mask mandates and the cost the association would have incurred if we had preceded with an in-person meeting. It appears to be a trend since the **NEWWA Expo** has also gone virtual. It is very disappointing. We know how much we like to get together and socialize with each other. The Board is looking at in-person meetings for the **spring and fall meetings**. The summer meeting is still unscheduled though the association would like to go west. The spring meeting will be hosted by **Ricky Tompkins** and the fall meeting will be hosted by **D&S** and be a repeat with the **Circle Line Cruise**. We will have three

speakers for the meeting. We really appreciate everyone for attending.

Communications: We received a thank you letter from **Findorak Well Drilling** regarding what a wonderful time they had at the October meeting, and a donation for the scholarship funds from **Phil Skowfoe**.

Sickness & Health: We would like to announce that **Mrs. Charles Baker** is recovering from Covid at home. The association would like to acknowledge the passing of **Larry LaChance**, **MGWC**, **Roger Lynch**, **Dick Vedder's Mother** and **Lindell Hawk**. **Dave Root** informed the membership that **George Sonnie** of **Sunrise Drilling Supply** passed away.

At this time, we welcomed **Allen Young** from **HAY Consulting**, and he works as a water quality technician for **Erie County Soil and Water Conservation District**. Mr. Young's presentation is available on the website and appears on pages 8 to 13 in *Hole Talk*.

Insurance & Safety: **Analisa Bastiani-Jesco** reported that workers' compensation rates were revised in October of 2021. The drillers' rate will increase 9.9% and the pump installers' rate will increase 2.89%. Ms. Jesco reminded employers to apply for the **New York Workers Compensation Premium Credit Application** three months prior to renewal. More information is available in *Hole Talk* on pages 24 through 27.

Membership: **Sue Bates** reported that we have **301 members** total with 222 paid for 2022 and 79 members still unpaid. The second round of invoices have been sent. **President Wills** stated that in 2005 we had a total membership of 345 and we have dropped to 301. During that same time period, we went from 275 contractor members to 175 contractors. We do have more associate members.

Scholarship: **Dave Rosick** reported that we had one new application for the **Daniel M. Shultz Scholarship**, but they had no relationship to the industry.

Water System Council: **Jeff Moore**, **Government Affairs Liaison** from **Water System Council** stated that in the \$1.2 trillion dollar infrastructure and jobs act which was passed on November 15, 2021, there would be a lot of drilling opportunities. The bill has a large investment into drinking water. There will be a great deal of water and wastewater projects. \$250 million of the funds will be for septic systems and repairs. Drinking water is a priority for small rural communities. WSC has shown over the years that in a lot of situations it is cheaper to drill wells than connect to city water. There is also \$10 billion set aside to understand and study **PFAS** and other chemicals that have been found in ground water.

This year Congress will begin working on the next **Farm Bill** which in the past had included money for rural water and wastewater. Normally, the Farm Bill is bipartisan. WSC will be working with the Agricultural Committees in both the House and Senate. There will be a number of projects in New York State working on **CAFOs** (Concentrated Animal Feeding Operations) waste management and the impact of nitrates on the ground water. New York State is well represented on both the Senate and House Ag Committees. Another large investment in rural committees is \$65 billion in broadband upgrades and installation. WSC understands the needs small communities have and want is more cost effective for them. WSC is here to help. Mr. Moore pointed out that NYS regulations are really tame compared to the western United States. Hopefully,

ESWWDA Values

The Board of Directors and membership of E.S.W.W.D.A. believe in the promotion of the ground water industry through:

Professional Standards ◦ **Communication**
Education ◦ **Integrity** ◦ **Affordability**

WSC will hold their **Fly-in** this April. Mr. Moore who is originally from Cooperstown, NY, is always glad to come to an ESWWDA meeting.

Margaret Martens, Executive Director of **Water Systems Council**, added that yes, they are planning a **Fly-in** for the end of April. She will send us details. WSC just finished its first ever **State of the Industry Survey** with a great response rate and that information will also be shared with the association showing the depth and importance of our industry. Margaret reminded members that there are monies available through the **Water Well Trust** for both wells and septic systems so please help them spend it.

Government Affairs: At this time, **Mark Glaser**, our lobbyist from **Greenberg Traurig**, gave a power point presentation on the state of New York and its impact on our industry. The presentation is available on our website and can be found in written form on pages 14 and 15 in *Hole Talk*. After the presentation there were questions regarding geothermal regulations and certification, water rights in New York state, selling of water to other states and term limits on the state government level. The Board will be meeting with Mr. Glaser regarding geothermal regulations, certifications and some proposed bills which might impact our industry. Terms limits was brought up by **Governor Hochul** but is falling on muted ears. New York state does have regulations control over our water sharing through the **Delaware River Gap** and the **Great Lakes Commission**.

Budget & Finance: The Board was informed by the **Treasurer** at the Board meeting that we are working within our budget.

Hole Talk

Education:

Henry Boyd reported that we had a great turn out at the October meeting and class. He wanted to thank **D&S**, **Goulds**, and **Group One** for all their support. There was additional discussion regarding geothermal and regulations relating to it. There are companies coming into the state which are not registered or certified and risk contaminating our ground water.

NGWA: **Chris Root** stated that he attended the record breaking **NGWA Ground Water Week**. He attended a **Peer-to-Peer** meeting where NGWA discussed the **Awesome Aquifer** which is available to schools, and they discussed issues relating to exams and the proctoring. NGWA is working with Oklahoma State to revamp the exam system.

Hole Talk: Next deadline for *Hole Talk* is **February 1st**.

Public Information: **Sue Bates** stated that we are trying to keep both the **website** and **Facebook** up-to-date with information.

DOT: **President Wills** stated that the **FMCSA (Federal Motor Carrier Safety Administration)** is changing the training and testing for CDL drivers on February 7, 2022. On page 19 in *Hole Talk* is a notice regarding the changes. Also, there is an article on pages 20 and 21 relating to questions regarding whether non-CDL drivers need or do not need medical cards.

Accreditation: **President Wills** stated that for 2022 we did not require the 5 points and anyone who was in the **Voluntary Accreditation Programs** was

just rolled over. In 2023, we **WILL REQUIRE 5 points** for renewal. Forms will be sent out in November with membership renewals for 2023.

Past President: There was no report given at this time.

New Business: Since we cancelled the Annual meeting at the last minute, elections will be held via zoom. Director **Jeremy Baldwin**, *Chair of the Nominating Committee*, will run the elections. At this time Director Baldwin asked for a motion to accept the slate of officers as printed in *Hole Talk* to be elected and the secretary to cast one vote for each officer and director for reelection. **Al Gerisch** made the proposed motion. **Bernie Kistner** seconded it. Via zoom the motion was accepted by those attending and there were no nays or discussion from the floor. The secretary thereby cast the votes. At this time, the Nominating committee was dismissed.

The spring meeting will be hosted by **Ricky Tompkins** at his shop. He is planning to have it on **April 1 from Noon to 7 pm**. There will be rigs and other equipment to see and touch. We will be within walking distance of Montgomery, NY More details will be in *Hole Talk*. The summer meeting is still unplanned. The Board would like to go west to visit our friends and members in western New York. The fall meeting will be back at **D&S** with another cruise around Manhattan on the **Circle Line**. We all have hopes to return to **Turning Stone** in **January 2023**.

At this time **Dave Rosick** made a motion to adjourn the meeting at 12:14 pm. **Jeremy Baldwin** seconded the motion. All were in favor and the motion passed.

