May 6, 2019 Meeting Minutes

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

Board Members:

Present

Jorge Berkowitz
Phil Brilliant
Lawra Dodge
Joann Held
Jeffrey Hoffman (arrived at 4:17 PM)
Mark Pedersen
Peter Strom
Ira Whitman

Absent

Christopher Motta
Kathi Stetser

Others Present

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

Proceedings

• Meeting called to Order at 4:15 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 - present
Joann Held - present
Jeffrey Hoffman - absent (arrived at 4:17 PM)
Christopher Motta - absent  
Mark Pedersen - present  
Kathi Stetser - absent  
Peter Strom - present  
Ira Whitman - present  

A quorum of the Board was in attendance.

- **Chairperson’s Report**
  
  No report.

- **Executive Director’s Report**
  
  Janine MacGregor reported that to commemorate the ten year mark of the Site Remediation Reform Act, the Board is posting on the Board Website a one-page summary of Board accomplishments. It will also go out as a listserv.

  Janine MacGregor requested that all Board Members review the information posted on the Board website under Board Members Resumes and provide updates to her.

- **Approval of the Board Meeting Minutes**
  
  Motion by Joann Held to approve the minutes of the January 7, 2019 Board Meeting. Motion seconded by Phil Brilliant.

  Roll Call Vote:

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

  The motion was carried.

  Motion by Mark Pedersen to approve the minutes of the April 1, 2019 Board Meeting. Motion seconded by Phil Brilliant.

  Roll Call Vote:
Jorge Berkowitz - abstain
Phil Brilliant - Yes
Lawra Dodge - Yes
Joann Held - Yes
Jeffrey Hoffman - Yes
Christopher Motta - absent
Kathi Stetser - absent
Peter Strom - Yes
Ira Whitman - Yes
Mark Pedersen - Yes

The motion was carried.

Motion by Mark Pedersen to approve the minutes of the April 1, 2019 Board Meeting -
closed session. Motion seconded by Phil Brilliant.

Roll Call Vote:

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

The motion was carried.

Committee Reports

• Continuing Education Committee – Lawra Dodge

Lawra Dodge reported that the Board presented its continuing education program “Ethics
and the Standards of Professional Conduct for LSRPs” on April 17, 2019 and received
many positive comments from LSRPs who attended.

Ira Whitman commented that the Members of the Board involved had a commitment to
the subject, and if this course is given again he would hope that the Board Members
involved have a similar level of commitment.

Motion by Lawra Dodge to approve the following 11 applications for approval of
continuing education credits:
<table>
<thead>
<tr>
<th>TITLE</th>
<th>PROVIDER</th>
<th>DATE</th>
<th>CECs</th>
<th>PROPOSED COURSE #</th>
</tr>
</thead>
<tbody>
<tr>
<td>LSRPA Regulatory Roundtable – April 2019</td>
<td>LSRPA</td>
<td>April 16, 2019</td>
<td>2 Regulatory</td>
<td>2019-037</td>
</tr>
<tr>
<td>MGP 2019</td>
<td>Florida State University and INSTEP</td>
<td>June 2-4, 2019</td>
<td>Up to 12.5 Technical based on individual attendance</td>
<td>2019-038</td>
</tr>
<tr>
<td>NYCBP Regulatory Roundtables – March, April, June, August, December 2019</td>
<td>New York City Brownfield Partnership</td>
<td>March 7, April 23, June 18, August 6, December 3, 2019</td>
<td>.5 Regulatory and .5 Technical for each</td>
<td>2019-039</td>
</tr>
<tr>
<td>Phytotechnologies (RV 10472 AW)</td>
<td>Red Vector</td>
<td>Anytime Online</td>
<td>3 Technical</td>
<td>2019-040</td>
</tr>
<tr>
<td>Hazardous Waste Treatment (RV 10857)</td>
<td>Red Vector</td>
<td>Anytime Online</td>
<td>1 Technical</td>
<td>2019-041</td>
</tr>
<tr>
<td>High Performance Landscapes (RV 10958)</td>
<td>Red Vector</td>
<td>Anytime Online</td>
<td>1 Technical</td>
<td>2019-042</td>
</tr>
<tr>
<td>LSRP Update for Contaminants of Emerging Concern – PFAS</td>
<td>SGS North America, Inc.</td>
<td>April 9, 2019</td>
<td>2 Regulatory and 2 Technical</td>
<td>2019-043</td>
</tr>
<tr>
<td>The Use of Unmanned Aerial Vehicles in Environmental Site Characterization</td>
<td>NE-AIPG</td>
<td>September 16, 2019</td>
<td>4 Technical</td>
<td>2019-044</td>
</tr>
<tr>
<td>The Do’s and Don’ts of PFAS Sampling</td>
<td>SGS North America, Inc.</td>
<td>April 22, 23, and 25, 2019</td>
<td>1 Technical</td>
<td>2019-045</td>
</tr>
<tr>
<td>In Situ Remediation Using Activated Carbon Based Injectates</td>
<td>AST Environmental, Inc.</td>
<td>Spring 2019 – TBD</td>
<td>1.5 Technical</td>
<td>2019-046</td>
</tr>
<tr>
<td>Case Study from the Hartford Basin, CT</td>
<td>AEG</td>
<td>March 14, 2019</td>
<td>1 Technical</td>
<td>2019-047</td>
</tr>
</tbody>
</table>

Motion seconded by Mark Pedersen.

