November 5, 2018 Meeting Minutes

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

Board Members:

Present

Jorge Berkowitz
Phil Brilliant
Joann Held
Jeffrey Hoffman
Christopher Motta
Mark Pedersen
Kathi Stetser (via teleconference)
Peter Strom
Connie Tsentas
Ira Whitman

Absent

Lawra Dodge

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

• Mark 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 - absent
• Motion by Mark Pedersen to approve the October 1, 2018 Board Meeting Minutes.

Motion seconded by Connie Tsentas.

Joann Held noted on page 2 “absent” is written after Jorge Berkowitz’s name, it should clarify that the vote was held before he joined the meeting.

Roll Call Vote:

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

The motion was carried.

• Motion by Mark Pedersen to approve the October 1, 2018 Board Meeting Minutes – Closed Session.

Motion seconded by Connie Tsentas.

Roll Call Vote:

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

The motion was carried.

• Chairperson’s Report

Mark Pedersen reported that the Department’s letter to Senator Smith regarding SRRA 2.0 has not been sent yet. Once it is sent, it will be a public record and can be shared with the Board.

• Executive Director’s Report

Janine MacGregor reported that the Board issued two disciplinary documents in the past few weeks.

The first document was a Notice of Civil Administrative Penalty Assessment and Offer of Settlement to LSRP David Pry for violations of N.J.S.A. 58:10C-14.c. and 16.i., and N.J.A.C. 7:26I-6.3(a). The penalty was a total fine of $28,750.00, with an offer to settle for $23,000.00.

The second document was a Notice of License Suspension and Notice of Civil Administrative Penalty Assessment to LSRP Harold Blaine for violations of N.J.S.A. 58:10C-16.i., 16.b., 16.n., 16.h., and 16.a. The penalty was a 24-month period of license suspension, and a total fine of $25,000.00.

The LSRPs have an opportunity to request hearings with the Office of Administrative Law.

Janine MacGregor also reported that Peter Strom was not present at the last meeting because he was attending an event at which he was named a fellow by the Water Environment Federation. This award recognizes those who have made a profound impact in the areas of education, operations, design and research in the water profession and have made important contributions to preserve and enhance the global water environment.

Committee Reports:

• Continuing Education – Lawra Dodge
Motion by Connie Tsentas to approve 17 applications for Continuing Education Credits as follows:

<table>
<thead>
<tr>
<th></th>
<th>TITLE</th>
<th>PROVIDER</th>
<th>DATE</th>
<th>CECs</th>
<th>PROPOSED COURSE #</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Borehole Geophysics</td>
<td>LSRPA</td>
<td>January 29 or 30, 2019</td>
<td>2 Technical</td>
<td>2018-066</td>
</tr>
<tr>
<td>2</td>
<td>Capping of Soils to Address the Impact to Ground Water Pathway</td>
<td>LSRPA</td>
<td>January 29 or 30, 2019</td>
<td>1 Technical and 1 Regulatory</td>
<td>2018-067</td>
</tr>
<tr>
<td>3</td>
<td>Ecological Redevelopment and Restoration</td>
<td>NJSWEP</td>
<td>November 6, 2018</td>
<td>1.5 Technical</td>
<td>2018-068</td>
</tr>
<tr>
<td>4</td>
<td>Emerging Contaminants – 1,4 Dioxane and PFAs</td>
<td>LSRPA</td>
<td>January 29 or 30, 2019</td>
<td>1 Technical and 1 Regulatory</td>
<td>2018-069</td>
</tr>
<tr>
<td>5</td>
<td>Environmental Forensics</td>
<td>CPES, LLC</td>
<td>November 29, 2018</td>
<td>6 Technical</td>
<td>2018-070</td>
</tr>
<tr>
<td>6</td>
<td>Basic Environmental Forensics</td>
<td>Peak Environmental, LLC</td>
<td>November 27, 2018</td>
<td>1.5 Technical</td>
<td>2018-071</td>
</tr>
<tr>
<td>7</td>
<td>PVC Sheet Piling for Cut-off and Containment Barriers</td>
<td>LSRPA</td>
<td>January 29 or 30, 2019</td>
<td>1 Technical</td>
<td>2018-072</td>
</tr>
<tr>
<td>8</td>
<td>RCRA Hazardous Waste Management (Online Version of 2017-063)</td>
<td>Lion Technology, Inc.</td>
<td>Anytime Online</td>
<td>7 Technical</td>
<td>2018-073</td>
</tr>
<tr>
<td>9</td>
<td>Remediation Workshop – Edison</td>
<td>Environmental Workshops</td>
<td>November 8, 2018</td>
<td>4 Technical</td>
<td>2018-074</td>
</tr>
<tr>
<td>10</td>
<td>Remediation Workshop – Queens</td>
<td>Environmental Workshops</td>
<td>October 11, 2018</td>
<td>4 Technical</td>
<td>2018-075</td>
</tr>
<tr>
<td>11</td>
<td>Remediation Workshop – Parsippany</td>
<td>Environmental Workshops</td>
<td>October 10, 2018</td>
<td>4 Technical</td>
<td>2018-076</td>
</tr>
<tr>
<td>12</td>
<td>WRADRB Fall Conference 2018</td>
<td>Water Resources Assoc. of the Delaware River Basin</td>
<td>November 1, 2018</td>
<td>5.5 Technical</td>
<td>2018-077</td>
</tr>
<tr>
<td>14</td>
<td>Professional Judgment – Perspective and Practice</td>
<td>LSRPA</td>
<td>January 2019</td>
<td>2 Regulatory and 1 Technical</td>
<td>2018-079</td>
</tr>
</tbody>
</table>
Motion seconded by Joann Held.

Roll Call Vote:

Jorge Berkowitz - yes to all, except recused with respect to application 5
Phil Brilliant - yes to all, except no to application 8 and application 15, and recused with respect to application 5
Lawra Dodge - absent
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 with respect to application 17
Peter Strom - yes to all
Connie Tsentas - yes to all
Ira Whitman - yes to all, except recused with respect to application 17

The motion was carried with respect to all applications.

• **Audit Committee – Jorge Berkowitz**

Jorge Berkowitz reported that six LSRPs have been selected for audit this month and the LSRPs and Audit Review Teams will be notified.

Audit Review Teams have reported the following audits as complete:

<table>
<thead>
<tr>
<th>LSRP NAME</th>
<th>LSRP LICENSE</th>
<th>Date of Audit Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Robinson</td>
<td>574043</td>
<td>December 2017</td>
</tr>
<tr>
<td>Michael Novak</td>
<td>573628</td>
<td>February 2018</td>
</tr>
<tr>
<td>James Chenard</td>
<td>594617</td>
<td>May 2018</td>
</tr>
<tr>
<td>David Zalik</td>
<td>591230</td>
<td>May 2018</td>
</tr>
<tr>
<td>John Larkins</td>
<td>591641</td>
<td>May 2018</td>
</tr>
<tr>
<td>Rachel Jacobsen</td>
<td>714910</td>
<td>May 2018</td>
</tr>
<tr>
<td>Richard Konkowski</td>
<td>576296</td>
<td>May 2018</td>
</tr>
</tbody>
</table>
Audit Committee is scheduled to meet next week.

- **Finance Committee – Christopher Motta**
  
  Christopher Motta reported that on October 24, 2018 Mark Pedersen signed the fee calculation report. It will be published in the New Jersey Register. The fees will not be changed. The invoices for the annual license fee will be sent to LSRPs in early December 2018.

- **Licensure Committee – Kathi Stetser**
  
  Kathi Stetser requested that Janine MacGregor make the report.
  
  Janine MacGregor reported that the October 2017 licensing exam was held. Of the 74 applicants approved to take the exam, 73 applicants were present and one did not appear. The contractor reported that all went smoothly. The contractor held a meeting last Friday to review questions. The contractor expects to provide the names of those who passed the exam by the December 2018 Board Meeting.

