

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

May 3, 2021 Meeting Minutes

4:00 PM

Meeting held via Microsoft Teams

Until further notice, the open public meetings of the Board will be held via Microsoft Teams.

To participate by phone, use the following:

Toll free number: 1-(856) 338-7074 and Conference ID: 906475949

Or connect via the link on the Board Website www.nj.gov/l srpboard

Board Members:

Present

Jorge Berkowitz
Phil Brilliant
Lawra Dodge
Joann Held
Jeffrey Hoffman (joined meeting at 4:25 PM)
Mark Pedersen
Kathi Stetser
Peter Strom
Ira Whitman

Absent

Others Present

Board Executive Director Janine MacGregor
Board Staff Dana Haymes
DAG Buffy Wilson

Members of the Public that were present:

Bill Hose, Candace Baker, Marlene Lindhardt, David Morris, William Call, Joe Hochreiter, Jeffrey Fehr, Jeffrey Casaletto, Mark Pietrucha,

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 - present
Joann Held - present
Jeffrey Hoffman - absent
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 April 5, 2021 Board Meeting Minutes.

Motion seconded by Joann Held

Roll Call Vote:

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

The motion to approve the minutes was carried.

- Motion by Mark Pedersen to approve the April 5, 2021 Board Meeting Minutes of the Closed Session.

Motion seconded by Phil Brilliant.

Roll Call Vote:

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

The motion to approve the minutes was carried.

- **Chairperson’s Report**

Mark Pedersen reported that action is being taken to appoint the pending Board Members.

- **Executive Director’s Report**

No Report.

Committee Reports

- Continuing Education – Lawra Dodge

Lawra Dodge reported that the Continuing Education Committee has approved the following applications for continuing education credit for programs to be offered both in-person and in AVLF:

TITLE	PROVIDER	DATE	CECs	PROPOSED COURSE NUMBER
How In Situ Thermal Remediation Can Meet Your Remediation Deadlines Quickly and Efficiently	LSRPA	TBD	2 Technical	2021-061
Regulatory Roundtable November 2021 – ISRA Compliance in Landlord Tenant Situations	LSRPA	November 16, 2021	1.5 Regulatory	2021-062
PCB Remediation – What Environmental Practitioners Should Know	LSRPA	TBD	1 Regulatory and 2 Technical	2021-063

September 2021 Regulatory Roundtable – Practical Applications of Presumptive Remedies	LSRPA	September 21, 2021	1 Regulatory and .5 Technical	2021-064
December 2021 Regulatory Roundtable – Vapor Intrusion: New Construction Design for NJ and National Standards	LSRPA	December 14, 2021	1 Regulatory and .5 Technical	2021-065
Land Use Permitting: An Overview	Rutgers NJAES – OCPE	June 8, 2021	2 Regulatory	2021-066
Effective Bioremediation of Chlorinated Solvent Sites	Tersus Environmental LLC	April 28 and 29, 2021	2.5 Technical each day	2021-067

- **Audit Committee – Jorge Berkowitz**

6 LSRPs were selected for May 2021 audits

The Audit Committee completed audits of the following LSRPs, with no additional action required:

Selected January 6, 2021:

Basil Ellmers – 626553

Selected February 1, 2021:

Kenneth Megnin - 580155

Number of Audits referred to PCC:

One December 2020 Audit has been referred to the PCC.

- **Ad Hoc Committee – Discharge Notifications – Phil Brilliant**

Phil Brilliant reported that the Committee has made progress.

- **Finance Committee – Janine MacGregor**

Janine MacGregor reported that the Committee will be working with SRWMP finance personnel to develop the budget and calculating fees for 2022.

- **Licensure Committee – Kathi Stetser**

Kathi Stetser reported that the extension of the relaxation of N.J.A.C. 7:26I-4.3 has been signed and is in effect as of April 15, 2021. This means, for LSRPs with applications for license renewal due on or before December 31, 2022, there are no limits on the number of AVLF (on-line) CECs they can count toward their license renewal requirements. The complete Notice of Waiver/Modification/Suspension pursuant to Executive Order No. 103 is posted on the Board website.

LSRP license statistics as of 4/22/2021:

- 713 LSRPs in dataminer
- 7 currently active LSRPs have decided not to renew and to allow their licenses to expire as of July 9, 2021.
- 15 LSRPs listed as Inactive on the Board website have decided not to renew and allow their licenses to expire as of July 9, 2021.
- 11 LSRPs listed as Inactive on the Board website have not yet indicated their intention to renew or expire.
- As of July 9, 2021, the estimated number of LSRPs is 691.
- In addition, 42 LSRPs are on listed on the Board website as having licenses which expired (since 2014).

- **Outreach Committee – Peter Strom**

No report.

- **Rules Committee – Joann Held**

Joann Held reported that the Rules Committee is still working on Section 7.10 of the Rules to incorporate some of the Board’s process into the Rules. The Committee is making progress with this Section and other sections where there may be a need to fine tune the Rule language to make it clearer.

