

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

October 18, 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
Mark Pedersen
Michael Renzulli
Kathi Stetser
Peter Strom

Absent

Ira Whitman

Others Present

Board Staff Dana Haymes
Board Staff Victoria Glean
DAG Nielsen Lewis

Members of the Public that were present:

Bill Hose, Bill Schnitzerling, Candace Baker, David Carlson, Marlene Lindhardt, Mark Pietrucha, David Morris, Rayna Laiosa, Richard Katz, Randy Shuler, Samantha Jones

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 - Present
 Mark Pedersen - Present
 Michael Renzulli - 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 October 4, 2021 Board Meeting Minutes.

Motion seconded by Michael Renzulli.

Roll Call Vote:

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

The Motion to approve the minutes was carried.

- **Approval of the Board Meeting Minutes**

- Motion by Mark Pedersen to approve the October 4, 2021 Board Meeting Minutes of the Closed Session.

Motion seconded by Michael Renzulli.

Roll Call Vote:

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

The Motion to approve the minutes was carried.

- **Chairperson’s Report**

Mark Pedersen noted that Jorge Berkowitz has provided his request to relinquish his Board position as of December 31, 2021. Dr. Berkowitz previously asked to relinquish his position, but was requested to stay on for a period of time. He is one of the founding Board members along with Joann Held, Ira Whitman, Lawra Dodge and Phil Brilliant. It has been an honor working with Dr. Berkowitz on the Board.

- **Executive Director’s Report**

None.

Committee Reports

- **Audit Committee – Jorge Berkowitz**

The Audit Committee completed the audit of the following LSRP, with no additional action required:

Selected August 2, 2021:

Steven Papatrefon, 580657

- **Continuing Education – Lawra Dodge**

Lawra Dodge reported 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 # |
|---|----------|------------------|-------------------------------|-------------------|
| Conducting Environmental Due Diligence | CPES | December 8, 2021 | 3.5 Regulatory, 4 Technical | 2021-142 |
| Technical Writing Skills for Environmental Professionals | CPES | November 3, 2021 | 2.5 Regulatory, 2.5 Technical | 2021-143 |
| Wetlands and Site Remediation Working Together | LSRPA | TBD | 0.5 Regulatory, 1 Technical | 2021-144 |
| Investigation and Verification of Off-Site or Unknown Sources | LSRPA | TBD | 1.5 Technical | 2021-145 |

- **Rules Committee – Joann Held**

Joann Held presented a review of all the recommended amendments to the Board Rules to the Board. Amendments to the Board Rules are generally in one of three categories: amendments based on SRRA 2.0 revisions, amendments intended to clarify the language of the rule, and amendments that are intended to update the Rules to reflect current practices of the Board.

All proposed amendments were sent to the Board in New Jersey Register format. Deleted language is bracketed, added language is bold. In addition, footnotes were added to every change to provide the reason why the change was made.

Most of the proposed amendments have already been presented to the Board members through the committees they serve on.

Rules Committee will meet on October 28, 2021, and will incorporate comments from the Board members provided at this meeting.

Joann Held reviewed each of the revisions by subchapter.

DAG Nielsen Lewis has provided preliminary comments to the Rules Committee in written format.

Mark Pedersen commented that there are clarifications that need to be made to the definition of “Alternative Verifiable Learning Format.”

Mark Pedersen commented that the certification referred to in the Rules should be included in the Rules, or the statement should be made that the certification is available in Board guidance.

Michael Renzulli suggested removing the references to the 2015 fees.

Mark Pedersen commented that punctuation of Section 6.8 may need revision. Are each of the provisions enumerated in (a) intended to be part of an inclusive list?

The Board Members discussed whether the Board should vote on the proposed amendments at the next Board meeting on November 1, 2021. Joann Held commented that she would like the vote to be held no later than the December 2021 Board meeting.

- **Ongoing Business**

None

- **New Business**

None

- **Next Board Meeting**

The next scheduled Board Meeting will be November 1, 2021 at 4:00 pm via Microsoft Teams unless otherwise noted on the Board website.

- **Public Comments**

David Morris, LSRP. Provided comments in the Chat function of Teams as he had to leave the meeting prior to the opportunity for public comment:

1. Are there proposed changes in the penalty matrix?
2. Will the Rules include a companion revised decision matrix flow chart?
3. Ms. Held indicated the intra-Board proposed rule document had extensive footnotes with context and basis. I would ask if any vestiges of these explanations will be released?
4. I would ask about the clarification how the Board's position is that only licensees perform remediation [compared with] how it is PRCRs that actually remediate.
5. I would suggest against inserting hyperlinks in rules. Hyperlinks already in a plurality of DEP guidance (and the RAO shell) have expired already and are broken at this time.

Marlene Lindhardt, LSRP. Thank you for incorporating comments from last meeting into the Board Rules. Can the public receive a draft of the proposed amendments prior to the vote on November 1, 2021? Mark Pedersen responded that the Board does not intend to provide the text of the proposed amendments to the public prior to the vote.

Mark Pietrucha, LSRP. LSRPs appreciate the process, the extra meeting, and the opportunity to provide comment. With respect to deviations from guidance and variance from rule, please be aware that the remediation deviates, not the LSRP. There is a lot of opportunity for those items to be confused, and the rule should be clear in indicating whose responsibilities are whose.

The Meeting adjourned at 6:13 pm.