

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

July 11, 2016 Meeting Minutes

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

**Board Members:**

*Present*

Jorge Berkowitz  
Philip Brilliant  
Joseph Fallon  
Joann Held (via teleconference)  
Jeffrey Hoffman  
Christopher Motta  
Mark Pedersen  
Kathi Stetser  
Peter Strom  
Constantine Tsentas  
Ira Whitman

*Absent*

Lawra Dodge

*Others Present:*

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

*Proceedings:*

- **Meeting called to Order at 4:04 PM by Chairman Pedersen**
- **Roll Call**
- **Approval of the Minutes**

**Minutes of June 6, 2016**

Motion to approve the minutes by Connie Tsentas.

Motion seconded by Joe Fallon.

All present voted yes, except Christopher Motta and Kathi Stetser abstained.

The motion was carried.

- **Chairman's Report:**

No report.

- **Executive Director's Report:**

Janine MacGregor advised that she will institute a new process with respect to Board Meeting preparation. On the Thursday 1.5 weeks before the meeting, Janine will send a request for agenda items to committee members, requesting input from Committee members by close of business the following Tuesday (before the Board meeting). Janine will send the final agenda to the full board on the Wednesday or Thursday morning before the meeting. There is a lot to be done after the agenda is finalized to prepare the handouts for the meeting, and Janine knows that numerous emails about the agenda can be confusing, so she requests that no additions to the agenda be made after the agenda is finalized.

Janine also reported that with respect to the Board's Notice of Intent to Deny Application for License Renewal In the Matter of Patrick Nocera, LSRP License 585046, all terms of the Settlement Agreement have been met and the issue is resolved. Mr. Nocera has sent in a check, he has withdrawn his request for an adjudicatory hearing, and the Board has withdrawn its Notice of Intent to Deny Application for License Renewal. Mr. Nocera's license has been renewed, with an expiration date of October 22, 2018.

- **Report of the Ad-Hoc Committee on Board Operations: Joann Held**

Joann Held reported that the Ad-Hoc Committee on Board Operations has been meeting and has one recommendation with respect to talking points. The Committee recommends that prior to a Board Member or Committee Chair raising a new, non-routine item at a meeting, they should submit talking points in advance. If coming from a Committee Chair, that Chair should share the talking points with their Committee. The talking points should also be provided to the Executive Director prior to the meeting. Talking points will allow the Board Chairman to be better prepared, Board Members to be better informed, and provide an opportunity for Board Members to ask questions in advance of the meeting. Timeframes for when the talking points should be shared with the Executive Director and when they will be circulated to Board Members before a meeting were discussed. These will be coordinated with the schedule for Board Meeting

Preparation discussed by the Executive Director (above), and the Committee will make a formal motion with respect to this at next meeting.

- **Report of the Ad-Hoc Committee on Discharge Notification: Joann Held**

Joann Held reported that the committee has made a lot of progress in preparing a statement of interpretation. The committee is examining when an LSRP would be required to report a discharge, and when an LSRP would not be required to report a discharge. The committee is discussing this issue on an individual basis with each Board Member, and will also consult with the Attorney General's office. A draft document may be available for review by the September Board Meeting.

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

Jorge Berkowitz made a motion to move to Closed Session to discuss Complaint 008-2015.

Phil Brilliant seconded the motion.

All present voted yes.

The motion was carried.

Closed session commenced at 4:29 PM – Joann Held departed the meeting.

Closed session ended at 5:30 PM.

Motion by Jorge Berkowitz to find the subject of Complaint 008-2015 in violation of the following provisions of the Site Remediation Reform Act, and assess a \$1,000 penalty as follows:

N.J.S.A. 58:10C-17a - \$500

N.J.S.A. 58:10C-16i – \$500

Joe Fallon seconded the motion.

Roll Call Vote:

Jorge Berkowitz: Yes

Philip Brilliant: Yes

Lawra Dodge: Absent

Joseph Fallon: Yes

Joann Held: Absent  
Jeffrey Hoffman: Yes  
Christopher Motta: Yes  
Kathi Stetser: Yes  
Peter Strom: Yes  
Connie Tsentas: Yes  
Ira Whitman: Yes  
Mark Pedersen: Yes

The Motion was carried.

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

Five Auditees were selected for July 2016.

The following audits are reported as concluded:

August 2015 - Mark Selover (576436)  
October 2015 – Christopher D. Hemingway (574424)  
Garth T. Llewelyn (668083)  
Michael J. Speck (573499)  
Francis X. Rooney, Jr. (668283)  
November 2015 - Anita M. Locke (628264)  
Barbara M. Vogel (591155)

- **Report of the Continuing Education Committee: Constantine Tsentas**

Motion by Connie Tsentas to disapprove the following 8 applications for CECs.

