NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

April 1, 2019 Meeting Minutes

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

Board Members:

Present

Phil Brilliant
Lawra Dodge (departed at 5:18 PM)
Joann Held
Jeffrey Hoffman (arrived at 4:25 PM)
Christopher Motta
Mark Pedersen
Kathi Stetser (via Teleconference due to travel) (departed at 4:40 PM)
Peter Strom
Ira Whitman

Absent

Jorge Berkowtiz

Others Present:

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

Proceedings:

• Meeting called to Order at 4:06 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 - absent
  Phil Brilliant - present
  Lawra Dodge - present
  Joann Held - present
  Jeffrey Hoffman - absent (arrived at 4:25 PM)
A quorum of the Board was in attendance.

- **Approval of the Board Meeting Minutes**

  Motion by Mark Pedersen to approve the minutes of the March 4, 2019 Board Meeting. Motion seconded by Joann Held.

  Roll Call Vote:

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

  The motion was carried.

- **Chairperson’s Report**

  Mark Pedersen reported that SRRA 2.0 was proposed for introduction on March 25, 2019. It was not given a first reading, so revisions can still potentially be made.

  The MCLs have been proposed for PFOA and PFOS as part of a rule proposal of amendments to the Ground Water Quality Standards. The rule proposal is open for public comment at this time, and a public meeting is scheduled for May 15, 2019.

  On March 27, 2019, the Attorney General and Department of Environmental Protection filed four new environmental lawsuits seeking natural resource damages.

- **Executive Director’s Report**

  Janine MacGregor reported that there has been no word on appointments to the Board.
Committee Reports:

- **Continuing Education Committee – Lawra Dodge**

  Motion by Lawra Dodge to approve the following 25 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>Debate on Conceptual Site Models based on Newark Basin Studies</td>
<td>AEG – New York/Philadelphia Chapter</td>
<td>January 17, 2019</td>
<td>1 Technical</td>
<td>2019-012</td>
</tr>
<tr>
<td>Fractured Bedrock, EPH Remediation and Use of MBTs</td>
<td>LSRPA</td>
<td>January 30, 2019</td>
<td>0.5 Technical</td>
<td>2019-013</td>
</tr>
<tr>
<td>GIS for LSRPs</td>
<td>CPES</td>
<td>May 22, 2019</td>
<td>4 Technical</td>
<td>2019-014</td>
</tr>
<tr>
<td>Green Stormwater Management for Landscape Architects</td>
<td>Rutgers NJAES – OCPE</td>
<td>June 18, 2019</td>
<td>3 Technical</td>
<td>2019-015</td>
</tr>
<tr>
<td>Hands on Sesoil and AT123D Training</td>
<td>ESCI, LLC</td>
<td>TBD</td>
<td>7.5 Technical</td>
<td>2019-016</td>
</tr>
<tr>
<td>World's First Regenerable Resin System for PFAS Removal</td>
<td>LSRPA</td>
<td>January 30, 2019</td>
<td>0.5 Technical</td>
<td>2019-017</td>
</tr>
<tr>
<td>Remedy Selection: Planning for Success and Lessons Learned</td>
<td>NEWMOA</td>
<td>May 7, 2019 and May 8, 2019</td>
<td>6.5 Technical</td>
<td>2019-018</td>
</tr>
<tr>
<td>Environmental Land Use Law</td>
<td>CPES</td>
<td>June 5, 2019</td>
<td>3 Regulatory</td>
<td>2019-019</td>
</tr>
<tr>
<td>BCONE Northeast Sustainable Communities Workshop 2019</td>
<td>BCONE</td>
<td>June 4, 2019</td>
<td>Varies based on attendance – up to 2.5 Technical or 2 Technical and .5 Regulatory</td>
<td>2019-020</td>
</tr>
<tr>
<td>BCONE Regulatory Roundtable – August 2019</td>
<td>BCONE</td>
<td>August 21, 2019</td>
<td>1 Regulatory and 1 Technical</td>
<td>2019-021</td>
</tr>
<tr>
<td>BCONE Regulatory Roundtable – February 2019</td>
<td>BCONE</td>
<td>February 22, 2019</td>
<td>1 Regulatory and 1 Technical</td>
<td>2019-022</td>
</tr>
<tr>
<td></td>
<td>Event Title</td>
<td>Organizer</td>
<td>Date/Time</td>
<td>Type</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>----------------------------</td>
<td>-----------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>12</td>
<td>BCONE Regulatory Roundtable – May 2019</td>
<td>BCONE</td>
<td>May 22, 2019</td>
<td>1 Regulatory and 1 Technical</td>
</tr>
<tr>
<td>13</td>
<td>BCONE Regulatory Roundtable – November 2019</td>
<td>BCONE</td>
<td>November 20, 2019</td>
<td>1 Regulatory and 1 Technical</td>
</tr>
<tr>
<td>14</td>
<td>2018 Langan Environmental Workshop</td>
<td>Langan</td>
<td>November 17, 2018</td>
<td>3 Technical</td>
</tr>
<tr>
<td>15</td>
<td>PFAS Challenges for LSRPs</td>
<td>AEG – NY and Philadelphia</td>
<td>December 12, 2018</td>
<td>1 Technical</td>
</tr>
<tr>
<td>16</td>
<td>Applied Ground Water Modeling with Visual Modflow Flex</td>
<td>Waterloo Hydrogeologic</td>
<td>April 9-11, 2019</td>
<td>21 Technical</td>
</tr>
<tr>
<td>17</td>
<td>Clean Vapor / Vapor Dynamics – 2 Hours</td>
<td>JessCo</td>
<td>TBD</td>
<td>2 Technical</td>
</tr>
<tr>
<td>18</td>
<td>Environmental Workshops</td>
<td>Remediation Workshops</td>
<td>February 2019</td>
<td>4 Technical</td>
</tr>
<tr>
<td>19</td>
<td>Focused Remediation Seminar</td>
<td>Focused Remediation Seminars.com</td>
<td>May 2, 2019</td>
<td>5 Technical</td>
</tr>
<tr>
<td>20</td>
<td>PFAS by American Ground Water Trust</td>
<td>American Ground Water Trust</td>
<td>March 6, 2019</td>
<td>5 Technical</td>
</tr>
<tr>
<td>21</td>
<td>LSRPA Regulatory Roundtable – February 2019</td>
<td>LSRPA</td>
<td>February 19, 2019</td>
<td>1 Regulatory and 1 Technical</td>
</tr>
<tr>
<td>22</td>
<td>LSRPA Regulatory Roundtable – March 2019</td>
<td>LSRPA</td>
<td>March 19, 2019</td>
<td>1 Regulatory and 1 Technical</td>
</tr>
<tr>
<td>23</td>
<td>Land Use Regulations Applicable to Site Remediation Activities</td>
<td>LSRPA</td>
<td>January 30, 2019</td>
<td>0.5 Regulatory</td>
</tr>
<tr>
<td>24</td>
<td>Site Specific Fuel Oil Mobility in Soils and EPH Mobility Criteria</td>
<td>LSRPA</td>
<td>January 30, 2019</td>
<td>0.5 Technical</td>
</tr>
<tr>
<td>25</td>
<td>Langan LSRP Summit VII</td>
<td>Langan</td>
<td>December 6, 2018</td>
<td>3 Regulatory</td>
</tr>
</tbody>
</table>