Respectfully Submitted,

Julie Boyd, *Correspondence Manager*


MEMBERSHIP REPORT February 2022

CATEGORY	TOTAL	PAID	UNPAID
Contractors	180	132	48
Suppliers/Manufacturers	50	29	21
Associates	71	62	9
	==	==	==
Total Members	301	223	78

Payments may be made by mailing checks to:
ESW WDA, 1054 Route 52, Carmel, NY 10512
or PayPal at www.nywelldriller.org

Well Jokes

- Why kind of comedy does the well not like? *Dry humor.*
- What happened when the well learned about his father drying up? *He welled up.*
- What do you say if you find three holes in the ground? *"Well, well, well".*
- What do you call it when a prince falls into a well? *A roil mess.*
- What do you call a well with abundant water? *A well that is well off.*
- What do you call a famous well? *Well-known.*
- What card did the man get when he saw his huge water bill? *A 'Get Well Soon' card.*
- What do you call a water body that is polite? *Well-behaved.*
- What kind of water is good for your health? *Well water.*
- Why did the girl put the fish in her backyard well? *Because she cared about the fish's well-being.*



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2021 ESW WDA Committees

Scholarship

Chairman David Rosick (518) 746-0173

Education

Chairman Henry Boyd (845) 225-3196

Jeremy Baldwin (518) 885-7952

Sandra Baldwin (518) 396-9499

Brian Frey (716) 937-7977

Membership

Chairman Sue Bates (315) 339-9060

William Frey (716) 937-7977

Chris Root (585) 593-4309

Dave Chugg (585) 746-8055

Insurance & Safety

Chairman Analisa Jesco (888) 869-3535

Jeff Smith (518) 758-6142

Chuck Crover (845) 783-9355

Government Affairs

Chairman Jeff Smith (518) 758-6142

Janice Hawk-Baldwin (518) 885-7952

All Board of Directors

NEWWA

Chairman Henry Boyd (845) 225-3196

Julie Bullock (845) 225-3196

Alt. Jeff Smith (518) 785-6142

Rus Turnbull (845) 406-0225

Liaisons to NGWA

Chairman Jeff Smith (518) 758-6142

Chris Root (585) 593-4304

Henry Boyd (845) 225-3196

Dave Rosick (518) 746-0173

Budget & Finance

Chairman Chuck Crover (845) 783-9355

Bernie Kistner (845) 473-1969

Analisa Jesco (888) 869-3535

Hole Talk

Chairman Julie Bullock (845) 225-3196

Sue Bates (315) 339-8960

By-Laws

Chairman Tony Ferraioli (518) 861-8733

Henry Boyd (845) 225-3196

Environment

Chairman Henry Boyd (845) 225-3196

David Rosick (518) 746-0173

Daniel Boyd (772) 626-4515

DOT

Chairman Mike Frey (845) 496-2131

Jeremy Baldwin (518) 885-7952

Chris Root (585) 593-4304

Brian Frey (716) 937-7977

Daniel Boyd (772) 626-4515

Supplier's Division

Chairman Bernie Kistner (845) 473-1969

Dave Chugg (585) 746-8055

Jeff Quinn (603) 418-5625

Dave Keough (845) 258-7867

WSC

Chairman Jeff Smith (518) 758-6142

Rich Moravec (315) 536-3911

ESWWDA & You ... A Smart Alliance

The industry is in an era of change. To understand the changes taking place and to lead the industry through its transitions, drillers need to access the best minds available - each other.


That's why your affiliation with the ESWWDA is a smart investment. It's an alliance of individual drillers that work for you and with you.

Your membership gives you access to programs and services specifically formulated for the professional growth and success of water well drillers and pump installers.



The association provides:

- **Educational programs in:** water well drilling, pump installation, general management.
- **Informative newsletter:** *Hole Talk* covers local, state and national issues and news.
- **Annual Tuition Scholarships**
- **A united voice:** ESWWDA speaks for drillers on issues of far-reaching impact.
- **A voice:** A vote on the direction ESWWDA takes.

Join or renew your membership and keep this powerful alliance alive! 

ESWWDA

Affiliate State Membership Application Empire State Water Well Drillers' Association • Organized 1941

Name: _____ Date: _____
Street: _____ Work Phone: _____
City: _____ State: _____ Zip: _____ Cell Phone: _____
County: _____ FAX: _____
Business Name: _____ E-mail: _____
Contractor/Driller \$125 National Member Yes _____ No _____
Pump Installer \$125 CWD # _____
Supplier/Manufacturer \$125 CPI# _____
Associate Company Member \$25 NYS DEC Reg. #: _____
Sponsor: _____

Dues are NOT Tax Deductible

Mail application to: **Susan Bates, 900 N James Street, Rome, NY 13440** (checks payable to: **ESWWDA**)

NYS Water Resources Protection Act & Water Withdrawal Permitting, Reporting and Registration

By Allen Young

Who needs a permit? Firstly, Non-Agricultural Facilities where any user of ground or surface water with the capacity to withdraw more than 100,000 gallons per day. Secondly, Agricultural Facilities which include any agricultural facility that withdrawals in excess of the threshold capacity. Threshold capacity equals average 100,000 gallons per day, or 3 million gallons in any consecutive 30-day period.

Who are exempted? If your average daily withdrawal rate is below 100,000 gallons per day or less than 3,000,000 gallons in any 30-day period. If you registered your water-use prior to 2/15/2012 and you have not increased your capacity or added any additional sources and have completed your yearly reporting

requirement. If you purchase water through a permitted facility or fall under the jurisdiction of a regional commission. Permit conditions may vary based on commission.

Here are some important definitions.

Water Resource Law (ECL Article 15, Title 15) defines “agricultural purposes” as: “farming for crops, plants, vines, trees, and the keeping, grazing or feeding of livestock for sale of livestock or livestock products, and the on-farm processing of crops, livestock, and livestock products.” **Note** that multiple proximate parcels of land under the ownership or control of the same business entity or legally responsible party are generally considered to be one agricultural facility. Farms with

multiple locations/parcels will be considered to be a single facility if contiguous or proximate properties used for agricultural purposes are owned or operated by the same business entity or legally responsible party.

Here is the basic process:

1. Forecast water needs and plan well in advance. NYS DEC's position is that no new water source can be used until permitted. Permitted facilities need a permit modification to increase capacity or add additional sources.
2. Contact your Regional DEC office to schedule a pre-application consultation at your farm.
3. Contract an engineer licensed in

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NYS who will be able to complete and certify the reports for DEC.

4. Contract a well driller (if source is a well)
5. Work with engineer, well driller, DEC and any necessary third party to plan the 72 hour pump test, step draw down test, SEQR, SHPO and Joint Permit Applications for streambank disturbance.
6. Install the well, necessary monitoring wells and other appurtenances.
7. Complete the pump test.
8. Compile studies and reports into application package and submit Water Withdrawal Permit Application.
9. Await DEC's decision.
10. Begin use of the system.

Permits are valid for a maximum of 10 years. Renewals will be similar to the initial application except for the pump test. The facility will need to justify its water-use and document all the water saving technology and improvement. Changes requiring a permit modification include, but are not limited to, changes in pump capacities, installation of new pumps, enlargement of conduits, increased reservoir storage, installation of new sources of withdrawal, change in diameter of an existing well. Modifications require the submission of an amended engineer's report and the certification of the new appurtenances. A permit modification must be obtained from the department prior to any transfer or change of ownership of a water withdrawal system, and the system shall not be operated until a permit is secured.