- **Outreach Committee – Peter Strom**
  
  No report.

- **Professional Conduct Committee – Phil Brilliant**
  
  No report.

- **Rules Committee – Joann Held**
  
  No report.

- **Ongoing Business:**
  
  Janine MacGregor requested that any Board Members with comments on the SRRA 2.0 recommendations provide them to her by November 16, 2018, in order to get a final version of the SRRA 2.0 recommendations ready for approval at the December 3, 2018 Board Meeting.

- **New Business:**
  
  Janine MacGregor reported on her recent discussions with the LSRPA Executive Director Sue Boyle. After those discussions, Janine emailed Board Members individually to solicit preliminary feedback regarding her proposal to convene routine meetings with LSRPA to discuss various issues. Most Board Members expressed concern about these non-public meetings giving special treatment to one group over another.
Instead of regular meetings, most Board Members felt that the LSRPA, like any other group or individual, should comment during the public comment section of Board Meetings. The LSRPA could submit questions or issues for discussion to the Board prior to Board Meetings. Depending on the nature of the questions, the Board could respond to LSRPA questions directly, at the next Board meeting, or for other issues, by referring to a committee that could delve into the issue further and respond to the LSRPA. The Board also said they would entertain using the second meeting date of the month if it is deemed necessary now or in the future.

Jorge Berkowitz noted that any offer made to LSRPA should be made to other stakeholders and stated his preference that issues are provided to the Board in advance. He later stated that site-specific discussions should be prohibited.

Ira Whitman thought LSRPA is the stakeholder with the greatest interest, and that the LSRPA could provide the Board with their position of the state of the profession.

Mark Pedersen noted that the mechanism for public comment already in place can be used.

Phil Brilliant stated the LSRPA gives the state of the profession at their annual meeting. He also commented that the Board should answer questions in a timely manner.

Jeff Hoffman asked if it would be worthwhile for the outreach committee to have regular stakeholder meetings to listen to and address these concerns.

Peter Strom suggested we provide a specific time on the agenda for stakeholders to speak or provide public comments, preferably not at the end of the meeting.

Chris Motta expressed support for hearing from stakeholders.

Mark Pedersen noted that the Board is not opposed to hearing from the outside and would like to have an open, transparent dialogue. The Board would prefer that any issue is framed, then presented for their consideration on how to address it. He also welcomes LSRPA to provide their assessment of the program, and identify issues they would like input on. He also encouraged Board members to engage any groups or organizations they represent.

Janine MacGregor will discuss this with LSRPA and will report back to the Board on the outcome.

**Next Board Meeting**

Motion by Mark Pedersen to cancel the Board Meeting previously scheduled for November 17, 2018.

Motion seconded by Jeff Hoffman.
All present voted yes.

The motion was carried.

The next Board Meeting is December 3, 2018.

• **Public Comments:**

 Rodger Ferguson, LSRPA. The LSRPA has been asking for regular meetings with the Board for over 10 years. At one time the meeting between the LSRPA and the SRP Assistant Commissioner did cover Board topics. The LSRPA wants to bridge the divide between LSRPs and the Board. Rodger Ferguson feels the Board is making decisions without input from stakeholder groups, and believes that the comments that the LSRPA has provided have been ignored. He thinks that communication should improve for the betterment of the program, and the Board should provide more written opinions and advisories to guide LSRPs. It is better to provide guidance than to bring complaints against LSRPs. Regarding SRRA 2.0, the LSRPA does not understand the Board’s need or desire to make some of the changes, and would like to meet to discuss those. There are LSRPs on the Board, but they do not report back to the LSRPA on a regular basis. Two disciplinary documents were mentioned earlier in the meeting. Rodger Ferguson requested that the summaries be posted as soon as possible, and that they be written to instruct and guide LSPRs with respect to the issues that gave rise to the penalties.

• Motion by Phil Brilliant to adjourn the meeting.

Motion seconded by Joann Held.

All present voted yes.

The motion was carried.

Meeting adjourned at 5:18 PM.