Motion seconded by Joann Held.

Jeffrey Hoffman arrived at 4:25 PM
Roll Call Vote:

Jorge Berkowitz - absent
Phil Brilliant - Yes to all, except recused with respect to application numbers 3 and 8
Lawra Dodge - Yes to all
Joann Held - Yes to all
Jeffrey Hoffman - Yes to all
Christopher Motta - Yes to all
Kathi Stetser - Yes to all, except recused with respect to application number 22
Peter Strom - Yes to all, except recused with respect to application number 4
Ira Whitman - Yes to all
Mark Pedersen: - Yes to all

The motion was carried.

Motion by Lawra Dodge to approve the application of an individual LSRP for 0.5 regulatory CECs for a presentation entitled “New Jersey Underground Storage Tank Rules and LSRP Program Hot Topics” on March 5, 2019.

Motion seconded by Jeff Hoffman.

Roll Call Vote:

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

The motion was carried.

• Audit Committee – Jorge Berkowitz

Janine MacGregor reported on behalf of Jorge Berkowitz that six auditees were 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.
<table>
<thead>
<tr>
<th>LSRP NAME</th>
<th>LSRP LICENSE</th>
<th>Date of Audit Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ed Sullivan</td>
<td>573514</td>
<td>June 2018</td>
</tr>
<tr>
<td>Jeffrey Fehr</td>
<td>576000</td>
<td>August 2018</td>
</tr>
<tr>
<td>Jeffrey Hosterman</td>
<td>574859</td>
<td>August 2018</td>
</tr>
<tr>
<td>Michael Renzulli</td>
<td>584467</td>
<td>August 2018</td>
</tr>
</tbody>
</table>

- **Finance Committee – Christopher Motta**

Christopher Motta has requested feedback from the Site Remediation fiscal group on the finance committee’s analysis of possible ways to reduce Board operating costs.

