

**Steering Committee Meeting  
February 19, 2015  
2 pm – 5 pm  
The ELM Group  
Princeton, NJ**

**ROLL CALL**

In Person: S. Posten, S. Boyle, C. Barnes, M. Fisher, J. Oberer, C. Barnes, B. Call, D. Toder, K. Goldstein, R. Ferguson, B. Alter, , J. Scagnelli, J. Hochreiter, K. Stetser, M. Pietrucha, J. Postorino, K. Long, S. Drew, T. Toskos, L. Watson

Phone: S. Senior, C. McGowan, E. Palko

Absent: A. Robins, B. Blauvelt, D. Morris, D. Bonas, D. Collins, J. Haus, J. Donohue, J. Davies, L. Voyce, M. van der Heijden, N. DeRose, R. Katz, T. Fusillo, T. Russo.

**PRESIDENT'S REMARKS**

- Case studies of LSRP vs. LSRP interaction to resolve case issues. Success stories? Catastrophes? Litigation? 3<sup>rd</sup> party oversight/adjudication (by LSRP or other). Trying to collect examples for the panel discussion at Montclair the end of February.

S. Posten reported on professional judgment and arbitration panel, with LSRPs on opposite sides, scheduled in late February at Montclair University. S. Posten will represent LSRPs on the panel. He requested anyone with examples of arbitration or heated disagreements about downgrading property, please forward to him.

- Battelle Conference

S. Posten secured a session on the licensing professional program during the May Battelle Conference. The focus will be the licensing program in the Northeast. He reached out to regulators in three states after Steering Committee members submitted abstracts. The result was that five papers were accepted along with a poster by GZA. S. Posten and N. DeRose are session chairs; Duff Collins will present the national overview of the program. J. Oberer will present a comparison of the NJ, MA, CT programs; S. Senior will present statutory and legislative background of SRRA, J. Berkowitz will report on the importance for an independent board and K. Stetser will report on the different roles LSRPs can play in the program framework.

- Executive Committee

Positions on the Board of Trustees include President, two Vice Presidents, Treasurer and Secretary. M. Fisher is Vice President of Internal Affairs and J. Oberer temporarily assumed Vice President of External Affairs position vacated by J. Davies. S. Posten presented new appointments including J. Oberer as Vice President, R. Ferguson Treasurer, (working with J. Oberer through transition) and C. Barnes as Secretary. The role of Secretary was defined as ensuring minutes of BOT and Steering Committee are drafted, reviewed, questions raised and approved by BOT and posted on the website. Also, ensures that

White Papers and official correspondence are circulated for BOT approval and forwarded to S. Danyew for posting on website.

Motion: S. Posten presented motion that R. Ferguson serve as Treasurer for 2015 and C. Barnes Secretary for 2015. K. Stetser seconded with everyone in favor.

## **EXECUTIVE DIRECTOR'S REPORT**

- Business Magazine

S. Boyle reported on Business Magazine roll out of the March 2015 issue, which will go to print on February 28<sup>th</sup>. We will get 1000 copies of our section as well as posted on the website and circulate to Steering Committee members. Included are IECs, introductory letter from S. Posten, an article on overview of program; N. DeRose and M. Fisher have an IEC article, J. Oberer's article is on advocating for client, Ian \_\_\_\_ on buying and selling property (long-term O&M and financial assurance) and an OP ED on standards.

Suggestion of a cocktail party to coincide with magazine roll out. In addition to inviting our members, S. Boyle suggested inviting business people who are members of Environmental Section of the BAR, NJBIA (they don't make their membership available). She is looking into a subset of BIA list. Think of who would be interested in the magazine article and we want to invite and send recommendations to S. Boyle.

All members approved spending \$5K for cocktail party.

- SC meetings changes - April 16 at GEI, in Mt. Laurel and Dec. at Riker in Morristown.
- Northeast Sustainable Communities Workshop(NESCW)

The Workshop will be held on April 15, 2015 in NYC. Workshop will include sustainable communities and brownfield redevelopment in CT, NY, PA and NJ, with a panel interesting in redevelopment. The LSRP is the newest and most novel model. Is this something we would like to do and would the LSRPA authorize funding for event? A networking cocktail party by SWEP is held at the end of the event. SWEP is looking for \$1500 co-sponsor. Bill Call moved with Steve Posten seconding the motion for a \$1500 cosponsor. The agenda will be circulated to the Steering Committee.

