

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

August 2, 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
Lawra Dodge
Joann Held
Jeffrey Hoffman
Michael Renzulli
Kathi Stetser
Peter Strom
Ira Whitman

Absent

Phil Brilliant
Mark Pedersen

Others Present

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

Members of the Public that were present:

Bill Hose, Candace Baker, Caryn Barnes, Rebecca Hollender, Marlene Lindhardt, Mark Pietrucha, William Call, Jeffrey Casaletto, Richard Katz, Charles Stebbins, Frank DeFeo, Sonya Ward

Proceedings

- Meeting called to Order at 4:03 PM by Vice-Chairperson Joann Held
- Joann Held read the Statement of Adequate Public Notice of the meeting required by the Open Public Meetings Act.
- Roll Call:

Jorge Berkowitz - Present
 Phil Brilliant - Absent
 Lawra Dodge - Present
 Joann Held - Present
 Jeffrey Hoffman - Present
 Mark Pedersen - Absent
 Michael Renzulli - 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 Jeffrey Hoffman to approve the July 12, 2021 Board Meeting Minutes.

Motion seconded by Lawra Dodge.

Roll Call Vote:

Jorge Berkowitz - Yes
 Phil Brilliant - Absent
 Lawra Dodge - Yes
 Joann Held - Abstain due to absence
 Jeffrey Hoffman - Yes
 Michael Renzulli - Yes
 Kathi Stetser - Yes
 Peter Strom - Yes
 Ira Whitman - Yes
 Mark Pedersen - Absent

The motion to approve the minutes as amended was carried.

- Motion by Jeffrey Hoffman to approve the July 12, 2021 Board Meeting Minutes of the Closed Session.

Motion seconded by Ira Whitman.

Roll Call Vote:

Jorge Berkowitz	- Yes
Phil Brilliant	- Absent
Lawra Dodge	- Yes
Joann Held	- Abstain due to absence
Jeffrey Hoffman	- Yes
Michael Renzulli	- Yes
Kathi Stetser	- Yes
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Absent

The motion to approve the minutes was carried.

- **Chairperson's Report**

Joann Held reported she is filling in as Chairperson for Mark Pedersen who is absent.

Michael Renzulli has been appointed as Chairperson of the Finance Committee.

At the July 12, 2021 Board Meeting, during the Public Comments section, William Call made some suggestions regarding the notification requirements for LSRPs at N.J.A.C. 7:26I-6.8(b) and (c). His opinion was that requiring LSRPs to make notifications to the Person Responsible for Conducting Remediation (PRCR) and Department is unreliable. The Department should provide the timeframes to the PRCR when the case is created through an initial notification letter. The Department's notifying the PRCR of the timeframes will carry more weight than if the LSRP notifies them of timeframes. Mr. Call followed up with written comments. Mr. Call's comments were shared with the Department by the Board. The Department has indicated it is working on making related improvements to Dataminer reports. The Board is also reviewing relevant sections of the Board Rules to determine if updates are needed. However, LSRPs are in the best position to track the progress of the remediation and make sure deadlines are met. It is the responsibility of LSRPs to keep PRCRs and the DEP informed when timeframes are unlikely to be met. If an LSRP is unsure whether a timeframe will be met, they should make the required notification, using the appropriate form.

- **Executive Director's Report**

Janine MacGregor reported that to date the Department has not provided any information regarding holding Board Meetings in person.

Committee Reports

- **Audit Committee – Jorge Berkowitz**
- 6 LSRPs were selected for August 2021 audits

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

Selected February 1, 2021:

David Volz, 574045

Kenneth Luperi, 580086

Selected March 3, 2021:

Suzanne Lane, 573748

Selected April 7, 2021:

Michael Gonshor, 583909

John Hernandez, 576287

Michael van der Heijden, 573986

Selected May 4, 2021:

Thomas Connors, 594093

Steven Pernick, 582631

Stephen Maxwell, 592408

Ronald Meloskie, 576536

Rose DeLorenzo, 668140

Daniel Gardner, 625933

Selected June 8, 2021:

Jeffrey Magdon, 585252

Jesse Mausner, 783532

Jeremy Freeland, 747159

Elisa Kruger, 594248

Selected July 7, 2021:

Julia Ryan, 746562

- **Continuing Education – Lawra Dodge**

Lawra Dodge reports that the following Continuing Education Programs have been approved by the Continuing Education Committee to be offered both in-person and via AVLF:

