



LICENSED SITE REMEDIATION PROFESSIONALS ASSOCIATION BOARD OF TRUSTEES CONFERENCE CALL

April 1, 2010

PARTICIPANTS: N. DeRose, K. Goldstein, S. Boyle, J. Davies, J. Oberer, T. Straka, G. Martin,, R. Katz, S. Posten, S. Senior, A. Robins,

PRESIDENT'S MESSAGE – N. DeRose

- Licensing Board – Commissioner Martin will receive a full slate of nominees from NJDEP for LSRP Licensing Board, although there is no information available on who may be on the slate.
- Letter to LSRPA members posted on website identifying LSRPA activity including status of the DEP Interested Party Steering Committee and volunteer teams. .
- Priorities – website, Steering Committee and Volunteer Teams. In response to question by N.DeRose on the Association's progress, J. Oberer noted that we need to make it a high priority to send emails updating the entire membership. K. Goldstein proposed that after the Continuing Education seminar date is set, sending an email blast that includes Steering Committee information. N. DeRose suggested sending an outreach message to the LSRPA membership every other month. The upcoming email blast should include an announcement regarding the formation of the Legal and Legislative Committee.

Old Business:

- Board of Trustee member attending Licensing Board Meetings. The need for a stand-alone committee is unresolved. Discussed transition from what is the presently the Licensing Board Committee to what we need to do after the Licensing Board is established and whether a Board of Trustee member should attend the meetings. T. Straka suggested merging the Risk Management Licensing Board Subcommittee with the existing Licensing Board Committee and let it remain a stand-alone committee. T. Straka and S. Senior would participate and John Oberer would ensure through subcommittee that we have LSRP representation. Conference call scheduled Monday on this issue.
 - Schedule conference call to discuss interfacing with Licensing Board - J. Oberer.
 - Call scheduled for Monday April 5.

- Possibility of reserving PSE&G facility for May 20, 2010 Open Steering Committee meeting – T. Straka. PSE&G has not yet been contacted. Due to Homeland Security issues, pre-registration is necessary since a list of attendees needs to be cleared beforehand by PSE&G, walk-ins are turned away and we need to use their vendors. S. Boyle will ask Julie Mosologo about Holly House. K. Goldstein will e-mail LSRPA membership informing of May open meeting and the need to RSVP.
- Contact with Synapse on insurance product –S. Boyle referred calls to J. Oberer and M. van der Heijden. It is unknown whether a return call has been made. M. van der Heijden will call when he returns from vacation.
- Discussed article that Drew Bonas distributed on personal liability. Langan referred to insurance broker and attorney and will share with the Board when a response is received. J. Oberer and M. van der Heijden to review, understand and evaluate Pride insurance product and explain to Board.
- Identify winning bidder for LSRP permanent license test. The state was bidding exam out. (Include in 4/21 Steering Committee meeting agenda or if information is received earlier, include in next BOT call).
- Committee synopses on accomplishments and plans – All Chairs are responsible to get information to K. Goldstein for placement on the website.
- Synopses of Site Remediation Interested Party Steering Committee (IPSC) activities – IPSC members. R. Katz reported that the statistics on RAO and NFAs issued on new cases was discussed at meeting and working team was introduced.

SUPPLEMENTAL COMMITTEE REPORTS

• Communications Committee

- The next NJDEP Metrics Team meeting is scheduled for April 20, 2010. S. Boyle reported that meeting minutes were distributed but clarification is needed. N. DeRose suggested that a section of the LSRPA website be devoted to the DEP's Steering Committee. --N. DeRose read M. van der Heijden's email on Metric Measures Stakeholder Group. M. van der Heijden is chair of LSRPA Measures Group Team. It was agreed at the March 12, 2010 meeting that the three general goals for measuring the success of the LSRP are clean up the environment and protect public health; continuous improvement of program and increase case cleanup and positive economic development. Four interested group parties identified were LSRPs, DEP, remediating party (RPs and developers) and general public. At April 13th meeting the group will form four subcommittees, depending on their perspective develop metrics to measure achievement of similar goals.
- S. Boyle will draft the minutes of Metrics Team meeting, include M. van der Heijden's comments, circulate to the Board, then D. Katz for review and K. Stetser for posting on website. Sue B. will contact K. Stetser to provide a link to DEP's site with Steering Committee information or decide if we need to post separately.

--Status of Committee list and Board of Trustee contact information - S. Boyle will follow up with K. Stetser on the status of website posting.

--Software purchase. Completed.

--Arrange for 'share point' type feature for meeting minutes. This software enables the sharing and editing of one document located on website. Too preliminary to present status.

--S. Boyle will contact L. Voyce regarding the newsletter and remind her of the Constant Contact software.

--K. Goldstein will speak with B. Smith regarding the website work schedule. He circulated suggested priorities to K. Stetser and B. Smith and is awaiting their response.

- **Nominating Committee**

-- J. Oberer to contact B. Alter and will give BOT an update at next Board meeting.

- **Membership Committee**

--L. Watson is comparing the list of LSRPs against the LSRPA Membership List and drafting a letter to nonmembers inviting them to join the Association. The current LSRP list includes 311 individuals, with approximately 90 not members of the Association.

--K. Goldstein is contacting Dave Brogan and Ken Siet in an effort to recruit outside stakeholder interest in the LSRPA. J. Posterino of AWTAs offered to send letters to his contacts (3,000 – 4,000) in New Jersey. He is collaborating with K. Goldstein on developing a letter.

- **Risk Management Committee**

--Status of case study with DEP – As an update, J. Oberer reported that DEP approved guidelines and will put case managers in touch with our team to determine the documents we want to review. M. van der Heijden will follow up with J. Brogle

--Tony Russo offered to make a presentation on the case study review, but since the Association wishes to remain anonymous, his offered was declined.

