

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

**April 3, 2017 Meeting Minutes**

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

**Board Members:**

*Present*

Jorge Berkowitz  
Lawra Dodge  
Joann Held  
Jeffrey Hoffman  
Mark Pedersen  
Kathi Stetser  
Peter Strom  
Ira Whitman

*Absent*

Phil Brilliant  
Joseph Fallon  
Christopher Motta  
Connie Tsentas

*Others Present:*

Board Executive Director Janine MacGregor  
Board Staff Dana Haymes  
DAG Nielsen Lewis

*Proceedings:*

- Meeting called to Order at 4:03 PM by Chairperson Mark Pedersen.
- Roll Call
- Approval of the Minutes of March 6, 2017

At the March 6, 2017 meeting Phil Brilliant erroneously reported the audit of David Mackie as complete. The minutes should be revised to reflect that the audit of Martha Mackie was complete.

Motion to approve the minutes, with correction noted, by Ira Whitman.

Motion seconded by Jeffrey Hoffman.

Roll Call Vote:

Jorge Berkowitz – Yes  
Phil Brilliant - Absent  
Lawra Dodge – Yes  
Joseph Fallon - Absent  
Joann Held - Yes  
Jeffrey Hoffman – Yes  
Christopher Motta - Absent  
Kathi Stetser - Yes  
Peter Strom – Yes  
Connie Tsentas - Absent  
Ira Whitman - Yes  
Mark Pedersen - Yes

The motion was carried.

Approval of the Minutes of the Closed Session on March 6, 2017

Motion to approve the minutes by Jorge Berkowitz.

Motion seconded by Peter Strom.

Roll Call Vote:

Jorge Berkowitz – Yes  
Phil Brilliant - Absent  
Lawra Dodge – Yes  
Joseph Fallon - Absent  
Joann Held - Yes  
Jeffrey Hoffman – Yes  
Christopher Motta - Absent  
Kathi Stetser - Yes  
Peter Strom – Yes  
Connie Tsentas - Absent  
Ira Whitman - Yes  
Mark Pedersen - Yes

The motion was carried.

- **Chairperson’s Report**

Chairperson Pedersen reported that there will be a conference on May 1, 2017 sponsored by CCNJ regarding SRRA 2.0. Chairperson Pedersen will be representing the Department. A question arose as to why the sponsors did not ask the Board to attend. Chairperson Pedersen was not privy to those decisions, and offered to convey Board issues. The Board reached no consensus on representation of the Board at the meeting.

There has been a minor restructuring in the Site Remediation and Waste Management Program. The Bureau of Remedial Action Permitting and Bureau of Inspection and Review will be under new Assistant Director Bill Hose. The UHOT Program, Bureau of Field Operations, Bureau of Case Management and Office of Brownfields Reuse are now under Wayne Howitz.

### **Executive Director's Report**

Janine MacGregor reported that she has held a series of SRRA 2.0 conference calls. There has been conceptual agreement on 7 of 10 proposed revisions, and the three remaining issues will be discussed in a Committee conference all tomorrow. She feels optimistic that the Board can present a set of proposed changes to Senator Smith soon.

Next month there will be two minor revisions proposed to the By-Laws. Termination of the By-Laws Committee will be recommended by its chair next month.

With respect to setting up meetings, Administrative Assistant Victoria Venable has been trying to set up meetings in a format that will be convenient for all. She will continue using Doodle Poll to select a date, and then send out an invite on Groupwise, as well as an email. Board Members agreed that was acceptable.

Janine MacGregor noted that Victoria Venable has been covering more administrative responsibilities including taking over the work of Sue Szeker upon her retirement. She's taken a lot of initiative and is doing a great job.

- **Committee Reports**
- **Professional Conduct Committee – Jorge Berkowitz**

Jorge Berkowitz reported that he distributed the PCC flow chart to the Board Members for review. No comments have been received. The flow chart was slightly revised by the PCC today.

Motion by Jorge Berkowitz to approve the PCC Flow Chart as revised by the PCC today.

Motion seconded by Peter Strom.

