

Draft Minutes
LSRPA Steering Committee Meeting
August 20, 2015
French and Parrello
Wall Twp., NJ

ROLL CALL

In Person: S. Posten, D. Warner, K. Goldstein, B. Call, J. Scagnelli, R. Ferguson, S. Drew, C. Barnes, D. Katz, D. Morris, T. Toskos, J. Postorino, D. Hoffman, L. Voyce, C. McGowan, J. Hochreiter, A. Robins, L. Watson.

Member Guests: Ashley Fehn (Insitu Oxidation), B. Patel (Maser Consulting), Jim Peterson (Princeton Geoscience), Ravi Srirangam (Peroxy Chem)

Phone: S. Boyle, J. Donohue, I. Kropp, K. Stetser, M. Fisher, M. Pietrucha, M. Van der Heijden, T. Russo

Not Attending: J. Haus, D. Bonas, B. Blauvelt

PRESIDENT'S REMARKS

LSRPA publicity –

S. Boyle provided update on the process of interviewing and potentially hiring a publicist. Goal is to address concern of Senator Smith and SRPLB over the lack of positive news coverage of the LSRP program. Assistant Commissioner Pederson and Licensing Board Member J. Berkowitz noted that more reporting of LSRP success stories should be performed; possibly in coordination with NJDEP. S. Boyle is working with a publicist recommended by C. Barnes from outside of NJ (and not interested in the position), to develop a request for proposal (RFP). S. Boyle spoke with four candidates, and three of the four candidates are interested. S. Boyle is currently working on requirements for RFP. Goal is to resolve by year end.

SRRA. 2.0 Committee

SRRA 2.0 Committee has been formed. S. Senior and I. Kropp volunteered as co-chairs, and there are 8-10 volunteers. They are working on scheduling the first meeting and compiling comments received from membership over the past year. S. Senior drafted an e-blast to membership (went out today) to announce the formation of the committee and asked that suggestions and ideas be forwarded to co-chairs.

NJ Builders' Association (NJBA) – concept of a "V-CEA"

The idea of the virtual CEA is that a CEA will be implemented over a region exhibiting low-level ground water contamination associated with historic fill or historic development, rather than requiring individual CEAs be developed on a site-by-site basis; the objective is to facilitate re-development in urban or underutilized areas. A significant amount of work has been done on behalf of the Builders and several LSRPs to develop a V-CEA proposal for NJDEP consideration. A key component of the plan is the availability of area-wide ground water quality data from historic monitoring programs. Based on initial investigation by NJBA, there is data available for Jersey City. LSRPA has met with the Builders on several occasions and has provided comments. We have also received responses to comments. J. Oberer is our point person for this topic. The intent is to review the current state of the NJBA proposal, including LSRPA comments, and respond back to NJBA. NJBA previously met with the NJDEP Commissioner, who was in favor of the concept, and wanted to make sure the Department provided available ground water quality

data to allow for a detailed assessment. It was noted that to ensure success of the concept, support from municipalities, environmental commissions and other parties would be necessary. Need to vet questions on the details of how the V-CEA could be implemented. S. Boyle commented that we tried to get this topic on the agenda for the meeting with M. Pedersen over the past two quarters. A. Robins advised that we are awaiting more information, and hopes that the LSRPA will be in a position to provide some level of support. J. Scagnelli is reviewing NJBA proposal and comments previously provided by the LSRPA. S. Posten advised that the BOT's prior position was that the LSRPA supports the concept of a more consistent, regional approach to CEAs, and is willing to participate in this process; however, the V-CEA is a NJBA initiative, not a LSRPA initiative. Some of the details in the V-CEA proposal were undefined; therefore, the LSRPA cannot provide an unqualified letter for support. J. Hochreiter commented that hopefully we can get responses within the next week. We don't necessarily need 100% alignment, since there are still some differences of opinion. At its core, is this a vehicle that the Association and its members would see as useful and constructive? The NJBA would like to move the concept along with the LSRPA as a partner. S. Posten supports the idea of developing strategies to more effectively address legacy groundwater contamination issues, and will work with Builders and NJDEP to develop a workable plan. S. Posten will set up a call for next week to finalize the LSRPA position relative to the V-CEA proposal.

Consider support for Senator Smith Fundraiser

After lengthy discussion, the majority of the Board concluded that formal Association support for a specific political party or legislator, or contribution to a PAC not directly managed by the Association, was not appropriate. Individual members were encouraged to directly support Sen. Smith due his role in the drafting of SRRA and the creation of the LSRP program.

