



DRAFT MINUTES
LSRPA BOARD OF TRUSTEES CONFERENCE CALL
June 3, 2010
8:30 to 10 am

ATTENDEES

N. DeRose, M. van der Heijden, S. Boyle, R. Katz, J. Davies, J. Oberer, T. Straka, S. Posten, G. Martin, M. Fisher

Guests: I. Whitman, S. Senior, A. Robins

SECRETARY'S REPORT

Steering Committee minutes in progress and hope to circulate shortly.

Individual comments on three top priorities, but no input from committees. L. Watson to follow up with Committee Chairs.

TREASURER'S REPORT

Balance around 40K. Awaiting invoices from B. Smith. .

PRESIDENT'S REMARKS

In response to N. DeRose's inquiry on the status of Committee Chairs submitting top three priorities for 2010 to R. Katz, advised that responses have been received by individuals, not as a Committee. L. Watson to follow up with Committee Chairs to get a brief description of what the committee is working on and their goals.

Discussing the reality of mandatory/regulatory timeframes, J. Davies stated his concern is that one measure of success will likely be LSRPs' compliance with deadlines. A 40-50% or more failure rate would give great ammunition to those who are against the LSRP program. Suggested doing a run-through of database in November or December to determine the number of people that met compliance timeframes and reach out to those who did not. J. Davies suggested that DEP consider extension of all regulatory and mandatory timeframes with S. Boyle agreeing. DEP is not locked in by legislation and developed the timeframes themselves, leaving agency free to modify at need. J. Davies will discuss this issue at the next Steering Committee meeting and will suggest this as an agenda item to T. Cozzi.

Third party access challenges were discussed. DEP has not generally sought access to off-site properties through litigation, but there seems to be a requirement that the Remediating Parties (RPs) and LSRPs take those refusing access to court. This is a suggested agenda item for the Steering Committee meeting. Julian has raised issue with DEP, who responded that their policy has not been to push against property owners, particularly with tenant in place. An automatic extension on the mandatory timeframes should be given in this situation. N. DeRose advised that this issue deserves some priority, since it comes up so often. T. Straka noted that policy defining LSRP and RP responsibilities regarding access is needed. Given court timing, should it be a stay, rather than extension? Issue to be raised at the next IPSC meeting (June 16).

S. Senior questioned whether the issue of access, or obtaining access, is actually a matter for an LSRP to address, since most projects require that the client provide them access so they can do the required work.

OLD BUSINESS/COMMITTEE REPORTS

- **Measure of Success Committee – I. Whitman**

S. Boyle introduced Ira Whitman, who is a nominee for the Licensing Board and serves with her on the Measures of Success Team with DEP. Specifically he is responsible for the Measures of Success from the LSRP perspective. He will gather information for the team through LSRPA rather than DEP. The Measures of Success is one of four groups and is divided into four teams, who will look at potential measures of success through four lenses: LSRPs, NJDEP, Remediating Party and the public. Ira's group is focused on LSRP. The goals of the group are protecting public health and the environment, economic development and continued improvement of the program. Twelve categories are being reviewed by the LSRP team, but the LSRPA was asked to focus on the impact of the LSRP program on the careers the licensed professionals. The Association was asked to give input and develop measures of success for this facet of the program.

How to measure the impact, positive or negative, that this program has on an LSRP.

Input from the LSRPA on the professional stature of LSRP individuals and comparison of LSRPA certification against other professional certifications. How other professional organizations view Licensed Site Remediation Professionals now and in the future as the program progresses.

Also interested in the LSRPA's interactions with the DEP, the present level of involvement and future level as the program continues.

N. DeRose gave the LSRPA's support in participating in this initiative. J. Oberer volunteered to serve on LSRPA team and e-mail will be sent to Steering Committee asking for volunteers.

K. Goldstein, as Chair of the Membership Committee should be involved and S. Boyle will follow up with K Goldstein and will get the names of the volunteers to I. Whitman.

N. DeRose stated that during the initial phase of the program, the focus should be on the measurement of program. Discussion followed on the various components in place to measure the quality and how to attain this measure of success.

I. Whitman anticipated finalizing information by December for DEP's report to Legislature; therefore, wants to start within one or two months.

T. Fields is not posting the LSRP administrative process flowcharts on DEP's website, but approved LSRPA posting. The flowcharts will be labeled as draft, caveat inserted and posted on website. R. Katz advised that he is waiting on revisions from Bill Call.

- **QA/QC Conference Call – S. Posten**

S. Posten, J. Oberer, M. Fisher and N. Rothman held a conference call and discussed advising DEP against developing new methods that already exist, imposing a level of data validation, data usability on the process; look at data quality objectives at the start of the process and agreed that it is important to avoid making the process more onerous, particularly for "simple" cases, such as tank pulls.

N. Rothman has met with DEP, which is having issues with EPA's criticism of the Department's QA/QC programs and inconsistencies. Suggested taking Massachusetts Compendium of Analytical Methods (CAM) and adopting proven system (this was done by Connecticut). N. Rothman has taken lead on the analytical QA/QC subcommittee. N. DeRose requested S. Posten to get an update from Barry Frasco on what the Department is doing on this issue and update the BOT.

R. Katz questioned why labs aren't being held responsible under their certifications. J. Oberer felt quality of labs varies, as does that of LSRPs and determination of usability lies with LSRP. N. DeRose commented that the issue was raised at SRIN meeting. We need to have an answer that we can all opt-in. N. DeRose requested that N. Rothman write an explanation on the reason the LSRPA is supporting standard quality for data and post on website.

