

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

April 20, 2011 Meeting

4:00 p.m. Public Hearing Room, DEP, Trenton

Board Members:

Present: Jorge Berkowitz, Philip Brilliant, Richard Dewling, Lawra Dodge, Joann Held, Christopher Motta (participated by phone), Karl Muessig, Michael Pisauro, Constantine Tsentas, Ira Whitman.

Absent: Chairman Dave Sweeney

Others Present: Board Liaison Karen Hershey, DAG Kimberly Hahn, Director Tony Farro, Assistant Director George Klein.

Proceedings:

- Meeting called to Order at 4:05 by Karen Hershey, acting on behalf of Chairman Sweeney.
- Statement by Karen Hershey that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of April 4, 2011 minutes.
 - Joann Held and Constantine Tsentas were not listed as present at the April 4 meeting,
 - Motion by Richard Dewling to accept minutes as amended, seconded by Ira Whitman; Michael Pisauro abstained due to absence at April 4 meeting; otherwise motion passed unanimously.
- Chairman's Report
 - Discussion by Director Tony Farro on the status of the RFP for the exam.
 - RFP will be issued on April 21, bidding deadline is June 2, Notice of Award July 1 and Final Award July 15, 2011.

- Committee Reports
 - Audit Committee (no formal action taken): Phil Brilliant reported on the progress of the Audit Committee.
 - Audit committee received approximately 40 comments from individuals and organizations.
 - Committee will meet next week to review and discuss comments, and will present comments and revisions to the Audit Process and Questionnaire at the next Board meeting.
 - Continuing Education (no formal action taken): Lawra Dodge reported on the progress of the Continuing Education Committee.
 - The Committee met with representatives from DEP, Rutgers, LSRPA, NJIT and NJWEA on April 11 to discuss continuing education.
 - Committee is working on recommendation to present to the Board.
 - Committee decided to use Google's calendar as a planning tool for training courses, seminars and meetings.
 - Committee is also evaluating other states' continuing education programs including Massachusetts.
 - Ongoing discussion led by Lawra Dodge regarding the need to explore categories of courses, types of courses and the need for information about the approval process for LSP courses in Massachusetts and Connecticut.
 - Finance Committee (no formal action taken): Richard Dewling reported on the progress of the Financial Committee
 - The Committee reviewed DEP's charges to the Board for the first quarter 2011 which totaled \$23,000; there are no unusual charges.
 - Charges include Karen Hershey's time and time for building the web site.
 - The charges do not include DAG time or Treasury's time.
 - Licensure (no formal action taken): Ira Whitman reported on the progress of the Licensure Committee.
 - The work of the licensure and continuing education committees are inter-related and thus, the Committees should work together.
 - The temporary license renewals are due at the same time in January, should consider staggering times for renewals.
 - Discussion about obtaining list of Temporary LSRPs who do not renew their licenses.

- Website/Outreach (no formal action taken): Chris Motta reported on the progress of the web site.
 - Committee is preparing a draft press release to send to David Sweeney and Karen Hershey for review and submission to Press Office.
 - Outreach documents were sent to AIPG.
 - Committee will soon be meeting to define future goals and objectives now that the web site is up and running.
 - Responsibility for managing web site should be delegated to Board Secretary; Secretary should be the gatekeeper of the web site.
 - Discussion about outreach list used by SRP program.
 - Discussion led by Lawra Dodge about the importance of coordinating outreach efforts and continuing education.

- Professional Conduct (no formal action taken): Jorge Berkowitz reported on the progress of this Committee.
 - Disciplinary flow chart is on the Board's web site; Committee is seeking feedback but there is no deadline as Committee is also preparing a narrative of the flow chart that will be presented to the Board.
 - Discussion led by Jorge Berkowitz about Massachusetts using a matrix for penalties but did away with it because there were too many variables.
 - Board discussion about handout presented by Jorge Berkowitz showing disciplinary actions against Massachusetts LSRPs over a 10 year period.

- Rulemaking (no formal action taken): Joann Held reported on the Rulemaking Committee.
 - The Rulemaking Committee is on standby.

- Ongoing Business
 - Discussion led by Phil Brilliant regarding subsurface evaluator/LSRP complaint; Professional Conduct Committee waiting on documents; ongoing discussion about DEP's role and the Board's role regarding this complaint.

- New Business
 - Discussion by Board members about April 11, 2011 letter from the LSRPA to the Board regarding the proposed audit process and stakeholder involvement (handout).

- Discussion led by Ira Whitman about staffing the Board; Committee Chairs should be thinking ahead on the issue of staffing.
- Discussion led by Mike Pisauro on the issue of the proposed waiver rule and how it might impact the Board and its rules.
- Public Comment
 - Nick DeRose, Langan Engineering and Environmental Services, LSRPA
 - Encouraged more stakeholder involvement, the need for dialogue beyond comment letters.
 - Audit process should be simple.
 - Audit should not duplicate DEP's inspection process.
 - More focus on rigorous licensing and less focus on auditing.
 - John Oberer, GZA GeoEnvironmental Inc., LSRPA
 - Encouraged more stakeholder involvement; must have dialogue for program to succeed.
 - All stakeholders should be involved, not just the LSRPA.
 - Michael van der Heidjen, Chair of the LSRPA Risk Management and Loss Prevention Committee
 - Stressed the importance of education and benefit to LSRPA if more dialogue.
 - Steve Senior, Esq., Riker Danzig, LSRPA
 - Board should not do technical reviews; should be focused purely on conduct.
 - Questionnaire is too broad and general; product would have been better if Committee had sought input from stakeholders.
 - Steve Posten, AMEC Design and Management, LSRPA
 - An LSRP's body of work should be a large part of the audit.
 - Gary Brown, RTI International
 - Board should avoid OSHA issues in audit.
 - There should be no audit until rules are in place.

- Andy Robins, Esq., Sills Cummis
 - This public comment opportunity is not a stakeholder process
 - Stakeholder process has been applied at the DEP and everyone has benefited.
 - Understand Board is behind schedule but Board should not rush to catch up.
 - Audit questionnaire needs to ask better questions.
- Dick Katz, Pennjersey Environmental
 - Agree with Andy Robins that public comment is not a stakeholder process.
 - Board members are not representing their constituents to get feedback.
- Motion by Richard Dewling to adjourn at 6:35 p.m.; seconded by Joann Held and passed unanimously.