According to 15-1503 §2, in making its decision to grant or deny a permit or to grant a permit with conditions, the department shall determine whether:

- a. the proposed water withdrawal takes proper consideration of other

sources of supply that are or may become available;

- b. the quantity of supply will be adequate for the proposed use;
- c. the project is just and equitable to all affected municipalities and their inhabitants with regard to their present and future needs for sources of potable water supply;
- d. the need for all or part of the proposed water withdrawal cannot be reasonably avoided through the efficient use and conservation of existing water supplies;
- e. the proposed water withdrawal is limited to quantities that are considered reasonable for the purposes for which the water use is proposed;
- f. the proposed water withdrawal will be implemented in a manner to ensure it will result in no significant individual or cumulative adverse impacts on the quantity or quality of the water source and water dependent natural resources;
- g. the proposed water withdrawal will be implemented in a manner that incorporates environmentally sound and economically feasible water conservation measures; and
- h. the proposed water withdrawal will be implemented in a manner that is consistent with applicable municipal, state and federal laws as well as regional interstate and international agreements

How will water be shared between users and ultimately what use shall take priority?

15-105 Declared Policy stated the following in §8. In addition to other recognized public beneficial uses and control of water as provided by this article 15 or by any other statute, the regulated acquisition, storage, diversion and use of water for the supplemental irrigation of agricultural lands within

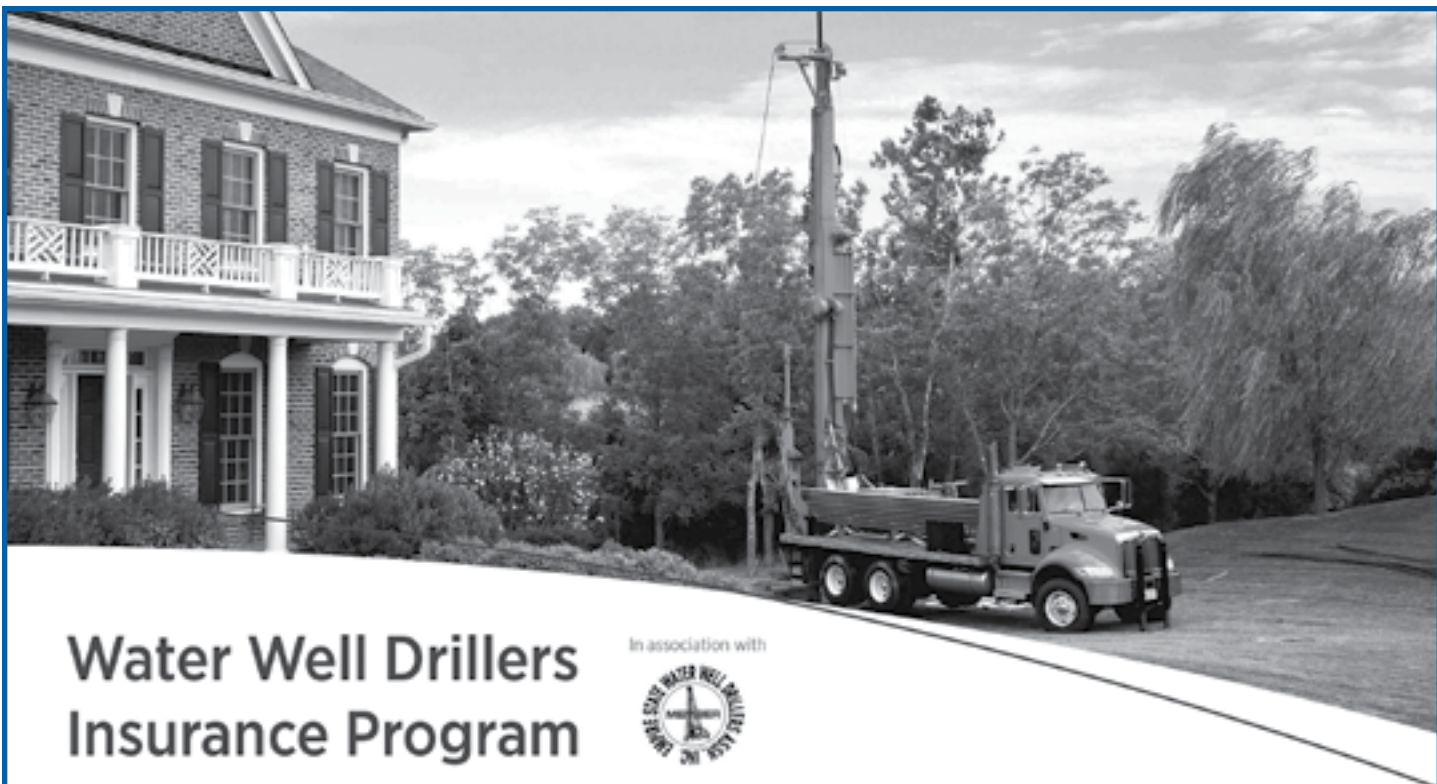
the state is a public purpose and use, in the interests of the health, safety and welfare of the people of the state and for their interest. In §5. the acquisition, storage, diversion and use of water for domestic and municipal purposes shall have priority over all other purposes. The proposed water withdrawal will be implemented in a manner to ensure it will result in no significant individual or cumulative adverse impacts on the quantity or quality of the water source and water dependent natural resources.

Farm will need to develop a water use conservation plan. ECL 15-1503 item 1F requires a description of the applicant's proposed near term and long range water conservation program that incorporates environmentally sound and economically feasible water conservation measures, including implementation and enforcement procedures, effectiveness to date and any planned modifications for the future. 15-105 Declared policy §7"requires the use of all known available and reasonable methods to prevent and control pollution, wastage and unreasonable disturbance and defilement of the waters of the state"

Permits can be denied, granted or granted with conditions such as the following:

- (a) Any water use authorized by a water withdrawal permit shall be subject to such requirements for monitoring the intake, waters of the state or other source as may be required by the department to determine compliance with permit limitations and water quality standards that are or may be affected by the water withdrawal. These requirements include the installation, use, and maintenance of monitoring equipment or methods, and if imposed shall be included as provisions of the water withdrawal permit.
- (b) All water withdrawal sources

Continued on page 11



Water Well Drillers Insurance Program

In association with



Why have more than 150 drillers from around the Northeast switched to Gallagher's Water Well Drillers Insurance Program?

- Down the Hole Coverage
- Rental Reimbursement
- Business Income
- Replacement Cost
- Full Glass
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- Workers Comp Advocacy
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shall be equipped with totalizing flow meters, which shall be properly calibrated within the year prior to permit application and at least once every five years thereafter. If the water withdrawal is used solely for the purpose of fire protection or if the department determines that the installation of a totalizing flow meter is impractical or unnecessary, the permittee may estimate water withdrawal quantities using an accurate method approved by the department.

(d) Each parameter required to be monitored pursuant to this subpart shall be monitored at intervals to be determined by the department as sufficiently frequent to yield data that characterizes the nature of the monitored flow or water levels. Variable water withdrawal rates may require monitoring at more frequent intervals than relatively constant withdrawal rates.

(f) Any groundwater well installed after April 1, 2013 shall be equipped with apparatus for measuring and recording water levels and the apparatus shall be properly calibrated at least once every five years thereafter. Any surface water impoundment installed after April 1, 2013 shall be equipped with apparatus

to measure water levels and corresponding storage volumes.

