

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

April 6, 2020 Meeting Minutes

4:00 PM

Until further notice, the open public meetings of the Board will be held via Skype for Business.

To participate by phone, use the following:

Toll free number: 1-(856) 338-7074 and Conference ID: 842876008#

Board Members:

Present

Jorge Berkowitz
Phil Brilliant
Lawra Dodge
Joann Held
Jeffrey Hoffman
Christopher Motta
Mark Pedersen
Kathi Stetser
Peter Strom
Ira Whitman

Absent

None

Others Present

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

Proceedings

- Meeting called to Order at 4:07 PM by Chairperson Mark Pedersen
- Mark Pedersen read the Statement of Adequate Public Notice of the meeting required by the Open Public Meetings Act.
- Roll Call:

Jorge Berkowitz - present
Phil Brilliant - present
Lawra Dodge - present
Joann Held - present
Jeffrey Hoffman - present
Christopher Motta - present
Mark Pedersen - present
Kathi Stetser - present
Peter Strom - present
Ira Whitman - present

A quorum of the Board was in attendance.

• **Approval of the Board Meeting Minutes**

- Motion by Mark Pedersen to approve the March 2, 2020 Board Meeting Minutes.

Jorge Berkowitz seconded the motion.

Roll Call Vote:

Jorge Berkowitz - Yes
Phil Brilliant - abstain due to absence
Lawra Dodge - Yes
Joann Held - Yes
Jeffrey Hoffman - abstain due to absence
Christopher Motta - Yes
Kathi Stetser - Yes
Peter Strom - Yes
Ira Whitman - Yes
Mark Pedersen - Yes

The motion was carried.

- Motion by Mark Pedersen to approve the March 2, 2020 Board Meeting Minutes of the closed session

Joann Held seconded the motion.

Roll Call Vote:

Jorge Berkowitz - Yes
Phil Brilliant - abstain due to absence
Lawra Dodge - Yes
Joann Held - Yes

- Jeffrey Hoffman - abstain due to absence
- Christopher Motta - Yes
- Kathi Stetser - Yes
- Peter Strom - Yes
- Ira Whitman - Yes
- Mark Pedersen - Yes

The motion was carried.

• **Chairperson’s Report**

Mark Pedersen reported that the Department and Board are still open, and staff are working from home. A few essential staff are going into the office to manage mail, checks and other matters that do not have online services.

The Department is examining the effects on regulatory and mandatory timeframes and further information will be sent to the regulated community.

The proposed rules for the remediation standards appeared in the New Jersey Register today.

Mark Pedersen will check on the status of the OPRA office and how it is handling requests for documents and will distribute that information.

• **Executive Director’s Report**

Janine MacGregor thanks all Board Members and the public for their patience and perseverance in converting to a video-conference format for the Board meeting, closed session of the Board meeting and all Committee meetings.

Committee Reports

• **Continuing Education Committee**

Motion by Lawra Dodge to approve the following CEC applications.

Joann Held seconded the motion.

	TITLE	PROVIDER	DATE	CECs	PROPOSED COURSE #
1	The Role of LSRPs and Environmental Consultants in Litigation	Rutgers NJAES – OCPE	March 31, 2020	2 Regulatory	2020-026
2	Potential Harms from Common Technologies	LSRPA	TBD	2 Technical (including via AVLF)	2020-027

3	Green and Sustainable Remediation: Quantification and Tools	LSRPA	TBD	2 Technical (including via AVLF)	2020-028
4	BCONE Northeast Sustainable Communities Workshop	BCONE	May 5, 2020	2 Technical and 2 Regulatory	2020-029
5	ISRA Applicability to RAO	LSRPA	TBD	1 Technical and 1 Regulatory (including via AVLF)	2020-030
6	MGP Site Remediation Case Studies	Paulus, Sokolowski and Sartor	TBD	1 Technical	2020-031
7	Revised Hydrostratigraphy of the NJ Coastal Plain	AEG	TBD	1 Technical	2020-032
8	NYCBP Regulatory Roundtable – June 2020	NYCBP	June 16, 2020	1 Regulatory	2020-033
9	NYCBP Regulatory Roundtable – December 2020	NYCBP	December 1, 2020	1 Regulatory	2020-034

