

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

October 2, 2017 Meeting Minutes

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

Board Members:

Present

Jorge Berkowitz
Phil Brilliant
Lawra Dodge
Joann Held
Christopher Motta
Mark Pedersen
Kathi Stetser
Peter Strom
Connie Tsentas

Absent

Jeffrey Hoffman
Ira Whitman

Others Present:

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

Proceedings:

- Meeting called to Order at 4:06 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 in attendance.
- Kathi Stetser made a motion to approve the minutes of the Board meeting of August 7, 2017.

Motion seconded by Connie Tsentas.

Discussion ensued. Add “the motion was carried” after the vote to disapprove 7 applications for approval of CECs on Page 6.

Kathi Stetser amended the motion to approve the minutes with the suggested modification.

Motion seconded by Connie Tsentas.

Roll call vote:

Jorge Berkowitz – yes
Phil Brilliant – yes
Lawra Dodge – yes
Joann Held - yes
Jeffrey Hoffman - absent
Chris Motta – abstain
Kathi Stetser – yes
Peter Strom – yes
Connie Tsentas – yes
Ira Whitman - absent
Mark Pedersen – abstain

The motion was carried.

- Connie Tsentas made a motion to approve the minutes of the closed session of the Board meeting on August 7, 2017.

Motion seconded by Joann Held

Roll call vote:

Jorge Berkowitz – yes
Phil Brilliant – yes
Lawra Dodge – yes
Joann Held - yes
Jeffrey Hoffman - absent
Chris Motta – abstain
Kathi Stetser – yes
Peter Strom – yes
Connie Tsentas – yes
Ira Whitman - absent
Mark Pedersen – abstain

The motion was carried.

Vote to approve the minutes of September 11, 2017 will be tabled until the next Board Meeting.

- **Chairperson's Report**

No report.

- **Executive Director's Report**

Executive Director Janine MacGregor noted that Jorge Berkowitz requested that Ms. MacGregor update the Board on the status of audits. Ms. MacGregor reported that the Board employed a summer intern Elizabeth Salmi, who diligently worked on reviewing the audit procedure and conducting audits, and helped to decrease the backlog on delivery of audit memos. Recently Dana Haymes and Judi Morrow have reviewed and completed those audits and delivered them to Audit Review Teams, so Board Members have been getting many audit reviews memos lately. Once these audits have been completed, the audit reviews should proceed at a more regular pace.

- **Committee Reports**

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

Motion by Lawra Dodge to approve the following 11 applications for Continuing Education Credits:

1. Application of Premier Magnesia, LLC for approval of the 2017 RE3 Conference sessions, with sessions in the Technical Rooms approved for Technical CECs and sessions in the Developer Room approved for Regulatory CECs, on the basis of .5 CECs/.5 hour session,
2. Application of LSRPA for approval of NJAC 7:26I Regulatory Compliance - Practical Applications for 2 Regulatory CECs
3. Application of Envirotactics, Inc. for approval of Alternative Remediation Standards and Compliance for 5 Technical and 2 Regulatory CECs
4. Application of Chemistry Council of New Jersey for approval of Environmental Standards Development - Navigating SRRA and the SDWA for 1 Regulatory CEC
5. Application of Lion Technology, Inc. for approval of Hazmat Ground Shipper Certification for 7 Regulatory CECs
6. Application of ESCI, LLC for approval of Introduction to SEVIEW 7.0 for 4 Technical CECs

7. Application of Brownfield Coalition of the Northeast for approval of Mitigating Risk and Opportunities for Brownfields Remediation and Development: The Evolving Environmental Insurance Market for 2 Regulatory CECs
8. Application of Continuing Professional Education Services at Montclair State University for approval of NJ Real Estate and Corporate Transactions for 1 Regulatory CEC
9. Application of Lion Technology, Inc. for approval of RCRA Hazardous Waste Management for 7 Regulatory CECs
10. Application of Red Vector for approval of Green Design: Introduction to Sustainable Water Systems (RV 10988) for 2 Technical CECs
11. Application of Red Vector for approval of Essentials of Industrial Wastewater Treatment (RV11056) for 1 Technical CEC

Motion seconded by Connie Tsentas.

Discussion ensued.

Lawra Dodge noted that she is recused from participating in discussing and voting on the RE3 conference because she is presenting at the conference.

Kathi Stetser noted that she is recused from discussing and voting on Environmental Standards because she was on the panel.

Jorge Berkowitz noted that he is recused from discussing and voting on NJ Real Estate and Corporate Transactions because the class is conducted by a company he has an interest in.

Phil Brilliant noted that he is recused from discussing and voting on NJ Real Estate and Corporate Transactions because the class is conducted by a company he has an interest in.

Roll Call vote:

Jorge Berkowitz – yes to all except number 8
Phil Brilliant – yes to all except number 8
Lawra Dodge – yes to all except number 1
Joann Held - yes to all
Jeffrey Hoffman - absent
Chris Motta – yes to all
Kathi Stetser – yes to all except number 4
Peter Strom – yes to all
Connie Tsentas – yes to all

Ira Whitman - absent
Mark Pedersen – yes to all

The motion was carried.

Motion by Lawra Dodge to disapprove the following 3 applications for Continuing Education Credits.

12. Application of Lions Technology, Inc. for 8 Hour OSHA HAZWOPER
13. Application of Chemistry Council of New Jersey for Panel Discussion - SRRA 2.0
14. Application of RedVector for Geothermal Energy (RV 11053AV)

Motion seconded by Joann Held.

Discussion ensued.

Mark Pedersen noted that he is recused from discussing and voting on Panel Discussion – SRRA 2.0 because he was a participant on the panel.

With respect to the 8 Hour OSHA HAZWOPER, Lawra Dodge explained that approval is not recommended because this course is a requirement for license renewal, so it cannot also count as Continuing Education Credit.