Roll Call Vote:

Jorge Berkowitz – Yes  
Phil Brilliant - Absent  
Lawra Dodge – Yes  
Joseph Fallon - Absent  
Joann Held - Yes  
Jeffrey Hoffman – Yes  
Christopher Motta - Absent  
Kathi Stetser - Yes  
Peter Strom – Yes  
Connie Tsentas - Absent  
Ira Whitman - No  
Mark Pedersen - Yes

The motion was carried.

Motion by Jorge Berkowitz to approve the resolution to go into closed session to discuss Complaint 006a-2015 and Complaint 002-2017.

Motion seconded by Jeff Hoffman.

Roll Call Vote:

Jorge Berkowitz – Yes  
Phil Brilliant - Absent  
Lawra Dodge – Yes  
Joseph Fallon - Absent  
Joann Held - Yes  
Jeffrey Hoffman – Yes  
Christopher Motta - Absent  
Kathi Stetser - Yes  
Peter Strom – Yes  
Connie Tsentas - Absent  
Ira Whitman - Yes  
Mark Pedersen - Yes

The motion was carried.

Closed session commenced at 4:39 PM.

Open session resumed at 5:13 PM.

Motion by Jorge Berkowitz to dismiss Complaint 002-2017.

Motion seconded by Joann Held.

Roll Call Vote:

Jorge Berkowitz – Yes  
Phil Brilliant - Absent  
Lawra Dodge – Yes  
Joseph Fallon - Absent  
Joann Held - Yes  
Jeffrey Hoffman – Yes  
Christopher Motta - Absent  
Kathi Stetser - Yes  
Peter Strom – Yes  
Connie Tsentas - Absent  
Ira Whitman - Yes  
Mark Pedersen - Yes

The motion was carried.

Motion by Jorge Berkowitz to fine the subject of complaint 006a-2015 \$25,000 and suspend his license for two years.

Motion seconded by Joann Held.

Roll Call Vote:

Jorge Berkowitz – Yes  
Phil Brilliant - Absent  
Lawra Dodge – Yes  
Joseph Fallon - Absent  
Joann Held - Yes  
Jeffrey Hoffman – Yes  
Christopher Motta - Absent  
Kathi Stetser - Yes  
Peter Strom – Yes  
Connie Tsentas - Absent  
Ira Whitman - Yes  
Mark Pedersen - Yes

The motion was carried.

- **Ad-Hoc Committee on Board Operations – Joann Held**

Joann Held reported that the Committee developed a strategy to be followed called “Process for Development of a Board Statement of Interpretation”.

Motion by Joann Held to accept “Process for Development of a Board Statement of Interpretation”.

Motion seconded by Peter Strom.

DAG Nielsen Lewis commented that the Process refers to input by stakeholders, but no public input is provided for. Joann Held replied that extensive input is not required, but if some other group can help they won't work in a vacuum, but allow input by stakeholders.

Roll Call Vote:

Jorge Berkowitz – Yes  
Phil Brilliant - Absent  
Lawra Dodge – Yes  
Joseph Fallon - Absent  
Joann Held - Yes  
Jeffrey Hoffman – Yes  
Christopher Motta - Absent  
Kathi Stetser - Yes  
Peter Strom – Yes  
Connie Tsentas - Absent  
Ira Whitman - Yes  
Mark Pedersen - Yes

The motion was carried.

Joann Held presented the Statement of Interpretation concerning “Independent Professional Judgment”. The format has been changed to provide more detail and clarity. Joann Held requested that the Board Members review this statement and provide any final changes to Janine two weeks from today (April 17). Janine MacGregor will distribute edits in track changes prior to a vote at the Board meeting next month.

Ira Whitman commented that once approved by the Board this statement of interpretation should be widely circulated so that it will be available to as many LSRPs as possible.

Janine MacGregor noted that the LSRPA has submitted comments on this statement of interpretation.