Roll Call Vote:

- Jorge Berkowitz - Yes to all
- Phil Brilliant - Yes to all
- Lawra Dodge - Yes to all
- Joann Held - Yes to all
- Jeffrey Hoffman - Recused from #7, Yes to 1-6 and 8-9
- Christopher Motta - Yes to all
- Kathi Stetser - Recused from #5, Yes to 1-4 and 6-9
- Peter Strom - Recused from #1, Yes to 2-9
- Ira Whitman - Recused from #1, Yes to 2-9
- Mark Pedersen - Yes to all

The motion was carried with respect to all applications.

- o Motion by Lawra Dodge to approve the 12 courses listed below which were previously approved for continuing education credit by the Board to be offered via Alternative Verified Learning Format for the same category and number of credits as previously approved.

1. 2020-011 Perimeter Air Monitoring for Sites Undergoing Remedial Action
2. 2020-001 NJSRPLB Rules: What an LSRP Needs To Know

3. 2019-097 Remediation Funding Source and Financial Assurance Training
4. 2019-107 LSRP Training for Child Care Centers and Educational Facilities
5. 2019-101 PFAS 101
6. 2019-105 Brownfields and Community Collaborative Initiatives – Refresh and Updates
7. 2019-085 Conceptual Site Models
8. 2019-094 What SRRA 2.0 Means to LSRPs
9. 2019-112 Investigating and Remediating Chlorinated Solvent Contaminated Sites
10. 2017-071 Ethics Credits for LSRPs
11. 2016-017 What Every LSRP Needs To Know About the SRPLB Rules
12. 2019-070 Quantitative Conceptual Site Model Approach: Maximizing the Utility of Your CSM

Motion seconded by Mark Pedersen.

- Lawra Dodge amended the pending motion as follows: to approve the courses numbered 1-9 and 11-12 listed above which were previously approved for continuing education credit by the Board to be offered via Alternative Verified Learning Format for the same category and number of credits as previously approved.

Amended motion seconded by Mark Pedersen.

Roll Call Vote subject to prior recusals or abstentions on these matters:

Jorge Berkowitz	- Recused from 9, 11 and 12, yes to 1-8
Phil Brilliant	- Recused from 9, 11 and 12, yes to 1-8
Lawra Dodge	- Yes to all
Joann Held	- Yes to all
Jeffrey Hoffman	- Yes to all
Christopher Motta	- Yes to all
Kathi Stetser	- Yes to all
Peter Strom	- Yes to all
Ira Whitman	- Yes to all
Mark Pedersen	- Yes to all

The motion was carried with respect to all applications.

- Motion by Lawra Dodge to approve “2017-071 Ethics Credits for LSRPs” which was previously approved for continuing education credit by the Board to be offered via Alternative Verified Learning Format for the same category and number of credits as previously approved for a period of time to be determined in

consideration of the status of the State of Emergency established by Executive Order 103.

Motion seconded by Mark Pedersen

Roll Call Vote:

Jorge Berkowitz	- recused
Phil Brilliant	- recused
Lawra Dodge	- Yes
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Christopher Motta	- Yes
Kathi Stetser	- Yes
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Yes

The motion was carried.

Lawra Dodge stated that the Continuing Education Committee is still considering offering the Board ethics course in October 2020.

- **Professional Conduct Committee – Phil Brilliant**

To be deferred to the end of the meeting.

- **Audit Committee – Jorge Berkowitz**

- 6 LSRPs were selected for Audit for the month of April 2020.
- The Audit Committee completed audits of the following LSRPs, with no additional action required:

Selected June 2019:

David Loeffler, License #745962
 Michael Salerno, License #586370

Selected July 2019:

Edyta Gosk, License #781237
 John King, License #668251
 Matthew Duffy, License #784238
 Michael Kleczkowski, License #591475

- **Finance Committee – Christopher Motta**

No report.