With respect to Geothermal Energy, Lawra Dodge explained that approval is not recommended because the course content is not relevant to the work of LSRPs.

Roll Call vote:

Jorge Berkowitz – yes to all
Phil Brilliant – yes to all
Lawra Dodge – yes to all
Joann Held - yes to all
Jeffrey Hoffman - absent
Chris Motta – yes to all
Kathi Stetser – yes to all
Peter Strom – yes to all
Connie Tsentas – yes to all
Ira Whitman - absent
Mark Pedersen – yes to all except number 13

The motion was carried.

- **Report of the Finance Committee – Chris Motta**

Motion by Chris Motta to accept the 2018 budget as proposed.

Motion seconded by Peter Strom.

Discussion ensued.

Mark Pedersen stated that the hourly blanket may include hourly employees hired to work on tasks other than audits, so he recommends deleting “audit contract employee”.

Motion by Chris Motta to accept the 2018 budget as proposed, with the modification suggested by Chairperson Pedersen.

Motion seconded by Peter Strom.

Roll Call vote:

Jorge Berkowitz – yes
Phil Brilliant – yes
Lawra Dodge – yes
Joann Held - yes
Jeffrey Hoffman - absent
Chris Motta – yes
Kathi Stetser – yes
Peter Strom – yes
Connie Tsentas – yes
Ira Whitman - absent
Mark Pedersen – yes

The motion was carried.

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

No Report.

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

No Report.

- **Report of the Audit Committee – Jorge Berkowitz**

Jorge Berkowitz acknowledged the work of staff to decrease the backlog in audits.

Dr. Berkowitz stated that the Committee is working on the process.

Five auditees were picked today for the October 2017 audits.

Dr. Berkowitz reported three audits as completed:

November 2016 – Gregg Micalizio (590744)

November 2016 - Jeffrey Powley (584746)

November 2016 - Pradeep Lamba (573807)

- **Report of the Licensure Committee – Kathi Stetser**

Kathi Stetser reported that Caviart is still working on the cost estimate for administering the next exam. The Committee provided some additional guidance and a framework for Caviart to follow. There will be another update at the next Board Meeting.

Ms. Stetser reported that the case study training class will be held this Wednesday October 4, 2017. That will probably be the last time it will be held before the next administration of the exam, which is anticipated to be the spring or fall of 2018. Notifications about the course were sent via a ListServe.

A new round of license renewals will begin in February 2018, and this is expected to be a big batch. The Committee would like to do outreach well in advance so that all LSRPs will be prepared for renewal with completion of all continuing education requirements, especially ethics.

Mark Pedersen requested that any representatives of the LSRPA in attendance get the word out to LSRPs and non-LSRPs with respect to the case study training class and license renewal requirements.

- **Outreach Committee – Peter Strom**

No report.

- **Professional Conduct Committee – Phil Brilliant**

Phil Brilliant would like to provide some metrics for complaints.

The Board has received 56 complaints since 2011, 9 of those were in 2017. 27 complaints have been dismissed or withdrawn.

The Board has found violations in 11 complaints.
The Board has suspended the license of 1 LSRP.
The Board has issued 1 permanent injunction.

Mr. Brilliant stated that the Board and staff take every complaint seriously and try to resolve complaints as quickly and efficiently as possible. In response to a public comment made at the September meeting regarding complaint timeframes, Mr. Brilliant reported that once a complaint is received, the preliminary complaint memo is usually provided to the Complaint Review Team within three months. He then discussed the complex and time-consuming process to investigate complaints, which involves much research, many document reviews, and a great deal of coordination among the various persons involved. The Professional Conduct Committee meets a minimum of two times per month and places items on the Board agenda as they are ready.

- **Ongoing Business:**

After a discussion regarding the September Board Meeting, meeting dates for 2018 were proposed as follows:

January 8
January 22
February 5
February 20 (Tuesday)
March 5
March 19
April 2
April 16
May 7
May 21
June 4
June 18
July 9
August 6
September 17
September 24
October 1
October 15
November 5
November 19
December 3
December 17

Motion by Mark Pedersen to accept the 2018 calendar of Board Meeting dates.

Motion seconded by Joann Held.

All present voted yes.

The motion was carried.

Chairperson Pedersen reported that he has reviewed the length of time the Board is taking to review applications for approval of continuing education credits. The informal goal of the Board is to decide whether to approve or deny an application within 3 months of receipt, and the Board has been consistently meeting this goal. Chairperson Pedersen suggests to the Board that they try to decrease the time from receipt to approval from 90 days to 60 days.

- **New Business:**

None.

- **Second Board meeting in October:**

Motion by Mark Pedersen to cancel the second meeting in October.

Motion seconded by Jorge Berkowitz.

Roll Call Vote:

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

The motion was carried.

- **Public Comments:**

Rodger Ferguson, LSRPA. Mr. Ferguson referred to the comments of Andrew Robins at the September 11, 2017 Board Meeting, in which he requested the timeframes regarding

complaints. Mr. Ferguson stated that the case summaries posted on the Board website are not consistent in the type of information they contain and they do not all show the date that the complaint was received, or who brought the complaint. It would be appreciated if the Board could provide more specific information with respect to the amount of time the Board is taking to conduct various tasks as part of the investigations of complaints.

With respect to audits, Mr. Ferguson requested that the Board provide a response to the LSRPA letter regarding the non-random selection of auditees, and how that is being conducted by the Board. Chairperson Pedersen responded that the Board would provide that information.

Mark Pietrucha – Woodard and Curran. Mr. Pietrucha reported that LSRPA has publicized the October 4, 2017 Case Study Training course.

The meeting adjourned at 5:10 P.M.