

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

May 1, 2017 Meeting Minutes

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

Board Members:

Present:

Phil Brilliant
Lawra Dodge
Joe Fallon
Joann Held (via teleconference due to travel)
Jeffrey Hoffman
Christopher Motta
Mark Pedersen

Peter Strom
Connie Tsentas
Ira Whitman

Absent:

Jorge Berkowitz
Kathi Stetser

Others Present:

Board Executive Director Janine MacGregor
Board Staff Dana Haymes
DAG Nielsen Lewis

Proceedings:

- Meeting called to Order at 4:11 PM by Chairperson Mark Pedersen.
- Chairperson Pedersen read the Statement of Adequate Public Notice of the meeting required by the Open Public Meetings Act.
- Roll Call
- Motion by Lawra Dodge to approve the Minutes of April 3, 2017

Motion seconded by Jeffrey Hoffman.

The motion was tabled because there was not a sufficient number of non-abstaining Board Members present to constitute a quorum to vote on this motion.

- **Chairperson's Report**

Chairperson Pedersen briefly noted Phil Brilliant's involvement in a fundraiser for Caregivers of New Jersey.

- **Executive Director's Report**

Executive Director Janine MacGregor stated that the SRRA 2.0 Committee, which consists of Mark Pedersen, Jorge Berkowitz, Kathi Stetser, Joe Fallon, Chris Motta and Phil Brilliant, is working diligently, with a goal of being ready to present proposed revisions to the SRRA to Senator Smith in late Spring/early Summer.

The SRRA 2.0 Committee has developed a process to follow for finalizing revisions to SRRA. First the Committee would reach consensus on the entire list of issues and recommendations to address the issues, including pros and cons of the recommendations. The list of issues and recommendations would be presented to the Board. When the Board reached consensus on issues and recommendations, it would authorize staff and the Committee to propose revised language. The language would be presented to the Division of Law for comments and approval. Once the Committee reached consensus on the final language it would be ready for presentation to Senator Smith.

One outstanding issue for SRRA 2.0 has considerable overlap with the Discharge Notification issue, so that Committee will be reconvened in an effort to finalize its recommendation.

- **Committee Reports**

- **Ad Hoc Committee on Discharge Notification**

Joann Held reported that the Discharge Notification Committee, which consists of Joann Held, Jorge Berkowitz, Phil Brilliant, and Joe Fallon, has been on hold pending completion of the statement on independent professional judgment.

Ms. Held noted that Jeff Hoffman will be replacing Joe Fallon on this committee.

- **Ad Hoc Committee on Board Operations**

Joann Held reported that the Committee has been concentrating on finalizing the statement on independent professional judgment. She presented the final version of the statement dated April 17, 2017.

Motion by Joann Held to adopt the Statement of Interpretation 2017-01: Independent Professional Judgment.

Motion seconded by Connie Tsentas.

Board discussed minor revisions to correct typographical and grammatical errors. The only significant language change is from the word “relying” to “evaluating reliance”.

Joann Held amended the motion to accommodate the revisions discussed to correct typographical and grammatical errors and to change word “relying” to “evaluating reliance”.

Connie Tsentas seconded the amended motion.

Roll Call Vote:

| | |
|---------------------|--------|
| Jorge Berkowitz - | Absent |
| Phil Brilliant - | Yes |
| Lawra Dodge - | Yes |
| Joseph Fallon - | Yes |
| Joann Held - | Yes |
| Jeffrey Hoffman - | Yes |
| Christopher Motta - | Yes |
| Kathi Stetser - | Absent |
| Peter Strom - | Yes |
| Connie Tsentas - | Yes |
| Ira Whitman - | Yes |
| Mark Pedersen - | Yes |

The motion was carried.

Joann Held noted that the statement will be posted on the Board Website. She would also like to send a listserv once it is posted. Board Members will receive the final version as well.

The Ad Hoc Committee on Board Operations will meet once more, and determine if there is further work for it to complete.

- **Report of the By-Laws Committee – Ira Whitman**

Ira Whitman made a motion to approve the amended By-Laws and disband the Committee.

Phil Brilliant seconded the motion.

Roll Call Vote:

| | |
|-------------------|--------|
| Jorge Berkowitz - | Absent |
| Phil Brilliant - | Yes |
| Lawra Dodge - | Yes |

| | |
|---------------------|--------|
| Joseph Fallon - | Yes |
| Joann Held - | Yes |
| Jeffrey Hoffman - | Yes |
| Christopher Motta - | Yes |
| Kathi Stetser - | Absent |
| Peter Strom - | Yes |
| Connie Tsentas - | Yes |
| Ira Whitman - | Yes |
| Mark Pedersen - | Yes |

The motion was carried.

Ira Whitman suggested that a review of the By-Laws for updating be on the agenda in five years, if not conducted before that time.

Chairman Pedersen disbanded the By-Laws Committee.

