

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

May 2, 2016 Meeting Minutes

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

**Board Members:**

***Present***

Jorge Berkowitz  
Philip Brilliant (via teleconference)  
Lawra Dodge  
Joseph Fallon  
Joann Held  
Mark Pedersen  
Peter Strom  
Constantine Tsentas  
Ira Whitman

***Absent***

Jeffrey Hoffman  
Christopher Motta  
Kathi Stetser

***Others Present:***

Board Executive Director Janine MacGregor  
Board Staff Dana Haymes  
DAG Kimberly Hahn

***Proceedings:***

- **Meeting called to Order at 4:05 PM by Chairman Pedersen**
- **Roll Call**
- **Approval of the Minutes**

**Minutes of April 4, 2016**

Motion to approve the minutes by Peter Strom.

Motion seconded by Jorge Berkowitz.

Joann Held recommended a minor change in the discussion of the Draft Penalty Matrix, as follows. Under “Report of the Professional Conduct Committee, revise the existing discussion of the Draft Penalty Matrix to “The Committee has developed a draft penalty matrix to be used as guidance in the development of penalty amounts for violations. The Board will review the draft penalty matrix and provide feedback at the next Board meeting.”

Joann Held also noted that she abstained from the vote on the second Monday meeting.

Motion to approve the minutes with the amendments noted by Peter Strom.

Motion seconded by Jorge Berkowitz.

All present voted to approve the minutes with the revisions noted, with the exception of Lawra Dodge who abstained.

The motion was carried.

- **Chairman’s Report:**

Chairman Pedersen noted that at the last meeting Jorge Berkowitz brought up the issue of the obligation of an LSRP to report a discharge. Chairman Pedersen asked Joann Held to chair an ad-hoc committee on discharge notification. She has agreed to do so. Committee members will be Joann Held, Jorge Berkowitz, Joseph Fallon and Philip Brilliant.

Although this is new business, Chairman Pedersen would like to discuss another ad-hoc committee. Several Committee Chairs have brought up the issue of how to address efficiency of the Committees, and the Board as a whole. Chairman Pedersen asked Joann Held to chair an ad-hoc committee to examine these issues. All Committee Chairs will participate in this ad-hoc committee, with the exception of Christopher Motta. Ira Whitman suggested that members of Committees provide their suggestions to Joann Held. Joann Held reported that the first meeting will be May 16, 2016 at 2:00 PM.

- **Executive Director’s Report:**

Janine MacGregor asked Committee Members to provide her with suggested changes for the Welcome Package for new LSRPs.

Janine MacGregor noted that One Drive is not always easy to use for Board Members. Janine would like Dana Haymes to schedule individual meetings with Board Members to provide them with instruction and guidance on how to use One Drive.

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

Five LSRPs have been selected for audit for May 2016.

The audits of two LSRPs have been completed:

Francis Schultz 574048 – November 2015

Michael Akerbergs 574541 – November 2015

The Audit Committee met with staff to discuss the audit process on April 11, 2016. In summary, as LSRPs have more cases, the workload to conduct each audit is increasing. Philip Brilliant explained that incomplete responses of LSRPs is one of the factors which is slowing down the process. He would like to get the word out that it will help move the process along if LSRPs respond to the questionnaire completely the first time. Joseph Fallon also noted that LSRPs should reconcile their list of cases with Dataminer and work out discrepancies with the Department. Connie Tsentas suggested that the Department designate someone to work out discrepancies on Dataminer.

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

Motion by Lawra Dodge to approve nine applications for approval of CECs.

Motion seconded by Connie Tsentas.

The applications are:

1. Application of CCNJ for approval of presentation at CCNJ Annual Spring Conference entitled “Controlling Remediation Program Costs with an Innovative, Performance –Based Operations, Maintenance and Monitoring Program” – recommended for approval of 1 Technical CEC
2. Application of Rutgers NJAES – OCPE for approval of “Effective Environmental Field Sampling and Data Collection” – recommended for approval of 4 Technical CECs
3. Application of Montclair CEEP for approval of “Flood Hazard Area Control Act Rules – Engineering Standards” – recommended for approval of 3 Technical and 3 Regulatory CECs
4. Application for Montclair CEEP for approval of “Flood Hazard Area Control Act Rules – Environmental Standards” – recommended for approval of 6 Regulatory CECs

5. Application of NJDEP for approval of “Historically Applied Pesticides Technical Guidance Training” – recommended for approval of 2 Regulatory CECs
6. Application of NJDEP for approval of “Characterization of Contaminated Groundwater Discharge to Surface Water Technical Guidance” – recommended for approval of 2.5 Regulatory CECs
7. Application of NEWMOA for “Petroleum Vapor Intrusion: Fundamentals of Screening, Investigation and Management” – recommended for approval of 15 Technical CECs
8. Application of Brownfield Coalition of the Northeast for “Northeast Sustainable Communities Workshop” – recommended for approval of 7 Regulatory CECs
9. Application from LSRP Ben Alter for participating in the panel discussion “Professional Judgment”, which was part of “LSRP Obligations, Requirements and Professional Judgment” (2014-029 approved for 6.5 Regulatory CECs) – recommended for approval of 1 Regulatory CEC

Roll Call Vote:

Jorge Berkowitz – Yes to all, except abstain with respect to 3 Montclair courses (Numbers 3, 4 and 9 above)

Philip Brilliant – Yes to all, except abstain with respect to 2 Montclair courses (Numbers 3 and 4 above), and No with respect to two DEP courses (Numbers 5 and 6 above).

