

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

**September 14, 2020 Meeting Minutes**

4:00 PM

Meeting held via Microsoft Teams

Until further notice, the open public meetings of the Board will be held via Microsoft Teams.

To participate by phone, use the following:

Toll free number: 1-(856) 338-7074 and Conference ID: 906475949

Or connect via the link on the Board Website [www.nj.gov/l srpboard](http://www.nj.gov/l srpboard)

**Board Members:**

***Present***

Jorge Berkowitz  
Phil Brilliant  
Joann Held  
Jeffrey Hoffman  
Christopher Motta  
Mark Pedersen  
Kathi Stetser  
Peter Strom  
Ira Whitman

***Absent***

Lawra Dodge

***Others Present***

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

***Members of the Public that were present:***

Sonya Ward, Alex Saltzman, Michelle Bouwman, Mark Pietrucha, David Morris, Erin Palko, Greg Casabona, Rebecca Hollender, Joseph Galley, Dick Katz, Marty Judge, Kim Skibo, Marlene Lindhardt, Scott Drew, Steve Senior, Bill Hose, David Backman, David Draper

### ***Proceedings***

- Meeting called to Order at 4:04 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  
Peter Strom - present  
Ira Whitman - present

A quorum of the Board was in attendance.

- **Chairperson's Report**

Mark Pedersen noted that the Department's productivity has increased although everyone has been challenged with the duration of the period of time in which working remotely has continued. The Department has commenced field activities including publicly funded work and inspection work.

- **Executive Director's Report**

Janine MacGregor thanked the Board for their flexibility in changing over to Microsoft Teams. Janine asked non-Board Members to turn off their video, and to use the "raise your hand" button if they would like to provide comments.

- **Approval of the Board Meeting Minutes**

- Motion by Joann Held to approve the August 3, 2020 Board Meeting Minutes.

Ira Whitman seconded the motion.

Roll Call Vote:

Jorge Berkowitz- Yes  
Phil Brilliant- Yes  
Lawra Dodge- Absent  
Joann Held- Yes  
Jeffrey Hoffman- Yes  
Christopher Motta- Yes  
Kathi Stetser- Yes  
Peter Strom- Yes  
Ira Whitman - Yes  
Mark Pedersen- Abstained due to absence

The motion was carried.

- Motion by Joann Held to approve the August 3, 2020 Board Meeting Minutes of the closed session

Ira Whitman seconded the motion.

Roll Call Vote:

Jorge Berkowitz- Yes  
Phil Brilliant- Yes  
Lawra Dodge- Absent  
Joann Held- Yes  
Jeffrey Hoffman- Yes  
Christopher Motta- Yes  
Kathi Stetser- Yes  
Peter Strom- Yes  
Ira Whitman - Yes  
Mark Pedersen- Abstained due to absence

The motion was carried.

### ***Committee Reports***

- **Continuing Education - Lawra Dodge**

Joann Held presented on behalf of Lawra Dodge.

- Motion by Joann Held to approve the following CEC applications to be offered in both in-person and AVLF:

TITLE	PROVIDER	DATE	CECs	PROPOSED COURSE NUMBER
1. Auditor's Workshop	Rutgers NJAES - OCPE	July 13, 2020	4 Regulatory	2020-062
2. Vapor Intrusion Investigation and Mitigation Innovation Series I	LSRPA	TBD	1 Technical	2020-063
3. Vapor Intrusion Investigation and Mitigation Innovation Series II	LSRPA	TBD	1 Technical	2020-064
4. Vapor Intrusion Investigation and Mitigation Innovation Series III	LSRPA	TBD	1 Technical	2020-065
5. NJ MD DE PFAS Seminar	American Ground Water Trust	September 2, 2020	6 Technical	2020-066
6. NJDEP's Proposed Remediation Standards Rule and Adoption of Standards for PFAS Compounds	Riker Danzig Scherer Hyland and Perretti	July 30, 2020	1.5 Regulatory	2020-067
7. Per and Polyfluoroalkyl Substances (PFAS) 202	LSRPA	TBD	1 Technical and 1 Regulatory	2020-068
8. Environmental Summit 2020	Enviro Workshops	September 2 and 3, 2020	Maximum of 6 Technical CECs depending on session attended	2020-069
9. Chlorinated Solvent Site Investigation and Implementation of In-Situ Remediation	LSRPA	TBD	2 Technical	2020-070
10. NJDEP Air Permitting Seminar	Rutgers NJAES – OCPE	TBD	11.5 Regulatory	2020-071
11. 36 <sup>th</sup> Annual International Conference on Soils, Sediments, Water and Energy	AEHS Foundation	October 19, 2020 – October 23, 2020	Workshops - 1 Technical Credit/hour ;	2020-072