TITLE	PROVIDER	DATE	CECs	PROPOSED COURSE NUMBER
PFAS 2021: What's Happening? What's Next? Focus on New York	American Ground Water Trust	April 13, 2021	5 Technical	2021-077
Why All ISRA Transactions Are Not Alike	CPES, LLC	July 28, 2021	4 Regulatory	2021-078
Soil and Ground Water Remedial Action Protectiveness/Biennial Certification Forms and Instructions Training	LSRPA	July 2021	3.5 Regulatory	2021-079
2021 Standards Rule Issues and Application	LSRPA	August 2021	1 Technical and 1 Regulatory	2021-080
13 th Symposium on Design and Construction Issues at Hazardous Waste Sites	O'Brien & Gere	March 29, 2021	6 Technical	2021-081
Enviroclass: The Trap and Treat Approach	Enviroclass	May 11, 2021	2 Technical	2021-082
Remediation Workshop: In Situ Next Generation Workshop	Enviro-workshops	June 9 and 10, 2021	4 Technical	2021-083

Fate of PFAS: From Ground Water to Tap Water Conference	National Ground Water Association	June 22-23, 2021	8.5 Technical	2021-084
Hydrocarbon Forensics Analytical Services Webinar	Alpha Analytical, Inc.	June 15, 2021	1 Technical	2021-085
Perimeter Air Monitoring Program Best Practices	Alpha Analytical, Inc.	Anytime Online	1 Technical	2021-086
Remediation Standards: Proposed Rules and Amendments	Langan Engineering and Env. Services	May 7, 2021	1 Regulatory	2021-087
Unmanned Aerial Systems in Site Assessment	American Inst. of Professional Geologists – NE Section	September 16, 2021	2 Technical	2021-088
Vapor Intrusion Best Practices Webinar	Alpha Analytical, Inc.	Anytime Online	1 Technical	2021-089
New Cleanup Standards	CPES, LLC	August 10, 2021	3 Regulatory	2021-090
Historic Fill and Implications for LSRPs	LSRPA	TBD	1 Technical and 1 Regulatory	2021-091
NJDEP's New Remediation Standards – What You Need to Know	Riker Danzig	August 2021	1.5 Regulatory	2021-092
Advancements in Chemical and Biological Remediation Technologies	LSRPA	TBD	2 Technical	2021-093
Defining Justice	Riker Danzig	June 30, 2021	1.5 Regulatory	2021-094
How To Successfully File a DLRP Application	Rutgers NJAES-OCPE	September 28-29, 2021	2.5 Regulatory and 2.5 Technical	2021-095
NAIOP NJ Regulatory, Legislative and Legal Update	NAIOP NJ	July 14, 2021	2 Regulatory	2021-096
NJDKQP Data Usability Webinar	Alpha Analytical	July 20, 2021	0.5 Regulatory and 0.5 Technical	2021-097

The Continuing Education Committee also approved the previously approved Course 2018-060 to be presented in Alternative Verifiable Learning Format.

• **Professional Conduct Committee – Phil Brilliant**

- Motion by Jeffrey Hoffman to approve a resolution to go into closed session to discuss Complaint 010-2020.

Motion seconded by Lawra Dodge.

All present voted yes.

The motion was carried.

Open session resumed at 4:45 PM.

- Motion by Jeffrey Hoffman, in the matter of Complaint 010-2020, to find no violation.

Motion seconded by Lawra Dodge

Roll Call Vote:

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

The motion was carried.

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

Phil Brilliant is absent – no report

• **Finance Committee – Janine MacGregor and Michael Renzulli**

Janine MacGregor reported on the budget for Fiscal Year 2022 which runs from July 1, 2021 – June 30, 2022.

The Draft budget for FY22 generally mirrors the FY21 budget, with the following exceptions in the areas of revenue and costs.

REVENUE:

- The budget shows \$20,000.00 more in revenue than last year mostly due to new LSRP Annual Fees and the fact that the Board is holding an Exam in April 2022 so will have Initial Application Fee revenue. The Initial Applications will be due around January 15, so the application fee will be that which the Board will be voting to approve tonight.
- There are currently 711 licensees. This number will most likely be reduced due to LSRPs deciding not to renew their licenses, so 700 is the number used to estimate revenue.
- LSRPs who pass the April 2022 exam will most likely not be billed until June with bills due after July 1, 2022 (FY2023). So there will be no revenue from the next group of new LSRPs in the budget.
- Since the FY budget overlaps two different calendar years (CY21 and CY22) for which there are two different renewal fees, there are two separate line items in the budget.

COSTS:

- Salary indirect rate set by DEP is down, so the salary line is about \$9,000.00 less than last year.
- The hourly blanket was increased from \$20,000.00 to \$35,000.00 to reflect the additional hourly employee that was brought on by the Board to assist in renewals and eventually Audits.
- The Information Processing line item was reduced by \$10,000.00.
- Though the cost of each exam has not changed substantially, the Testing Consultant/Advisory Prof. Services (Exam contractor Caviart) line item is considerably higher at \$120,000.00 than last year at \$75,000.00. This is because of when the work occurs and when the Board is billed. The next exam is April of 2022. Caviart has started preparatory work and will continue to end of FY22 (June 30, 2022).
- The Board has reduced costs by eliminating some subscription services and official receptions, although generally these line items are not used.
- The DAG line was decreased from \$150,000.00 to \$128,000.00 based on historic trends and expenditures this FY.

