

LSRPA Steering Committee Meeting Minutes
December 1, 2011, 9:00 am-noon
Environ International Corp, Princeton, NJ

ROLL CALL: N. DeRose, K. Goldstein, J. Davies, J. Oberer, S. Posten, R. Katz, M. Fisher, J. Hochreiter, W. Call, BV Rao, L. Voyce, S. Boyle, G. Martin, R. Ferguson, D. Bonas, T. Fusillo, L. Watson

By Telephone: C. McGowan, S. Senior, A. Robins, B. Alter and J. Donohue

PRESIDENT'S REMARKS

- DEP Follow up

N. DeRose discussed upcoming December 12, 2011 meeting with D. Sweeney. Meeting was requested to follow up on email to NJDEP Interested Party Steering Committee (IPSC) on policy issues coming from top down, as opposed to developed by staff level individuals. Other topics will include limited immunity and discharge reporting.

Reporting on the status of limited immunity and discharge reporting, S. Senior advised these remain open issues needing follow up possibly with Iliana Ivanciu on limited immunity. S. Senior made follow up call to D. Sweeney as requested, but no substantive response. S. Senior was requested to follow up as appropriate on Limited Immunity.

Regarding the NFA/RAO reliability, the White Paper prepared by S. Senior and A. Robins was provided to the DEP Steering Committee for review, without any response.

- Varying from a Rule and Applying Technical Guidance

Issue discussed at DEP Steering Committee meeting. N. DeRose very pleased with document, particularly with respect to applying technical guidance. Embraces the concept in the intent that was behind allowing for professional judgment in SRRA. Allows LSRP to consider guidance that is not DEP guidance, just based on being appropriate and necessary. Focus on why guidance is used is more consistent with SRRA in justifying how it will protect health and the environment. Original document talked about LSRP having to explain guidance and justify the approach.

J. Davies commented on the differences, the old document focused on what was not done whereas the emphasis for new document is on documenting what the LSRP did.

Standard of care defined in the certification does not imply warranty or guarantee, rather talks about being evaluated within what is conventional and exercising good professional judgment in meeting Standard of Care.

S. Senior discussed guidance in meeting standard of care. Would not emphasize certification as basis for the Standard of Care. In the legal aspect, Standard of Care is defined by the code of conduct, rules and standards, guidance and how those specifications are applied by LSRPs.

- Bylaws

J. Hochreiter reported that all concerns identified from previous meetings were addressed in the latest draft circulated at the meeting. Section 206 was restructured to allow holding the annual meeting 60 days either before or after the end of the calendar year.

Sections 301 & 401 language was clarified on transitioning from a BOT member into an officer role. Defines term for BOT as two years and now allows a one-year term for officer.

Section 3.17 was added to address the hiring of professional staff. Discussion on the sentence "retaining and supervising any additional staff as consistent with the approved annual budget" whether responsibility of "retaining and supervising" are Executive Director responsibility or is BOT is responsible for retaining the individual. BOT decided that Executive Director should do it.

New topic - Check signing responsibilities on behalf of the Association was discussed. Guidelines could be set according to the dollar amount. For example, the Executive Director or Treasurer can sign checks below a certain amount, although only the Treasurer can sign checks above a certain amount. The Financial Committee will review this issue and report back to the BOT.

The responsibilities and reporting function of the Executive Director were discussed. Executive Director will report to the BOT.

Move to approve Bylaws as presented with the typos corrected, with the removal of "the last" in 2.06 and insertion of "have" in 3.17 presented to Membership at the Annual Meeting.

- Annual Meeting

K. Goldstein reported that only 73 individuals have signed up for the Annual Meeting. Sixty people have taken out membership for 2012, with half being new members. He encouraged the Steering Committee to spread the word to other LSRPA members within their organizations. Email to all current members will be sent out within the next few weeks.

The agenda for the Annual Meeting was discussed. The business portion of the event will begin with N. DeRose reporting on the highlights of the year; K. Goldstein giving a brief summary of the evolution of an Executive Director; G. Martin presenting the 2012 budget; followed by bylaws discussion, BV Rao presenting the slate of nominations and ending with presentation of the technical topics.