DEC may require on site visits as part of the application and as a permit holder has the right to inspect any part of the water withdrawal system. Water withdrawal System - means any facility, works, equipment or infrastructure operated or maintained for the provision or withdrawal of water including, but not limited to, collection, pumping, treatment, transportation, transmission, storage, and distribution facilities and works. Facility means any or all of the physical components of a water withdrawal system.

The 72 Hour pump test:

- An extremely rigorous test with exacting requirements. Some of these requirements could be waived or exempted at DEC's discretion.
- A step down test maybe required before the 72 hour test.
- Unlikely to be performed during winter or spring due to ground water recharge.
- Well must be inactive for 24 hour before the test.
- Well can only be used for the test during the 72 hour pumping test.
- Weather events may require the restart or reschedule of test.
- Intensive measurements

of water elevations at the wells and monitoring wells.

- Up to 3 monitoring wells may need to be installed.
- Elevations of surface water sources within 1000 feet of the well will need to be monitored using staff gauges, wires, testing wells throughout the test.
- If there are failures (pumping, recording, power) then test may need to be repeated.

When monitoring surface water withdrawal, you need to measure all upstream water withdrawals and need to calculate the Pass By volume. The procedure is described in a 60 page document and DEC will be responsible for its completion.

What is the financial burden to the farm?

- Expected Costs of compliance for wells
 - o Cost of application and permit - \$0
 - o Engineering costs - \$20,000.00+
 - o 72 hour Pump Test costs - \$25,000.00+
 - o Well drilling cost - Starting at \$20,000.00
 - o Monitoring Wells & Decommissioning - Min. 7,500 ea. X 3

Continued on page 13



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is a notation that says “**click here for groundwater e-learning information**”.

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Canada Results:
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2.46 FT / Min 1.88 FT / Min

NorthEast, US Results:
Rock Hog 6" HP VS Atlas Copco QL60
2.66 FT / Min 2.35 FT / Min

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P13848AD (10-25-21)

- o Surface water Monitoring costs
 - site specific
- o SHPO (State Historical Preservation Office) Phase 1 & 2 if necessary. - \$1,800 – \$12,500.00 if needed
- Reoccurring costs – permit needs renewal every 10 years & permit modifications.
- A condition of the permit will likely include the closure of failing or unused wells.

Well drillers are certified by DEC and NYS requires the certification like a business license. Drillers are obligated under the law to: submit a report before drilling a well, submit a report after the well is drilled, submit a report to close a well, and another report when the well is closed.

ECL 15-1501

The department shall promulgate regulations to implement a permitting program for water withdrawals equal to or greater than the threshold volume consistent with the requirements of this section which shall establish: (a) minimum standards for operation and new construction of water withdrawal systems; (b) monitoring, reporting and recordkeeping requirements; and (c) protections for present and future needs for sources of potable water supply. Such regulations may establish quantitative standards that maintain stream flows protective of aquatic life, consistent with the policy objectives of this article

and any other conditions, limitations and restrictions that the department, in consultation with the department of health, determines are necessary to protect the environment and the public health, safety and welfare and to ensure the proper management of the waters of the state. The regulations may establish exemptions from permitting requirements in addition to those

exemptions specified in this section.

ECL 15-1501 seems to indicate that DEC has the ability to create and provide exemption. DEC has decided that pump runtime is suitable for water use estimates. DEC has determined that the use of static water elevation gauges is not necessary. DEC has indicated that they may waive the pump test requirements for the farms that registered their water use and now likely need a permit as described above. The pump test would potentially be waived only for pre-existing wells. DEC has not committed to this action yet and they have not provided any written guidance about farms that did not register their water use or farms that were below threshold prior to 2012 or nonexistent.

There is some equitability problems. Most of the questions that were asked during the Q&A sessions were not answered and described as a site specific questions that will be decided on a case by case basis. The broad use of enforcement discretion will lead to a disparity between regions. Only including “large” water users will likely result in harm to small users and the eventual inclusion of additional users or the reduction of the threshold.

The permit does not grant a right to water use.

- NYS water rights – based on riparian rights which provides for the reasonable use of water resources by all individuals, no user has the right to a use that would limit another user’s ability to share in the resource.

There are additional concerns. Permits will require public notification & comment periods, also permit information is subject to freedom of information requests. NYS is suffering from a lack of Agricultural engineering services. The length of time this process will require to develop new water sources. The length of time it could

take to transfer a permit. Potentially emergency sources could be added to the permit in advance. NYS DEC resources devoted to the program to provide efficient, education, training and enforcement across the state. NYS DEC current interpretation and use of enforcement discretion is likely to change over time creating the possibility and future uncertainty that this regulation could become far more rigid and burdensome.

In summery and in my opinion, The current regulation seems to stand in stark contrast to the description and general lack of information given to the industry in 2011, which is highlighted by the ex-governors comments “This law will enhance the state’s ability to manage its water to promote economic growth and address droughts while protecting the environment” and described it as “a balanced program that manages significant water withdrawals across the state and protects New York’s farmers and businesses from undue regulatory burdens.” (Cuomo, 2011.) The implementation of this law and permit will cause significant harm to the NYS agricultural industry in the form of direct & indirect expenses, regulatory burden, reduction of growth, and failure to protect our water resources.

Author is **Allen Young** from **HAY Consulting**. He can be reached with questions at hayconsulting2021@gmail.com or at 607-435-9456. 📞



Government Affairs Update

By Mark Glaser, Esquirea

We will cover a review of 2021 and what we are expecting in 2022 with the Governor, Legislature and State Agencies. 2021 was dominated by 3 major issues:

- Sexual harassment charges against Governor Cuomo, Covid-19 and the elevation of Lt. Governor Kathy Hochul to Governor
- The year began with Governor Cuomo firmly in control and his daily Covid briefings were must-see TV across the country
- During the first quarter of the year, new sexual harassment allegations surfaced. On February 28th, Attorney General Tish James announced she had launched an investigation into the allegations.

Shortly, thereafter, on March 11th, the Assembly announced that it had launched an impeachment investigation. In early August, the Attorney General released her report, finding the allegations against Governor Cuomo credible and the political impact on the Governor was devastating. On August 10th, Governor Cuomo and his legal team vociferously denied the charges but announced he would resign. The Assembly


subsequently announced that it would not bring impeachment proceedings because the State Constitution did not allow for impeachment of a former Governor. Nevertheless, the Assembly continued its investigation, and on November 22, released its impeachment report, reaffirming the Attorney General's findings and including new allegations.

On August 24th, Lt. Governor Hochul was sworn in as the 57th Governor of New York. Over the next several weeks she revamped the Governor's staff, named many new Commissioners and has been relentless in announcing new policy decisions and traveling across the State.

The 2021 legislative session was focused on Covid-related issues, housing and landlord tenant issues, economic recovery and also included \$1.84 million in environmental funding, including \$300 million for the State's Environmental Protection Fund. The 2021 budget also included a \$3 Billion environmental bond act, but was postponed until 2022, when it is expected that a bond act for \$4 Billion in environmental spending will be enacted and put before the voters in November.