--“Standard of Care” definition and documentation process - no report, but will be included as an agenda item in next week’s meeting

- **Licensing Board Committee**

--Status will be reported after the April 5, 2010 conference call

- **Regulatory Outreach Committee**

- S. Posten reported that the next meeting hasn't been scheduled, but it is proposed to hold a full subcommittee meeting. At that time, the subcommittee may reorganize to support the DEP Stakeholder Teams. It is anticipated that a meeting of subcommittee chairs be scheduled in late April.
- S. Posten sent message to the Board and subcommittee chairs to comment back on topics from initial meeting and identify teams who could support in the development of new of guidance documents. These comments will be provided to April 15th.
- Next Guidance Team meeting is scheduled for April 30, 2010.
- N. DeRose sent similar message along with DEP agenda, and specific follow-up items to those individuals who volunteered for the Technical Regulation Team and requested feedback. N. DeRose, J. Davies, K. Stetser and M. Fisher will review comments received and forward recommendation to D. Sweeney by April 15. Results will be shared with the Board.
- Next Technical Regulatory Volunteer Team meeting is scheduled for April 27, 2010
- General precepts document for submittal to NJDEP – N. DeRose reported that J. Davies and he developed general precepts document and suggested priorities for good guidance.
- N. DeRose requested I. Kropp prepare a synopsis on DEP's commitment to the Steering Committee process and what it means to volunteer teams. She expressed reluctance due to many problems with submissions by LSRPs. S. Boyle suggested that individuals on the DEP Steering Committee write newsletter articles requesting I. Kropp's review and the Association will include in its newsletter. It was agreed that members need to know where the LSRP is going with respect to professional judgment. There is a continuing debate on how LSRPs read the statute on professional judgment and where it falls in the hierarchy vs. how the DEP interprets the statute.
- T. Straka reported that there are many straightforward cases that could opt-in and be closed out quickly to help clear the backlog and support achieving the needed metrics for success. It was suggested by J. Oberer that since these are cases that members of the Board of Trustees don't work with on a daily basis, the question of why this is not happening should be presented to the Steering Committee or LSRPA membership. J. Oberer volunteered to write the question, send to S. Boyle, who would give to L. Voyce for inclusion in the LSRPA newsletter.
- A write up of the Stakeholder process will be tabled until after the meeting with Commissioner Martin.
- QA/QC framework for LSRPs – S. Posten reported on what Nancy Rothman has done on this issue and her involvement with the Department to improve the laboratory analytical data reporting process from the LSRP perspective. This requires a data usability evaluation and reporting by LSRP. Concerns include whether DEP will review data and decline an RAO due to a data problem. N. DeRose suggested that S. Posten, N. Rothman and R. Katz discuss this issue and make a recommendation to the Board as to what the LSRPA's approach to this issue should be.

- **Continuing Education Committee**

- Next NJDEP Short Term Administrative Team Mtg.- S. Boyle will find out date.

- Continuing Education Registration Procedures – K. Goldstein reported that on-line registration and credit card payment would be set up on the website. Checks will be accepted for on-site registration. G. Martin will develop a form that will be provided to seminar attendees who request payment at a later date. A higher registration fee will be paid by those individuals who register after the deadline. D. Toder, K. Goldstein and G. Martin will discuss.

- Attendee list. In response to a request for the February seminar attendee list, it was agreed to provide only the individual's name and company affiliation.

- **Legal & Legislative Committee**

- Follow-up on personal liability court decision – tabled until later date.

- Language regarding “lobbying” vs. “advocating” for nonprofits - tabled until later date.

- In response to legislative update, A. Robins reported that legislation regarding the use of Guidance Documents as enforceable moved through the Assembly with two “no” votes. The bill states that new standards cannot be established through adoption of guidance without going through the Administrative Procedures act process. If the Department has standards in guidance, it must be moved to regulation. Andy feels this does not pose a problem for LSRP program. N. De Rose expressed concern over the potential for the bill to undermine progress made by guidance team in interested party process.

- Need announcement for formation of Legal Committee.

NEW BUSINESS

- Upcoming Meeting with Commissioner Martin/Agenda will be sent to Commissioner as approved.
- Need specifics on early experiences with Licensed Site Remediation Program.
- Keep promoting the need for a Licensing Board.
- Professional judgment – review language distributed by S. Senior and review 7:26C 6.2(c), item 4 on interpretation of professional judgment and link to technical regulations a definition of remediation performance standard.
- Scheduling of pending ROC Committee Mtg (postponed from March) - S. Posten

ACTION ITEMS

- S. Boyle will ask Julie Mosologo about Holly House. K. Goldstein will e-mail LSRPA membership informing of May open meeting and the need to RSVP.

- M. van der Heijden will call Synapse on insurance product when he returns from vacation.
- J. Oberer and M. van der Heijden to review, understand and evaluate Pride insurance product and explain to Board.
- Identify winning bidder for LSRP permanent license test. The state was bidding exam out. (Include in 4/21 Steering Committee meeting agenda.or if information is received earlier, include in next BOT call).
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- S. Boyle will follow up with K. Stetser on the status of website posting.
- K. Goldstein will speak with B. Smith regarding the website work schedule.
- J. Oberer to contact B. Alter and will give BOT an update at next Board meeting.
- S. Posten, N. Rothman and R. Katz discuss QA/QC framework for LSRPs and make a recommendation to the Board as to what should be the LSRPA's approach to this. S. Boyle will find out date of the next NJDEP Short Term Administrative Team Meeting.
- D. Toder, K. Goldstein and G. Martin will discuss Continuing Education Registration Procedures.
- Need announcement for formation of Legal and Legislative Committee.