



**DRAFT MINUTES  
LSRPA STEERING COMMITTEE MEETING  
ENVIRON INTERNATIONAL, PRINCETON, NJ  
May 20, 2010**

**ROLL CALL**

The meeting was called to order by Nick DeRose, President.

**In-Person** N. DeRose, K. Goldstein, S. Boyle, J. Davies, K. Stetser, D. Toder, M. van der Heijden, R. Katz, G. Martin, S. Posten, M. Fisher, J. Oberer, B. Alter, P. Brilliant, L. Voyce, J. Donahue, D. Bonas, C. McGowan

**By Phone:** T. Straka, L. Dodge, J. Hochreiter, A. Robins

**Guests:** Eric Raes, Joe Posterino, Neil Lewis.

**SECRETARY'S REPORT**

A motion was made by J. Oberer and seconded by K. Goldstein to approve the minutes of the May 6 Board of Trustees meeting. IPSC minutes were distributed yesterday.

**Licensing Exam**

DEP issued Request for Information for examination preparation and only four responses were received. A Request for Proposal will be issued shortly.

Karen Hershey is the liaison between the Licensing Advisory Board and the DEP. She provided the information on the Licensing Board exam and that the Department is developing a ranking system.

**Steering Committee**

J. Davies reported on the new Steering Committee team meeting that was led by G. Klein and J. Brogle. There were four groups with a pre-arranged approach that functions from top down and this group would decide the subgroups and the topics to focus upon.

N. DeRose reported that the LSRPA is represented on the Steering Committee by J. Davies, J. Oberer, R. Katz and himself. The Steering Committee is overseeing the implementation of Site Remediation format of the LSRP program during the interim period. The Steering Committee

includes representation by all Stakeholders. A LSRPA representative will summarize the May 24 meeting and will continue to keep the LSRPA informed of the progress.

N. DeRose summarized the ranking system developed by DEP stating that by remaining proactive, even with a high ranking, direct oversight can be avoided. It is important to stay involved, contact Julian with any questions and monitor the Web server for announcement of teams, since volunteers will be needed.

### **TREASURER'S REPORT**

G. Martin reported that current account balance is slightly over \$45,000. Seminar expenses have been balanced by a combination of new membership fees and some income from the seminars themselves. Most of the start-up expenses have already been met. The Association application for 501(c)6 status has been approved by the IRS. He noted that, while exempt from income tax, the Association is not exempt from sales tax on purchases.

### **PRESIDENT'S REMARKS**

N. DeRose requested that the Committee Chairs submit their top three priorities for 2010 to R. Katz and K. Stetser for posting on the website.

Reporting on the recent meeting with Commissioner Martin, N. DeRose stated that it was a good introductory meeting, the importance of the Licensing Board was discussed and how the program is going, expectations and any concerns. Members of the Board attending the meeting presented an important revision to the ARRCs regs that would make it clearer that a LSRP can exercise professional judgment. The revision would make this more visible in the regulations. Comments on the ARRCs regs are due shortly. As a nominee to the Licensing Advisory Board, T. Straka reported on the status of the nomination process, which will be posted on the website. N. DeRose advised that Irene Kropp's role as Deputy Commissioner is currently unclear, presently serving as both Assistant Commissioner and Deputy Commissioner, although she will continue to remain involved with the LSRP.

Summarizing the recent SRIN meeting, N. DeRose stated that the meeting was productive and focused on guidance documents. The guidance development volunteer team supports new guidance would be more progressive, less prescriptive based. The Department is looking to the LSRPA to help them understand the use of conceptual site model in the technical regulations. Carrie McGowan, SRIN Chair, advocates fewer documents and more reliance on existing Federal guidance documents rather than create new ones.

T. Straka reported on the need for more representation by the industry and RPs on the volunteer committees for a broader perspective in making recommendations on guidance documents. Dave Sweeney will be looking for key additions to his group if they brought value and could reach big constituents.

### **OLD BUSINESS/COMMITTEE REPORTS**

## **Continuing Education Committee**

D. Toder advised that the third Hot Topics seminar on “Administrative Forms” will be held on May 25 at Bergen County Community College. Reporting that approximately 50 individuals attended the seminar in Hightstown, 35 attended the session in Atlantic City, D. Toder estimated that 60 will attend the session at Bergen County Community College.