- Continuing Education

A Steering Committee member is concerned that we are not doing much as an organization in offering continuing education courses, especially when our ebasts include LSRP courses offered by other groups. Members were encouraged to consider things they were involved that could be developed into a course. We will continue advertising courses by other groups as long as our members get a discount. EBC may be asked to advertise our courses. External stakeholders always offer that cross promotion is a benefit of membership. Advised of an upcoming LNAPL course given by GES.

J. Scagnelli commented on supporting Association programs and courses by speaking at programs by other groups. We should not be teaching courses by other associations, rather we need a core group of Association courses to offer our members. C. Barnes suggested interacting with other LSRPs on Lessons Learned, which could be a potential course.

S. Boyle reported that an Ethics course is scheduled for March, with a different ethics course for next cycle. The course will be offered during March 2016 in Montclair; March 2017 in South Jersey and March 2018 in Central Jersey.

Reporting that course registrations often come in very late, S. Boyle suggested offering a discounted rate for early registration. After discussion by members, it was agreed that the regular rate would be charged for early registration with a higher rate for late registrations. It is difficult to plan room needs with many late registrations.

S. Boyle advised that the March 18<sup>th</sup> SRAG will be a panel discussion. K. Stetser and R. Ferguson offered to emcee the meeting. The final agenda will be circulated.

S. Boyle reported on the March 25-26, 2015 Fundamentals of Chemistry for Contaminated Groundwater that is being held in conjunction with the NWETC at the National Conference Center in East Windsor. Attendees will earn 13 credits. NWETC wants to do two or three additional courses with us during the year.

- Sustainable Communities (Sustainable Jersey)

This organization helps municipalities get accreditation for being sustainable. Brownfields has been added to the certification. They requested a 5-10 minute video from the LSRPA on what municipalities need to know about LSRP program for use during their March 23<sup>rd</sup> session, which will be moderated by Administrator of Woodbridge Township. K. Stetser can provide information on Sustainable Communities. Members were asked to contact S. Boyle if interested. We will get video afterwards for posting on our website.

- Letters from DEP on Waste Broker License

J. Postorino report that AWT received an A-901 and is now waste broker. Letters from DEP on Waste Broker Licenses are being received and it is not known how it applies to environmental consultants. Discussed how companies receive this letter, possibly through contractors. J. Oberer expressed concern that a client hires a consultant to remediate a client and, in turn, the consultant hires a contractor. Is this brokering? J. Scagnelli has research on this topic. If people try to cross sell their services, they need to list everyone that have brokered waste through. The form letter from DEP is going around due to being identified on the paperwork. This is a solid waste issue.

## **SECRETARY'S REPORT**

Nothing to report, but will work with L. Watson to finalize outstanding minutes.

### **Licensing Board Update**

K. Goldstein reported on the February 17<sup>th</sup> hearing, which attracted five or six presenters and a sparsely-attended audience (20 people). CCNJ spoke with EBC supporting; R. Ferguson, J. Oberer and John Bee spoke on practicing LSRPS. (20 people in audience). Written comments due tomorrow morning. K. Goldstein will send the comments received to the BOT and Risk Management group with comments due back him by February 27<sup>th</sup>. All comments must be received by D. Haymes by March 6<sup>th</sup>. Individual comments to the Board are also encouraged.

R. Ferguson reported that John Bee commented on the rule and how he is subject of a complaint. The Board does not know the subject of complaint, but it does not pertain to analytical guidance.

The Licensing Board approved 29 more applications. One person was rejected due to insufficient hours. Some people have taken the course previously; one person rejected for lack of hours. Continuing education still takes a long time for approval by the Licensing Board.

## **TREASURER'S REPORT**

J. Oberer reported that the Finance Committee met earlier in the day. Action items will happen after transition:

Action items include re-evaluation of insurance coverage; talk to accounting firm with looking at investing reserve for scholarship. He will work with R. Ferguson in upcoming months as part of the transition.

S. Posten suggested redefining roles of the Vice Presidents to interact and oversee various committees. Either the Internal or External Vice Presidents will oversee all committees. He will speak with M. Fisher and J. Oberer to get them more involved in committees. Suggested Quarterly meetings with External VP.

## **OLD BUSINESS**

- Update of the Soil Remediation Standards February 10<sup>th</sup> meeting - S. Drew

Entering Phase III of stakeholder process, writing the rule. Phase I was numbers and Phase II was objections. During the February 10<sup>th</sup> meeting, rules and format on how to write the rule was discussed and sent out for review at the meeting. Sections of the draft of the first three sections were presented; and people could provide comments. An e-mail from Terry S. clarified that the intention is to take comments under advisement, change language if necessary and send out to committee. Revised document is sent out as FYI only. It was agreed that written comments would be accepted within two weeks after February 10<sup>th</sup> meeting for people who could not attend. Previously, comments needed to be received within only one week after the meeting.

