

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

March 17, 2014 Meeting Minutes

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

Board Members:

Present

Mark Pedersen
Jorge Berkowitz
Philip Brilliant
Richard Dewling
Lawra Dodge (via teleconference)
Joann Held
Christopher Motta
Karl Muessig
Michael Pisauro
Constantine Tsentas
Ira Whitman

Others Present:

Board Secretary Karen Hershey
Board Staff Dana Haymes
DAG Kimberly Hahn

Proceedings:

- **Meeting called to Order at 4:03 by Chairman Pedersen**
- **Statement by Chairman Pedersen that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act**
- **Roll Call**

Approval of the Minutes

January 6, 2014

Motion by Phil Brilliant to approve the Minutes of the January 6, 2014 meeting.
Motion seconded by Dick Dewling.
Christopher Motta abstained.
Remainder of those present voted Yes.

The motion was carried.

February 18, 2014

Motion by Joann Held to approve the Minutes of the February 18, 2014 meeting.

Motion seconded by Karl Muessig

Jorge Berkowitz, Ira Whitman, and Michael Pisauero abstained.

Remainder of those present voted Yes.

The motion was carried.

March 5, 2014

Motion by Phil Brilliant to approve the Minutes of the March 5, 2014 meeting.

Motion seconded by Jorge Berkowitz.

Michael Pisauero, Christopher Motta, Joann Held abstained.

Remainder of those present voted Yes.

- **Chairman's Remarks**

Chairman Pedersen noted that a total of 949 requests for RI extensions have been received to date. The Department has approved 888 to date. The Department has not approved 61 to date.

- **Report of the Secretary:**

No Report

- **Report of the Audit Committee: Phil Brilliant**

Audits completed:

Andrew Waring - June 2013

Robert Zelle - June 2013

Thomas Buggey - August 2013

Craig Gendron - August 2013

Michael Morris - August 2013

Kathi Stetser - August 2013

Gerrit Visscher - August 2013

Bryan Fallucca - November 2013

John Virgie - November 2013

Lauren Laport - November 2013

Sharon McSwieney - November 2013

Spencer Spurlock - November 2013

Motion by Richard Dewling to approve the revised Audit Questionnaire presented by Phil Brilliant. Motion seconded by Ira Whitman.

Motion amended to reinsert the word "certification" for "certificate" wherever the word "certificate" has been removed.

Roll Call Vote:

| | |
|----------------------|---------|
| Jorge Berkowitz: | Yes |
| Philip Brilliant: | Yes |
| Richard Dewling: | Yes |
| Lawra Dodge: | Yes |
| Joann Held: | Yes |
| Christopher Motta: | Yes |
| Karl Muessig: | Yes |
| Mike Pisauro: | Abstain |
| Constantine Tsentas: | Yes |
| Ira Whitman: | Yes |
| Mark Pedersen: | Yes |

The Motion was carried.

- **Report of the Continuing Education Committee: Lawra Dodge**

Motion by Lawra Dodge to approve the following 13 applications for continuing education credits. Motion seconded by Ira Whitman.

1. Rutgers NJAES – Discharge Prevention Program - **5.5 REGULATORY**
2. Northeast Section AIPG – Intro to GIS for Environmental Applications – **7.5 TECHNICAL**
3. Gannett Fleming –/RAM – Application of Risk Assessment as a Decision Making Tool for Contaminated Sites – **15 TECHNICAL**
4. VeruTEK – Chemical Oxidation Remediation Technology – **4 TECHNICAL**
5. NJDEP /SRP Training Group – Technical Impracticability Rules and Guidance – **1.5 REGULATORY**
6. Rutgers NJAES – Vapor Intrusion Under the LSRP Program – **3 REGULATORY AND 4.5 TECHNICAL**
7. Montclair State U/Continuing Ed – Deadline for Performance of Remedial Investigations – **3 REGULATORY**
8. Northeast Waste Management Officials Assoc. – Communicating Risk to the Public – **5 TECHNICAL**
9. Rutgers NJAES – Combining Engineered Contaminant Source Area Treatment Technologies and Monitored Natural Attenuation for Site Cleanup – **3 REGULATORY AND 3.5 TECHNICAL PER DAY**
10. Gannett Fleming/RAM – Evaluation of Indoor Inhalation Pathway – **15 TECHNICAL**
11. Groundwater and Env. Services Inc. – Characterizing and Managing LNAPL Sites – **7 TECHNICAL AND 1 REGULATORY**
12. Petroleum Equipment Contractors Assoc. of NJ – Underground Storage Tank Rules and Regulations – **6 REGULATORY**
13. CIANJ – Using Best Professional Judgment as a Site Remediation Tool – **4 TECHNICAL**