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

Motion by Lawra Dodge to approve the following 19 applications for approval of Continuing Education Credits:

“1,4-Dioxane – A Review and Evaluation of the Available Analytical Methodologies Used in Support of the Latest State and Federal Standards” provided by AEG on October 6, 2016 – Committee recommends approval of 1 Technical CEC

“2016 Langan Remediation Summit” provided by Langan on September 29-30, 2016 – Committee recommends approval of 3.5 Technical and 1.5 Regulatory CECs

“BCONE-Northeast Sustainable Communities Workshop 2017” provided by Rutgers-NJAES-OCPE in cooperation with BCONE on May 25, 2017 – Committee recommends approval of 3 Regulatory and 3 Technical

“Complying with NJ State Industrial Stormwater Requirements” provided by Half Moon Education, Inc. on February 24, 2017 – Committee recommends approval of 1.5 Regulatory and 5 Technical

“The History and Challenge of Characterizing a Large Multi-Component DNAPL Site in the Coastal Plain of New Jersey” provided by AEG on December 8, 2016 – Committee recommends approval of 1 Technical CEC

“Focused Remediation” provided by Geo-Cleanse International, Inc. on May 3, 2017 – Committee recommends approval of 4.5 Technical CECs

“Great Falls National Park, Paterson, NJ” provided by AEG on November 19, 2016 – Committee recommends approval of 2.5 Technical CECs

“Increasing Remediation Success: Focus on Planning, Implementation and Combining Technologies” provided by Isotec on a date TBD – Committee recommends approval of 6 Technical CECs

“Industrial Development: Urban Land Use Practices and Resulting Groundwater Contamination – Newark, NJ” provided by AEG on January 19, 2017 – Committee recommends approval of 1 Technical CEC

“Technical Guidance for Investigating Child Care Centers and Educational Facilities” provided by NJDEP on March 1, 2017 – Committee recommends approval of 2.5 Regulatory CECs

“Recent Changes in Rules and Guidance” – LSRP Scott Drew seeking presentation credit for his presentation on November 9, 2016 – Committee recommends 1 Regulatory CEC

“Navigating the Site Remediation Program” provided by Riker, Danzig, Scherer, Hyland & Perretti, LLP on February 2, 2017 – Committee recommends approval of 3 Regulatory CECs

“The Petroleum Vapor Intrusion Paradigm Shift and Other Changes to NJDEP’s VIT Guidance” provided by Montclair State University – CEEP on April 28, 2017 – Committee recommends approval of 2 Technical and 1.5 Regulatory CEC

“PFAs in the Northeast: State of Practice and Regulatory Perspectives” provided by NEWMOA on May 8, 2017, May 9, 2017 and May 10, 2017 – Committee recommends approval of 5 Technical CECs

“Regulatory Roundtable – December 2016” provided by LSRPA on December 13, 2016 – Committee recommends approval of 2 Regulatory CECs

“Regulatory Roundtable – February 2017” provided by LSRPA on February 21, 2017 – Committee recommends approval of 2 Regulatory CECs

“Remediation of Emerging Contaminants” provided by Montclair State University – CEEP on June 8, 2017 – Committee recommends approval of 3 Technical and 3.5 Regulatory CECs

“Remediation Workshop – Parsippany” provided by Environmental Workshops, LLC on February 23, 2017 – Committee recommends approval of 4 Technical CECs

“A Conference on Sustainable Property and Asset Based Transactions” provided by RTM Communications, Inc. on April 11-13, 2017 – Committee recommends approval of 2.5 Technical and 1 Regulatory CECs

Motion seconded by Joann Held.

Roll Call Vote:

Jorge Berkowitz: Yes to all except recused with respect to:

“2016 Langan Remediation Summit”

“Navigating the Site Remediation Program”

“The Petroleum Vapor Intrusion Paradigm Shift and Other Changes to NJDEP’s VIT Guidance”

“Remediation of Emerging Contaminants”

“A Conference on Sustainable Property and Asset Based Transactions”

Phil Brilliant - Absent

Lawra Dodge: Yes to all

Joseph Fallon - Absent

Joann Held: Yes to all

Jeffrey Hoffman: Yes to all

Christopher Motta - Absent

Kathi Stetser: Yes to all

Peter Strom: Yes to all except recused with respect to:

“BCONE-Northeast Sustainable Communities Workshop 2017”

Connie Tsentas - Absent

Ira Whitman: Yes to all

Mark Pedersen: Yes to all

Lawra Dodge noted that next week the Committee will be having a conference call to discuss the process for reviewing applications for approval of CECs.