Commenting on the old rule, S. Posten commented that we need to work together to draft the language in the rule that will make the rule flexible. In the old rule, you didn't remediate the background. Since DEP is insisting on IA as standards, then they have to say the same about ambient air and background air.

Discussed impact to groundwater listed as a human health exposure.

Meeting with the Commissioner quarterly (April, July, October and January). Talk about legal challenges with cost recovery for publicly funded as a goal.

## **COMMITTEE REPORTS**

- Nominating Committee

D. Warner reported no much work for his committee at the moment.

- Bylaws Committee

J. Hochreiter reported that the Bylaws from Annual Meeting were adopted. He urged members not to wait until the end of the year to suggest changes. Don't wait to end of the year to suggest changes.

- **External Stakeholder Committee**

C. Barnes reported that the Annual Meeting resulted in a couple new members for the Committee, bringing the membership to 12 individuals. Only four members were on the kick-off conference call. During the call, the schedule and goals for year were established. J. Galley suggested inviting Safety organization people; possibly attract developers, members of the legal community and other groups. A goal of an Aspiring Professional event is to have one meeting with established professionals, with professional judgement as the topics. Topic would be professional judgement. The goal is to hold two or three meetings this year.

- **Membership Committee**

Reporting on the March 11 Member Breakfast meeting, Caryn Barnes reported that the focus may be on the Board rules and comments to rules.

Reporting on the results of the Membership Survey, C. Barnes advised that members want more networking events; 24 years of experience is the average; some firms don't seem to be supporting their LSRPs with membership. More lunches, university outreach, open communication on comments and answers; more lessons learned, legislative initiatives all mentioned as possible benefits of membership. We should be fighting with DEP on their inflexibility; tech interests (more option to interact with other LSRPS since DEP does not respond to calls); LinkedIn – limit to legal and regulatory.

Online discussion board - R. Ferguson commented that posts by others needing technical information have been received. S. Posten advised that people want a Bulletin Board and we should decide to find someone to hire to write a quarterly newsletter.

We should do a better job of telling people what we do. As an example, Membership Committee has done x y z.

R. Ferguson will start diverting job posts on LinkedIn and start conversations on various topics to try to get people to post their concerns. We need to get more content out to our members.

B. Alter suggested letting members know what meetings/activities you are attending and encourage them to contact you if they wish to participate.

S. Boyle commented that we need to contact our active members to help develop Tools of the Trade.

J. Hochreiter suggested a monthly/quarterly newsletter to members. Possibly consider hiring a PR firm to help write content in conjunction with the Communications Committee.

Motion made and seconded to hire someone to fill need of quarterly newsletter. The individual would coordinate with Communications Committee.

- **Legal and Legislative Committee**

S. Senior advised that the Legal and Legislative Committee was reconstituted and is getting active participation. Possibly six new members helped prepare comments on the RAO guidance and board rules. Committee has strong opinions on OPRA and public notification issues. Members of the Legal Committee

feel that a solution to OPRA problem is needed. Regarding due diligence, a party is unable to get information about a site because that information may not have been given to DEP before LSRP has taken over. Many attorneys working on due diligence find this difficult..how do people get information to perform appropriate inquiries and standard due diligence. Attorneys feel that LSRPs have a role to play in filling this data gap. Solution offered is that LSRPs should be required to provide data in their possession, provide documents submitted for public record; and payment should be provided to the LSRP. S. Senior suggested this may not be something that the LSRPA wants to advocate. Questioned whether the LSRPA wants to work on a solution and whether there are people on other committees who want to work with Legal Committee to develop a solution. J. Scagnelli commented that public notification is coming out of Licensing Board rules. We need to see Board rules first. We will comment on what an LSRP should or should not provide. The legal community is experiencing this data gap and the issue needs to be addressed with OPRA-ability.

J. Oberer will update his paper on OPRA-ability.

### **Regulatory Outreach Committee**

M. Fisher advised no change since update at Annual Meeting pending. Offsite comments being processed and final document issued in next couple months

Groundwater Surface Water – months away from being issued. Please let him know of those Committees that are slowed.

R. Ferguson advised that language on clean fill (resolution of quarry-filled material) may be available shortly.

S. Posten noted that IGW committee is on hiatus because participants need to focus on Soil Standards. Need to update compliance attainment document.

