

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL MINUTES

March 21, 2011

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

Board Members:

Present: Chairman Dave Sweeney, Jorge Berkowitz, Philip Brilliant, Richard Dewling, Lawra Dodge, Christopher Motta, Karl Muessig, Michael Pisauro, Ira Whitman

Absent: Joann Held, Constantine Tsentas

Others Present: Board Liaison Karen Hershey, DAG Kimberly Hahn, Director Tony Farro, Assistant Director George Klein.

Proceedings:

- Meeting called to Order by the Chairman at 4:05 P.M.
- Statement by the Chair that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of March 7, 2011 minutes.
 - Revision at the request of DAG Hahn to revise March 7, 2011 minutes regarding Pending Legal Issues.
 - Motion by Richard Dewling to accept minutes as amended, seconded by Jorge Berkowitz; passed unanimously.
- Chairman's Report
 - Commissioner approved the academic candidate for the Board; recommendation forwarded to the Governor's office.
 - Karen Hershey will be on vacation starting Tuesday, March 22 and will be returning Wednesday, March 30; Board members should contact David Haymes for assistance during that time.
 - LSRP Reliance on No Further Action letters-The Steering Committee is providing input.
 - DEP has received a complaint against an LSRP who is also a subsurface evaluator; Karen Hershey will investigate to determine when the subsurface evaluator became a LSRP.

- Committee Reports
 - Audit Committee (no formal action taken): Phil Brilliant reported on the progress of the Audit Committee.
 - Committee is seeking public comment on proposed audit and draft questionnaire.
 - Phil Brilliant indicated that the Board would be seeking comments through March 28; draft documents posted on Board web page and copies available at Board meeting.
 - ***Board suspended Committee Reports to allow for public comment on the proposed audit and draft questionnaire. Board discussion followed each comment.***
 - Jonathan Berg, Newtown, PA, -Inquired about selection process for audit; suggested that the process for random audits should be defined in draft audit process document; inquired as to whether Board will contact references.
 - Andrew Robins, Sills Cummis-Recommended that the comment period be extended.
 - John Oberer, GZA GeoEnvironmental Inc.-Also recommended that comment period be extended; inquired about time period covered by audit.
 - Mark Gruzlovic, Trenton, NJ-Inquired as to when failure to complete the form can be used as a basis for disciplinary action.
 - Audit Committee agreed to extend comment period until next meeting on April 4.
 - Message announcing Board is seeking comments will be distributed through DEP listserv.
 - Website/Outreach (no formal action taken): Chris Motta reported on the progress of the web site.
 - The Board web site is up and running.
 - Board discussion about preparing a press release and sending out a listserv message to announce the Board's new web site.
 - American Institute of Professional Geologists is seeking on update on the Board's activities to be published in their newsletter.
 - Continuing Education (no formal action taken): Lawra Dodge reported on the progress of the Continuing Education Committee.
 - Continuing Education Committee met with DEP training group prior to this meeting.
 - A meeting will take place on April 11, 2001 with DEP, Rutgers, LSRPA to plan training strategy; Lawra Dodge attending.

- Professional Conduct (no formal action taken): Jorge Berkowitz reported on the progress of this Committee.
 - The disciplinary process is ready to be drafted as a regulation.
 - The Board should come up with proposed sanctions and penalties for violations; the Committee asked the Board member to bring comments about the process and proposed sanctions to the next meeting.
- Licensure: Ira Whitman reported on the progress of the Licensure Committee.
 - Discussion included handout describing policy for payment of annual fees.
 - Motion by Ira Whitman to adopt the payment policy; seconded by Phil Brilliant; passed unanimously.
 - Ira Whitman raised issue of required course no longer being available for newly applying temporary LSRPs; Ira Whitman will discuss with Wayne Howitz.
- Finance Committee (no formal action taken): Richard Dewling reported on the progress of the Financial Committee
 - The time billed to the Board by DEP staff show no abuses; Board should come up with a budget sooner rather than later.
 - Director Tony Farro stated budget should be ready by September so that annual fee amount can be determined before October invoice letter.
- Rulemaking (no formal action taken):
 - The Rulemaking Committee is on hiatus as other committees move forward to establish standards; then rulemaking can proceed.
- Ongoing Business
 - Ongoing discussion about LSRP reliance on No Further Action letters.
 - Andrew Robins of Sills Cummis spoke on behalf of Steering Committee and indicated that the Steering Committee subgroup is working on framing the issue for the Board, expect to provide input to Board in April; LSRPA will weigh in also.
 - The Professional Conduct committee unanimously recommended to the Board that they advise LSRPs of the

necessity to perform some degree of evaluation of previously issued NFAs for which the LSRP must incorporate or accept in some manner. The committee is aware that others are looking into this issue and feels it is prudent to receive stakeholder input but not to delay too as this is a current issue confronting LSRPs.

- Pending Legal Issues: DAG Hahn indicated that formal AG opinion on Board moving forward without rules is still in progress.
- Karen Hershey is the lead along with help from DAG Hahn on compiling information on how other Boards handle disciplinary proceedings; info to be provided in April.
- New Business
 - Mike Pisauro alerted the Board to two new bills pending in Legislature that may impact the Board; one concerns the use of guidance and the other relates to agency final decisions.
- Public Comment
 - John Oberer, GZA GeoEnvironmental Inc., on behalf of the LSRPA
 - There needs to be broader stakeholder input regarding the Board's rules.
 - Jonathan Berg, Newtown, PA, inquired as follows:
 - Does DEP know how many Response Action Outcomes issued thus far have been based on No Further Action letters? This would be valuable information for the Board to have when addressing the issue of LSRP reliance on No Further Action letters.
- Motion by Richard Dewling to adjourn at 6:05; seconded by Phil Brilliant and passed unanimously.