1. Environmental Sampling E-Course presented by Nielsen Field School – Committee recommends disapproval
2. Ground Water Monitoring E-Course presented by Nielsen Field School – Committee recommends disapproval

3. Ground Water Sampling E-Course presented by Nielsen Field School – Committee recommends disapproval
4. Low Flow Purging E-Course presented by Nielsen Field School – Committee recommends disapproval
5. Soil Sampling E-Course presented by Nielsen Field School – Committee recommends disapproval
6. Soil Sampling for VOCs E-Course presented by Nielsen Field School – Committee recommends disapproval
7. Well Design E-Course presented by Nielsen Field School – Committee recommends disapproval
8. NJ Real Estate and Corporate Transactions: Dealing with Environmental LSRP Concerns presented by Montclair State University – CEEP – Committee recommends disapproval.

Motion seconded by Kathi Stetser.

Roll Call Vote:

Jorge Berkowitz:	Yes to all, except abstain with respect to “NJ Real Estate and Corporate Transactions”
Philip Brilliant:	Yes to all, except abstain with respect to “NJ Real Estate and Corporate Transactions”
Lawra Dodge:	Absent
Joseph Fallon:	Yes to all
Joann Held:	Absent
Jeffrey Hoffman:	Yes to all
Christopher Motta:	Yes to all, except No with respect to “NJ Real Estate and Corporate Transactions”
Kathi Stetser:	Yes to all
Peter Strom:	Yes to all
Connie Tsentas:	Yes to all

Ira Whitman: Yes to all

Mark Pedersen: Yes to all

The Motion was carried.

Motion by Connie Tsentas to approve the following 3 applications for CECs.

1. Practical Guide to Vapor Intrusion – presented in New Hampshire by Hartman Environmental Geoscience – Committee recommends approval of 11 Technical CECs (4.5 Day One and 6.5 Day Two)
2. Practical Guide to Vapor Intrusion – presented in Ohio by Hartman Environmental Geoscience – Committee recommends approval of 11 Technical CECs (4.5 Day One and 6.5 Day Two)
3. Regulatory Roundtable June 2016 – presented by LSRPA – Committee recommends approval of 2 Regulatory CECs.

Motion seconded by Kathi Stetser.

Roll Call Vote:

Jorge Berkowitz: Yes to all

Philip Brilliant: Yes to all

Lawra Dodge: Absent

Joseph Fallon: Yes to all

Joann Held: Absent

Jeffrey Hoffman: Yes to all

Christopher Motta: Yes to all

Kathi Stetser: Yes to all

Peter Strom: Yes to all

Connie Tsentas: Yes to all

Ira Whitman: Yes to all

Mark Pedersen: Yes to all

The Motion was carried with respect to all applications.

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

The Request for Proposals for the IT Contract is still being reviewed by the Office of Information Technology. Ira Whitman requested the Mark Pedersen, on behalf of DEP, request OIT prioritize this review. Chairman Pedersen replied that it was just reported to him that DEP's IT Chief will contact the OIT with that request.

The Request for Proposals for the Licensing Exam is being formatted. It should be posted on the DEP website this week. Frank Pinto of the DEP is requesting a one-year extension of the existing contract.

Janine MacGregor reported that the one-year extension request was denied. DEP has submitted a four-month extension request, which will be needed because the anticipated date of award for the new contract is early November. It is hoped the transition from contract expiration to contract extension is seamless, and that the contractor can begin development of the next exam so that it can be held in March 2017.

Motion by Ira Whitman that the Board authorize the Executive Director and Licensure Committee, once the Exam Contract is extended but prior to beginning any work, to review the Contract's scope of work, confer with Caviart regarding development of the exam and transferability of the work, and confirm with the Finance Chair that funding exists and the expenditure is appropriate.

Motion seconded by Phil Brilliant.

All present voted yes. The motion was carried.

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

The committee is working on developing a calendar. DEP staff Anthony Teel has developed a calendar that shows 3 months, but due to the code it is difficult to maintain. He is also working on a calendar with a list format that would be easier to maintain. The Committee will present these calendars to the Board at a future meeting.

- **Ongoing Business:**

None.

- **New Business:**

None.

- **August Meeting Date:**

Motion by Chairman Pedersen to change the August Board meeting date from August 8, 2016 to August 15, 2016 to accommodate absences and to ensure that a quorum of Board Members is present. The meeting will begin at 4:30 due to the availability of the Public Hearing Room that day.

Ira Whitman seconded the motion.

All present voted yes. The motion was carried.

- **Public Comments:**

Ken Goldstein, LSRP. Given the history of the topic of discharge reporting, he requests that a draft of interpretive statement be made public prior to adoption by the Board.

The meeting adjourned at 6:11 PM.