

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

**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

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

A quorum of the Board was in attendance.

- 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:

	TITLE	PROVIDER	DATE	CECs	PROPOSED COURSE #
1	Borehole Geophysics	LSRPA	January 29 or 30, 2019	2 Technical	2018-066
2	Capping of Soils to Address the Impact to Ground Water Pathway	LSRPA	January 29 or 30, 2019	1 Technical and 1 Regulatory	2018-067
3	Ecological Redevelopment and Restoration	NJSWEP	November 6, 2018	1.5 Technical	2018-068
4	Emerging Contaminants – 1,4 Dioxane and PFAs	LSRPA	January 29 or 30, 2019	1 Technical and 1 Regulatory	2018-069
5	Environmental Forensics	CPES, LLC	November 29, 2018	6 Technical	2018-070
6	Basic Environmental Forensics	Peak Environmental, LLC	November 27, 2018	1.5 Technical	2018-071
7	PVC Sheet Piling for Cut-off and Containment Barriers	LSRPA	January 29 or 30, 2019	1 Technical	2018-072
8	RCRA Hazardous Waste Management (Online Version of 2017-063)	Lion Technology, Inc.	Anytime Online	7 Technical	2018-073
9	Remediation Workshop – Edison	Environmental Workshops	November 8, 2018	4 Technical	2018-074
10	Remediation Workshop – Queens	Environmental Workshops	October 11, 2018	4 Technical	2018-075
11	Remediation Workshop – Parsippany	Environmental Workshops	October 10, 2018	4 Technical	2018-076
12	WRADRB Fall Conference 2018	Water Resources Assoc. of the Delaware River Basin	November 1, 2018	5.5 Technical	2018-077
13	PCB Remediation – What Every LSRP Should Know	LSRPA	January 2019	2 Technical	2018-078
14	Professional Judgment – Perspective and Practice	LSRPA	January 2019	2 Regulatory and 1 Technical	2018-079

15	RCRA Hazardous Materials Ground Shipper Certification (Online Version of 2017-059)	Lion Technology, Inc.	Anytime Online	7 Regulatory	2018-080
16	Emerging Contaminants – Regulatory and Technical Concerns	Alpha Analytical, Inc.	September 25, 2018	1 Technical and 1.5 Regulatory	2018-081
17	LSRP Ethics	LSRPA	January 29, 2019	3 Ethics	2018-082

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:

LSRP NAME	LSRP LICENSE	Date of Audit Selection
David Robinson	574043	December 2017
Michael Novak	573628	February 2018
James Chenard	594617	May 2018
David Zalik	591230	May 2018
John Larkins	591641	May 2018
Rachel Jacobsen	714910	May 2018
Richard Konkowski	576296	May 2018

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.