

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

November 2, 2015 Meeting Minutes

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

Board Members:

Present

Jorge Berkowitz
Joseph Fallon
Joann Held (via teleconference)
Jeffrey Hoffman
Christopher Motta
Mark Pedersen
Michael Pisauro
Kathi Stetser
Peter Strom
Constantine Tsentas
Ira Whitman

Absent

Philip Brilliant
Lawra Dodge

Others Present:

Board Staff Dana Haymes
DAG Kimberly Hahn

Proceedings:

- **Meeting called to Order at 4:07 by Chairman Pedersen**
- **Roll Call**
- **Approval of the Minutes**

Minutes of October 5, 2015

Motion to approve the minutes by Connie Tsentas.

Motion seconded by Joseph Fallon.

All present voted yes.
The motion was carried.

- **Chairman's Report:**

The Board congratulates Jeffrey Hoffman on his appointment as State Geologist and Assistant Director of the New Jersey Geological Survey.

- **Report of the Secretary:**

Reminder that all Board Members need to complete a 45 minute ethics training every 3 years, and a 10 minute ethics training update every year. Please send receipts for training and updates to Dana Haymes.

- **Report of the Finance Committee: Joseph Fallon**

Motion by Joseph Fallon to accept the proposed 2016 SRPL Board Budget, with an opportunity for discussion prior to the vote.

Motion seconded by Kathi Stetser.

Discussion: Joseph Fallon reviewed the line items in the budget and answered questions from Board Members.

Amended Motion by Joseph Fallon: Motion to accept the proposed 2016 budget, which includes projected Revenues of \$644,550 and Projected Expenses of \$769,550, resulting in a Net Loss of \$125,000 associated with a one-time expense for computer hardware/software. The remaining funds from prior years (\$769,513) will be used to address one-time annual expenses such as computer hardware/software, as well as to retain funds for potential litigation support services or other unanticipated expenses to accomplish tasks associated with the Board's duties. Use of the funds in this manner will allow the stabilization of the annual license fee for practitioners.

Motion seconded by Kathi Stetser.

Roll Call Vote:

Jorge Berkowitz – Yes

Philip Brilliant – absent

Lawra Dodge – absent

Joseph Fallon - Yes

Joann Held – Yes
Jeffrey Hoffman – Yes
Christopher Motta – Yes
Mark Pedersen – Yes
Michael Pisauro – Yes
Kathi Stetser – Yes
Peter Strom – Yes
Connie Tsentas – Yes
Ira Whitman – Yes

The motion was carried.

- **Report of the Audit Committee:** - Connie Tsentas for Philip Brilliant

5 new LSRPs have been selected for Audit for November 2015.

- **Report of the Continuing Education Committee** – Ira Whitman for Lawra Dodge

The Committee presents three applications for approval of Continuing Education Credit to the Board for vote:

“Dissolved Oxygen Alteration to Assess Groundwater Flow and Contaminant Migration in Fractured Rock” presented by AEG. CEC recommends approval of 1 Technical CEC.

“Updates to the IEC Technical Guidance and Real World Topics” presented by the LSRPA and DEP. CEC recommends approval of 2 Regulatory CECs.

“Using UVF Technology Onsite to Test Petroleum Hydrocarbons” presented by Site Lab Corp. CEC recommends approval of 3.5 Technical CECs.

Motion by Ira Whitman to approve the recommended continuing education credits for the three courses.

Motion seconded by Connie Tsentas.

All present voted Yes.

The motion was carried.

- **Report of the Licensure Committee: Ira Whitman**

The license renewal process continues.

The Committee is working on the Request for Proposals for the licensing exam contractor. The Committee expects to send the Request for Proposals to the Department of Treasury soon, in order to commence the bid process for obtaining a new contractor.

- **Report of the Outreach Committee: Christopher Motta**

The Committee is making efforts to have Senator Bob Smith address the Board at a meeting in the future.

- **Report of the Rules Committee: Joann Held**

Rule Proposal and Adoption has been sent to the Governor's Office for review.

- **Report of the Professional Conduct Committee: Jorge Berkowitz**

There are currently six complaints from 2014 and eight complaints from 2015 under review by the Committee. The Committee is concerned with the rate of progress, and will be considering ways to expedite the review process.

Motion by Jorge Berkowitz to enter closed session to discuss two complaints.

Motion seconded by Michael Pisauro.

All present voted yes.

The motion was carried.

Closed session commenced at approximately 4:45 PM.

Joann Held left the meeting at 4:45 PM.

Closed session ended at approximately 6:00 PM.

