

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

F I N A L – Revised 8/7/2017

June 5, 2017 Meeting Minutes

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

Board Members:

Present:

Jorge Berkowitz
Phil Brilliant
Joe Fallon
Joann Held
Jeffrey Hoffman
Christopher Motta
Mark Pedersen
Kathi Stetser
Peter Strom
Connie Tsentas
Ira Whitman

Absent:

Lawra Dodge

Others Present:

Board Executive Director Janine MacGregor
DAG Nielsen Lewis

Proceedings:

- Meeting called to Order at 4:00 PM by Chairperson Mark Pedersen.
- Chairperson Pedersen read the Statement of Adequate Public Notice of the meeting required by the Open Public Meetings Act.
- Roll Call. A quorum of the Board was present for the meeting.
- Motion by Ira Whitman to approve the Minutes of the April 3, 2017 Meeting. Motion seconded by Jeffrey Hoffman.

Roll Call Vote:

Jorge Berkowitz - Yes
Phil Brilliant - Abstain
Lawra Dodge - Absent

Joseph Fallon -	Abstain
Joann Held -	Yes
Jeffrey Hoffman -	Yes
Christopher Motta -	Abstain
Kathi Stetser -	Yes
Peter Strom -	Yes
Connie Tsentas -	Abstain
Ira Whitman -	Yes
Mark Pedersen -	Yes

The motion was carried.

- Motion by Ira Whitman to approve the Minutes of the Closed Session of the April 3, 2017 Meeting. Motion seconded by Jorge Berkowitz.

Roll Call Vote:

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

The motion was carried.

- Motion by Ira Whitman to approve the Minutes of the May 1, 2017 Meeting. Motion seconded by Phil Brilliant.

During discussion of the motion, Janine MacGregor indicated the minutes should be clarified to properly reflect that at that meeting, there were not a sufficient number of non-abstaining Board members present to constitute a quorum for the vote on the April 3, 2017 minutes. The motion was revised to add the term “non-abstaining” to the minutes.

Roll Call Vote:

Jorge Berkowitz -	Abstain
Phil Brilliant -	Yes
Lawra Dodge -	Absent
Joseph Fallon -	Yes
Joann Held -	Abstain
Jeffrey Hoffman -	Yes
Christopher Motta -	Yes

Kathi Stetser -	Abstain
Peter Strom -	Yes
Connie Tsentas -	Yes
Ira Whitman -	Yes
Mark Pedersen -	Yes

The motion was carried.

- Motion by Ira Whitman to approve the Minutes of the Closed Session of the May 1, 2017 Meeting. Motion seconded by Joe Fallon.

During discussion of the motion, Janine MacGregor indicated the minutes should be clarified to properly reflect that while a straw poll was taken in the Closed Session, implying the Board would take action upon return to the Meeting, no action was taken. Instead, and consistent with normal Board practice, it had been determined the matter should be taken up at a second closed meeting for any additional input prior to voting in open session. The motion was revised to make those modifications to the minutes.

Roll Call Vote:

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

The motion was carried.

Chairperson's Report

Chairperson Pedersen announced this was Joe Fallon's last meeting as a Board Member, and thanked Joe for his professionalism and numerous contributions. Joe, in turn, thanked the Board for the honor of serving.

Chairman Pedersen announced he is actively pursuing new appointments to the Board, and asked the Board to forward the names of any potential candidates for the environmental representative position to the Executive Director.

Executive Director's Report

Executive Director Janine MacGregor identified several changes from the agenda sent to Board Members last week compared to tonight's agenda, related to the addition of CEC courses for approval and an additional name of an LSRP candidate who passed the exam.

Janine MacGregor also announced the SRRA 2.0 Committee will not meet again until the Discharge Notification finalizes a position. That Committee meets next week.

Janine MacGregor reported that we have been able to hire a part-time hourly from Rutgers University to work on the Audit backlog, and to obtain the services of a part-time unpaid intern from Rowan University to work on some database issues.

Committee Reports

- **Licensure Committee – Kathi Stetser**

Kathi Stetser asked Ira Whitman to explain three recent/upcoming Notices of Intent to Deny (NOID) License Renewals. Three LSRPs did not meet the requirements for renewal related to obtaining CECs. During the discussion, the Board was reminded of the June 2015 policy allowing LSRPs to submit a supplemental form and fee to their renewal application only if all CECs would be earned before their license expiration date. In these three cases, the LSRPs will not be able to do that. One LSRP has been sent a NOID, and NOIDs for the other two are currently being written. Questions arose about their status on the list of LSRPs and their ability to submit documents after the NOID is issued but before the Notice is final. Janine MacGregor will relay that information to the board once she confirms her understanding of the process.

Motion by Kathi Stetser to ratify the complete list of candidates taking the 2017 Examination. This motion was modified by Janine MacGregor to state the Board would be voting to ratify the complete list of candidates determined by staff and the Committee to be eligible to take the 2017 Examination. Seconded by Mark Pedersen.

Roll Call Vote:

Jorge Berkowitz -	Yes
Phil Brilliant -	Yes
Lawra Dodge -	Absent
Joseph Fallon -	Yes
Joann Held -	Yes
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.

Kathi Stetser reported that available members of the Licensure Committee reviewed the results and performance of the 2017 Examination with the Exam Contractor (Caviart) Clarence

Chaffee before the meeting. Mr. Chaffee was also present at this meeting to report on the performance of the Examination in the past 6 years, and to answer any questions about that time period or the 2017 Examination.

Motion by Kathi Stetser to approve the results of the 2017 Examination and the 49 passing candidates. The motion was seconded by Ira Whitman.