- **Ad-Hoc Committee on Discharge Notification – Joann Held**

No Report.

- **Report of the Audit Committee – Ira Whitman for Phil Brilliant**

Ira Whitman reported that six LSRPs were randomly selected for April audits today and an Audit Review Team will be assembled.

The following audits are reported as concluded:

Paul Sakson – 573492 – March 2016

David Morris – 584526 – May 2016

Christopher Milone – 582579 – May 2016

John Tregidgo – 585012 – May 2016

William Kraft – 586816 – June 2016

- **Report of the By-Laws Committee – Ira Whitman**

Ira Whitman reported that the approved version of the By-Laws was distributed to Board Members on March 13, 2017, however Board Members have recently brought up some additional edits to be considered. The Committee will distribute a proposed revised

version for review by the Board Members and approval at the May Board meeting, at which time Ira Whitman will recommend termination of the Committee.

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

Joseph Fallon absent - No Report.

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

The following 18 applicants were approved by the Committee to take the examination on April 20, 2017:

Jamey Stynchula  
Mathieu Morris  
John Mateo  
Christine Arico  
Jonathan Dean  
Sara Hodl  
John Robinson  
Kenneth Robins  
Patrick Moore  
Colin McCaddin  
Tara Byra  
Erik Drew  
Hunter Blair  
Kevin Donlon  
Kalvin Teitsma  
Michael Lambert  
Emily Esche  
Patrice Lavanture

A total of 87 candidates have registered to take the exam on April 20, 2017.

On March 20, 2017 the Request for Proposals for the next examination was advertised in the Star Ledger.

Bids from possible vendors will be opened on April 28, 2017.

- **Report of the Outreach Committee: Peter Strom**

No report.

- **Ongoing Business:**

No ongoing business.

- **New Business:**

Committee Chair changes announced by Chairperson Pedersen last month were not fully implemented due to absences and other issues. The following Committee Chair changes, some with revised dates for implementation, were restated.

Peter Strom will take over the responsibilities of Chair of the Outreach Committee as of today.

Jorge Berkowitz will take over the responsibilities of the Chair of the Audit Committee next month.

Phil Brilliant will take over the responsibilities of the Chair of the PCC next month.

Kathi Stetser will take over the responsibilities of the Chair of the Licensure Committee next month.

Joe Fallon will continue as the Chair of the Finance Committee until June, at which time Chris Motta will take over full responsibilities of the Chair of the Finance Committee.

- **Next Meeting Date:**

Motion by Chairperson Pedersen to not hold a meeting on April 17, 2017.

Motion seconded by Lawra Dodge.

All present voted yes.

The motion was carried.

- **Public Comments:**

Rodger Ferguson, LSRPA

Mr. Ferguson read into the record the comments that he provided to the Board on behalf of the LSRPA with respect to the statement of interpretation of "Professional Judgment".

Mr. Ferguson requested that the Board state the violations in Complaint 006a-2015.

Chairperson Pedersen made a motion to reopen the PCC report.

Motion seconded by Kathi Stetser.

All present voted yes.

The motion was carried.

Jorge Berkowitz read the violations as follows:

N.J.S.A. 58:10C-16b - penalty is \$5000  
N.J.S.A. 58:10C-16h - penalty is \$4000  
N.J.S.A. 58:10C-16i - penalty is \$5000  
N.J.S.A. 58:10C-16n - penalty is \$3000  
N.J.S.A. 58:10C-16a - penalty is \$8000

Motion by Jorge Berkowitz to amend the previous motion to include the violations as noted above.

Motion seconded by Chairperson Pedersen.

Roll Call Vote: All present voted yes.

The amended motion was carried.

The meeting adjourned at 6:08 PM.