Motion by Jorge Berkowitz to find no violations with respect to Complaint 002-2015.

Motion seconded by Michael Pisauro.

Roll Call Vote:

Jorge Berkowitz – Yes
Philip Brilliant – absent
Lawra Dodge – absent
Joseph Fallon - Yes
Joann Held – absent
Jeffrey Hoffman – Yes
Christopher Motta – Yes
Mark Pedersen – Yes
Michael Pisauro – Yes
Kathi Stetser – Yes
Peter Strom – Yes
Connie Tsentas – Yes
Ira Whitman – Yes

The motion was carried.

Motion by Jorge Berkowitz to find the following with respect to Complaint 001-2014:

The subject of the complaint has violated the following provisions of the Site Remediation Reform Act, and the Board shall assess the following penalties:

\$1000 for violation of N.J.S.A. 58:10C-16b with respect to October 15, 2010 PASI.

\$1000 for violation of N.J.S.A. 58:10C-16i with respect to October 15, 2010 PASI.

\$1000 for violation of N.J.S.A. 58:10C-16b with respect to October 15, 2010 Draft RAO.

\$1000 for violation of N.J.S.A. 58:10C-16b with respect to August 8, 2013 PASI.

\$1000 for violation of N.J.S.A. 58:10C-16i with respect to August 8, 2013 PASI.

\$5000 for violation of N.J.S.A. 58:10C-16a with respect to September 12, 2013 RAO.

\$1000 for violation of N.J.S.A. 58:10C-16b with respect to September 12, 2013 RAO.

\$1000 for violation of N.J.S.A. 58:10C-16i with respect to September 12, 2013 RAO.

Total Penalty: \$12,000.00.

In addition, the subject of the complaint's LSRP license shall be suspended for a period of not less than 12 months.

During this period of suspension, the subject of the complaint shall attend continuing education programs which shall be approved by the Board in advance. The Board shall approve a continuing education program for this purpose if the Board deems it suitable for educating the subject of the complaint about the regulations pertinent to site remediation and the responsibilities of LSRPs. The subject of the complaint must earn a minimum of 24 CECs during this period of suspension, 12 of which must be regulatory CECs. The suspension shall remain in effect until the LSRP accrues 24 CECs as specified or 12 months, whichever occurs later. These 24 CECs shall be in addition to, and shall not be counted towards, the 36 CECs required for license renewal.

After the period of suspension has been completed and the subject of the complaint has earned a minimum of 24 continuing education credits which have been approved by the Board, the subject of the complaint may elect to present himself to the Board in order to determine if his license may be reinstated. The Board shall reinstate the subject of the complaint's LSRP license if the subject of the complaint demonstrates that his professional acumen has improved to the point of being capable of meeting the requirements of an LSRP. The Board shall evaluate the subject of the complaint's improvement in the following manner. Representatives of the Board will examine the subject of the complaint's knowledge and understanding of the technical and administrative requirements by presenting him with oral and/or written questions or fact scenarios, and requesting oral and/or written responses.

If the outcome of the evaluation of the subject of the complaint indicates that the subject of the complaint's professional acumen has improved to the point that the Board believes the subject of the complaint is capable of meeting the standards set forth in the SRRA, the Board shall reinstate the subject of the complaint's LSRP license. If the subject of the complaint does not demonstrate a significant improvement in his understanding of the technical and administrative requirements, the Board will consider permanent revocation of the subject of the complaint's LSRP license.

Motion seconded by Jeffrey Hoffman.

Roll Call Vote:

Jorge Berkowitz – Yes

Philip Brilliant – absent

Lawra Dodge – absent
Joseph Fallon - Yes
Joann Held – absent
Jeffrey Hoffman – Yes
Christopher Motta – Yes
Mark Pedersen – Yes
Michael Pisauro – Yes
Kathi Stetser – Yes
Peter Strom – Yes
Connie Tsentas – Yes
Ira Whitman – Yes

The motion was carried.

- **Ongoing Business:**

None.

- **New Business:**

None.

- **Second Monday Meeting Discussion**

Motion by Jeffrey Hoffman to not have meeting on November 16, 2015.

Motion seconded by Kathi Stetser.

All present voted yes.

The motion was carried.

- **Public Comments:**

Rodger Ferguson, LSRP, on behalf of LSRPA. Mr. Ferguson had questions regarding the motion just approved. He was informed that a summary will be posted on the Board website.

David Hoffman, LSRP. Mr. Hoffman informed the Board that the LSRPA has new continuing education courses planned that will be submitted for approval.

Meeting adjourned at 6:22 PM.