Roll Call Vote:

Jorge Berkowitz -	Yes
Phil Brilliant -	Yes
Lawra Dodge -	Absent
Joseph Fallon -	Yes
Joann Held -	Yes
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.

With respect to the new Exam Contract, Kathi Stetser reported that the evaluation team is meeting with the Department of Treasury on Thursday, June 8, 2017 to begin the process of evaluating two acceptable bids.

- **Continuing Education Committee – Joann Held for Lawra Dodge**

Motion by Joann Held to approve the following four applications for approval of Continuing Education Credits:

1. Application of LSRPA for approval of “Impact/Migration to Groundwater: Default Criteria and Alternative (Site-Specific) Remediation Standard Development” for 2 Regulatory CECs (designate 2017-030)
2. Application of LSRPA for approval of “PCB Remediation – What Every LSRP Needs to Know” for 1 Regulatory and 1 Technical CEC (designate 2017-031)
3. Application of GeoPractical for approval of “Quantifying Groundwater Discharge to Surface Water” for 8 Technical CECs (designate 2017-032)
4. Application of LSRPA for approval of “Advanced Drilling Techniques” for 3 Technical CECs (designate 2017-033)

Roll Call Vote:

Jorge Berkowitz -	Yes to all
Phil Brilliant -	Yes to all

Lawra Dodge -	Absent
Joseph Fallon -	Yes to all
Joann Held -	Yes to all
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.

Connie Tsentas asked if there was any decision by the CEC Committee in regard to the possibility of delegating the decision to approve CECs to the Committee. It was reported that this, along with delegation of authority from the Board to other Committees, is still under discussion with the Board's attorney.

• **Professional Conduct Committee – Phil Brilliant**

Motion by Phil Brilliant to approve the resolution to go into closed session to discuss Complaints 004-2014 and 001-2017. Motion seconded by Jorge Berkowitz.

All present voted yes.

The motion was carried.

Closed session commenced at 5:04 PM.

Open session resumed at 5:32 PM.

Motion by Phil Brilliant to accept the terms of the settlement agreement for 004-2014 of \$4,500.00 for the following violations:

- N.J.S.A. 58:10C-16b \$2,000.00
- N.J.S.A. 58:10C-16d \$500.00
- N.J.S.A. 58:10C-16i withdrawn
- N.J.S.A. 58:10C-16k \$1,000.00
- N.J.S.A. 58:10C-16n \$1,000.00
- N.J.S.A. 58:10C-16x withdrawn

Motion seconded by Jeff Hoffman.

Roll Call Vote:

Jorge Berkowitz -	Yes
Phil Brilliant -	Yes
Lawra Dodge -	Absent
Joseph Fallon -	Yes
Joann Held -	Yes

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, and Chairperson Pedersen was asked to sign the settlement agreement on behalf of the Board.

Motion by Phil Brilliant to find the LSRP of Complaint 001-2017 in violation of 7:26C-6.2(a)3 and to assess a penalty of \$1000. Motion seconded by Jorge Berkowitz.

Roll Call Vote:

Jorge Berkowitz - Yes
 Phil Brilliant - Yes
 Lawra Dodge - Absent
 Joseph Fallon - Yes
 Joann Held - Yes
 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.

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

Joann Held reported that the Committee anticipates one more meeting and then will most likely be disbanded soon. She also reported she would like the Committee to have input into the database work that the intern is conducting.

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

Joann Held reported that the Discharge Notification Committee will reconvene June 12, 2017 to continue formulating a draft position on this issue.

- **Audit Committee – Jorge Berkowitz**

Janine MacGregor reported that five LSRPs were randomly selected for June audits today and an Audit Review Team will be assembled.

There were no audits to report as concluded.

Jorge Berkowitz has a meeting scheduled this week to go over the Audit Process in detail, to consider changes to the audit selection process, and to develop criteria or categorize violations to improve efficiency and consistency among Audit Review Teams.

- **Finance Committee – Chris Motta**

Chris Motta reported he has met with Department financial support personnel and is at the beginning of the 2018 Budget development process. He will contact Committee chairs for input on any substantive changes from past budgets.

- **Outreach Committee – Peter Strom**

No report.

Ongoing Business:

No ongoing business.

New Business:

LSRP Notifications to the Board and Department: Executive Director Janine MacGregor reported that in response to numerous questions coming to the Board office on this issue, she directed staff to develop a document explaining when and how LSRPs were required to make notifications to the Board or Department. The document has undergone a cursory review by the Department and is ready for Board input. Chairperson Pedersen said we should consider other stakeholders that may be interested in reviewing it. For now, the Board agreed that Janine MacGregor should send it to them for review.

Next Meeting Date:

There was a discussion about the availability of Board staff and Members for upcoming Board meetings.

Motion by Chairperson Pedersen to hold a meeting on June 19, 2017. The Motion was seconded by Phil Brilliant.

All present voted yes.

The motion was carried.

Public Comments:

John Oberer made the following comments regarding Audits:

Does the Board consider the amount of effort to respond to an Audit? Some auditees have been audited numerous times, and others have not been audited at all. Some auditees that have already been audited are going back to all the cases they have ever had as an LSRP. It takes a

long time for audits to be completed by the Board. An LSRP may be told he or she is being audited in July, but then not hear a conclusion until November. The Board may not be able to alter its audit selection process, because the fact that it must be random is specified in SRRA.

Adjournment:

Motion by Joe Fallon to adjourn the meeting at 6:09 PM. Seconded by Ira Whitman.

All present voted yes. The motion was carried.