			Platform Session - 0.5 Technical Credit/hour	
12. ISCO/ISCR Permeable Reactive Barriers to prevent migration of contaminant plumes	Peroxy Chem	TBD	1 Technical	2020-073
13. Remediation of Heavy Metals Using In Situ Approaches that combine multiple mechanisms	Peroxy Chem	TBD	1 Technical	2020-074
14. Brownfields: Coordinating Site Remediation and Redevelopment	Riker Danzig Scherer Hyland and Perretti	September 16, 2020	1.5 Regulatory	2020-075

Motion seconded by Ira Whitman.

Board members discussed approval of courses, particularly the “NJDEP Air Permitting Seminar.” Jorge Berkowitz expressed his opinion that this course should not be approved for more than 5 CECs. Ira Whitman, Kathi Stetser and Joann Held expressed their opinions that approval of 11.5 Regulatory CECs is appropriate. Even though the course is highly specialized, it provides LSRPs with knowledge that they may need to refer to even if they don’t specialize in this area for their own work.

Roll Call Vote:

Jorge Berkowitz - Yes to all except no with respect to “NJDEP Air Permitting Seminar”  
 Phil Brilliant - Yes to all  
 Lawra Dodge - Absent  
 Joann Held - Yes to all  
 Jeffrey Hoffman - Yes to all  
 Christopher Motta - Yes to all  
 Kathi Stetser - Yes to all  
 Peter Strom - Yes to all except recused from “Auditor’s Workshop” and “NJDEP Air Permitting Seminar”  
 Ira Whitman - Yes to all  
 Mark Pedersen - Yes to all

The motion was carried with respect to all applications.

- ◆ Motion by Joann Held to approve the following previously approved continuing education programs to be offered in Alternative Verified Learning Format:

Rutgers NJAES – Office of Continuing Professional Education:

2012-032 - Underground Storage Tanks – 6.5 Regulatory

2019-060 - Wetlands Management for LSRPs – 2 Regulatory and 3.5 Technical

2014-011 - ArcGIS: Introduction – 4 Technical

2014-012 - ArcGIS: Editing and Data Development – 4 Technical

2016-027 - Effective Environmental Field Sampling and Data Collection – 4 Technical

LSRPA

2019-066 - Technical Writing for Site Remediation – 2.5 Regulatory and 2.5 Technical

2019-058 - Technical Writing for Site Remediation – 2 Regulatory

2018-017 - Remediation of Heavy Metals Using In Site Approaches – 2 Technical

2018-079 - Professional Judgment: Perspective and Practice – 2 Regulatory and 1 Technical

CPES

2015-065 - Green Infrastructure Stormwater Management Techniques – 7 Technical

Motion seconded by Mark Pedersen.

Roll Call Vote:

Jorge Berkowitz	- Yes to all except recused from 2015-065
Phil Brilliant	- Yes to all except recused from 2015-065
Lawra Dodge	- Absent
Joann Held	- Yes to all
Jeffrey Hoffman	- Yes to all
Christopher Motta	- Yes to all
Kathi Stetser	- Yes to all

Peter Strom - Yes to all except recused from 2012-032, 2019-060, 2014-011, 2014-012, 2016-027  
Ira Whitman - Yes to all  
Mark Pedersen - Yes to all

The motion was carried with respect to all applications.

- **Audit Committee – Jorge Berkowitz**

- 6 LSRPs were selected for September 2020 audits
- The Audit Committee completed audits of the following LSRPs, with no additional action required:

January 2020:

David Terry – LSRP 575840

February 2020:

Emily Esche – LSRP 783882

Michael Poland – LSRP 574148

Peter Sawchuck – LSRP 573519

Susan Allen – LSRP 585748

William Dougherty – LSRP 573981

March 2020:

Robert Meisner – LSRP 573673

Michael DeMaio – LSRP 783914

Michael Glose – LSRP 628334

Robert Chimchirian – LSRP 748625

April 2020:

Christopher DeCarlo – LSRP 665038

- **Finance Committee – Christopher Motta**

Christopher Motta reported that despite the freeze of appropriations in March, the Board's operations and obligations are moving forward with no impact. That includes the carry forward, on a go-forward basis.