Governor Hochul is from Hamburg, NY. She was first elected as Town Clerk, then on to Congress and, after being


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reapportioned out of the seat (just barely), she went on to become Lt. Governor. In the run-up to the 2016 election, Governor Cuomo tried to drop her from the ticket, but eventually supported her candidacy. In the last election she was primaried by Jumaane Williams but held on to the seat. Williams is now challenging her for Governor. In addition to Williams, Governor Hochul is facing a primary from Tom Suozzi of Nassau County. Recent polls show Governor Hochul with a substantial lead.

The State Assembly remains solidly Democratic with 105 Democrats, 43 Republicans, and 2 vacancies. The Speaker of the Assembly is Carl Heastie and the Environmental Conservation Committee Chairman Steve Engelbright. In the State Senate, the Democrats hold 2/3 of the seats with 43 Democrats and 20 Republicans. The Senate Majority Leader is Andrea Stewart-Cousins and Environmental Conservation Committee Chair is Todd Kaminsky.

The 2021 session, like the 2020 session, was dominated by COVID 19 related matters. In 2022 COVID 19-related issues remain a concern, but other issues will also be front and center:

- Reapportionment – Every 10 years, the State is required

to redraw legislative districts. The legislature rejected the proposals from the “independent” Redistricting Commission and is expected to propose its own plan soon.

- The Governor’s State of the State presentation included over 200 proposals covering workforce issues, particularly for the healthcare sector, ethics reforms, middle-class tax reform, childcare, public education reforms and wind energy, to name just a few.

What are the issues concerning the water well drilling industry?

- Tax Credit for Geothermal energy systems
- A. 7493/S. 386 provides for a tax credit equal to 25% of the cost of a geothermal energy system, up to \$5,000
- A. 1608 would provide for a real property tax credit over a period of 4 years, equal to 10% of the cost of the geothermal system per year, up to a total of \$62,500.
- The “Well Water and Water Supply Education Act”
- S. 47 requires the Department of Health to prepare materials to “educate” the public of the “potential health effects of consuming water that does not meet State drinking water standards. The bill requires that when the source of drinking water for a home is a private well, realtors and home inspectors must distribute the DOH materials to homeowners and prospective homeowners.
- The “Private Well Testing Act”
- S. 48 requires testing of wells upon sale of homes where water wells are the primary source of potable water, among other things.

The association will be meeting with the proper agencies and legislative contacts regarding geothermal and other topics of interest to our members in 2022. 🗨️



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Alan and David Dretel

8:15 - 8:35....Goulds Pumps

Chris Herron - Director of Sales
Nicholas Matthews - East Regional Manager
Jeff Riley - Territory Manager

8:35 - 8:55....Baker Mfg. and Campbell Water Systems

Don Wesdell - President

8:55 - 9:15....A.O.Smith Water System Division

JJ Troccoli - National Sales Manager

9:15 - 9:35....Master Water Conditioning

Richard Mest - President

9:35 - 9:55....Dab Water Technology - Eskybox Max & Diver

Paul Shuford - Training and Sales
Johnny Rivera - Sales Manager

9:55 - Closing of Meeting.



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Buses will return to the Maron Hotel and D&S after the cruise.

Dinner will be served. The entire family is invited.

The Cruise will be from 5 to 8 pm.



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ELDT Entry-Level Driver Training



U.S. Department of Transportation
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Entry-Level Driver Training Requirements for CDL Applicants

The new Entry-Level Driver Training (ELDT) regulations require that all entry-level drivers of commercial motor vehicles (CMVs) receive training from a provider listed on [FMCSA's Training Provider Registry](#).

Beginning February 7, 2022, to be eligible to take required skills or knowledge tests, commercial driver's license (CDL) applicants must have completed applicable entry-level driver training from a registered training provider.

Use the scenario chart below to determine if you are required to complete entry-level driver training.

If ➡ Then

A driver holds a CLP that was issued before February 7, 2022...

The driver is not required to complete entry-level driver training, as long as the driver obtains a CDL before the CLP expires.

A driver was issued a CDL or an S, P, or H endorsement before February 7, 2022...

The driver is not required to complete entry-level driver training for the previously-issued license or endorsement, even if it has since lapsed.

A driver holds a CLP that was issued before February 7, 2022, but the CLP expires before the driver applies for his or her CDL...

The driver must complete the required entry-level driver training.

A driver obtains a CLP on or after February 7, 2022...

The driver must complete the required entry-level driver training.

A driver held a CDL prior to the compliance date, and applies for an upgrade to a higher class of CDL, or an S, P, or H endorsement for the first time on or after February 7, 2022...

The driver must complete the required entry-level driver training for the class of CDL to which the driver is upgrading or the endorsement(s) for which the driver is applying.

ELDT EXCEPTIONS. The ELDT regulations do not apply to individuals that are not required to have a CDL as outlined in 49 CFR part 383, or for whom the state has waived the CDL skills test.

What must drivers do to meet the ELDT requirements?

Complete training with a registered training provider

Entry-level drivers must select a training provider that is listed on the Training Provider Registry. Only registered training providers will be able to submit certification of a driver's completion of entry-level driver training to the Training Provider Registry.

When am I eligible to take my CDL skills or knowledge test?

Training must be completed before taking a CDL skills test or, if the driver is applying for the H endorsement, the knowledge test.

If the State Driver Licensing Agency cannot electronically verify that these requirements are met, the State is not permitted to administer the CDL skills or knowledge test to the driver.



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Do You Need a Medical Card for Non-CDL Drivers

Medical Certificate

If you operate a commercial vehicle, you may be required to obtain a DOT medical certificate. A medical certificate is issued by a medical professional stating that you are physically qualified to operate a commercial motor vehicle. The medical certificate is normally good for two years but may be issued for a shorter period of time if certain medical conditions exist. As of May 21, 2014, the medical examiner must be part of the **National Registry of Certified Medical Examiners**. It is up to you to choose and contact the certified examiner to obtain the physical exam.

Who needs a medical certificate?

There are many factors involved in determining whether or not you may need one.

- ◆ Do you travel interstate?
- ◆ Do you have a CDL?
- ◆ Do you transport hazardous material?
- ◆ What is the weight of the truck that you drive?
- ◆ What year did you get your very first driver's license?

All of these factors are involved in determining whether or not you need a medical certificate.

To make it easier to figure this all

out, we have developed this **ONLINE GUIDE**. By answering the following questions, you will know whether you need a medical certificate. (<http://www.dot.ny.gov/divisions/operating/osss/truck/driver>)

If you have determined that you need a medical certificate, you must go to a medical professional, who is in the National Registry of Certified Medical Examiners. Once a certificate is obtained, a copy must be turned into the motor carrier, who employs you and the **New York State Department of Motor Vehicles**. You must also keep the certificate with you, when operating a commercial motor vehicle.

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Questions from the ONLINE GUIDE

Option 1

Do you operate a truck for BUSINESS purposes?

YES

Do you transport Hazardous Materials that require placards?

NO

Do you ever drive out of state?

NO

Do you currently have a commercial drivers license (CDL)?

NO

Do you operate a truck or combination of truck & trailer with a gross vehicle weight rating heavier than 10,000 lbs?

YES

Did you obtain your 1st driver's license (Any Class) before 1/1/2004?

YES

***You do not need
a DOT Medical Certificate.***

Option 2

Do you operate a truck for BUSINESS purposes?

YES

Do you transport Hazardous Materials that require placards?

NO

Do you ever drive out of state?

NO

Do you currently have a commercial drivers license (CDL)?

NO

Do you operate a truck or combination of truck & trailer with a gross vehicle weight rating heavier than 10,000 lbs?