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 - Yes to all
Christopher Motta - absent
Kathi Stetser - absent
Peter Strom - Yes to all
Ira Whitman - Yes to all
Mark Pedersen - Yes to all

The motion was carried with respect to all applications.

Motion by Lawra Dodge to deny the following 3 applications for approval of continuing education credit:

1. Land Treatment Systems (RV 10192) provided by Red Vector
2. Aquifer Remediation (RV 11285) provided by Red Vector
3. Soils and Foundations (RV 11296) provided by Red Vector

Motion seconded by Mark Pedersen.

Roll Call Vote:

Jorge Berkowitz - Yes to deny all
Phil Brilliant - Yes to deny all
Lawra Dodge - Yes to deny all
Joann Held - Yes to deny all
Jeffrey Hoffman - Yes to deny all
Christopher Motta - absent
Kathi Stetser - absent
Peter Strom - Yes to deny all
Ira Whitman - Yes to deny all
Mark Pedersen - Yes to deny all

The motion was carried with respect to all applications.

Motion by Lawra Dodge to approve the application of an individual LSRP for 6 Technical Continuing Education Credits for attending “Technical Excellence in Remediation” provided by Arcadis on April 11, 2019.

Motion seconded by Joann Held.

Roll Call Vote:

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

The motion was carried.

- Professional Conduct Committee – Phil Brilliant

Motion by Phil Brilliant to approve a resolution to enter closed session to discuss Complaints 004-2015 and 007-2017.

Motion seconded by Joann Held.

All present voted yes.

The motion was carried.

Phil Brilliant is recused with respect to Complaint 004-2015 so will depart the closed session during the discussion of this complaint.

Open session resumed at 5:17 PM.

Motion by Phil Brilliant, in the matter of Complaint 007-2017, to find the subject of the complaint in violation of N.J.S.A. 58:10C-14.c. and assess a penalty of $500, to authorize transmission of an offer of settlement under the signature of the Board Chairperson, and if no settlement is reached, to proceed with formal disciplinary action.

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  - absent
Kathi Stetser  - absent
Peter Strom  - Yes
Ira Whitman  - No
Mark Pedersen:  - Yes

The motion was carried.

The subject of Complaint 007-2017 is William Dougherty, LSRP 573981.
Motion by Joann Held to amend the previously approved settlement terms for Complaint 004-2015 to $4,900.00 for violations of N.J.S.A. 58:10C-16.b. and N.J.A.C. 7:26I-6.3(d) and to authorize transmission of an offer of settlement under the signature of the Board Chairperson.

Motion seconded by Jeff Hoffman.

Joann Held amended the motion as follows: To amend the previously approved settlement terms for Complaint 004-2015 to $4,900.00 for violations of N.J.S.A. 58:10C-16.b. and N.J.A.C. 7:26I-6.3(d) and to authorize transmission of an offer of settlement under the signature of the Board Chairperson, and if no settlement is reached, to proceed with formal disciplinary action.

Amended motion seconded by Jeff Hoffman.

Roll Call Vote:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jorge Berkowitz</td>
<td>Yes</td>
</tr>
<tr>
<td>Phil Brilliant</td>
<td>abstained due to recusal</td>
</tr>
<tr>
<td>Lawra Dodge</td>
<td>Yes</td>
</tr>
<tr>
<td>Joann Held</td>
<td>Yes</td>
</tr>
<tr>
<td>Jeffrey Hoffman</td>
<td>Yes</td>
</tr>
<tr>
<td>Christopher Motta</td>
<td>absent</td>
</tr>
<tr>
<td>Kathi Stetser</td>
<td>absent</td>
</tr>
<tr>
<td>Peter Strom</td>
<td>Yes</td>
</tr>
<tr>
<td>Ira Whitman</td>
<td>Yes</td>
</tr>
<tr>
<td>Mark Pedersen</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The motion was carried.

The subject of Complaint 004-2015 is Ronald Dooney, LSRP 577384.

- **Audit Committee – Jorge Berkowitz**

Jorge Berkowitz reported that the Audit Committee selected 6 LSRPs for audit for May 2019.

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>Jonathon Lisko</td>
<td>575491</td>
<td>July 9, 2018</td>
</tr>
<tr>
<td>W.J. Llewellyn</td>
<td>575611</td>
<td>August 9, 2018</td>
</tr>
<tr>
<td>William DeStefano</td>
<td>573744</td>
<td>August 9, 2018</td>
</tr>
</tbody>
</table>
• **Finance Committee – Christopher Motta**
  No Report.

• **Licensure – Kathi Stetser**
  No Report.

• **Outreach Committee – Peter Strom**
  No Report.

• **Rules Committee – Joann Held**
  No Report, but the Rules Committee will most likely reconvene over the summer.

• **Next Board Meeting**
  Motion by Phil Brilliant to cancel the Board Meeting previously scheduled for May 20, 2019.
  Motion seconded by Jeff Hoffman.
  All present voted yes.
  The motion was carried.
  The next Board Meeting is June 3, 2019

• **New Business**
  None.

• **Public Comments**
  None
  Motion by Phil Brilliant to adjourn the meeting.
  Motion seconded by Jorge Berkowitz.
  All present voted yes.
  The motion was carried.
  Meeting adjourned at 5:46 PM.