- **Licensure – Kathi Stetser**

Kathi Stetser reported that in consideration of the current situation the LSRP examination has been rescheduled to June 17, 2020. A listserv was sent and is available on the Board website, which notifies candidates of the rescheduled date, and that the Board will reassess the situation surrounding the outbreak closer to the June 17 date, and will provide updates as needed to exam candidates via email and postings on the Board website. The listserv asks that Exam candidates rearrange their schedules accordingly and make every effort to attend the June 17 Exam. Candidates with conflicts that cannot be avoided should contact the Board via email at SRPLBoardContact@dep.nj.gov so that other arrangements can be made.

Staff is continuing to process applications for license renewals. If any individual LSRPs have a concern regarding their application for renewal they should contact the Board.

- **Outreach Committee – Peter Strom**

No report.

- **Rules Committee – Joann Held**

Joann Held reported that the Rules Committee has been working with the Continuing Education Committee on Subchapter 4 – Continuing Education Requirements.

Another topic the Committee has been working on is the definition of “Independent Professional Judgment.”

The Committee has a series of meetings coming up. This coming week the Committee will be meeting with a representative of Rutgers, one of the Continuing Education providers. The second meeting in April will be with the Department Site Remediation Rules Committee. The first meeting in May will be with DAG Nielsen Lewis. The Committee will meet with the LSRPA in June.

The Committee would like to have a comprehensive list of changes to share with the Board at the May Board meeting, and in June, the Committee would like to present selected language to the Board for review. The Board will provide comments and the Committee will make revisions based on the Board’s input.

- **Professional Conduct Committee – Phil Brilliant**

- Motion by Phil Brilliant to enter closed session to discuss Complaints 007-2020 and 012 - 2019.

Joann Held seconded the motion.

All present voted yes.

The motion was carried.

Open session of the Board Meeting resumed at 5:48 PM.

Motion by Phil Brilliant, in the matter of Complaint 012-2019, to amend the findings and settlement terms stated in the Board Determination and Offer of Settlement (BDOS) dated January 8, 2020 as follows; to withdraw two violations of N.J.A.C. 7:26I-6.8(c), and the associated penalties equal to \$500.00, to authorize transmission of these amended findings and an amended offer of settlement of \$200.00 under signature of the Board Chairperson as an addendum to the January 8, 2020 BDOS, and if no settlement is reached, to initiate formal disciplinary proceedings.

Mark Pedersen seconded the motion.

Roll Call Vote:

- Jorge Berkowitz - Yes
- Phil Brilliant - Yes
- Lawra Dodge - Yes
- Joann Held - Yes
- Jeffrey Hoffman - Yes
- Christopher Motta - Yes
- Kathi Stetser - Yes
- Peter Strom - Yes
- Ira Whitman - absent
- Mark Pedersen - Yes

The motion was carried.

Motion by Phil Brilliant, in the matter of Complaint 007-2020, to amend the findings and settlement terms stated in the Board Determination and Offer of Settlement (BDOS) dated March 5, 2020, to withdraw the violation of N.J.A.C. 7:26I-6.8(c), and the associated \$250.00 penalty, and to issue a finding of no violation.

Mark Pedersen seconded the motion

Roll Call Vote:

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

Joann Held	- Yes
Jeffrey Hoffman	- Yes
Christopher Motta	- Yes
Kathi Stetser	- Yes
Peter Strom	- Yes
Ira Whitman	- absent
Mark Pedersen	- Yes

The motion was carried.

- **Ongoing Business**

None

- **New Business**

None

- **Next Board Meeting**

- Motion by Mark Pedersen to cancel the April 20, 2020 meeting.

Motion seconded by Phil Brilliant.

All present voted yes.

The motion was carried.

The next Board Meeting will be May 4, 2020 at 4:00 pm via Skype call unless otherwise noted on the Board website.

- **Public Comments**

Marlene Lindhardt thanked the Board for providing the meeting via Skype.

The Meeting adjourned at 5:57 PM.