

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

June 1, 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#

Note: This Meeting was held via Skype for Business. All participants noted as present were in attendance via Skype for Business.

Board Members:

Present

Jorge Berkowitz
Phil Brilliant
Lawra Dodge (joined the meeting at 5:30 PM)
Joann Held
Jeffrey Hoffman
Mark Pedersen
Kathi Stetser
Peter Strom
Ira Whitman (joined the meeting at 4:16 PM)

Absent

Christopher Motta

Others Present

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

Members of the Public that were Present:

Bill Hose, Mark Pietrucha, Caryn Barnes, Alex Salzman, David Hoffman

Proceedings

- Meeting called to Order at 4:05 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	- absent
Joann Held	- present
Jeffrey Hoffman	- present
Christopher Motta	- absent
Mark Pedersen	- present
Kathi Stetser	- present
Peter Strom	- present
Ira Whitman	- absent

A quorum of the Board was in attendance.

- **Approval of the Board Meeting Minutes**

- Motion by Mark Pedersen to approve the May 4, 2020 Board Meeting Minutes.

Joann Held seconded the motion.

Peter Strom noted that the minutes should state that the meeting was held via teleconference. The minutes will be revised to include reference to a teleconference or Skype for Business.

Roll Call Vote:

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

The motion was carried.

- Motion by Mark Pedersen to approve the May 4, 2020 Board Meeting Minutes of the closed session

Phil Brilliant seconded the motion.

Roll Call Vote:

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

The motion was carried.

- **Chairperson's Report**

Mark Pedersen reported that Department PFAS, PFOA, PFOS Rules have been published in the New Jersey Register. Additional information is available on the Department Website.

During the time that Department employees have been working from home both the Bureau of Remedial Action Permitting and Bureau of Inspection and Review have exceeded the number of reviews that were conducted from the office.

Ira Whitman joined the meeting at 4:16 PM.

- **Executive Director's Report**

Janine MacGregor requested to rearrange the order of the meeting agenda so that Lawra Dodge can participate in the Continuing Education Committee Report as she will be late to the meeting today.

- ***Committee Reports***

- **Audit Committee – Jorge Berkowitz**

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

July 2019

Douglas Schairer – LSRP 584458

September 2019

Christopher Ward – LSRP 627575

Peter Lumkong – LSRP 627575

Thomas Geiger – LSRP 575437

John Romano – LSRP 668337

October 2019

Andrew Drake – LSRP 573638

Eric Baumgarten – LSRP 714539

Kenneth Cwieka – LSRP 746674

Marc Carver – LSRP 584448

November 2019

Christopher Dailey - LSRP 586028

Mohammad Zaman – LSRP 575492

- **Finance Committee – Christopher Motta**

No report.

- **Outreach Committee – Peter Strom**

No report.

- **Rules Committee – Joann Held**

Joann Held reported that the Committee has held productive meetings with DAG Nielsen Lewis and the Professional Conduct Committee. An upcoming meeting will be with the LSRPA, and the Committee will also be meeting again with the Professional Conduct Committee.

- **Licensure – Kathi Stetser**

Kathi Stetser reported that in consideration of the current situation the LSRP examination has again been rescheduled to September 22, 2020. The Board hopes to offer the exam in two sessions, in the morning and afternoon, so that social distancing guidelines will be met.

There are two pending 2020 renewal applications, and after that all 2020 applications for license renewal will be complete.

The wallet cards are in process and hopefully will be available in two months. They will be mailed to the address on file, usually the LSRP's office address.

The committee is considering how to handle the issue of meeting continuing education requirements for LSRPs whose licenses are due for renewal in 2021. The Committee would like to suspend the 18 credit limit on the number of CECs that may be earned via Alternative Verifiable Learning Format for any LSRP whose application for license renewal is due in 2021.

Janine MacGregor noted that the Governor's Office has issued an emergency order that would allow the Board to make a temporary change to its rules. Anything the Board approves must also be approved by the Governor's Office.

Motion by Kathi Stetser:

In response to restrictions on gatherings and cessation of in-person classes due to the State of Emergency established by Executive Order 103, motion to authorized suspension of the Board rule provision at N.J.A.C. 7:26I-4.3(c) limiting Alternative Verifiable Learning Format (AVLF) credits to 18 for renewing LSRPs that have an application due before the end of calendar year 2021, or with an expiration date concurrent with the end of Executive Order 103, through issuance of a Notice of Suspension of N.J.A.C. 7:26I-4.3(c) pursuant to Executive Order 103 substantially in the form submitted, signed by the Board Chairperson on behalf of the Board, subject to legal review and approval by the Governor's Office.

Mark Pedersen seconded the motion.

Roll Call Vote:

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

Mark Pedersen - Yes

The motion was carried.

The effective date will be upon signature and posting by the Governor's Office.

- **Continuing Education Committee**

Continuing Education – Joann Held for Lawra Dodge

- Motion by Joann Held to approve the four 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.

Mark Pedersen seconded the motion.

BCONE:

- Regulatory Roundtable – May 2020 (Course No. 2020-021)
- Regulatory Roundtable – August 2020 (Course No. 2020-022)
- Regulatory Roundtable – November 2020 (Course No. 2020-023)

CPES:

- Green Infrastructure Stormwater Management Techniques (2015-065)

Joann Held amended the motion to exclude the CPES course, as Phil Brilliant and Jorge Berkowitz are recused from voting on that course.