Jorge Berkowitz questioned the invoices charged by Caviart and payments to subcontractors. Janine MacGregor will review the Caviart contract and report back at a future time.

Ira Whitman would like to discuss with Janine MacGregor alternative sources of revenue and funding of the Board.

Lawra Dodge agreed that alternative revenue sources are needed, including possibly a statutory allocation of funds.

Lawra Dodge departed the meeting at 5:05 PM.

Janine MacGregor reported on the Calendar Year 2022 Annual Fee Report.

The goal is to publish the Report in the NJ Register on time, which would be October 2021.

The Calendar Year 2022 Annual Fee Report was prepared by updating the numbers with the appropriate fiscal year values calculated by the SRWMP Finance staff and updating the introduction and conclusions.

The projected fees are as follows:

Initial application fee = \$300.00

Renewal Fee = \$100.00

Annual Fee = \$900.00

In comparison, the initial application fee, renewal fee, and annual fee were \$400.00, \$100.00, and \$900.00 respectively for a long time, even though the amounts calculated using the formula in the rule were higher than that. The Board maintained them at \$400.00, \$100.00, and \$900.00 because there was no justification for raising them as the Board still had a “carry forward” amount and was able to cover its costs.

However when the calculations for application fee and renewal fee dipped below \$400.00 and \$100.00 last year and the year before, they were lowered. But this year they have increased.

- Motion by Michael Renzulli to approve the Fiscal Year 2022 budget that anticipates fee revenue of \$682,922.00, expenses of \$811,951.32, with a net loss of \$129,029.32 resulting in a reduction in the carry forward to \$350,970.68.

Motion seconded by Jeffrey Hoffman.

Roll Call Vote:

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

The motion was carried.

- Motion by Michael Renzulli to approve the Calendar Year 2022 Annual Fee Report setting fees as follows: Application Fee \$300.00, License Renewal Fee \$100.00, and Annual License Fee \$900.00.

Motion seconded by Peter Strom.

Roll Call Vote:

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

The motion was carried.

- **Licensure Committee – Kathi Stetser**

Kathi Stetser reported that the next exam will tentatively be held on April 28, 2022. A listserve will be sent with relevant information soon.

There were a total of 142 renewal applications due on July 24, 2021. To date the Board has received all but 6. There are only 2 or 3 LSRPs whose licenses are due for renewal that have not paid the application fee yet, or have not told the Board they are not planning to allow their license to expire. About 99 applications are left to review.

- **Outreach Committee – Peter Strom**

Peter Strom reported that the Board website is being updated to show Michael Renzulli as a new member and removing Christopher Motta as a Board Member. There will need to be a new photo of the Board taken soon.

- **Rules Committee – Joann Held**

Joann Held reported that the Committee is re-reviewing Subchapters 1 and 2, which means that the initial review of all the major sections has been completed. The Committee is making progress. It will be meeting with the DEP Rules Committee soon.

- **Ongoing Business**

None

- **New Business**

Jorge Berkowitz noted that the Board has shied away from raising fees, but the Board will need to come up with a plan for additional revenue to meet operating expenses.

- **Next Board Meeting**

The next scheduled Board Meeting will be September 13, 2021 at 4:00 pm via Microsoft Teams unless otherwise noted on the Board website.

- **Public Comments**

William Call, Penn-Jersey Environmental. William Call thanks the Board for considering his comments from the last meeting. He asks that the Board reconsider the reporting obligation of 6.8(c). He thinks it is important that the DEP, upon case creation, issue a letter outlining the schedule from Dataminer, which is subject to change only by the LSRP or DEP. This will apply to the vast majority of sites. The Department will provide the PRCR with the schedule, which will carry more weight than if provided by the LSRP. Since the Board is reviewing the Rules, this is a good time to revisit the issue. This would make the reporting obligation redundant and unnecessary. Its very difficult for LSRPs to track all their cases.

Mark Pietrucha, LSRP. LSRPs are notifying the DEP that a PRCR is going to miss a mandatory timeframe, but what is being done with that data? The DEP already knows a regulatory timeframe has been missed. Mark Pietrucha is concerned that LSRPs are being fined for missing notifications, which are in Board Rules, but the Board doesn't have statutory authority to oversee notifications. Also, he is uncertain how this data is being used.

The Meeting adjourned at 5:32 PM.