YES

Did you obtain your 1st driver's license (Any Class) before 1/1/2004?

NO

***You do need
a DOT Medical Certificate.***

Option 3

Do you operate a truck for BUSINESS purposes?

YES

Do you transport Hazardous Materials that require placards?

NO

Do you ever drive out of state?

YES

Do you operate a truck or combination of truck & trailer with a gross vehicle weight rating heavier than 10,000 lbs?

YES

***You do need
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Schedule of Virtual Events at the Expo

Tickets to attend the virtual workshop portion of the Expo are just \$20 per person. There will be no live expo portion of the event where you can visit booths, but we are happy to announce virtual educational workshops for those that want to attend the seminars online. All Zoom classes will be given certificates to be used for CEU credits. Registration and information for the virtual classes are found online on www.newwassociation.org.

Friday, March 11

Live Virtual Educational Workshops (held on zoom):

9:00am-10:00am	Arsenic – Kevin Osbourn, Eastern Water Quality
10:15am-11:15am	Troubleshooting Submersible Motors with Meters – Jim Hartman, Franklin Electric
11:30am-12:30pm	Family Business Succession Planning – Jesse Richardson, WSC
12:45pm-1:45pm	MASS DEP Massachusetts Well Driller Regulations – Paul Blain
2:00pm-3:00pm	Maximizing Your Return from Downhole Camera System – Kristina Kinzel, Laval Underground Surveys
3:15pm-4:15pm	How to Explain PFAS Water Quality Concerns to Well Owners – Andrew Stone, American Ground Water Trust
4:30pm – 5:30pm	Motor Protection and Control Box Troubleshooting – Tom Stephan, Gould's
5:45pm – 6:45pm	Advanced Pressure Tanks: The physics behind tanks and how tanks have evolved – Wind Evans, Flexcon
7:00pm – 8:00pm	Topic to be chosen – Master Water Conditioning, Richard Mest

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TREAT THAT CUT

From NGWA's Safety

The shelves of drug stores and supermarkets are loaded with a variety of bandages and other first aid items so it's surprising how many people will get infections from untreated wounds. Small cuts and abrasions can be the start of something big, so they shouldn't be ignored. They require immediate attention.

Most of us know of cases where someone has had blood poisoning that resulted from only a scratch. Despite this knowledge, the tendency is still great to let small cuts go without treatment.

But when infection takes over and keeps you off the job, the act of not treating the cut seems pretty stupid.

For instance, there was an employee of a concrete company who skinned a knuckle, then missed two weeks of work because of blood poisoning. Another man cut his finger on a grinding machine and had to miss several weeks of work due to blood poisoning. A similar development occurred to a car wash man who skinned his knuckles on a bumper, then lost five weeks due to an infection from the injury.

It's hard to visualize the number of germs, some of them deadly, that are often on our skin and on the things we work with. These germs are just waiting to find an opening in the skin to enter the body and start trouble.

Tetanus and blood poisoning are two of the most common killers that enter the body through small harmless looking cuts. Other serious infections may also result in the necessity for amputation of a finger or a hand.

If treating a small cut still seems like a lot of bother, try not getting injured in the first place. Wear work

gloves to protect your hands from cut hazards when handling materials and similar non-machine jobs.

Maintaining a clean and clutter free work area is another way to help avoid injuries. But wait until breaktime or until you get home. Time is really an important factor.

Here are a few tips from the American Medical Association on the care of minor cuts and abrasions:


- Never put your mouth over a wound. The mouth harbors germs that could infect the wound.
- Do not breathe on a wound.
- Do not allow fingers, used handkerchiefs or other soiled material to touch the cut.

Immediately cleanse the wound and surrounding skin with soap and warm water, wiping away from the wound.

- Hold a sterile pad firmly over the wound until the bleeding stops.
- Replace the sterile pad and bandages as necessary to keep them clean and dry.

Maybe there were some surprises for you in this advice, such as not putting your mouth on the cut or breathing on it. But, whatever, the emphasis is on cleansing the cut or abrasion immediately.

So, don't be afraid of hurting your rugged image by treating a cut or seeking first aid. It's the smart thing to do.

Use of antiseptics on minor cuts and abrasions should be left to the advice of a physician, as old antiseptics sometimes irritate the wounds. 

CPAP FAQ'S

Q. What is the New York Construction Classification Premium Adjustment Program "NYCCPAP"?

A. The CPAP program was implemented in 1993 to address premium differences between high wage and low wage paying employers in the construction industry. At that time high wage employers were paying a disproportionately high premium for their Workers' Compensation insurance than low wage employers even though they performed similar work with similar risk to injury on the job.

This program attempts to close the premium differential by granting credits on policies based on the hourly wage paid by employers. The higher the wage paid, then the higher the credit, which offsets the disparity in payrolls and allows for a more equitable premium charge for all employers in the same trades.

Q. Does an employer need to be experience rated for the policy period to which any calculated credit applies?

A. Yes. Although an employer may have previously been experience rated, they cannot apply for or receive a credit if they are not experience rated for the policy period to which any credit applies.

Q. What payroll is to be reported on an application?

A. The program uses the third quarter (July, August &

September) payrolls as outlined in the application instructions. Do not use yearly, weekly or hourly totals.

Q. How do I know which 3rd quarter payroll and/or payroll cap to use?

A. See the instruction section of the "download CPAP application" with the effective date and quarter to be used.

Q. If the 3rd quarter payroll is not available; can another quarter be used?

A. Yes. If no payroll is available for the 3rd quarter, then last complete quarter prior to the renewal date is to be used.

Q. What is included as payroll?

A. The payroll to be reported would include all items normally included as remuneration when calculating an employer's premium. However, some items that are included as remuneration should be excluded on an application as they would now give an inaccurate representation of an employer's average hourly wage.

These would include the following:

Overtime - Always exclude overtime amounts as per the Manual rules for overtime. The application should only include the actual straight time hourly wage before any overtime.

Bonuses - Always exclude any bonuses.

Reimbursed Expenses - (such as mileage, tolls, hotels, meals, etc.) Always exclude these amounts even though they would be included as remuneration in a premium calculation. Including these amounts would cause the average hourly to be too high.

Q. Why does the system change the payroll when I enter in the payroll for an executive officer?

A. There is a minimum/maximum allowed for an executive officer depending on the 3rd quarter you are using. If you enter a figure below the minimum, the system will change it to the minimum allowed. If you enter a figure above the maximum allowed, the system will change it to the maximum allowed for that quarter.

Q. What maximum weekly payroll (as defined by the Payroll Limitation Law) is used on an application?

A. The maximum payroll, as outlined in the application instructions for the third quarter payrolls submitted, is used.

Q. Can the weekly payroll maximums be different on an application and a policy?

A. Yes. The application uses the weekly maximum applicable to the third quarter payrolls submitted while the policy to which the credit applies uses whatever maximum is in effect for the policy period.

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Continued on page 27

**NEW YORK WORKERS COMPENSATION
PREMIUM CREDIT APPLICATION**

INSURED _____ COVERAGE ID NO. _____
 (DO NOT LEAVE POLICY # BLANK) COMPLETE (DO NOT LEAVE CARRIER BLANK)
 POLICY NO. _____ EFFECTIVE DATE _____ CARRIER _____

NOTICE: This application will not be processed unless it is signed and completed in its entirety. Contact your agent, broker, or insurance company if assistance is needed. If the application is not sent to the Rating Board three (3) months prior to renewal, a letter, on the insured's letterhead, addressed to the Rating Board, must be attached to the application, indicating why it was not sent in on time. If there is no letter with the application, it will not be processed.