Lawra Dodge – Yes to all, except abstain with respect to “Northeast Sustainable Communities Workshop”

Joseph Fallon – Yes to all

Joann Held – Yes to all

Jeffrey Hoffman – absent

Christopher Motta – absent

Kathi Stetser – absent

Peter Strom – Yes to all, except abstain with respect to “Effective Environmental Field Sampling and Data Collection”

Constantine Tsentas – Yes to all

Ira Whitman – Yes to all

Mark Pedersen – Yes to all

The Motion was carried with respect to all applications.

Discussion of applications for approval of RedVector courses will be tabled until next Board meeting.

- **Report of the Finance Committee: Joseph Fallon**

Joseph Fallon presented the Fiscal Year 2016 LSRP Board Budget. The Board is using the State Fiscal Year for tracking.

Joseph Fallon requests that all Committee Chairs provide him with projected expenses for the upcoming fiscal year by the first Board meeting in June.

Tracking for the first three quarters was discussed. The spreadsheet provided in Board packets was revised after packets were put together, so an updated spreadsheet will be provided after the meeting.

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

The LSRP licensing examination was held on Tuesday, March 15, 2016. 50 people took the examination. 33 passed and 17 did not pass.

Motion by Ira Whitman to accept the determination of the examination contractor that 33 individuals passed the examination.

Motion seconded by Lawra Dodge.

All present voted Yes. The motion was carried.

The following individuals passed the March 15, 2016 LSRP Examination:

Acton, Julie M.  
Barnes, Sean P.  
Baumgarten, Eric J.  
Bones, Carl J.  
Braun, Gregory J.  
Brody, Marianne K.  
Childers, Colin R.  
Defreitas, Dawn M.  
Dyson, Sarah J.  
Fisler, Robert W.  
Fragale, Tricia A.

Fromtling, Robert A.  
Hoffmann, Robert S.  
Isgro, Kara R.  
Jacobsen, Rachel A.  
Kirchenbauer, Michael  
Kokorsky, Alison M.  
Lynam, Jason E.  
McCarrick, Craig R.  
Moore, William H.  
Murphy, Michael J.  
Niemeyer, Kevin A.  
Pavlik, John W.  
Phelan, Kevin  
Potkalesky, Nicholas L.  
Rojas, Sergio H.  
Seibert, Ryan K.  
Skierski, Michele A.  
Subramaniam, Kavitha  
Uminski, Alan H.  
Wadden, Andrew  
Wojtal, Kathryn M.  
Ziawin, Andrew W.

77% of first time takers passed.

20% of repeat takers passed.

The ability level of the people who took the exam for the first time went up. The difficulty of the exam also went up. The reliability of the exam (alpha) is 91%, which is excellent reliability.

A request for the extension of the existing contract is in the process of being reviewed by the Department. The Draft Request for Proposals for the examination contract is also in the process of being reviewed.

Settlement discussions with the LSRP whose application for license renewal was denied by the Board have concluded. A settlement has been reached.

Ira Whitman made a motion for the Board to approve the basic settlement terms, and to authorize the Chairman to execute a settlement agreement containing the following terms:

1. The LSRP shall take the first available ethics course to be provided, which he did in fact complete on March 8, 2016.
2. The LSRP shall pay a fee of \$1000 to represent part of the cost of the staff to address this matter.
3. The LSRP shall take an additional ethics course prior to renewing his license in 2018.

Motion seconded by Connie Tsentas.

Roll Call Vote:

Jorge Berkowitz – Yes

Philip Brilliant – Yes

Lawra Dodge – Yes

Joseph Fallon – Yes

Joann Held – Yes

Jeffrey Hoffman – absent

Christopher Motta – absent

Kathi Stetser – absent

Peter Strom – Yes

Constantine Tsentas – Yes

Ira Whitman – Yes

Mark Pedersen – Yes

The motion was carried.

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

No Report.

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

The Committee has developed a draft penalty matrix to be used as guidance in the development of penalty amounts for violations. Jorge Berkowitz has received comments from various Board Members and staff, as well as the DAG's office.

Motion by Jorge Berkowitz to adopt the draft penalty matrix as guidance.

Motion seconded by Joe Fallon.

All present voted Yes.

The motion was carried.

Motion by Jorge Berkowitz to enter into closed session to discuss Complaint 003B-2015.

Motion seconded by Ira Whitman.

Phil Brilliant left the meeting at 5:19 PM.

Closed session commenced at 5:19 PM.

Closed session ended at 6:11 PM.

Motion by Mark Pedersen with respect to Complaint 003B-2015. Although the Board is troubled by the allegations made in the complaint with respect to the subject of the complaint's actions and inactions, it finds no violation of the SRRA.

Motion seconded by Ira Whitman.

Roll Call Vote:

Jorge Berkowitz – Yes

Philip Brilliant – absent

Lawra Dodge – Yes

Joseph Fallon – Yes

Joann Held - Yes

Jeffrey Hoffman – absent

Christopher Motta – absent

Kathi Stetser – absent

Peter Strom – Yes

Constantine Tsentas – Yes

Ira Whitman – Yes

Mark Pedersen – Yes

The Motion was carried.

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

No Report.

- **Ongoing Business:**

None.

- **New Business:**

None.

- **Second Monday Meeting Discussion**

Motion by Jorge Berkowitz to hold a meeting on May 16, 2016.

Motion seconded by Lawra Dodge.

All present voted Yes.

The motion was carried.

- **Public Comments:**

None.

Meeting adjourned at 6:17 PM.