After a lengthy discussion, it was suggested that the technical portion of the meeting include Assistant Commissioner Sweeney presenting an update on the DEP reorganization and his appreciation of the LSRPA's efforts; Ira Whitman, on behalf of the Licensing Board, status of the licensing exam; possibly Joann Held presenting rules update. Suggested topics also include the work of the Risk Management/Loss Prevention Committee updating its involvement with the Licensing Board on disciplinary and audit procedures and the Continuing Education or Regulatory Outreach Committees discussing its activities from a member's perspective.

S. Boyle commented that a purpose of the meeting should be to receive feedback from our members and their suggestions on what we should pursue in the year ahead.

K. Goldstein will develop and circulate a proposed agenda with timeframes to BOT members for their review.

- Status of Executive Director contract

K. Goldstein reported that the document drafted by the Ad Hoc Committee (G. Martin, D. Bonas, A. Robins and himself) will be discussed with our prospective candidate and when the final stage is reached, it will be sent to the BOT for approval. The process will encompass a two-week period.

N. DeRose questioned how we will operate with an Executive Director. What are the reporting procedures? Consideration should be given to the tasks we are doing as officers, trustees and committee chairs that you want to continue doing. A contract is generic, but the job description should be specific.

SECRETARY'S REPORT

- Status of October BOT minutes

Posted to the website.

- Status of November BOT minutes

N. DeRose suggested that only Committees reporting during the meeting be included in the draft minutes. A motion to approve the suggested change to minutes was made by K. Goldstein, seconded by S. Boyle and approved by the BOT.

TREASURER'S REPORT

- Draft 2012 LSRPA Budget Discussion

G. Martin reported a \$75K balance, good financial condition.

G. Martin summarized the proposed 2012 budget, budget allocation for 2011 and the actual 2011 budget. He explained that the budget proposed for 2011, which was based on 400 members, was on target, with the only increase in 2012 being the Executive Director line item. K. Goldstein stated that the \$1000 expenses for the Executive Director is not shown on the budget; therefore, the proposed 2012 budget should be updated to include the \$25,000 for the contract and \$1000 expenses and also include in the Executive Director contract.

Suggestion by N. DeRose for a quarterly review of the budget.

J. Hochreiter made a motion that the budget, with the \$1000 modification for Executive Director expenses be adopted as recommended by BOT with approval by membership. Motion voted on unanimously by the BOT. Budget to be presented to membership at the Annual Meeting.

COMMITTEE REPORTS

Legal and Legislative Committee

S. Senior reported that the Committee is working with Risk Management Committee looking at insurance issue and contract language. These issues should be finalized by the end of the year.

N. DeRose raised question on the Senate hearing on LSRP and SRRA. No one was aware of whether the hearing was scheduled. S. Senior will follow up on outstanding issues with Assistant Commissioner Sweeney.

Regulatory Outreach Committee

S. Posten advised that the Committee will meet today to discuss this year's achievements and lay the groundwork for next year.

Risk Management/Loss Prevention Committee

B. Call advised that the Committee is currently addressing LSRP insurance coverage and other issues of considerable value to the membership.

- Liability Insurance Coverage

B. Call commented that the Committee met with Dan Borgna and the Dale group, who presented a secondary insurance coverage for LSRPs. This was reviewed by J. Scagnelli on behalf of the Committee and he generated a November 21, 2011 memorandum that he will return to the Dale Group with modifications for consideration to their proposed coverage/policy.

Issue will include hot topics that LSRPs should review with its employers. N. DeRose emphasized that the Association should be sensitive not to endorse a specific insurance policy.

B. Call requested review and approval of the following documents as quickly as possible and posted on the website and available to membership:

- "Thoughts to Consider – LSRP Contracts"

Previously circulated to the BOT and under review by S, Senior.

- FAQ Update

The FAQ Guide is a six-page document presently under review; the Committee is seeking approval for posting on the website.

- Plans to generate a "Thoughts to Consider Insurance for LSRPs" document and possibly a list of carriers that offer coverage within the next two months.