The Board will move ahead with its annual fee calculation report, which will be finalized in advance of issuance of invoices for annual license fees in November 2020.

- **Licensure Committee – Kathi Stetser**

Kathi Stetser reported that the date of the exam has been moved to December 16, 2020.

Janine MacGregor reported that the Board tried very hard to keep the exam date in September, but was required to move it to December 2020 due to procurement issues. There will be an additional cost to the Board, but the contractor has yet to provide the final figures.

- **Outreach Committee – Peter Strom**

No report.

- **Rules Committee – Joann Held**

Joann Held reported that the Committee will be presenting to the Board the revisions to individual subchapters one subchapter at a time and would like feedback from Board Members. The proposed revisions may be displayed to the public during the Board meeting, but this is not the beginning of an official process of publishing and requesting comments on the rules. The Board does not have an obligation to respond to any comments from the public at this time.

Joann Held introduced the proposed revisions to Subchapter 5. These revisions have been discussed with Jorge Berkowitz as the Audit Committee chairperson.

Board Members discussed proposed revisions to Subchapter 5, particularly inclusion of the word “guidance.” Jorge Berkowitz believes that the insertion of the word guidance could be problematic and must be explained to the LSRP community because LSRPs may deviate from guidance. Ira Whitman shares Jorge’s concerns because he doesn’t see compliance as the appropriate determinant as to whether guidance is followed. May be better to say that an LSRP’s action was consistent with guidance or the LSRP considered guidance. However, how guidance is referred to must be consistent with other rules.

- **Professional Conduct Committee – Phil Brilliant**

- Motion by Phil Brilliant to approve a resolution to enter closed session to discuss Complaints 008-2019 and 004-2018.

Mark Pedersen seconded the motion.

All present voted yes.

The motion was carried.

Open session resumed at 6:44 PM.

Phil Brilliant has no report from the closed session.



- **Ongoing Business**

None

- **New Business**

Jeff Hoffman requested comments on costs and benefits of geologic mapping.

- **Next Board Meeting**

The next scheduled Board Meeting will be October 5, 2020 at 4:00 pm via Microsoft Teams unless otherwise noted on the Board website.

- **Public Comments**

Scott Drew, LSRPA. The LSRPA has developed a paper on reporting discharges when conducting all appropriate inquiry.

Alex Salzman, LSRPA. Due diligence and all appropriate inquiry is not site remediation. Changing that could discourage LSRPs from conducting due diligence and go against the goals of the Board.

Dick Katz, LSRPA. Mr. Katz read comments prepared by Roger Ferguson and made comments of his own with respect to the issue of LSRPs reporting discharges when conducting due diligence. Board rules should clarify that LSRPs do not have a reporting obligation when conducting due diligence.

David Hoffman, LSRPA. His comments are similar to those already given. IECs have a special place and need to be reported. But if LSRPs are required to report discharges during due diligence this will preclude LSRPs from this type of work.

David Backman, Dynamic Engineering. Imposing an obligation on LSRPs to report a discharge during all appropriate inquiry and due diligence is contrary to the Spill Act and the Brownfields Act. Forcing people who are not at the level of LSRPs to conduct due diligence will result in mistakes.

Sonya Ward, H2M Associates. Agrees with comments made already. Clients depend on LSRPs' knowledge and experience to help them evaluate the financial and environmental risks they take on when acquiring property. To require LSRPs to report discharges at this stage will result in precluding LSRPs from this process.

Charles Metzger, Antea Group. Concerned about license inactivation provisions. If he was required to inactivate his license he would not be able to work. He is also concerned about limiting inactivation to 12 months.

Rebecca Hollender, TRC. Agrees with what has already been said. Requiring LSRPs to report discharges during due diligence contradicts the Spill Act and would take away business from LSRPs.

David Morris, LSRPA. There are ways to utilize LSRPs more. State agencies could be compelled to use LSRPs for due diligence. Don't make it harder for the best and brightest to do this work.

Bill Hose noted that the document sent to Janine MacGregor today from LSRPA is a summary, but the comments presented tonight are each individual's comments.

Mark Pedersen requested that comments made tonight be presented to Janine MacGregor in writing via email.

The Meeting adjourned at 7:24 PM.