

FINAL BYLAWS: Approved January 10, 2011, Revised January 24, 2011

**NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD
BY-LAWS**

This body corporate and politic having been established by the Site Remediation Reform Act, N.J.S.A. 58-10C-1, et seq. (the “Act”), is named the New Jersey Site Remediation Professional Licensing Board (the “Board”). The By-Laws of the Board are as follows:

I. THE BOARD

Section 1. Purpose. The New Jersey Site Remediation Professional Licensing Board shall perform the following duties:

- Review and approve or deny applications for licensing site remediation professionals;
- Administer and evaluate licensing examinations for site remediation professionals;
- Issue licenses and license renewals to all qualifying site remediation professionals;
- Establish standards and requirements for continuing education of licensed site remediation professionals;
- Approve or offer continuing education courses;
- Track fulfillment of continuing education requirements by licensed site remediation professionals;
- Establish and collect fees for examinations, licenses, renewals, or any other services required for the licensing of site remediation professionals;
- Adopt and administer standards for professional conduct for licensed site remediation professionals in accordance with the Act;
- Investigate complaints, impose discipline, and suspend and revoke licenses of site remediation professionals who violate the provisions of the Act;
- Publish and maintain the names and contact information of all site remediation professionals licensed in accordance with the Act and make the list available on the Board’s internet website;
- Publish and maintain a list of all site remediation professionals whose license has been suspended or revoked by the board and make the list available on the Board’s internet website;
- Provide public information on the licensed site remediation professional program;
- Maintain a record of complaints filed against Licensed Site Remediation Professionals and provide the public with information upon request;
- Audit annually the submissions and conduct of at least 10 percent of the total number of licensed site remediation professionals; and
- Carry out such further duties as set forth in the Act.

Section 2. Board Seal. The Board shall have a seal which shall bear the words “New Jersey Site Remediation Professional Licensing Board” and shall be of such design as determined by the Board.

Section 3. Offices. The principal office of the Board shall be the headquarters of the Department of Environmental Protection located at 401 East State Street in Trenton. The Board may have offices at such other places within the State of New Jersey as its business may require or make desirable as determined by the Chairperson of the Board.

II. BOARD MEMBERS

Section 1. Board Members. The Board shall have 13 members, appointed in accordance with the Act. The members shall serve for the terms set forth in the Act. Board members are subject to the removal provisions set forth in the Act and any other relevant statutory or regulatory provisions.

Section 2. Chairperson. The Board shall have a Chairperson. In accordance with the Act, the Commissioner of the Department of Environmental Protection (hereinafter “the Department”), or a designee, shall serve as the Chairperson.

Section 3. Duties of the Chairperson. The Chairperson shall preside at all meetings when present, and exercise supervision over meeting affairs. The Chairperson shall also:

- Rule on questions of order;
- Nominate and recommend all committees and task forces and their respective chairs; and
- Sign all resolutions adopted by the Board and any other legal documents including disciplinary orders, enforcement documents and Board licenses.

In the event the Chairperson is unable to attend a particular meeting of the Board, he or she may authorize a representative of the Department to attend the meeting and to vote and otherwise act on his or her behalf at the meeting, provided such authorization is in writing in the form of a written letter. The written authorization shall be delivered to the Board in advance of the meeting and shall not be in the form of an electronic transmission.

Section 4. Vice Chairperson There shall be a Vice Chairperson who is elected by a majority vote of the Board. The Vice Chairperson shall be a member of the Board, and shall not be an employee of the Department. The Vice Chairperson shall serve for a term of one year beginning on January 1 and ending on December 31. In the event the Chairperson or authorized representative is absent or otherwise unable to chair a meeting of the Board, the Vice Chairperson shall assume and perform all duties and powers of the Chairperson. He or she shall also perform such duties as may be assigned from time to time by the Chairperson

or by a majority vote of the Board. Nomination and election of the Vice Chairperson shall occur at the meeting immediately following a vacancy.

Section 5. Secretary. The Board Secretary shall be a Department staff person designated by the Department and in that capacity:

- He or she shall attend all meetings of the Board and act as secretary thereof, and record all notes and shall keep a record of the proceedings at all meetings of the Board. Such records shall be open at all reasonable times to inspections by any member of the Board or member of the public with the exception of any legally privileged material;
- He or she shall cause a true copy of the minutes of every meeting prepared and delivered to the members of the Board; and
- He or she shall maintain records of the Board's transactions, communications and proceedings, and such records shall be open at all reasonable times to inspections by any member of the Board or member of the public with the exception of any legally privileged material.

