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/lsrpboard

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

  o 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:

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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:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>PROVIDER</th>
<th>DATE</th>
<th>CECs</th>
<th>PROPOSED COURSE NUMBER</th>
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<tbody>
<tr>
<td>Event Description</td>
<td>Organizing Entity</td>
<td>Date</td>
<td>Series</td>
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<tr>
<td>2021 NGWA Ground Water Week – Monitoring Nitrate Contamination in Aquifers</td>
<td>National Ground Water Association</td>
<td>December 14-16, 2021</td>
<td>1 Technical</td>
<td>2021-152</td>
</tr>
<tr>
<td>BCONE NSCW Mid-Atlantic Conference</td>
<td>BCONE</td>
<td>October 26-27, 2021</td>
<td>Varies</td>
<td>2021-157</td>
</tr>
<tr>
<td>LSRPA Regulatory Roundtable – Addressing Sediment Contamination</td>
<td>LSRPA</td>
<td>TBD</td>
<td>0.5 Regulatory and 1 Technical</td>
<td>2021-158</td>
</tr>
<tr>
<td>New Jersey Geoweb Site Remediation Profile Training</td>
<td>LSRPA and NJDEP Site Remediation Program</td>
<td>October 27, 2021</td>
<td>3 Technical</td>
<td>2021-159</td>
</tr>
<tr>
<td>Understanding NJDEP Vapor Intrusion Remediation Standards</td>
<td>Alpha Analytical</td>
<td>October 26, 2021</td>
<td>1 Regulatory and 1 Technical</td>
<td>2021-160</td>
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<td>Bridging the Gap – NJDEP UHOT and Municipal Regulations</td>
<td>Rutgers NJAES – OCPE</td>
<td>January 25, 2022</td>
<td>3 Regulatory</td>
<td>2021-161</td>
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- **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.

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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

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.

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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.