1. **Qualifications** – An insured must be experience rated for the policy period applied for and must have an average hourly wage of \$23.25 or higher per hour under an eligible classification code. Include all eligible and non-eligible codes on the application. **Always visit the website for the most current CPAP form or any changes to the program.**
2. Classification(s), Code(s), Total Wages Paid for residential work only or Limited Payroll for commercial work applicable to the Payroll Limitation Law, Total Hours Worked and calendar quarter reported must be indicated. Once completed, keep a copy for yourself.

NOTE: Limited Payroll for commercial work means the weekly maximum (see attached) for work on structures other than one or two family dwellings in accordance with the Payroll Limitation Law. If you perform commercial work under any eligible code(s) enter each employee for the weekly maximum only and their total hours worked (ex. 13 weeks X Limited Payroll (see attached) = total wages).

3. Construction and non-construction wages must be included. DO NOT include the payrolls for subcontractors and independent contractors. A separate application is required for each policy. The eligibility and determination of a CPAP factor will be done on a per policy basis. This includes insured's that are combined for experience rating purposes and for wrap-up policies.
4. Each executive officer's wage and title is to be separately shown under the appropriate classification code. Hours worked for each executive officer are to be stated as 520 per quarter (if the executive officer(s) are excluded from coverage, then no entry is required).

CLASSIFICATION	CODE	3 RD QUARTER NEW YORK WAGES PAID*	TOTAL HOURS WORKED
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

* EXCLUDING OVERTIME PREMIUM PAY. Overtime premium pay is the wage paid above the straight time hourly pay. Ex: If an employee earns \$20/hr. but earns overtime pay at an hourly rate of \$30, exclude the additional \$10. Include the total hours worked at straight time wage not time and one half.

The foregoing is based on actual wages and hours worked, as reflected in our payroll records, for the complete calendar quarter ending _____. Do not send payroll records or tax forms.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

NAME _____ TITLE _____
 SIGNATURE _____ TELEPHONE NUMBER _____ DATE _____
 EMAIL ADDRESS _____

**NEW YORK CONSTRUCTION CLASSIFICATION PREMIUM ADJUSTMENT PROGRAM
APPLICATION INSTRUCTIONS**

- 1) **Determine the classification code** applicable to **all employees** of the business. This includes clerical workers, salespersons and executive officers (unless they are excluded from coverage) but does **not** include subcontractors and independent contractors. Eligible classification codes are shown below.
- 2) **List each classification code** on the application (unless the insurance carrier has already done so). **This includes both eligible and non-eligible** classification codes. Any information that is not filled out or left blank, the application will not get processed and not get credited as sent to the Rating Board.
- 3) **Determine the limited payroll** (excluding premium overtime pay, bonuses, commissions) and hours worked for each employee performing commercial work in accordance with the Payroll Limitation Law. For employees performing work on one or two-family residential housing, report the total gross wages and hours worked. The program uses the third quarter (July, August, and September) payrolls as shown below:

<u>Policy Effective Date</u>	<u>Third Quarter Payroll</u>	<u>LIMITED PAYROLL</u>
April 1, 2020 thru March 31, 2021	2019	\$1401.17
April 1, 2021 thru March 31, 2022	2020	\$1450.17
April 1, 2022 thru March 31, 2023	2021	\$1594.57
April 1, 2023 thru March 31, 2024	2022	*
April 1, 2024 thru March 31, 2025	2023	*
April 1, 2025 thru March 31, 2026	2024	*

*To Be Determined

NOTES ON ITEM #3

(Premium overtime pay is the amount paid over and above straight time. As an example, if someone worked 40 hours @ \$6 an hour and 2 hours @ \$9 an hour, the employee should be included on the application for 42 hours @ \$6 per hour (\$252). The additional \$3 paid for the 2 hours of overtime is excluded as long as the payroll records are properly maintained.) (Overtime is included as straight time not time and half.)

Total the payrolls and hours worked by classification code as well as by the type of work performed (residential or commercial). List each applicable classification code on the application showing the residential total payroll and the limited commercial payroll on separate lines. This means that the same classification code could appear twice on the same application. Hours worked for non-eligible classification codes are not required. The payrolls of all employees are to be included, even those earning an hourly wage that is less than the minimum hourly wage for eligibility under the program.

The program grants credits based on the **average** hourly wage for those classification codes eligible for the program. A separate application is required for each policy. The eligibility and determination of a CPAP factor will be done on a per policy basis. This includes insured's that are combined for experience rating purposes and for wrap-up policies.

- 4) List **each executive officer** on a **separate** line showing the applicable classification code for each executive officer if they are included. Also indicate each executive officer's title (if the executive officer(s) are excluded from coverage, then no entry is required).
- 5) List the **actual quarterly wages** for each executive officer (if the executive officer(s) are excluded from coverage, then no entry is required). If the officer is included under a classification code that is eligible under the Payroll Limitation Law, use the limited payroll for that executive officer for the required 520 hours per quarter.

- 6) Sign, date and mail the application to: **NY Compensation Insurance Rating Board**
Or email to (Preferred & Recommended): 733 Third Avenue
CPAP@NYCIRB.org New York, NY 10017
Attention: Terry Gerics, Audit Analyst

Applications can also be entered using our online system starting 3 months (not before) prior to renewal at: http://www.nycirb.org/nycirb-portal/premium_adjustment/index.php

FAQ's are located at: https://www.nycirb.org/nycirb-portal/premium_adjustment/CPAPOnlineFAQ.pdf

Corrections, incorrect applications or confirmation of applications received, will be notified on those that were sent via email only. It is suggested that you send applications via email for that reason.

ELIGIBLE CLASSIFICATION CODES

0042	5000	5059	5184	5221	5403	5462	5491	5538	5645	5709	6045	6233	6306	7536	9526	9549
3365	5022	5069*	5188	5222	5428	5473	5506	5545	5648	6003	6204	6235	6319	7538	9527	9553
3724	5037	5102	5190	5223	5429	5474	5507	5547	5651	6005	6216	6251	6325	7601	9534	
3726	5040	5160	5193	5348	5443	5479	5508	5606	5701	6017	6217	6252	6400	7855	9539	
3737	5057	5183	5213	5402	5445	5480	5536	5610	5703	6018	6229	6260*	6701	8227	9545	

*Discontinued effective October 1, 2021

NOTE: This application must be received by the Rating Board three (3) months prior to the policy renewal effective date. The Rating Board will accept and process an application if it is received between the policy effective and expiration date, however, it must be accompanied by a letter stating the reason for the delay. The submission of a revised application must be received no later than one (1) year after the expiration date of the policy to which the credit applies.

Under no circumstances will an original application be accepted for any policy if it is received after the expiration date of the policy, nor will a revised application be accepted if it is received later than one (1) year from the expiration date of the policy to which the credit applies. For short-term policies, the application must be received prior to the expiration date of the short-term policy.

A credit will not be calculated if any application is received beyond the required dates of receipt.

Q. Do overtime hours and payrolls need to be reported?

A. Yes. Overtime hours and wages are to be included subject to overtime and payroll limitation rules (i.e. the weekly payroll maximum needs to be reported along with the total hours worked including all overtime hours).