It was suggested that IEC’s be the subject of the next Hot Topics seminar and Mandatory and Regulatory Guidelines and ethics be considered for future seminars. It is not yet clear how many sessions will be held for each topic. Any suggestions for future continuing education seminars should be submitted to D. Toder.

D. Toder expressed his appreciation to B. Call, S. Boyle, J. Fallon and L. Watson for all their efforts in making the sessions successful.

D. Toder reported that the help guides are on the website.

K. Goldstein recommended that continuing education recommendations for LSRPs be developed by the BOT before July 1 conference call for review during the July Steering Committee meeting.

Tessie Fields will review the flowcharts developed for the Administrative Forms sessions by Bill Call for consistency with DEP’s guides before approving for posting on LSRPA website.

N. DeRose advised the group on the nomination of Nancy Rothman as a member of DEP’s Scientific Advisory Board and suggested that she be invited to an upcoming meeting to brief us on the work of that Board.

## **Risk Management Committee**

M. van der Heijden presented history of the case study. DEP has taken two months to approve LSRPA guidelines, in addition to the month for T. Russo to approve. T. Russo’s documents have been received and DEP’s documents should be received shortly. A conference call with reviewers will be held to determine how to proceed with review. A memo that will be nonbinding to DEP, identifying the study conclusions will be prepared. The opinion will be posted on the website. Both the Chemical Council of New Jersey and DEP are interested in the results.

The premise of the exercise is to gauge how an LSRP might manage a particular case. Looking for a standard of care going into an RAO, which could result in disciplinary action of the LSRP and possible revocation of license.

The Open Risk Management Committee meeting with insurance purveyors may be held in four weeks. The meeting must not imply LSRPA approval of a company or its products. It is not clear how to resolve the insurance issues. J. Donohue suggested that one person identify generic concerns without company attribution or have several companies selling, since

competition tends to keep them honest. N. DeRose suggested going to the RM & LP. Neil Lewis is scheduling ICLE seminars on risk in October.

Get suggestions for additional topics for the meeting to M. van der Heijden.

A meeting on near-term priorities meeting is scheduled for June 2 with DEP. The topics will include forms simplification and DEP case manager training.

M. van der Heijden updated the Committee on Near-Term Priorities Team Activities stating that a goal is to simplify and reduce forms in order to streamline the process. He is working closely with D. Toder to get the topics into a Hot Topics seminar.

A link will be provided from the LSRPA website to the DEP Steering Committee website to access the meeting minutes.

### **Licensing Board Subcommittee**

J. Oberer will send an email inviting members of the former Licensing Advisory Board Committee to participate in the Subcommittee. He will also prepare a letter of introduction from the Subcommittee to the Licensing Advisory Board.

T. Straka called Senator Smith's office and spoke with an assistant who reported that appointment of any nominee to the Licensing Advisory Board will not occur until after the budget, possibly in September or October.

### **Communications Committee**

K. Goldstein reported on the conceptual design of the website. The vendor should have a mock-up shortly that will then be reviewed by K. Stetser, J. Davies, S. Boyle, B. Smith and himself. The membership database is now online and e-mail blast capability should be available. B. Smith will be trained next week. For the near-term, member and seminar registration forms will be available on the website, then private/public walls. The website should be complete by July 1. After the website is online, L. Voyce will start to develop the newsletter. D. Carlson will review the content of the website.

### **Membership Committee**

The slight increase in membership is due to the recent seminars, which is viewed as a membership benefit. The membership has increased to just over 400 members.

K. Goldstein is working with Joe Posterino in drafting a letter to the AWT membership, which includes contractors, vendors, responsible parties, etc. There are approximately 1000 members of the organization. J. Posterino suggested that LSRPA develop a "young member" mentoring program to bring "young, rising stars" into the Association.

T. Straka commenting on “Stakeholder Outreach” stated that we should decide whether this should be a subset of Membership or a separate committee. Ken and Tracy to discuss how to encourage individuals not in the LSRP path to join the association.