- **Report of the Continuing Education Committee: Lawra Dodge**

Motion by Lawra Dodge to approve the following 8 applications for approval of Continuing Education Credits:

1. Application of LSRPA for approval of “3D Data Visualization – Applications for Environmental Site Characterization and Remediation 201” for 2 Technical CECs
2. Application of LSRPA for approval of “Direct-Push Direct-Sensing Technologies for Characterization of Lithology – Applications for Environmental Site Characterization and Remediation 301” for 2 Technical CECs
3. Application of LSRPA for approval of “Direct-Push Direct-Sensing Technologies for VOCs – Applications for Environmental Site Characterization and Remediation 101” for 2 Technical CECs
4. Application of SESI Consulting Engineers for “Remediation Methods for 1,4-Dioxane” for 3 Technical CECs
5. Application of Rutgers NJAES – OCPE for “Restoration Ecology” for 6.5 Technical CECs
6. Application of Rutgers NJAES – OCPE for “Underground Storage Tanks Operator Training Course” for 2 Regulatory and 1 Technical CEC
7. Application of Montclair State University – CEEP for “Waste Management Training for LSRPs and Site Remediation Professionals” for 3 Technical and 3 Regulatory CECs
8. Application of Rutgers NJAES – OCPE for “The Petroleum Vapor Intrusion Paradigm Shift and Other Changes to NJDEP’s VIT Guidance” for 2 Technical and 1.5 Regulatory CECs

Motion seconded by Ira Whitman.

Prior to the vote, Peter Strom announced his recusal from items 5, 6 and 8 since they are Rutgers University courses and there may be a perceived conflict as he is a Rutgers staff member.

Also prior to the vote, Phil Brilliant announced his recusal from item 7, since he receives monetary compensation from Montclair and there may be a perceived conflict.

Roll Call Vote:

| | |
|---------------------|--|
| Jorge Berkowitz - | Absent |
| Phil Brilliant - | Yes to all except item 7 (recused) |
| Lawra Dodge - | Yes to all |
| Joseph Fallon - | Yes to all |
| Joann Held - | Yes to all |
| Jeffrey Hoffman - | Yes to all |
| Christopher Motta - | Yes to all |
| Kathi Stetser - | Absent |
| Peter Strom - | Yes to all except items 5, 6 and 8 (recused) |
| Connie Tsentas - | Yes to all |
| Ira Whitman - | Yes to all |
| Mark Pedersen - | Yes to all |

The motion was carried with respect to all applications.

Lawra Dodge reported that the Committee had a conference call. The Committee discussed changing the procedures to have the Board delegate to the Committee the authority to approve or disapprove applications for approval of CECs without requiring the vote of the full Board. Ms. Dodge mentioned that DAG Nielsen Lewis has noted that the SRRA may prohibit such delegation. DAG Nielsen Lewis will consider this matter and report back.

Lawra Dodge reported that the Committee is proceeding with developing an Ethics Course.

Lawra Dodge also reported that the Committee is working on making the tables of approved continuing education on the Board's website more user friendly.

- **Report of the Audit Committee – Phil Brilliant for Jorge Berkowitz**

Phil Brilliant reported that five LSRPs were randomly selected for May audits today and an Audit Review Team will be assembled.

The following audits are reported as concluded:

Joseph Norton – 573787 – May 2016

Phil Brilliant reported that the audit procedures document that he began will continue to be developed by the Committee under Jorge Berkowitz's leadership.

- **Report of the Finance Committee – Chris Motta**

Chris Motta provided a table entitled “FY 2017 Budgeted vs. Actual through Q3” for July 2016 – March 2017 as well as a detailed breakdown of the three quarters for “budgeted” and “actual.” Mr. Motta explained the documents and answered questions from the Board.

- **Report of the Licensure Committee – Ira Whitman for Kathi Stetser**

The Committee is going through transition, with both a new Chairman and new staff designated to work with the Committee.

With respect to the licensing exam, it was held on April 20, 2017. 86 of the 87 candidates registered for the exam appeared to take the test. Caviart reported no problems with administration of the exam, and expects to conduct an analysis of the questions and the test’s performance within 2-3 weeks. At the June 5, 2017 Board Meeting, Mr. Chaffee of Caviart will appear to provide a report on the exam, and the Board will approve the list of passing candidates.

With respect to the exam contract, there were 3 bids opened. The Department of Treasury will conduct an administrative check, and send them to the review committee to evaluate the acceptability. The Department of Treasury has not yet provided a timeline for this work. The existing contract was extended on 4/24/17.

The Committee is working on addressing communication and compliance issues with LSRPs. The Committee would like to be more pro-active with outreach, and is exploring the ability to create or refine a listserv for all LSRPs.

With respect to payment of the annual license fee, the Committee is going through the list of all LSRPs not currently in compliance. There are two that have not paid, one has recently sent a check, and one is not responding to communications. For this LSRP, the Committee is considering a Notice of Intent to Revoke License for non-payment of Annual Fees.

With respect to the applications for license renewal, there are currently a number of LSRPs who have not fulfilled their continuing education requirements. Those that complete their continuing education prior to expiration of their license will be approved conditionally with supplemental fees and forms.

- **Report of the Outreach Committee – Peter Strom**

No report.

- **Professional Conduct Committee – Phil Brilliant**

Motion by Phil Brilliant to approve the resolution to go into closed session to discuss Complaint 001-2017.

Motion seconded by Jeff Hoffman.

All Present voted yes.

The motion was carried.

Joann Held departed the meeting.

Closed session commenced at 4:39 PM.

Open session resumed at 6:28 PM.

- **Ongoing Business:**

No ongoing business.

- **New Business:**

None.

- **Next Meeting Date:**

Motion by Chairperson Pedersen to not hold a meeting on May 15, 2017.

Motion seconded by Ira Whitman.

All present voted yes.

The motion was carried.

- **Public Comments:**

None.

The meeting adjourned at 6:33 PM.