Q. Do I include vacation, holiday and sick pay in the calculation?

A. Yes, vacation, holiday and sick pay are included but bonuses and commissions are not to be included.

Q. Are bonuses and commissions included in the calculation?

A. Do not include bonuses and commissions in the calculation.

Q. Do payrolls for Non-Eligible classification codes need to be reported?

A. Yes. Since any calculated credit applies to the entire policy premium, all payrolls must be included on the application.

Q. Do hours worked need to be reported for non-eligible classification codes?

A. Yes. At least one (1) hour needs to be entered or the calculation will not process.

Q. How is the payroll treated when an employee works part of a week on a wrap-up job and part of a week on a regular job?

A. The payrolls under each job, and policy, are treated separately. The employee must earn more than the maximum under both or one of the jobs in order to have the payroll limitation apply to either.

Q. Are Wrap Ups or OCIP Wages Included?

A. An employer must submit a separate application for each of their policies that contains an eligible construction classification. An application including all of the employer's policies (Wrap-Ups or Owner Controlled Insurance Program (OCIP's) as an example) will not be accepted as any credits will be calculated on a per policy basis only. A combination of policies and applications is not permitted. Any policies of an employer that do not contain an eligible code will not be eligible for a credit. Refer to Rule VIII (I) for a detailed description of the program's requirements.

Q. Does an employer need to submit applications for each of their policies (wrap-up, OCIP)?

A. Yes. An employer must submit an application for each of their policies that include eligible classification codes. Any policies that do not have eligible classification codes cannot be submitted. A combining of data for all policies is not allowed.

Q. Are carriers required to apply the credit promulgated by the Rating Board?

A. Carriers must use the credit calculated by the NYCIRB unless the carrier conducts an audit of the data submitted on the application and finds that the data submitted

was inaccurate. In such a case the carrier must advise the employer to submit a reapplication. The reapplication will then be processed by the NYCIRB.

Q. Does a calculated credit apply to all of an employer's policies?

A. No, each of employer's policies with eligible classification codes must be submitted on separate applications.

Q. Are the credits indicated in the Manual the final credits determined after the calculation?

A. No. The calculation of a credit is a two-step process. The first part, using the Manual credits, determines the Base Credit. The second part takes an employer's experience modification loss data into account to determine the Net (final) Credit. You must be experienced rated for the policy year the application is effective.

Q. When is an application considered too late to process?

A. Applications must be received prior to the expiration date of the policy to which any credit applies. This pertains to all policies including short term policies.

Q. When is a reapplication considered too late to process?

A. A revised application must be received no later than one (1) year after the expiration date of the policy to which the credit applies.

Q. Can a late letter be sent on broker/agent letterhead?

A. No, the late letter must be on the employer's letterhead and signed by employer.

Q. Why should I send the CPAP application via email?

A. Applications downloaded online should be submitted preferably via email as this will confirm receipt, faster responses for incorrect applications or questions regarding the application. This will avoid delays in the determination of the credit.

Q. Who can request a copy of the CPAP credit?

A. Employer, carriers and brokers/agents of record that are listed on the policy. If you are not listed as broker/agent of record then a letter of authority must be furnished to the Rating Board for non-authorized representatives of employers either:

- (a) On the employers' stationery, authorizing such individuals as their representative and must be signed by an officer, partner, or principal of the employer; or
- (b) Through an online application available on the Rating Board's website at www.nycirb.org.

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Condolences



The ESWWDA extends its sympathies to the family of **Helen Vedder**, owner of **Provost Brothers, Inc.** of Schoharie, NY. Mrs. Vedder passed away at home at the age of 95 with her family in attendance. A donation in her name was sent to **Scho-Wright Ambulance Service**.

Condolences are extended to the family of **Lawrence "Larry" LaChance**, MGWC who passed away on September 5, 2021 at the age of 75. Larry was the owner of **Adirondack Pump and Well Service**, Ballston Spa, NY until his retirement. He was a **Viet Nam Vet**, a member of the **Army National Guard**, **NGWA**, **ESWWDA**, **VFW** and the **American Legion**. Memorial donations can be sent to the **Alzheimer's Association** at alz.org.

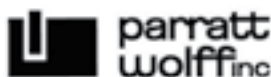


Roger K. Lynch, owner-operator of **Lynch Well Drilling**, Oppenheim, NY passed away on November 18, 2021 at the age of 70. Calling hours were held on November 21st and burial on November 22nd in Dolgeville, NY. Condolences are extended to his wife and family. 🗣️

Sickness & Health

Continuing well wishes are extended to **Mrs. Charles Baker** of **CF Baker**, Hoosick Falls, NY as she recovers from Covid. 🗣️

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Scholarship Money Available

As we approach the beginning of another school year, college-bound students and their families are searching for available funds to help offset the cost of further education. The ESWWDA offers a scholarship to applicants whose course of study is [related to the water well industry](#). Preference is given to family members of association members and secondly to those attending 2-year programs at an accredited school.

Further information is available by contacting the **Scholarship Committee** of Dave Rosick or Tyler Wills.

Albert H. Mack Scholarship Guidelines

Guidelines for the establishment of the scholarship fund and awarding of scholarship monies for ESWWDA:

A. Scholarship Fund

1. Maximum funds available in one calendar year: \$2,500.
2. One thousand dollars per year to be set aside until the fund reaches \$7,500.

B. Awarding of Scholarships

1. Preference to be given to sons or daughters of association members.
2. Preference to be given to students attending 2-year programs.
3. Scholarships available only to persons whose course of study is related to the water well industry.
4. Persons may make application to the scholarship committee only after acceptance at an accredited school, offering a program related to the water well industry.
5. Funds may be distributed to more than one person in any one calendar year.

Daniel M. Shultes Scholarship Fund Guidelines

This scholarship is a one-time award to children of Contractor members in good standing who are attending college in a field of study outside the industry or areas not covered by the Al Mack Scholarship.

Awarding of Scholarships

- Preference to be given to children of Full Contractor members
- Preference to be given to students attending minimum of a 2-year program
- Persons may make applications to the scholarship committee only after acceptance at an accredited school.
- Funds may be distributed to more than one person in any one calendar year.
- Application deadline is April 1st of each year.
- Applicants are selected via a blind selection process.
- The number of scholarships and the amount of the scholarship are at the discretion of the Scholarship Committee and cannot exceed a total of \$1000 per calendar year.

For more information contact the scholarship committee or go on our website at www.nywelldriller.org

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Ms. Nicole Kraft, EPA Section Chief at
(212) 637-3093 or NicoleKraft@EPA.com.

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Important Contacts:

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Water Systems Council:

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www.watersystemscouncil.org

American Ground Water Trust

(603) 228-5444

trustinfo@agwt.org

ESWWDA: **Julie Boyd**

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April 1, 2022

ESWWDA Spring Meeting (LIVE)

Tri-State Rig Mixer-Vendor and Equipment Displays
Reliable Pump and Well Services, Ricky Tompkins
66 Ward St. Montgomery, NY

Set-up 10-12; opens at noon, Catering by

Rosemary's Pub; cocktails available from 1-7pm

July, 2022

Summer Meeting

A meeting is tentatively being planned
for the **Ulster County** area.

Details to follow.

October 1, 2022

Fall Meeting

D&S and the supplier's division
have offered to do a repeat of last October's
meeting complete with the **Circle Line**
boat cruise around Manhattan Island.

See page 17 for details.

January 17-18, 2023

2023 Annual Meeting

Turning Stone Casino, Verona, NY

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