Amended Motion seconded by Mark Pedersen.

Roll Call Vote:

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

Mark Pedersen - Yes

The motion was carried.

- o Motion by Joann Held to approve the following CEC applications:

TITLE	PROVIDER	DATE	CECs	PROPOSED COURSE NUMBER
GeoTechnical Engineering and Linear Construction During Site Remediation	LSRPA	TBD	2 Technical	2020-035
PFAS Analytical Methodologies	Alpha Analytical, Inc.	April 23, 2020	0.5 Technical and 0.5 Regulatory	2020-036
Regulatory Roundtable – Emerging Contaminants PFAS Lifecycle 2020	LSRPA	TBD	1 Technical and 1 Regulatory	2020-037
Remediating Sites: LSRPs Understanding Risks and Liabilities	LSRPA	TBD	2 Regulatory	2020-038
Focused Remediation Seminar – Webinar	Focused Remediation Seminars.com	May 14, 2020 and May 27, 2020	2.5 Technical	2020-040
Regulatory Roundtable – Discharge to Ground Water Permit by Rule	LSRPA	TBD	1 Technical and 1 Regulatory	2020-041
Vapor Intrusion in the Mid Atlantic States	Alpha Analytical, Inc.	May 21, 2020	3 Technical	2020-042
PFAS in Connecticut: The Latest Developments	Alpha Analytical, Inc.	May 12, 2020	2 Technical and 1 Regulatory	2020-043
Regulatory Roundtable – Remedial Action Permits	LSRPA	October 20, 2020	1 Technical and 1 Regulatory	2020-045

Remediation Virtual Workshops	Environmental Workshops	April 21, 22, 23, 28, 29, 30, May 5, 6, 7, 12, 13, 14, 2020	1.5 Technical (each)	2020-046 through 2020-057
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Ira Whitman seconded the motion.

Roll Call Vote:

- Jorge Berkowitz - Yes to all
- Phil Brilliant - Yes to all
- Lawra Dodge - absent
- Joann Held - Yes to all
- Jeffrey Hoffman - Yes to all
- Christopher Motta - absent
- 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.

• **Professional Conduct Committee – Phil Brilliant**

- Motion by Phil Brilliant to approve a resolution to enter closed session to discuss Complaints 008-2017 and 007-2019 (Kathi Stetser is recused from Complaint 007-2019).

Jorge Berkowitz seconded the motion.

All present voted yes.

The motion was carried.

Phil Brilliant recommends that the Board discuss Complaint 007-2019 last, so Kathi Stetser can exit the closed session at that time.

Open session resumed at 6:00 PM.

Mark Pedersen noted that Lawra Dodge joined the Board Meeting in closed session and is present now.

- Motion by Phil Brilliant, in the matter of Complaint 008-2017, to amend the settlement amount stated in the Board Determination and Offer of Settlement dated September 16, 2019 from \$6,400.00 to \$4,800.00 and to authorize transmission of the addendum to the Board Determination and Offer of Settlement under signature of the Board Chairperson, with a payment plan to be determined by the Professional Conduct Committee, and if no settlement is reached, to initiate formal disciplinary proceedings.

Jeffrey Hoffman seconded the motion.

Roll Call Vote:

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

The motion was carried.

- Motion by Phil Brilliant, in the matter of Complaint 007-2019, to find the subject of the complaint not in violation of the Site Remediation Reform Act or Board Rules.

Joann Held seconded the motion.

Roll Call Vote:

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

The motion was carried.

Mark Pedersen requested that the Board return to the Continuing Education Committee Report to vote on two motions.

- Motion by Joann Held to approve Green Infrastructure Stormwater Management Techniques (2015-065) 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.

Mark Pedersen seconded the motion.

Roll Call Vote:

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

The motion was carried.

- o Motion by Joann Held to approve the following two courses:

Hydrostructural Geology – Outcrop to Output	CPES	TBD	6.5 Technical	2020-039
The Gorilla in the Courtroom – Managing the Expert Hydrogeologist in the Wake of the Functional Equivalent Test	CPES	May 28, 2020	4 Technical	2020-044

Mark Pedersen seconded the motion.

Roll Call Vote:

Jorge Berkowitz - recused
 Phil Brilliant - recused
 Lawra Dodge - Yes to all
 Joann Held - Yes to all
 Jeffrey Hoffman - Yes to all
 Christopher Motta - absent
 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.

- **Ongoing Business**

None

- **New Business**

None

- **Next Board Meeting**

- Motion by Mark Pedersen to cancel the June 15, 2020 meeting.

Motion seconded by Phil Brilliant.

All present voted yes.

The motion was carried.

The next Board Meeting will be July 13, 2020 at 4:00 pm via Skype for Business unless otherwise noted on the Board website.

- **Public Comments**

Bill Hose commended the Board for continuing to meet via Skype.

David Morris lauds the decision to relax the Board Rule requiring LSRPs to limit the number of CECs in AVLF to be counted towards license renewal requirements.

The Meeting adjourned at 6:16 PM.