Child Care

D. Morris suggested providing an e-blast to membership regarding the status of the child care technical guidance document. D. Morris is talking with AC M. Pedersen about the practice of accepting non-LSRPs after May 2012, the practice of accepting forms without LSRP signatures and issuing their own actions. What is the Department authority to accept this practice? The child care technical guidance document was sent to the Division of Law; as a result, applications in DEP for child care centers are told to get LSRP and undergo rigorous review. The LSRPA position on this matter has been reaffirmed

EXECUTIVE DIRECTOR'S REPORT

October Networking Event at Hopewell Winery

Need to get the registration process going, and e-blast to membership. Plan to charge \$25 per person. October 1 from 5:30 – 8:30.

NJBIA Meeting with Assemblywoman Grace Spencer

Recap – S. Senior, I. Kropp, S. Posten, N. Rivers and several others from the Association, as well as T. Russo (NJBIA). Meeting went well; the Assemblywoman really wanted to hear some case studies about the success of the LSRP program; what work is being done and how she can help. Spent an hour with her, and encouraged her to have a committee meeting to invite LSRPs to build relationships and enhance her understanding of who we are. We talked about what the NJDEP is doing/not doing relative to facilitate the process and site closure/redevelopment, permits and Legislative fixes. Assemblywoman noted that in the past, she often received calls regarding problems with environmental clean-ups, but that over the past few years (with maturity in the LSRP program), such calls have almost ceased.

Question on Salary Ranges

Did we ever plan to do a salary range of LSRPs? CT and MA don't.

SECRETARY'S REPORT

C. Barnes motioned to approve the May and June minutes. Approved. Will post.

TREASURER'S REPORT

R. Ferguson advised that expenditure summary was updated and information sent out on budget. A \$220,000 bank balance was reported. R. Ferguson will contact S. Boyle to discuss seminar expenses relative to those associated with meetings, and the ultimate cost to the Association for the various venues. Will now separate meeting and seminar expenses to track each separately.

T. Toskos commented every year we are getting closer to balancing what we take in vs. what is spent. Questioned the reason we lose a good share by year's end. K. Goldstein explained that membership dues are typically collected only in the last few months of the year, which distorts the accounting of assets over the course of the year.

S. Boyle reported that more ethics courses were held in prior years (as a LSRPA sponsored course, this course generates more revenue for the Association). More continuing ed courses with other organizations incur costs, and this year we spent additional resources on the Commerce magazine (special LSRPA section) event and \$4,000 in scholarships. C. Barnes commented that we pay 1/3 of the cost as our contribution on networking events. J. Hochreiter commented that the average cash flow of \$200,000 is leveling out. L. Voyce commented there has been discounts to our members attending seminars which aren't included in the ledger.

COMMITTEE REPORTS

STAKEHOLDER COMMENTS

J. Donahue – UST Rule

Update on the NJ UST proposal and EPA final publication of the UST rule.

Interesting to note, NJ is one of 12 states that are not currently approved for the EPA state grant program. EPA published a final review in July to become effective in October. EPA requires operator training. NJ proposal varies quite a bit from EPA, particularly with regard to secondary containment. Requirement to have trained operators is very different. EPA rules for functionality, testing, operating- ethanol greater than 10%, biofuel greater than 20% will have to maintain own records. Challenged considerably. K. Goldstein explained that the reason the DEP did not want to get delegation from EPA is because the EPA required that an insurance or reimbursement fund be set up. Remembers testifying; legislature in no mood to set up insurance fund.

LSRP emails on Direct Oversight

C. McGowan reported that an email was sent from the NJDEP to LSRPs at certain sites, indicating they are in direct oversight. Found it strange that it only went to the LSRPs of record and not the RPs. The LSRP has tried to get NJDEP on the phone and is not getting a response. This raises concerns. It is true that the site is out of compliance (enforcement issue), but possibly it is only a very minor issue? In one particular case, the site is not representing any potential impact to receptors. If NJDEP has limited personnel, why are they wasting time on a such a site with limited issues?

D. Hoffman received the same notice for one of his sites, stating that every deadline was missed. Came to him only. The letter did ask for a receptor evaluation to be completed. A. Robins stated that perhaps NJDEP sees that the LSRPs can provide leverage to get the RPs into compliance quickly. When a case

becomes under direct oversight, it's the NJDEP's opinion that the LSRP is reporting directly to the Department. The RP and NJDEP get submittals at the same time. Suggestion is to discuss it in quarterly meeting with AC Mark Pedersen.