There are mixed results concerning the creation of Associate Partners. Focus is needed on outreach. J. Posterino volunteered his involvement.

### **Bylaws Committee**

J. Hochreiter circulated an e-mail asking for input on any needed revisions in existing bylaws. Include as agenda item for next meeting. Ken will forward his information on bylaws revision to Joe and add as agenda item. Revisions need to be voted on by Board before the annual meeting.

### **Nominating Committee**

B. Alter reported that three out of the four members of the Committee were nominated to the Licensing Advisory Board and the fourth person is no longer a Committee member. The Committee needs a replacement Chair and Co-chair. B. Alter will identify possible replacement candidates and will also e-mail the Steering Committee after the nominations for the Advisory Board are complete since there are three one-year terms to fill.

### **Regulatory Outreach Committee**

S. Posten advised that a Committee reorganization to realign technical subcommittees to match the DEP stakeholder teams is in progress. One meeting was held to identify topics and the other to identify members of teams to develop the guidance.

S. Posten identified a list of LSRPA leaders as co-chairs for each stakeholder teams for recommendation to Dave Sweeney. DEP assigned individuals based upon their identification of three primary committee choices; however, the final decision will be made by Dave Sweeney. Goal of the guidance should be not prescriptive, should provide options, suggested approaches and protocols on how to achieve the identified objectives in the tech regs. We are not identifying a co-chair for each committee, rather only recommending an LSRPA leader to Dave Sweeney. He will send a letter to Dave Sweeney with our identified leaders. J. Davies stated that we need to make sure that the Steering Committee volunteers identified are the voice of the Association.

The SRRA Stakeholder Technical Guidance Development Team list prepared by S. Posten was reviewed. It was reiterated that a function of the Committee liaison is to channel the information on the guidance documents back to the Association. Include Lisa Voyce on LSRPA email distribution of guidance.

J. Davies, the LSRPA lead, provided an update of the Shell opt-in program. Buddy Bealer is the Shell lead. DEP’s team of seven members will meet every two weeks. The forms were reduced to one spreadsheet. There are 330 sites with one spreadsheet per site.

Discussion of the annual fee form when opting-in. Variances under discussion.

S. Posten prepared an e-mail blast to advise members of various groups and requesting more participation.

Reporting on Forms, P. Brilliant stated that the number of forms is being reduced by combining some forms, eliminating others, which will simplify entries and remove discrepancies and duplications. P. Brilliant will circulate an email requesting assistance to review existing forms and identifying those forms that cannot be changed.

### **Legal and Legislative Committee**

A. Robins reported that the ‘invitation to join’ language is almost complete. Questions remain on how to distribute, whom to target...only attorneys or everyone. It was decided to make the target list broader than just attorneys, use an e-mail blast and contact K. Goldstein to send the e-mail blast.

Reporting on the status of ARRC’s comments, A. Robins stated that comments were distributed to the Steering Committee and comments due back to him tomorrow in time for distribution to DEP.

### **GENERAL OLD BUSINESS**

A conference call with S. Posten, R. Katz and Nancy Rothman to discuss QA/QC framework for LSRPs and recommendations to the Board regarding LSRPA approach to this issue has not yet been held.

S. Boyle commented on the Responsible Party perspective...will DEP set up review panel if Responsible Party disagrees with LSRP.

### **GENERAL NEW BUSINESS**

Ira Whitman, Chair of the LSRPA Metrics Subcommittee, will participate in the June 3 BOT conference call to discuss the Association’s role in creating and/or implementing the metrics to describe measures of success. S. Boyle reported that the Measure of Success Report by DEP is due in December and suggested that a team be identified to prepare survey questions. A September-October timeframe was suggested.

L. Dodge reporting on the Brownfields perspective that municipalities are concerned over the absence of MOA and VCP process. SRRA limits municipal liability but towns are not sure to what extent. This is not discussed fully in Section 38 of SRRA. S. Boyle will speak at June 1 DEP-municipalities meeting.

S. Boyle reported that the LSRPA is partnering in the June 17 Sustainable Communities Seminar.

R. Katz suggested holding a conference call after S. Posten's Stakeholder Technical Guidance Team list is finalized.