

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

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DECEMBER 6, 2021 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

Board Members:

Present

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

Absent

Lawra Dodge

Others Present

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

Members of the Public that were present:

Candace Baker, Rebecca Hollender, Dick Katz, Ken Haduch, Marlene Lindhardt, Rose DeLorenzo, Charles Stebbins, William Call, David Morris, Bill Hose, Mark Pietrucha, Caryn Barnes, Rayna Laiosa, Randy Shuler, Sonya Ward, Alex Saltzman

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
 Mark Pedersen - Present
 Michael Renzulli - Present
 Kathi Stetser - Present
 Peter Strom - Present
 Ira Whitman - Present

A quorum of the Board was in attendance.

- **Approval of the Board Meeting Minutes**
 - Motion by Mark Pedersen to approve the November 1, 2021 Board Meeting Minutes.

Motion seconded by Jeffrey Hoffman.

Roll Call Vote:

Jorge Berkowitz - Did not vote due to technical difficulty
 Phil Brilliant - Yes
 Lawra Dodge - Absent
 Joann Held - Yes
 Jeffrey Hoffman - Yes
 Michael Renzulli - Yes
 Kathi Stetser - Abstain due to absence
 Peter Strom - Yes
 Ira Whitman - Yes
 Mark Pedersen - Yes

The Motion to approve the minutes was carried.

- Motion by Mark Pedersen to approve the November 1, 2021 Board Meeting Minutes of the Closed Session.

Motion seconded by Philip Brilliant.

Jeff Hoffman noted that Kathi Stetser should be marked as absent.

Roll Call Vote:

Jorge Berkowitz	- Did not vote due to technical difficulties
Phil Brilliant	- Yes
Lawra Dodge	- Absent
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Michael Renzulli	- Yes
Kathi Stetser	- Abstain due to absence
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Yes

The Motion to approve the minutes as amended was carried.

- **Chairperson's Report**

Mark Pedersen wishes everyone a Happy Hanukkah and wonderful holiday season and new year.

- **Executive Director's Report**

Janine MacGregor reported that she spoke with DEP staff regarding holding the Board Meeting in the public hearing room. At this time the public hearing room can accommodate up to 21 people. The problem is that tables are not allowed, and masks are required. Therefore, she recommends holding off returning to in-person meetings in the public hearing room for a while.

Jeffrey Hoffman also noted that there would be an issue with holding the closed session portion of the meeting, as the conference room would not be able to accommodate the full Board and staff.

Mark Pedersen recommended that even when the Board meetings return to in-person that the Board continue to have a virtual option to accommodate attendance by the public and also Board Members.

Janine MacGregor noted that this is Jorge Berkowitz's last meeting as a Board Member, as he will retire from the Board on December 31, 2021.

Committee Reports

- **Audit Committee – Jorge Berkowitz**

Janine MacGregor reported that six new LSRPs were selected for audit for December 2021.

Jorge Berkowitz reported that the following audits are complete and concluded:

Auditees Selected August 2021:

Peter Sorge - 624376

Auditees Selected September 2021:

Jason Kohl – 746544

Jeffrey Kovach – 783891

Christopher Finley – 588664

Auditees Selected October 2021:

Benjamin Petryna - 834110

- **Continuing Education – Lawra Dodge**

Lawra Dodge reports that the following Continuing Education Programs have been approved by the Continuing Education Committee to be offered both in-person and via AVLF:

TITLE	PROVIDER	DATE	CECs	PROPOSED COURSE NUMBER
2021 NGWA Ground Water Summit – Ground Water Remediation I	National Ground Water Association	December 7-8, 2021	3 Technical	2021-149
2021 NGWA Ground Water Summit – Ground Water Remediation II	National Ground Water Association	December 7-8, 2021	1 Technical	2021-150

2021 NGWA Ground Water Week – Hydrology in the Supercomputing Age	National Ground Water Association	December 14-16, 2021	1 Technical	2021-151
2021 NGWA Ground Water Week – Monitoring Nitrate Contamination in Aquifers	National Ground Water Association	December 14-16, 2021	1 Technical	2021-152
2021 NGWA Ground Water Week – Hydrogeochemistry: Recent Advances and Opportunities and Challenges Ahead	National Ground Water Association	December 14-16, 2021	1 Technical	2021-153
2021 NGWA Ground Water Week – Innovative Tools and Techniques for Monitoring and Managing Karst Ground Water Systems	National Ground Water Association	December 14-16, 2021	1 Technical	2021-154
2021 NGWA Ground Water Week – Innovative Treatment Options for Established and Emerging Water Quality Challenges	National Ground Water Association	December 14-16, 2021	1 Technical	2021-155
2021 NGWA Ground Water Week – Surface Water and Ground Water Interaction	National Ground Water Association	December 14-16, 2021	1 Technical	2021-156
BCONE NSCW Mid-Atlantic Conference	BCONE	October 26-27, 2021	Varies	2021-157
LSRPA Regulatory Roundtable – Addressing Sediment Contamination	LSRPA	TBD	0.5 Regulatory and 1 Technical	2021-158
New Jersey Geoweb Site Remediation Profile Training	LSRPA and NJDEP Site Remediation Program	October 27, 2021	3 Technical	2021-159
Understanding NJDEP Vapor Intrusion Remediation Standards	Alpha Analytical	October 26, 2021	1 Regulatory and 1 Technical	2021-160
Bridging the Gap – NJDEP UHOT and Municipal Regulations	Rutgers NJAES – OCPE	January 25, 2022	3 Regulatory	2021-161