Nominating Committee – D. Warner

Call for Nominations went out August 15, 2015 as an e-blast. Will resend after Labor Day. Application deadline is September 21, 2015. Five terms expire in December 2015 (C. Barnes, B. Call, D. Morris, S. Drew, R. Ferguson). Incumbents need to send D. Warner an email with resume if they intend to run ASAP. C. Barnes, S. Drew, D. Morris, B. Call indicated their interest to run. Send email with a resume. Questionnaires will be sent after September 21. Considering questionnaires for incumbents. Recommendations will be made to the BOT on November 16, 2015 (Dec. 1 = 30 days prior to the annual meeting when we would like to notify the entire membership of the slate).

In addition, D. Toder plans to retire mid-2016, may open up that position to be filled early in Q1 2016. Such a replacement would be selected by the Board of Trustees.

External Stakeholder Committee - C. Barnes

Baseball game networking event summary – Great success! Well received. Sold 65 (of the 70) tickets; 63 showed up. Broke about even. Suggest holding event again next year.

Aspiring Professional Event on October 29 – Chimney Rock Inn. AEG, AHMP and SWEP will be partners in the event.

Golf Committee - J. Posterino

Golf outing – suggest breakout committee. J. Postorino heading the committee. Outing will be held during September 2016. Joint event with SWEP and NJEDA, inclusive for new golfers. Dinner with speaker to follow. Split the proceeds. Allocating profits to our scholarship. Considering semi-public courses in Central NJ.

Membership Committee – C Barnes

Quarterly Membership breakfast scheduled for September 29 at Epepe's Essen. Topic is A901 Waste Handlers. Next one in November – looking for topic, possibly child care or what topics to discuss for articles to be included in 2016 Commerce magazine LSRP section.

Membership Tallies:

Total members: 600
Regular: 431
Associate: 153
Student: 16

Legal and Legislative Committee – S. Senior; J. Scagnelli

Nothing to report

Regulatory Outreach Committee – M. Fisher

Status of Technical Guidance Documents:

Minor comments received from membership on draft Surface Water document.

Update on comments for Child Care document: Asked for exact comments from Division of Law. There was not an indication of a re-write. Doesn't speak to it in body of guidance, but flow charts will have to be revised.

New Stakeholder Committee initiatives – developing a new guidance for soil remediation standard ARS(ingestion/dermal, inhalation. NJDEP has indicated names of committee members, which includes a few Association members (full list: Kevin Long, Ian Ross, Mark Maddaloni, Marian Olsen, Lisa Voyce, Linda Cullen, Diane Groth, Allan Motter. First meeting next week.

List for membership of for update to EPH technical guidance committee also available: Geoff Clark, John Donohue, Ron Baker, Michael Boufadel, Dave Barskey, John Ruhl. Geoff Clark is the LSRP who applied; uncertain if Geoff is a member of LSRPA.

Soil Standards – S. Drew – Soil Remediation Stakeholders group received an email thanking us for our service and dissolving the group. We were asked not to distribute the proposed standards. Some other associations/groups have done that. The documents, including 8 tables showing standards, will be posted on the website. S. Drew will find and distribute.

VI guidance – John Endgal will be joining. Drew Sites, Buddy Bueler not mentioned as committee members. Two industry reps off, one on.

Smaller and previously established stakeholder committee working on revision/update to impact to ground water (IGW) guidance documents. After minor updates to documents revised over the past two years, additional discussion will commence regarding capping to address VOCs in soils, and mass-limited source term calculations (per EPA soil screening guidance). In all new documents, IGW to be referred to as MGW (migration to groundwater)Committee members: Steve Posten, Mike Gonshor (Roux), Barry Frasco, Swatti Topin, Paul Sanders, Ann Charles, Maryann Kuserk, Matt Turner. UHOT Committee - Kathi Stetser is on the committee – doesn't know of any progress being made.

Risk Management and Loss Prevention Committee

LSRPA Sounding Board Updates – (D. Warner/W. Call). Initiative has moved from alpha to beta site; have run a few test cases. Some admin blips found, but will be able to meet our 3-month launch. Dudley- emailed out introductory and sign in pages to Committee members. Had a few test cases between the group. Went through portal and the process, seemed to go fairly well. Hard part is staying focused. Easy to have a side bar discussions that delay process. Communication (with the inquirer) is all verbal, nothing written. All submittals to portal maintain the highest confidentiality; not be shared with anyone else. Restrict number of emails back and forth to discuss issues. Conference calls. Quality of responses has been first rate. Did achieve resolution on one trial case, and provided call back to the initiator. Second test case took some time, allow for reading into the question. The next step, if all runs well, is to send an e-blast and add pull-down menu to the portal landing page. BOT will ultimately decide when to go public. S. Posten would like a summary of all test cases and resolution. These summary docs should be incorporated into the Association web page.