### **Risk Management and Loss Prevention Committee**

- LSRP reporting obligations – K. Goldstein (now posted under RM&LP Committee tab)
- LSRPA & NJDEP Inspectors/Reviewers meeting update (see attached

Met with NJDEP Inspectors/Reviewers on December 10<sup>th</sup>. M. Campion indicated that an email will be sent, but response may not be necessary. Address before RAOs. Note other AOCs not addressed, not remediated. Have not made determination about multiple AOCs with different LSRPs.

M. Campion and Committee drafted a three-page comment letter to those submitting comments. Send B. Call names of people you are having problems.

- Draft RAO guidance comments (1/23/15)

Guidance documents on comingled plume, solid waste and child care still months away. Pesticides guidance went out and comments received.

Update on attainment guidance postponed due to soil remediation. All guidance documents won't change. Soil saturation issues, at some concentration NAPL and vapor will migrate.

## **Bylaws Committee**

### **College Outreach Committee**

Update on the College Scholarship Initiative

B. Alter reported that the Committee's goal is to award \$2,000 scholarships by April to NJIT, Monmouth, Rutgers New Brunswick, Richard Stockton, William Paterson. We been in contact with all five universities, with three showing an interest. Establish process with university for submittal of applications by March. Universities have internal committee who can submit applications to us for evaluations. Applications will be put online in second draft; need to finish by end of month. Universities are interested in having their people come to our Annual Meeting. A ceremony held on campus before end of school year followed by a press release and then attend our Annual Meeting

K. Goldstein commented if universities don't have candidates, then the Committee distribute the \$10K as they see fit. Montclair State University has never had professional organization offer a scholarship.

J. Oberer advised that we would like to set up scholarship fund as separate entity. If other entities want to make contributions to scholarship fund, then it is in place. Need to speak with the Accountant.

### **Continuing Education Committee**

D. Toder reported that the GIS class will be resurrected with Joe Torlucci giving the class. Since our meeting in New England with CT and MA we have been able to help to put on a course already approved in MA & CT. He will put together application to Board so we can offer for CECs.

The Exam Prep course will be held next week with the Ethics course scheduled for March.

### **Communications Committee**

S. Boyle reported that the Committee recruited a couple new members and L. Voyce will schedule a committee meeting.

A Sponsor Committee should be added to the Steering Committee and the Chair invited to Steering Committee meetings.

## **STAKEHOLDER COMMENTS**

### **NEW BUSINESS**

- LSRPA Technical Conference? Thoughts on us organizing a technical conference with an LSRP flavor.  
– T. Toskos

Technical Conference with S. Posten, P. Brilliant, T. Toskos, S. Drew and D. Hoffman holding a conference call before next Steering Committee meeting.

- Site Remediation Report Act 2.0 as opportunity to introduce site-specific cumulative risk assessment as methodology for determining the need for remedial action; and – K. Long

Movement in NJ to do risk assessment without calling it risk assessment. The standards are three parts of the risk assessment. The extent, concentration, etc, are the fourth and exposure on the site is the 5<sup>th</sup> section. Is there opportunity in the Act to enhance or amend what is not discussed in the Brownfields Act, what is done in other states and to provide in future acts. (Have the creative writer connect with Kevin).

S. Posted suggested the need of a separate group to help us to get there.

- The LSRPA's role in leading the future of contaminated site remediation in New Jersey - K. Long

K. Long reported that Linda Cullen, DEP's coordinator for Risk Assessment, is concerned with the "aging" DEP tech population there are not many junior staff who could assume their roles. To avoid things that have been solved, information should not be lost to history, she feels that the LSRPA may end up the stewards or given the charge to ensure decision making moves forward. S. Boyle will contact her.

- White paper and cover letter prepared for NJBIA. (Class IIB paper)

S. Posten suggested doing a virtual CEA, pilot test in Jersey City, similar to historic fill. Idea is that NJBIA will submit the end of the month, series of meeting with the Commissioner). Builders Association wants to submit to DEP by end of the month. Identify pilot study, go through process and figure out template. Local municipal endorsement is critical; Suggested engaging the League of Municipalities.

A conference call with BOT needed and follow-up calls based on outcome. .

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### **2015 Steering Committee Meetings**

April 16 – GEI, Mt. Laurel, NJ

June 18 – GZA, Hammonton, NJ

August 20 – French & Parrello – Wall, NJ

October 15 – HDR, Mahwah, NJ

December 17 – Riker,