Section 6. Conflicts of Interest. All Board members will comply with the requirements found in the New Jersey Conflicts of Interest Law at N.J.S.A. 52:13D-12, et seq. and the State Ethics Commission regulations at N.J.A.C. 19:61-1.1, et seq. In addition to these requirements, members of the Board shall recuse themselves in the event that a disciplinary matter before the Board or any of its committees involves any of the following:

- The Licensed Site Remediation Professional under investigation is or has been an employee, shareholder, owner, has an equity interest in, or is a consultant for a Board member's current or former employer during the last five years.
- The investigation involves a site at which a Board member has been directly involved.
- The Licensed Site Remediation Professional under investigation is, or has been, retained by a Responsible Party and that Responsible Party is or has been a client of the Board Member or the Board Member's employer or business in the last five years.

Board members shall bring to the attention of the Board any other circumstance that may prevent him or her from acting on any matter in an impartial manner. This obligation also includes any circumstance which gives the appearance of a conflict. In these circumstances, if recusal is warranted, the Board member shall either recuse him or herself, or the Board by a majority vote can compel the Board member to recuse him or herself. The Chairperson may also provide an

opportunity for someone who is not on the Board to bring a potential conflict to the Board's attention.

In all circumstances described in this section where a Board member is recused either by his or her own volition or by a majority vote of the Board, the Board member shall act as follows:

- Upon discovery or determination of the potential conflict, he or she shall promptly deliver to the Chairperson and the Board Secretary a written letter stating the recusal and the reasons thereto. Board members shall be copied on the correspondence;
- In all cases, the written recusal must be delivered to the Chairperson and Board Secretary prior to the Board taking any action, voting or otherwise, on the matter which is the subject of the recusal;
- In addition to refraining from discussion and voting on the matter which is the subject of the recusal, the recused Board member shall not be present in the meeting room at any time while the subject of the recusal is being discussed by the Board or a committee of the Board; and
- The recused Board member must not receive any correspondence or documents related to the subject of the recusal.

In the event that the New Jersey Conflict of Interest Law and the State Ethics Commission regulations referenced above impose more stringent requirements than the provisions of this section, the New Jersey Conflict of Interest Law and the State Ethics Commission regulations shall prevail.

III. MEETINGS

Section 1. Meetings. All meetings shall be conducted in accordance with the New Jersey Open Public Meetings Act at N.J.S.A. 10:4-6.

Section 2. Frequency. The Board shall hold at least 12 regular meetings each year, one of which may incorporate a planning session. The time and location of the meetings shall be determined by a majority vote of the Board. A Special meeting may be called at any time by the Chairperson. The same bylaws relative to quorum, voting, procedure and conduct of business for regular meetings apply to special meetings.

Section 3. Proxy. Other than the Chairperson, a member of the Board may not assign a proxy to either attend a meeting or vote for the member.

Section 4. Quorum and Voting. Seven members shall constitute a quorum. In the absence of a quorum, no formal action shall be taken except to adjourn the meeting to a subsequent date. Aside from adjourning a meeting in the absence of a quorum, in no event shall any action be taken, or motion or resolutions adopted, without the affirmative vote of at least seven members of the Board.

Section 5. Public Notice of Meetings. All regular and special meetings shall be noticed in conformity with the Open Public Meetings Act at N.J.S.A 10:4-6. To the extent the Board meeting dates have been determined, a schedule of Board meetings for each year shall be placed on the Board Web site no later than one (1) month before the first Board meeting of the year. Further, to the extent a meeting date has been determined a Board meeting date shall be posted on the Board's Web site at least one month in advance.

To the extent possible, an agenda outlining the order of business shall be posted on the Board Web site and at least five (5) business days before a regularly scheduled meeting. To the extent possible, substantive changes to the agenda should be made no later than three (3) business days prior to a meeting. The agenda shall also be distributed in advance to each of the Board members.

For special meetings that fall outside the regularly scheduled Board meetings, an agenda should be posted on the Board Web site at least three (3) business days before the scheduled meeting. Notice of any special meeting shall state the purpose or purposes thereof and no other business shall be transacted at any such special meeting.

Section 6. Teleconferences. Board members may participate in regular meetings by teleconference only in cases of necessity, which are beyond a member's control, such as sickness, incapacity, inclement weather, etc. The determination of necessity, and a recitation of the facts and circumstances on which it was based, must be included in the minutes of the meeting. A Board member's participation by teleconference shall be audible to the public at the physical location of the meeting. Any Board member who participates by teleconference shall be considered present for purposes of conducting Board business. A Board member cannot participate by teleconference in matters involving discipline or other matters that the non-present member or a majority of the Board believe that under the circumstances the non-present member cannot adequately participate in the matter under consideration.