Geology, Hydrogeology and Geochemistry	Rutgers NJAES – OCPE	November 3-4, 2021	6 Technical	2021-162
New Developments in the Regulation of PFAS and Other Contaminants of Emerging Concern	Riker, Danzig	November 18, 2021	1.5 Regulatory	2021-163
Introduction to Natural Resource Damage Assessments in New Jersey	LSRPA	TBD	2 Regulatory	2021-164
RAO Guidance Training	LSRP and NJDEP Site Remediation Program	November 23, 2021	3 Regulatory	2021-165
LSRPA Regulatory Roundtable – Recycled Concrete Aggregate	LSRPA	TBD	1 Technical and 0.5 Regulatory	2021-166

- **Finance Committee – Michael Renzulli**

Michael Renzulli reported that next Monday the Committee will meet with the LSRPA to get ideas about fees. Additional meetings may be held with the LSRPA and others.

- **Licensure Committee – Kathi Stetser**

Kathi Stetser reported that the licensure exam will be held on April 28, 2022 in East Windsor, NJ, in person. Additional covid guidelines will be issued closer to the date.

Janine MacGregor noted that applications for the LSRP license will be expected December 1, 2021 – January 15, 2022. A listserv about the licensure application and exam was issued and is available on the Board website.

- **Outreach Committee – Peter Strom**

No report.

- **Rules Committee – Joann Held**

Joann Held reported all Board Members received the full set of rule provisions with the proposed amendments in New Jersey Register ready format. Footnotes accompany proposed amendments to explain the reason for the proposed amendment.

There are a few additional revisions since the proposed amendments were last shown to the Board.

Section 6.24a uses the term “good faith and reasonable effort to determine” rather than “believes” because it is a reasonable bar to set.

Section 6.8 added provisions to explain independent professional judgment. The phrase “free from outside influence that does not have protection of public health and safety and the environment as its highest priority” was changed to “free from outside influence that is not protective of public health and safety and the environment” because it is clearer and more reasonable.

Section 7.5 lists the contents of the Complaint Review Team’s report. The Professional Conduct Committee felt that requiring the Complaint Review Team to recommend a disciplinary action was unreasonable and inflexible, so decided to remove that requirement.

Throughout the Board rules, the Committee reviewed all places where “guidance” was added and removed this term where it didn’t make sense. In addition, how guidance was referred to was changed to “and the LSRP’s application of appropriate guidance.”

- Motion to accept the proposed amendments to the SRPL Board Rules with edits as discussed today, to convey the proposed amendments to the Office of Attorney General – Division of Law for legal review, and barring any substantive comments from that review, to prepare the proposal package under signature of Chairperson Pedersen.

Motion seconded by Philip Brilliant.

Roll Call Vote:

Jorge Berkowitz	- Yes
Phil Brilliant	- Yes
Lawra Dodge	- Absent
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Michael Renzulli	- Yes
Kathi Stetser	- Yes
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Yes

The Motion was carried.

- **Professional Conduct Committee – Phil Brilliant**

- Motion to enter closed session to discuss proposed revisions to the process for assessing penalties in complaints, and Complaint 003-2021.

Motion seconded by Joann Held.

All present voted yes.

The Motion was carried.

Open session resumed at 6:28 PM

- o Motion by Phil Brilliant, in the matter of Complaint 003-2021, to rescind the previously issued Board Determination and Offer of Settlement dated July 16, 2021 finding the LSRP in violation of N.J.A.C. 7:26I-6.8(c), and to remand the matter to the Professional Conduct Committee to explore the issues raised in the closed session and recommend the next actions of the Board.

Motion seconded by Joann Held.

Roll Call Vote:

- Jorge Berkowitz - Abstain due to technical difficulties during closed session
- Phil Brilliant - Yes
- Lawra Dodge - Yes
- Joann Held - Yes
- Jeffrey Hoffman - Yes
- Michael Renzulli - Yes
- Kathi Stetser - Absent
- Peter Strom - Yes
- Ira Whitman - Yes
- Mark Pedersen - Yes

The Motion was carried.

• **Ongoing Business**

On the occasion of his last Board meeting as a Board Member, Jorge Berkowitz remarked that he has been proud to serve as one of the original Board Members and appreciates the efforts of everyone on the Board. He notes that Department personnel need more guidance on reviewing permit applications. He will remain involved in the Board matters as a public participant. He thanks everyone, it's been a pleasure. He also notes that the most valuable Board Member is Joann Held for all she has done for the Board.

• **New Business**

None.

• **Next Board Meeting**

Motion by Mark Pedersen to cancel the December 20, 2021 meeting of the Board.

Motion seconded by Jeffrey Hoffman.

All present voted yes.

The Motion was carried.

The next Board Meeting will be January 3, 2022.

- **Public Comments**

Marlene Lindhardt, LSRPA, asked why discussion of the Civil Administrative Penalty process was held in closed session, rather than in open session. Joann Held responded that because some of the examples discussed were confidential, it was held in closed session, but the discussion will eventually be brought to open session.

David Morris, LSRPA, asked if the Civil Administrative Penalty process can be published as a flow chart. He also acknowledged Dr. Berkowitz and the contributions he has made.

The Meeting adjourned at 6:52 pm.