

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

May 5, 2014 Meeting Minutes

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

Board Members:

Present

Mark Pedersen
Jorge Berkowitz
Philip Brilliant
Joann Held
Christopher Motta
Karl Muessig
Michael Pisauro (via Teleconference)
Constantine Tsentas
Ira Whitman

Absent

Dick Dewling
Lawra Dodge

Others Present:

Board Secretary Karen Hershey
Board Staff Dana Haymes
DAG Kimberly Hahn

Proceedings:

- **Meeting called to Order at 4:05 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

April 7, 2014

Motion by Joann Held to approve the Minutes of the April 7, 2014 meeting.

Motion seconded by Constantine Tsentas.
Jorge Berkowitz and Michael Pisauro abstained due to absence at April 7 meeting.
Remainder of those present voted Yes.
The motion was carried.

- **Chairman's Report:**

Chairman Pedersen briefed the Board on Site Remediation Program developments, providing updates on key document submissions and discussing RI extension requests.

- **Vice-Chairman's Report:**

Vice-Chairman Held discussed future Board meeting dates. The Board decided to change the July 7 meeting date to July 14 and the September 2 meeting date to September 8 to avoid Holiday travel plans which might conflict with meeting dates.

- **Report of the Secretary:**

Secretary Hershey indicated that she moved the Licensure Committee report to the first item on the agenda so that the Board could address the important task of approving the contractor's exam results as the first order of business.

- **Report of the Licensure Committee: Ira Whitman**

List of 67 people who passed examination was provided to all Board Members present at the meeting.

Motion by Ira Whitman to accept the determination of the exam contractor declaring 67 people as having passed the March 19, 2014 exam and therefore, deeming those individuals as LSRPs, license effective upon confirmation of payment of annual fee.

Motion seconded by Philip Brilliant.

Roll Call Vote:

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

The motion was carried.

Motion by Ira Whitman to extend the Caviart exam contract one year from August 2014 to August 2015.

Motion seconded by Constantine Tsentas.

Roll Call Vote:

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

The motion was carried.

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

Phil Brilliant reported that five LSRPs were selected for audit in May.

He also announced the following audits as complete:

Bryan Fallucca 594635 - November 2013
Lauren LaPorte 594300 - November 2013
Spencer Spurlock 585413 - November 2013
Sharon McSwieney 573647 - November 2013
Bahram Turan 591482 - December 2013
Michael Meriney 575023 - January 2014

- **Report of the Continuing Education Committee: Mark Pedersen for Lawra Dodge**

Motion by Constantine Tsentas to approve 5 applications for approval of Continuing Education credits for continuing education programs. Motion seconded by Karl Muessig.

Continuing Education Programs are:

Unscrambling the Egg: Assessing Commingled Plumes and Off Site Contaminant Impacts through the Latest Techniques and Applying Professional Judgment - 1 Regulatory and .5 Technical CECs

From the Ground Up: Geotech Engineering and Linear Construction - 1.5 Technical CECs

Overview of Analytical Laboratory Rules and Guidance for LSRPs - 2.5 Regulatory CECs

Vermont Vapor Intrusion Updates Workshop - 4.0 Technical CECs

Waste Disposal and Beneficial Use Technical Program and Facility Tour - 2.5 Technical CECs

Roll Call Vote:

Jorge Berkowitz:	Yes for all
Philip Brilliant:	Yes for all
Richard Dewling:	Absent
Lawra Dodge:	Absent
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
Mark Pedersen:	Yes for all

The Motion was carried with respect to all 5 applications.

- **Report of the Finance Committee: Ira Whitman for Richard Dewling**

Ira Whitman reported that the Board's budget is under development and will be presented to the Board in early Fall.

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

Christopher Motta reported that his Outreach Committee is working with the Continuing Education Committee to make updates to that section of the Board's web site.

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

Joann Held updated the Board on the substantive changes to the draft rules since a prior version was presented to the Board at its last meeting on April 7, 2014. She noted that the exception referenced in 6.10(c) does not pertain to an immediate environmental condition pursuant to 6.9, and will be corrected in this latest version.

Motion by Joann Held to post rules on Board website for 30-day informal comment period. Motion seconded by Jorge Berkowitz.

Roll Call Vote:

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

The Motion was carried.

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

Jorge Berkowitz made a motion to enter into Closed Session to discuss a disciplinary matter. Michael Pisauro (participating by phone) was absent from the Closed Session.

Upon returning from Closed Session, Jorge Berkowitz made a motion to dismiss Complaint Number 006-2013. Motion seconded by Joann Held.

Roll Call Vote:

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

The Motion was carried.

- **Ongoing Business:**

Chris Motta asked if the Case Summaries on the Board's web site would be amended to remove the names of the LSRPs when a complaint has been dismissed. Jorge Berkowitz indicated that the Professional Conduct Committee will discuss and provide a recommendation with respect to this issue.

- **Second Monday meeting discussion:**

Motion by Phil Brilliant to not have a meeting on May 19, 2014. Motion seconded by Karl Muessig. All present voted Yes.

- **Public Comments**

Comments by Rodger Ferguson, Holland Township, LSRPA. Regarding the draft rules: Concerned with section requiring LSRP to report a discharge.

Comments by Andrew Robins, Esq., Ocean Township. Regarding the draft rules and provision pertaining to obligation to report a discharge: An LSRP could be retained by a person not responsible for conducting remediation to do other things than conduct due diligence.

Comments by Kathi Stetser, LSRP. Regarding the draft rules and provision pertaining to obligation to report a discharge: The responsible party has the obligation to report. Even if an LSRP does not have the obligation to report, the responsible party still does under the law.

Comments by Mark Petrucca, LSRP. Regarding discharge provision in drafted rules: Noted that 2011 complaint (Summary on Board's web site) addressed issue of notification of discharge and in that case, the complaint was dismissed. That complaint summary makes no reference to performing due diligence.

Meeting adjourned at 6:05 pm.