

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

**May 7, 2018 Meeting Minutes**

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

**Board Members:**

*Present*

Jorge Berkowitz  
Phil Brilliant  
Lawra Dodge (arrived at 4:06 PM)  
Joann Held  
Jeffrey Hoffman (via teleconference)  
Christopher Motta  
Mark Pedersen  
Kathi Stetser  
Peter Strom  
Connie Tsentas  
Ira Whitman

*Absent*

None

*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.
- Chairperson Pedersen read the Statement of Adequate Public Notice of the meeting required by the Open Public Meetings Act.
- Roll Call:
  - Jorge Berkowitz - present
  - Phil Brilliant - present
  - Lawra Dodge - present (arrived at 4:06 PM)

Joann Held - present  
Jeffrey Hoffman - present (via teleconference)  
Christopher Motta - present  
Mark Pedersen - present  
Kathi Stetser - present  
Peter Strom - present  
Connie Tsentas - present  
Ira Whitman - present

A quorum of the Board was in attendance.

- Motion by Connie Tsentas to approve the April 2, 2018 Board Meeting Minutes.

Motion seconded by Ira Whitman.

Joann Held requested that the title of the legislation be added with respect to A3358.

Roll Call Vote:

Jorge Berkowitz - yes  
Phil Brilliant - yes  
Lawra Dodge - yes  
Joann Held - yes  
Jeffrey Hoffman - yes  
Christopher Motta - yes  
Mark Pedersen - abstained due to absence from April 2 meeting  
Kathi Stetser - abstained due to absence from April 2 meeting  
Peter Strom - yes  
Connie Tsentas - yes  
Ira Whitman - yes

The motion was carried.

Motion by Connie Tsentas to approve the April 2, 2018 Board Meeting Minutes of the closed session.

Motion seconded by Phil Brilliant.

Roll Call Vote:

Jorge Berkowitz - recused from the Board's April 2, 2018 closed session as to Complaints 003-2016 and 004-2016  
Phil Brilliant - yes  
Lawra Dodge - yes  
Joann Held - yes  
Jeffrey Hoffman - yes

Christopher Motta - recused from the Board's April 2, 2018 closed session as to Complaint 003-2016, abstained as to the remainder of the April 2, 2018 closed session minutes

Mark Pedersen - abstained due to absence from April 2 meeting

Kathi Stetser - abstained due to absence from April 2 meeting

Peter Strom - yes

Connie Tsentas - yes

Ira Whitman - yes

The motion was carried.

- **Chairperson's Report**

Chairperson Pedersen reported that he attended a stakeholder meeting of environmental groups on April 24, 2018 and reported to them that the licensed site remediation program has greatly increased the number and complexity of sites being remediated.

- **Executive Director's Report**

Janine MacGregor thanks Dana Haymes and Victoria Venable for their work in completing the review of applications for the recent batch of license renewals, all of which were completed on time. Mark Pedersen also thanks Janine MacGregor for her work.

- **Acting Commissioner Catherine McCabe**

Acting Commissioner Catherine McCabe joined the meeting at 4:36 PM, at which time Chairperson Pedersen asked the Committee Chairs to suspend the Committee Reports so that the Acting Commissioner could address the Board.

Acting Commissioner McCabe provided some remarks on her background, most recently as Deputy Administrator of EPA Region II. She requested that each of the Board Members provide a brief background of their experience and interests.

Kathi Stetser mentioned that she would like the Board to take a more active role in outreach, education and guidance of LSRPs.

Lawra Dodge noted that concomitant with Kathi's suggestion, she would like the Board to take the lead in ethics education in order to provide LSRPs with the Board's perspective.

Ira Whitman noted that the examination is a key part of the licensing program. It has proven to be rigorous. No question has ever been successfully challenged, nor has the exam as a whole.