- **Licensure – Kathi Stetser**

Kathi Stetser reported that on behalf of the licensure committee, she met with Janine MacGregor and Christopher Motta to discuss possible ways to reduce Board operating costs and is working diligently to determine if the Board can reduce the licensure fees.

Motion by Christopher Motta to hold the next LSRP Examination in April 2020, and to authorize the Executive Director to engage the contractor to develop and administer the exam, and pick an acceptable date in April 2020.

Motion seconded by Mark Pedersen.

Roll Call Vote:

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

The motion was carried.

- **Approval of the Board Meeting Minutes – Closed Session**

Motion by Joann Held to approve the minutes of the March 4, 2019 Closed Session of the Board Meeting.

Motion seconded by Phil Brilliant.
Roll Call Vote:

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

The motion was carried.

• **Outreach Committee – Peter Strom**

  No Report.

• **Rules Committee – Joann Held**

  No report.

• **Next Board Meeting**

  Motion by Mark Pedersen to cancel the Board Meeting previously scheduled for April 15, 2019.

  Motion seconded by Ira Whitman.

  All present voted yes.

  The motion was carried.

  The next Board Meeting is May 6, 2019

• **Professional Conduct Committee – Phil Brilliant**

  Motion by Phil Brilliant to adopt a resolution to enter closed session to discuss Complaints 008-2014, 010-2015 and 006-2017.

  Motion seconded by Lawra Dodge.

  All present voted yes.
The motion was carried.

Kathi Stetser departed the meeting prior to the beginning of the closed session, and Lawra Dodge departed the meeting at the conclusion of the closed session.

Open session resumed at 6:02 PM.

Motion by Phil Brilliant to accept the settlement terms for Complaint 008-2014 of $2,500.00 for violations of N.J.S.A. 58:10C-16.a., N.J.S.A. 58:10C-16.b. and N.J.S.A. 58:10C-16.i. and to authorize transmission of this offer via settlement agreement under the Board Chairperson’s signature.

Motion seconded by Joann Held.

Roll Call Vote:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jorge Berkowitz</td>
<td>absent</td>
</tr>
<tr>
<td>Phil Brilliant</td>
<td>Yes</td>
</tr>
<tr>
<td>Lawra Dodge</td>
<td>absent</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>Yes</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.

For the record, the subject of Complaint 008-2014 is Paul McGaha, LSRP #586577.

Later in the meeting this motion was amended:

Motion by Phil Brilliant to correct previous motion, to accept the settlement terms for Complaint 008-2014 of $2,500.00 for violations of N.J.S.A. 58:10C-16.a., N.J.S.A. 58:10C-16.b. and N.J.S.A. 58:10C-16.i., including amendment of the Board’s prior findings of violations regarding N.J.S.A. 58:10C-16.a. and 16.b., and to authorize transmission of this offer via settlement agreement under the Board Chairperson’s signature.

Motion seconded by Jeffrey Hoffman.

All present voted yes.

The motion was carried.
Motion by Phil Brilliant to accept the settlement terms for Complaint 010-2015 of $2,000.00 for violations of N.J.S.A. 58:10C-16.i., and N.J.S.A. 58:10C-16.b., including withdrawal of the Board’s prior findings of violation of N.J.S.A. 58:10C-16.a. and to authorize transmission of this offer via settlement agreement under the Board Chairperson’s signature.

DAG Nielsen Lewis offered amendment to the language.

Joann Held seconded the motion as amended.

Roll Call Vote:

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

The motion was carried.

For the record the subject of Complaint 010-2015 is James Mack, LSRP #576435.

Motion by Phil Brilliant, in the matter of Complaint 006-2017, to find a violation of N.J.S.A. 58:10C-16.b. and N.J.A.C. 7:26I-6.3(d) for a penalty of $1,250.00, and N.J.S.A. 58:10C-16.i. and N.J.A.C. 7:26I-6.8(a) and (d) for a penalty of $1,250.00, and to authorize transmission of an offer of settlement for $2,000.00 under signature of the Board Chairperson.

Joann Held seconded the motion

Roll Call Vote:

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

The motion was carried.

For the record, the subject of Complaint 006-2017 is Rohan Tadas, LSRP #575486.

• **New Business:**

  None.

• **Public Comments:**

  None

  Motion by Ira Whitman to adjourn the meeting.

  Motion seconded by Chris Motta.

  All present voted yes.

  The motion was carried.

  Meeting adjourned at 6:13 PM.