Continuing Education Committee

- Status of topics for future continuing education seminars. Topics need review by BOT before July 1 meeting. – S. Boyle with best turnout in Bergen County and worst in Atlantic City. Better to hold South Jersey meetings in the vicinity of Cherry Hill.
- Tessie Fields is holding training courses for VI/RE work for DEP staff the week of June 21st and wants to extend to LSRPA. She is seeking our support with registration, securing sponsors and publication of session. It is uncertain whether DEP has video conferencing capability, but it may have capability of taping and putting on website.

Risk Management Committee

- Status of case study review. N. DeRose reported that a conference call with the team volunteers of the Case Study Review will be held to determine how to proceed with the review.
- Update on Opt-in Program. R. Katz attended Hot Topics Seminar where Kirsten went through numbers that showed a very small number of people opting in. The majority of opt-in cases are UST. N. DeRose stated that we might not have new data on the opt-in program until the fall.
- Topic suggestions for insurance meeting to M. van der Heijden.

Licensing Board Subcommittee

- Email inviting former Licensing Advisory Board Committee members to join Subcommittee – J. Oberer
- Letter of introduction – J. Oberer

Communications Committee

- S. Boyle reporting for K. Goldstein advised that he is working with Ken on the website. No date has been set for training on the use of the software.

Membership Committee

- Stakeholder Outreach Committee. Decision made to continue as a subgroup of Membership with T. Straka as Chair. She will call Joe Posterino of AWT to serve as a Subcommittee volunteer since he previously offered to assist.

Bylaws Committee

- Suggestions for changes in existing Bylaws – J. Hochreiter (need for July meeting). K. Goldstein to forward information from December 2009 Membership meeting to J. Hochreiter. Copy K. Goldstein on any messages regarding suggested changes.

Nominating Committee

- N. DeRose reported that the Committee is in a holding pattern until the Licensing Advisory Board is seated, although there are three one-year term Board members that expire this year. Process needs to be started by September.

Regulatory Outreach Committee

- Status of Guidance Topic Groups – S. Posten reported on the tech guidance voluntary subcommittee...five DEP chair people established by D. Sweeney, emails gone out to hold initial meetings for Vapor Intrusion, Attainment, Natural Remediation, Ecological Investigation and Mentor Remediation.

E-mail blast was sent out to membership explaining the technical guidance stakeholder committee and requesting support from membership.

S. Posten reported that a meeting is still needed with J. Davies, K. Stetser, M. Fisher and J. Oberer to reorganize their initial list of technical subcommittees.

Legal and Legislative Committee

- Announcement regarding Legal/ Legislative committee formation was posted on web but has not received. Any feedback on response (Goldstein has access)? Is there a way to determine the number of individuals who clicked on to register for the Committee? K. Goldstein was going to generate an e-mail blast to membership. S. Senior will follow up with K. Goldstein. After expressions of interest are received, either a conference call or meeting regarding organization will be scheduled.
- N. DeRose request the Committee to look into the legislation introduced in the Senate (S790) making it a crime to cause contamination. Could this criminal liability be something that could potentially affect LSRPs? A list of bills for tracking should be maintained and report to BOT if the legislation shows any momentum.

NEW BUSINESS

- A new groundwater permit now being issued for “Stable Plumes” on industrial sites with no need to show decreasing trend.
- Summary of the May 24th Interested Party Steering Committee meeting. Remedial Priority System is being discussed and place on agenda for next BOT call. The system is now in place and DEP is seeking volunteers to work on stakeholder input. The deadline is June 18th. S. Posten will send information to N. DeRose for circulation to BOT.
- Procedures for signing LSRPA Official Business. N. DeRose will follow up with K. Goldstein.
- Review of Steering Committee list is necessary. Changes or corrections should be sent to R/ Katz and will be discussed in Executive Committee.
- July 1 meeting will be an in-person meeting focusing on tactical work being done now and what is necessary in six months and is scheduled for Creamer Environmental, Hackensack. R. Katz to e-mail BOT.
- **Mayor’s Roundtable – S. Boyle**

Municipalities concerned over LSRP power to control operations and may advise to redo previous work when actually only a DEP-style review is wanted. S. Boyle was concerned with the negative reaction by the municipal official to a licensed professional. N. DeRose suggested an LSRP seminar during the League of Municipalities meeting to educate municipal and Brownfield officials. S. Boyle will contact Bill Dresser to discuss and suggest that a representative maintain contact with the LSRPA and consider joining as an associate member or be active on a committee. LSRPA/Steering Committee Licensing Board? Two concerns for the Licensing Advisory Board are disclosure and reliance on past work.

Action Items

1. J. Davies to suggest mandatory/regulatory timeframes as agenda item for DEP/LSRP Steering Committee meeting.
2. Third party access as suggested agenda item at next IPSC meeting on June 16th.
3. Email to Steering Committee members soliciting volunteers for I. Whitman's initiative on Measures of Success from the LSRP perspective. S. Boyle will submit volunteer names to I. Whitman.
4. Posting of flowcharts on LSRPA website.
5. S. Posten to get update from Barry Frasco on QA/QC.
6. N. Rothman to prepare explanation on the reason the LSRPA is supporting standard quality for data.
7. S. Posten to prepare email to membership on support for technical guidance stakeholder committee.
8. S. Posten to schedule meeting to reorganize initial list of technical subcommittees.
9. K. Goldstein to email membership on formation of Legal/Legislative Committee.
10. Status of S790 review by Legal/Legislative Committee
11. Circulate memo from DEP on soliciting volunteers to work on stakeholder input on Remedial Priority System.
12. N. DeRose to follow up with K. Goldstein on procedures for signing LSRPA official business.
13. Review of Steering Committee list.