Joann Held explained that as a representative of environmental groups, she understands the perception that LSRPs require oversight, and the Board has addressed this issue by having each decision-making group include both LSRPs and Non-LSRPs. Since at this time there are only 2 volunteer Non-LSRPs and 2 Department staff Non-LSRPs on the Board, she requests that the Non-LSRP vacancies be filled as soon as possible.

Jorge Berkowitz noted that he is committed to making site remediation a profession. He also remarked that the Board should provide statements of interpretation to clarify issues or positions.

Phil Brilliant represents the environmental community as an LSRP. He noted that he spends a minimum of 40 hours a month on Board matters. That may be even greater for the Non-LSRP members.

Constantine Tsentas welcomed the Commissioner.

Peter Strom welcomed the Commissioner and briefly presented his background.

Christopher Motta noted that the fee burden on LSRPs is quite high, as the annual license fee of \$900 is significant. Kathi Stetser added that she would like the fees to be kept reasonable, and the Board should not allow fees to creep up.

Acting Commissioner McCabe remarked that she is impressed by all the hard work, dedication and knowledge of the Board Members, and is grateful for the contributions the Board has made to site remediation in New Jersey.

***Committee Reports:***

- **Continuing Education – Lawra Dodge**

Motion by Lawra Dodge to approve all 8 applications for approval of continuing education credits as set forth on the table below.

Motion seconded by Connie Tsentas.

	TITLE	PROVIDER	DATE	CECs	PROPOSED COURSE #
1	Environmental Issues Encountered in Demolition	Continuing Professional Education Services, LLC	May 23, 2018	2 Regulatory and 4 Technical	2018-026
2	Environmental Statistics for LSRPs	Continuing Professional Education Services, LLC	September 28, 2018	6 Technical	2018-027

3	Geographic Information Systems for LSRPs	LSRPA	TBD	4 Technical	2018-028
4	In Situ Thermal Remediation Technologies	LSRPA	TBD	2 Technical	2018-029
5	LSRPA Regulatory Roundtable – April 2018 – Low Flow Sampling	LSRPA	April 17, 2018	1 Regulatory and 1 Technical	2018-030
6	LSRPA Regulatory Roundtable – May 2018 – Professional Judgment	LSRPA	May 15, 2018	1 Regulatory and 1 Technical	2018-031
7	Remediation Methods for 1,4 - Dioxane	SESI Consulting Engineers	TBD	1 Technical	2018-032
8	VEG Thermal Desorption Technologies	LSRPA	TBD	2 Technical	2018-033

Roll Call Vote:

- Jorge Berkowitz - yes to all, except recused from Numbers 1 and 2
- Phil Brilliant - yes to all, except recused from Numbers 1 and 2
- Lawra Dodge - yes to all
- Joann Held - yes to all
- Jeffrey Hoffman - yes to all
- Christopher Motta - yes to all
- Mark Pedersen - yes to all
- Kathi Stetser - yes to all, except recused from Number 6
- Peter Strom - yes to all
- Connie Tsentas - yes to all
- Ira Whitman - yes to all

Motion passed with respect to all applications.

Motion by Lawra Dodge to disapprove application from LSRP for approval of continuing education credit for instructing 2017-036.

Motion seconded by Kathi Stetser.

Board discussed. Board decided to remand this application back to the Continuing Education Committee to reconsider the recommendation to disapprove. The Committee should also check whether this LSRP has included this course among the CECs he has

used for credit to renew his license. The application form for continuing education credits for an LSRP instructing a course may have to be revised depending on the decision of the Board.

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

No Report.

This item can be removed from the agenda.

- **Audit Committee – Jorge Berkowitz**

Jorge Berkowitz reported that 6 LSRPs were selected for audit today and the Audit Review Teams have reported 4 audits as complete:

<b>LSRP Name</b>	<b>LSRP License</b>	<b>Date of Selection for Audit</b>
Dawn M. Defreitas	714977	July 2017
Daniel E. Erdman	576314	September 2017
Andrew D. Waring	574423	April 2017
Gregory A. Brown	574050	April 2017

Jorge Berkowitz noted that beginning with the September 2017 audits, Board staff will wait until all audit memos for the month are complete before sharing them with the Audit Review Team in One Drive.