Roll Call Vote:

| | |
|-------------------|---|
| Jorge Berkowitz: | Yes for all except abstain with respect to applications for “Deadline for Performance of a Remedial Investigation” and “Vapor Intrusion Under the LSRP Program” |
| Philip Brilliant: | Yes for all except no with respect to application for “Discharge Prevention Program: Compliance in New Jersey” and abstain with respect to applications for “Underground Storage Tank Rules and |

| | |
|----------------------|--|
| | Regulations for NJAC 7:14B” and “Using Best Professional Judgment as a Site Remediation Tool” |
| Richard Dewling: | Yes for all except abstain with respect to “Using Best Professional Judgment as a Site Remediation Tool” |
| Lawra Dodge: | Yes for all |
| Joann Held: | Yes for all |
| Christopher Motta: | Yes for all |
| Karl Muessig: | Yes for all |
| Mike Pisauro: | Yes for all |
| Constantine Tsentas: | Yes for all |
| Ira Whitman: | Yes for all except abstain with respect to “Using Best Professional Judgment as a Site Remediation Tool” |
| Mark Pedersen: | Yes for all except abstain with respect to “Deadline for Performance of Remedial Investigations” |

The Motion was carried with respect to all 13 applications.

- **Report of the Finance Committee: Richard Dewling**
Richard Dewling will give a report on the budget at the next meeting.
- **Report of the Licensure Committee: Ira Whitman**

The Licensure Examination is to be administered on March 19, 2014 – 105 persons are registered to take the examination. 30 of those registered were previously temporary LSRPs.

The Licensure Committee is seeking to create an IT program which will support a web based application. The IT program will differentiate between financial transactions and programmatic actions. It is not possible to create a web-based license approval and renewal system on a site where there are also fees being paid because of constraints by state government on security of systems. It is proposed that financial transactions be separate - attached to or a part of DEP based systems so that deposit of fees can go into a secure account. This will be a bifurcated system with collection of fees and programmatic activities separated. Committee chairs have been contacted for input, which will result in a list of primary functions for the system to accomplish. This will result in an RFQ for the system. The Board will work with a contractor to implement the web based program. The target is to have a web based renewal system in place in time for LSRPs to renew their licenses.

Motion by Ira Whitman to approve this direction and concept plan. Motion seconded by Dick Dewling.

All present voted Yes.

The Motion was carried.

Lawra Dodge left meeting at 5:10 p.m.

Closed session began at 5:15 pm.

Closed session ended at 6:10 pm.

- **Report of the Outreach Committee: Christopher Motta**

Chris Motta attended a meeting with LSRPA with respect to outreach.

- **Report of the Professional Conduct Committee: Jorge Berkowitz**

Motion by Jorge Berkowitz to dismiss Complaint of 004-2013. Motion seconded by Michael Pisauero.

Roll Call Vote:

| | |
|----------------------|-----|
| Jorge Berkowitz: | Yes |
| Philip Brilliant: | Yes |
| Richard Dewling: | Yes |
| Lawra Dodge: | Yes |
| Joann Held: | Yes |
| Christopher Motta: | Yes |
| Karl Muessig: | Yes |
| Mike Pisauero: | Yes |
| Constantine Tsentas: | Yes |
| Ira Whitman: | Yes |
| Mark Pedersen: | Yes |

The Motion was carried.

Motion by Jorge Berkowitz to dismiss Complaint 007-2013 against LSRP but issue an admonition to the company. Motion seconded by Joann Held.

Roll Call Vote:

| | |
|----------------------|-----|
| Jorge Berkowitz: | Yes |
| Philip Brilliant: | Yes |
| Richard Dewling: | Yes |
| Lawra Dodge: | Yes |
| Joann Held: | Yes |
| Christopher Motta: | Yes |
| Karl Muessig: | Yes |
| Mike Pisauero: | Yes |
| Constantine Tsentas: | Yes |
| Ira Whitman: | Yes |
| Mark Pedersen: | Yes |

The Motion was carried.

The Professional Conduct Committee recommends that the procedure of naming the complainant and subject of the complaint be followed even when the complaint is dismissed. This is a reaffirmation of the procedure that has been in place. The Professional Conduct Committee will revise how summaries are written so that the fact of dismissal is made more prominent in the information that is posted.

- **Report of the Rules Committee: Joann Held**

Joann Held presented a draft of the proposed new rules N.J.A.C. 7:26I Licensed Site Remediation Professionals. She requested that all Board members review the rules and be prepared to vote to accept them at the next meeting of the Board. Dana Haymes reviewed the procedure for promulgating the rules following the vote by the Board.

- **Report of the Confidentiality and Release of Public Information Committee (Ad Hoc): Mike PISAURO**

No report

- **Report of the SRRA Amendments Committee (Ad Hoc): Mike PISAURO**

No report

- **Ongoing Business**

None

- **New Business**

None

- **Public Comments**

Commenters:

-Steve Barnett Esq., on behalf of Mark Annis

-Mark Annis

Mr. Barnett and Mr. Annis requested that the Board reconsider the denial of the Mr. Annis' application for licensure. Both commenters made remarks in support of the request.

Meeting adjourned at 6:41 pm.