Licensing Board Liaison Subcommittee

-status of letter to DEP regarding release of information by Board Member

N. DeRose summarized the basis for the LSRPA's letter to the Licensing Board regarding transgression of confidentiality by releasing information not yet revealed to the public on a disciplinary action. He stands behind the Association's letter based upon legal discussions and the decision to send the letter.

Discussed the letter of resignation from Tracy Straka, who felt that publishing the letter is something that she cannot support as a member of the Steering Committee. She will be encouraged to speak with J. Scagnelli.

The focus of the issue should be on the action, not the individual. S. Boyle received a request from an official with The Whitman Companies that a meeting be scheduled to discuss the LSRPA action. N. DeRose and K. Goldstein tried to set up a meeting with I. Whitman to no avail. N. DeRose would welcome the opportunity to discuss, but has not yet been approached. S. Boyle will respond to the individual who contacted her.

J. Hochreiter stated that it is important that the BOT be resolute in encouraging discussion of a problem during a meeting, so everyone is on the same page, and support positions taken by the LSRPA.

J. Oberer advised that the next Licensing Board meeting is Monday, December 5. Hopefully there will be movement by the Board on our comments.

Two BOT members were scheduled to attend each Licensing Board meeting. K. Goldstein advised that current Board members should be scheduled for January meetings and the rest of next year's schedule will be developed after the new BOT is seated.

Continuing Education Committee

- Ethics Course –

D. Toder contacted David Abbot who is active in AIPG and has given ethics course numerous times. Talking to Lawra Dodge, who indicated that the LSRPs may be able to get advanced CEU credit toward their license prior to becoming a permanent LSRP. The course approval process is not quite in place to approve the course but may be shortly. Lawra also indicated that within one year of the start of the first permanent LSRP license cycle, LSRPs should be able to get CEUs and use them towards their first renewal. If course is approved for CEUs, attendance will be good.

- Training Course Update

November 30th Rutgers course entitled “Practical Applications of Site Remediation.” Another course scheduled for February 7, 2012 since the August 10 and the November 30 courses filled up quickly

The next DEP guidance document training is scheduled for December 12 in Trenton on Ecological Investigations.

Communications Committee

- Email blast on major policy issues facing LSRPs

L. Voyce advised that the Committee has not met in awhile and will speak with K. Stetser. An email blast will be sent to members regarding the survey circulated to LSRPs by the exam developer. K. Goldstein advised not sending routine Communications Committee blasts until after the Annual Meeting in order to minimize email traffic and focus the membership on the survey and the annual meeting.

Membership Committee

S. Boyle raised issue of corporate membership for those companies with several members. Issue will be held for discussion at later time.

N. DeRose suggested revisiting composition of the Steering Committee. K. Goldstein will review the Steering Committee’s composition and make recommendations to move forward on next year. This is a discussion item for the next Steering Committee meeting. Members were encouraged to email him any recommendations regarding possible stakeholder additions, etc. C. McGowan commented that the LSRPA should decide how much input they want from outside groups and a few minutes should be set aside during meetings for input from other groups.

C. McGowan stated that major concerns from her group are the RPS (Remedial Priority Score) and the guidance document on Historic Fill on property. Tony Russo would normally keep the group informed, but he departed the Chemical Council recently.

J. Donohue commented on the perception of the closeness between the DEP and LSRPA. There is also concern on the independence of the consultant to work for the client.

NEW BUSINESS

- League of Municipalities

S. Boyle presented a summary of the recent League of Municipalities Conference. She suggested participating in the League next year along with other conferences, such as the American Planning Association (NJ Chapter), panel during the League Conference, the National Brownfields Conference and ANJAC.

- Environmental Outreach

J. Held was contacted by N. DeRose to discuss setting up a joint neutral dialogue with environmental groups. M. Pisauro is working with her on an outreach effort to environmental organizations for a possible dialogue to be held in March.

- DEP Reorganization

Discussion on the ongoing reorganization with the Division of Site Remediation within DEP. Staff members are being notified by email on their new assignments.

Also, discussion was held on communications within the Association. Information is not being communicated to all levels of the Association. Notes could be prepared at every meeting and distributed. Possibly a function of the Executive Director could be to gather this information and communicate it to others. E-mail lists must be formalized and the organization chart requires updating.

Ended 12:15