The Audit Committee has developed guidance for Audit Review Teams. The Audit Committee will complete a final review, and then share the guidance with Audit Review Teams for their use when reviewing audits.

The audit questionnaire and instructions have been updated to assist Board staff in compiling audit packages and to reflect the criteria and priorities for consideration by the Audit Review Teams.

There is still a backlog. Between the time an auditee is selected to the time the Audit Review Team receives the memo from staff is approximately 7 months. Part of that time frame is due to the time it takes for the auditee to be notified and respond. But part of the lag is due to the fact that Judi Morrow is the main staff person working on audit reviews, and she only works 8-16 hours per week. Diminution of the backlog may require additional hourly employee time.

At this time, Audit Review Teams have about 8 audits that have been under review for at least two months. Dana Haymes has notified each Audit Review Team of those audits.

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

Christopher Motta reported that he is looking at the numbers for the third quarter. At this point, the revenue is within \$10,000 of that predicted, and the salary costs are within \$10,000 of that predicted. The Attorney General’s office has not yet submitted costs. There is a surplus of about \$175,000.

Phil Brilliant questioned how the new public employees contract will affect the Board finances with respect to retroactive payments to employees. Janine MacGregor and Christopher Motta will look into that.

- **Licensure Committee – Kathi Stetser**

Kathi Stetser reported that in January 2018, 40 applications for license renewal were submitted and all have been approved

In April 2018, 211 license renewal applications were due. Of the 211, 206 applications were submitted and all have been approved, but 5 LSRPs did not submit their applications for license renewal.

Next LSRP exam will be October 17, 2018. The exam application period is May 15 to July 15, 2018. The Case Study class, which is a prerequisite for the exam, is scheduled for June 15 at Rutgers.

To date, six LSRPs have not paid annual license fees. As stated in the Board Rules, their licenses will expire 90 days after the date of the license invoice. Janine MacGregor is working to get them to resolve the issue or take action as necessary.

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

Janine MacGregor noted for Peter Strom that there have been some modifications to the Board website, including updating the license renewal applications and allowing the applications to be submitted via pdf rather than by paper. Also, the list of SRPLB listservs and links has been updated.

- **Report of the Professional Conduct Committee – Phil Brilliant**

No report.

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

Joann Held reported that the Rules Committee is now on hold, but if anyone notes any revisions that need to be made to the rules please submit them to the Committee.

- **Ongoing Business:**

The SRRA 2.0 Committee has finalized its recommendations for Senator Smith.

Motion by Joann Held to approve SRRA 2.0 Committee recommendation, to authorize transmission of same to Senator Smith, and for Board staff to finalize statutory language with DOL.

Motion seconded by Jorge Berkowitz.

Roll Call Vote:

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

The motion was carried.

- **New Business:**

None

- **Next Board Meeting is scheduled for May 21, 2018.**

Motion by Mark Pedersen to cancel the May 21, 2018 Board meeting.

Motion seconded by Phil Brilliant.

All present voted yes.

The motion was carried.

- **Next Board Meeting will be June 4, 2018.**

Jeff Hoffman departed the meeting at 5:51 PM.

- **Public Comments:**



Rodger Ferguson, LSRPA.

LSRPs have been asking when they will know if their license renewal has been approved. Janine MacGregor responded that all renewals submitted thus far have been approved, and that for future renewal applications, the Board will notify LSRPs when they are approved via email.

Please provide a copy of the SRRA 2.0 recommendations to the public. Mark Pedersen noted that when it is shared with Senator Smith it will be a public record.

David Morris, Tectonic.

David Morris asked whether any license renewal fees have been lost. Janine MacGregor reported that she is not aware of any being lost. A new online service will allow LSRPs to pay fees online.

The meeting adjourned at 5:59 PM.