Section 7. Meeting Procedures All Board meetings shall be guided by an agenda prepared and delivered in advance to all Board members. Members of the public in attendance who wish to speak must first be recognized by the presiding officer. The presiding officer may deny a request to speak to individuals wishing to address issues not on the agenda.

The Board shall be governed by the most recent edition of Robert's Rules of Order when not in conflict with the laws, rules or bylaws of the Board. The presiding officer shall rule on all questions pertaining to the bylaws and Rules of Order in the conduct of meetings.

Section 8. Meeting Minutes. Minutes of Board meetings shall be recorded in writing by the Board Secretary. The Board may also use a recording device but said recording shall not serve as the Board minutes. The meeting minutes shall be promptly made available and open at all reasonable times for inspection to any member of the Board or the public. The written minutes shall be made available within five (5) working days of approval of the meeting minutes by the Board. The minutes shall include the Board members present, any Board member(s) absent, the subjects considered and discussed, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of a roll call. The minutes shall also reflect the name of the individuals who commented during the public participation portion of the meeting.

Section 9. Order of Business at Regular Meetings. The normal order of business at regular meetings shall be:

1. Call to Order, Open Public Meetings Act Statement and Roll Call;
2. Approval or amendment of minutes of the previous meeting;
3. Report of the Chair of the Board;
4. Committee reports including reports on testing, licensing and disciplinary issues;
5. Old business;
6. New business;
7. Consideration of any other agenda items for discussion;
7. Public Participation;
8. Closed Session if applicable;
9. Adjournment

The order of business may be rearranged at any regular meeting for the purpose of expediting and facilitating the functions of the Board.

IV. COMMITTEES

Section 1. Standing Committees. The standing committees of the Board are as follows:

- Licensure: The Licensure Committee shall review license applications and make exam eligibility and licensure recommendations to the full Board. The Licensure Committee shall also routinely review the procedures and qualifications for licensure and recommend changes as needed.

- Continuing Education Committee: The Continuing Education Committee shall establish standards and procedures for Continuing Education. The Committee shall also review continuing education rules, policies and procedures and recommend changes as needed.
- Professional Conduct Committee: The Professional Conduct Committee shall review complaints, oversee investigations, and make position recommendations to the full Board. The Professional Conduct Committee shall routinely review the Board's policies and rules regarding Professional Conduct and recommend changes as needed.
- Finance Committee: The Finance Committee shall present quarterly financial reports to the Board and recommend changes to fees as needed. In addition the Finance Committee shall:
 - Recommend to the Board the amount of license fees for Licensed Site Remediation Professionals in accordance with the Act;
 - Prepare and review budgets; and
 - Review allocation of Department staff to the Board.
- Rules Committee: The Rules Committee shall propose rules governing the Board in accordance with the Act, and review laws, rules and policies and recommend changes as needed. The Committee shall also track and review legislation affecting the Board and make position recommendations to the full Board.
- Outreach Committee: The Outreach Committee shall suggest and prepare materials for inclusion on the Board Web site and/or in a newsletter, recommend changes to Board publications, web content and other documents, and develop new communications materials as needed.
- Audit Committee. The Audit Committee shall recommend audit procedures and implement such procedures as directed by the Board in accordance with the Act.

The Chairperson may nominate and recommend additional standing and ad hoc committees as needed.

V. BOARD STAFF

Section 1. Board Staff. In accordance with the Act, the Department may provide staff members to assist the Board in the performance of its duties and functions. The Chairperson shall appoint all staff members. The responsibilities of the Department staff members may include, but are not limited to, the following:

- Coordinate all activities relating to the operation of the Board; including but not limited to, matters relating to hearings and hearing requests;
- Assist the Board in writing and editing newsletters and other publications, including the Board Web site;
- Assist the Licensure Committee with the review of license applications;
- Prepare reports and conduct research as requested;
- Review and advise the Board regarding legislation procedures, bylaws, policies, rules and laws relating to Board activities;
- Monitor Board revenue and expenses and prepare quarterly financial reports for review by the Board; and
- Submit a proposed meeting schedule, and list of application and exam deadlines for review and approval at the Board's annual planning session.

Section 2. Legal Staff. There shall be a Deputy Attorney General assigned to represent the Board who shall provide legal advice and opinions regarding matters pertaining to Board operations and affairs.

VI. AMENDMENTS

Section 1. Amendments. These bylaws may be amended at any Board meeting by an affirmative vote of a majority of the entire Board membership, provided that the proposed change was placed on the agenda prior to the meeting.