- **Professional Conduct Committee – Phil Brilliant**

- Motion by Phil Brilliant to approve a resolution to go into closed session to discuss Complaints 002-2019 (Kathi Stetser recused), 015-2020, 001-2021, 002-2021, and 003-2020.

Motion seconded by Mark Pedersen.

All present voted yes.

The motion was carried.

Open session resumed at 5:34 PM.

- Motion by Phil Brilliant, in the matter of Complaint 002-2019, to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.3a and 6.3b and to notify the subject through correspondence under signature of the Board chairperson of the Board's intent to assess a penalty of \$14,000.00 through a formal disciplinary action unless settlement is reached, and to authorize the Settlement Team to negotiate a settlement within the parameters discussed in closed session, and if no settlement is reached to proceed with formal disciplinary action.

Motion seconded by Mark Pedersen.

Roll Call Vote:

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

The motion was carried.

- Phil Brilliant reported that the Subject of the Complaint is Robert Blauvelt LSRP 575013
- Motion by Phil Brilliant, in the matter of Complaint 015-2020, to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.8c and to notify the subject through correspondence under signature of the Board chairperson of the Board's intent to assess a penalty of \$250.00 through a formal disciplinary action unless settlement is reached, and to authorize the Settlement Team to negotiate a settlement within the parameters discussed in closed session, and if no settlement is reached to proceed with formal disciplinary action.

Motion seconded by Mark Pedersen.

Roll Call Vote:

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

Mark Pedersen - Yes

The motion was carried.

Phil Brilliant reported that the Subject of the Complaint is Jeffrey Farrell, LSRP 586790

- o Motion by Phil Brilliant, in the matter of Complaint 001-2021, to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.8c and to notify the subject through correspondence under signature of the Board chairperson of the Board's intent to assess a penalty of \$500.00 through a formal disciplinary action unless settlement is reached, and to authorize the Settlement Team to negotiate a settlement within the parameters discussed in closed session, and if no settlement is reached to proceed with formal disciplinary action.

Motion seconded by Mark Pedersen.

Roll Call Vote:

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

The motion was carried.

Phil Brilliant reported that the Subject of the Complaint is Andreas Eisenberger, LSRP 586035

- o Motion by Phil Brilliant, in the matter of Complaint 002-2021, to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.8c and to notify the subject through correspondence under signature of the Board chairperson of the Board's intent to assess a penalty of \$500.00 through a formal disciplinary action unless settlement is reached, and to authorize the Settlement Team to negotiate a settlement within the parameters discussed in closed session, and if no settlement is reached to proceed with formal disciplinary action.

Motion seconded by Mark Pedersen.

Roll Call Vote:

Jorge Berkowitz - Yes
Phil Brilliant - Yes

Lawra Dodge - Yes
Joann Held - Yes
Jeffrey Hoffman - Yes
Kathi Stetser - Yes
Peter Strom - Yes
Ira Whitman - Yes
Mark Pedersen - Yes

The motion was carried.

Phil Brilliant reported that the Subject of the Complaint is Craig McCarrick, LSRP 715760

- Motion by Phil Brilliant, in the matter of Complaint 003-2020, to find the subject of the complaint in violation of N.J.A.C. 7:26I-2.3 and to notify the subject through correspondence under signature of the Board chairperson of the Board's intent to assess a penalty of \$1,250.00 and to issue an admonishment to not conduct remediation work without oversight of a retained LSRP through a formal disciplinary action unless settlement is reached, and to authorize the Settlement Team to negotiate a settlement within the parameters discussed in closed session, and if no settlement is reached to proceed with formal disciplinary action.

Motion seconded by Mark Pedersen.

Roll Call Vote:

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

The motion was carried.

Phil Brilliant reported that the Subject of the Complaint is Gary Yedman, who does not hold an LSRP license.

- **Ongoing Business**

None

- **New Business**

None

- **Next Board Meeting**

- Motion by Mark Pedersen to cancel the Board meeting previously scheduled for May 17, 2021.

Motion seconded by Jorge Berkowitz.

All present voted yes.

The motion was carried.

The next scheduled Board Meeting will be June 7, 2021 at 4:00 pm via Microsoft Teams unless otherwise noted on the Board website.

- **Public Comments**

Bill Hose, LSRPA. Bill Hose noted that the Board has issued penalties to LSRPs for violations of their obligations under N.J.A.C. 7:26I-6.8c. He asked how the Board interprets the timeframes noted in pre-purchaser and adjusted direct oversight ACOs, and the obligations of LSRPS under N.J.A.C. 7:26I-6.8c for sites remediated under pre-purchaser and direct oversight ACOs.

Mark Pedersen stated that the Board cannot respond at the moment.

Phil Brilliant stated that LSRPs are provided the opportunity to respond as part of the complaint investigation.

Bill Hose will submit the LSRPA's request for information to the Executive Director in writing.

The Meeting adjourned at 5:50 PM.