SRPLB updates – R. Ferguson –The new members are K. Stetser, Joe Fallon, Jeff Robinson (Geologist), Peter Straub (academic). Full 13 person compliment. Board is ecstatic, distributes workload better. Nothing new from professional conduct committee. Seven complaints this year. Some being held up, presumably until Board rules are finalized; others remanded back for more info.

Licensure – the October renewal cycle has closed. There were several LSRPs that did not resubmit appropriate documentation. One person did not have an ethics course that was approved. One person did not fill the regulatory CECs due to a personal crisis. Board is making arrangements for this individual to

take the course prior to October renewal. Inquiry by a temp LSRP, who failed three exams, claiming that there was a glitch in first exam, requested hand-graded. That person did fail.

- Publish by-laws by end of the year.
Rule adoption may be a topic for next breakfast seminar in 2016
- Next LSRPA & NJDEP Inspector/Review Meeting – 9/9/2015 @ 1 PM in Trenton.

Bylaws Committee – J. Hochreiter

Decided to establish a charitable 501 c.3 for scholarship fund.

Approached to put bylaws together for this entity. Need to get some guidance on how to structure; then customize it for the Association. Need to address charitable contributions. Need BOT guidance.

Appropriate time to get thoughts on organizational structure. Available for BOT consideration by end of year, and get out to members. Need to receive by September.

D. Toder early retirement – to be considered by by-laws.

College Outreach Committee – Ben Alter

Resume portal – K. Goldstein working with Ben. Webmaster is preparing an on-line form to organize into manageable bites so LSRP can look by qualifications for their need.

On-campus presentations. Professors not around during summer, but will pursue in the fall.
Scholarships – awarded as long as recipients matriculate.

Continuing Education Committee – Dan Toder (David Hoffman, asked to Co-chair)

Discussed spreadsheet that Keith Gagnon created to track credits. Seems like a simple thing, but there are some LSRPs that didn't have the right number of credits. Make it available on the website. SRPLB is eventually going to allow LSRPs to keep track of CECs on line.

Dr. Berkowitz suggested that we have synergy between providers. D. Haymes to discuss with S. Boyle. It is desired that there be more courses developed and managed by the LSRPA. Course provider interested in providing and facilitating; but don't have much on content. Child care? Courses are varied. Prices are varied. \$65/ceu (breakfasts are being given away).

- Figure out who attended, focus on those that need it.
- October 27th course on Due Diligence will be held at Hatch Mott .

Have more classes to generate more revenue for Association

Communications Committee – L. Voyce/K. Goldstein

Website - (K. Goldstein) – working with S. Danyew on Sounding Board. Any other tweaks to other area of site-can work with S. Danyew directly. Resume Portal will hopefully be on line shortly. Dispute resolution portal just beginning. Solicited LSRPs who might be interested with seven responses received immediately. Need a disclaimer. Once it's up, RPs and attorneys might be interested that it exists. S.Senior noted a contact through the Environmental Law forum. Send to K. Goldstein so he can inform.

Beginning to work on other web site comments; none of the initiatives need a budget revision. Recommend not to pursue major revisions next year since it is not needed. Committee tabs will be placed on website.

Discussion on NJBIA (Commerce magazine) Special Edition S. Boyle and L.Voyce want to participate again next year. They are looking to attend the next membership breakfast and have E. Palko solicit ideas from the extended group. Want to get a jump on this, as the issue is in March. Maybe participation in the Nov/Dec breakfast. Will take the ideas presented and channel that info; providing guidance on how to write it.

NEW BUSINESS

Concern that professional judgment is limited to SRRA. L. Voyce indicated that the guidance limits the use of professional judgment; as the guidance has become the standard of care. N. DeRose has expressed interest in getting this concern out there; discussed creation of a half-day course on application of professional judgment. Alternatively, develop a seminar on this issue, use as a discussion topic during breakfast meetings, prepare an article for the NJBIA Special Edition, etc. NJDEP made it clear that in use of professional judgment and/or deviation from guidance/rule, full justification needs to be provided.

Open discussion to those that are new in the room.

Jim Pederson – Princeton Geoscientists– newest member of the Sounding Board Committee. Knows a lot of smaller firms struggle with professional judgment, not having participated in the process. Sounding Board is extremely useful.

Pete Sorge – fractionated vs .non-fractionated EPH (issue that should be addressed in new stakeholder committee).

Bharat Patel - Sees how we've had an impact on the business.

Ashley Fehn –Member, Insitu Oxidation –not an LSRP but this provided a good sense of what we do.

2015 Steering Committee Meetings

October 15 – HDR, Mahwah, NJ

December 17 – Riker, Morristown

Adjourn 5:06 pm