

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

August 6, 2012 Meeting Minutes

4:00 p.m., Public Hearing Room, DEP, Trenton

Board Members:

Present: Jorge Berkowitz, Phil Brilliant, Richard Dewling, Lawra Dodge, Joann Held, Karl Muessig, Christopher Motta, Mike Pisauro, Dave Sweeney, Constantine Tsentas.

Absent: Ira Whitman

Others Present: Board Secretary Karen Hershey, DAG Kimberly Hahn, Executive Assistant David Haymes.

Proceedings:

- Meeting called to Order at 4:07 by Chairman Sweeney.
- Statement by Chairman Sweeney that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of the July 9, 2012 minutes.
 - Motion by Jorge Berkowitz to approve minutes, seconded by Richard Dewling; David Sweeney and Constantine Tsentas abstained due to absence at July 9, 2012 meeting; all others present voted Yes.
 - Chairman's Report
 - The Chairman indicated that he had nothing to report.
 - Committee Reports
 - Licensure: A report was given by Karl Muessig on behalf of the Licensure Committee.
 - Karl Muessig updated the Board on various licensing issues related to temporary license renewals, draft licensing regulations, welcome packages for permanent LSRPs and permanent license renewal dates.
 - Karl Muessig also made a motion to approve for examination the individuals named in the August 6, 2012 list of Exam Candidates

Recommended for Approval (list attached hereto and incorporated as part of these minutes).

- Seconded by Phil Brilliant; motion adopted after debate (10Y, with abstentions as noted below)
- Roll call vote as follows:
 - Berkowitz-Abstain as to R. Kurishko, All others Y
 - Brilliant-Y
 - Dewling-Y
 - Dodge-Y
 - Held-Y
 - Motta- Abstain as to M. Mohiuddin, All others Y
 - Muessig-Y
 - Pisauro-Y
 - Tsentas-Y
 - Whitman-Absent
 - Sweeney-Y
- Audit: A report was given by Committee Chair Phil Brilliant on behalf of the Audit Committee.
 - Phil Brilliant noted that five more audit questionnaire recipients were selected for August.
- Continuing Education: A report was given by Committee Chair Lawra Dodge on behalf of the Continuing Education Committee.
 - Lawra Dodge updated the Board on various Continuing Education issues related to requests for retroactive approval, the status of the Committee's review of approved courses, and the web site listing of approved courses.
- Finance: A report was given by Committee Chair Richard Dewling on behalf of the Finance Committee.
 - Richard Dewling informed the Board that the Committee is working with the Licensing Committee to explore the feasibility of retaining an independent contractor to provide IT services to the Board for a web based license renewal system, annual fee collection, an LSRP roster data system and possibly continuing education.
- Website/Outreach: A report was given by Committee Chair Christopher Motta on behalf of the Website/Outreach Committee.

- Chris Motta informed the Board that he is continuing to work with the Department's IT representative to re-design the Board's web site.
- Professional Conduct: A report was given by Committee Chair Jorge Berkowitz on behalf of the Professional Conduct Committee.
 - Jorge Berkowitz updated the Board on various issues related to professional conduct, noting the status of the pending disciplinary actions.
- Rulemaking: A report was given by Committee Chair Joann Held on behalf of the Rulemaking Committee.
 - Joann Held discussed the progress of the rules, and then reviewed the draft Prohibition Against Retaliatory Action subchapter (handout) with the Board. Chairman Sweeney then made a motion to post the draft Prohibition Against Retaliatory Action subchapter on the Board's web site; seconded by Richard Dewling. The motion was later withdrawn so that the Rulemaking Committee can revise the draft subchapter to reflect feedback from the Board.
- Confidentiality and Release of Public Information (Ad Hoc): A report was given by Committee Chair Mike Pisauro on behalf of the Confidentiality Committee.
 - Mike Pisauro reported that the Committee has thus far held two meetings and has compiled a list of documents that may be subject to information requests. The Committee is reviewing the list with legal counsel to determine whether each item is subject to public release or is considered confidential.
- Ongoing Business
 - Board discussion regarding the status of the Board academic nominee and Board meeting dates.
- New Business
 - Joann Held raised the issue of finding a way to clarify the difference between the DEP inspection and review process and a Board audit. Chairman Sweeney suggested that DEP provide a definition of the inspection and review process, Phil Brilliant and the Committee would define the Audit function. Clarifying information would be posted on both the Board and DEP's web site. The Board was agreeable to this approach.

- Karl Muessig discussed the letter to the Board from the State Well Drillers Board (Handout) asking for assistance from the Board in making LSRPs aware of housekeeping with labeling wells and reminding LSRPs to use only DEP licensed well drillers; Chairman Sweeney suggested that a listserv message may be helpful in getting this information to LSRPs. Karl Muessig indicated he would go back to the Well Drillers Board Chairman to get specific information for a listserv message.
- Mike Pisauro indicated that he has heard that some LSRPs are moving forward on site remediation projects without checking and/or following other DEP permitting requirements and regulations. Chairman Sweeney indicated that site specific information would be helpful in following up on this issue.
- Public Comment
 - John Oberer, LSRPA
 - Inquired about the status of the AG's office written opinion on whether LSRP work product can be requested under the OPRA law before it is filed with the DEP. DAG Hahn responded that the Attorney General's Office cannot respond to opinion requests by third parties; however she indicated that she believed that DEP had previously concluded that LSRPs are not agents of the State.
- The meeting adjourned at 5:20 p.m.