

LSRPA Board of Trustees Conference Call Notes
July 7, 2011, 8:30-11:00 am

ROLL CALL: N. DeRose, R. Katz, K. Goldstein, S. Posten, S. Boyle, D. Toder, S. Senior, J. Davies

PRESIDENT'S REMARKS

- Letter to ENR – S. Boyle

N. DeRose listed as contact, but no response from ENR. S. Boyle to follow up with phone call asking if they are planning a retraction or other response.

- Notes on June 9 meeting with Assistant Commissioner Sweeney.

”Safe Harbor” discussion earlier with I. Kropp with agreement that G. Schlosser would look at fix that would not require legislative change. S. Senior to follow up with A/C Sweeney and G. Schlosser regarding limited immunity.

Audit questionnaire – broad comments, but dialogue with A/C Sweeney confirmed that the role of the Licensing Board is not to duplicate the role of DEP in review of LSRP’s work.

Reliance on NFAs – Will be addressed by Licensing Board with input from IPSC. July IPSC meeting cancelled. S. Senior briefed BOT on recent IPSC conference call that was limited to this subject and provided suggested revisions to white paper, which will be recirculated to IPSC for discussion in July. Environmental law meeting recently had a robust discussion of issue during a panel moderated by S. Senior with A/C Sweeney in attendance.

Field sampling certification a result of EPA audit. Not an issue unless low flow involved. This is unavoidable courtesy of EPA.

Discussion at EBC/LSRP Program on LSRP’s responsibility for reporting a discharge. LSRPA believes Section 16.k of the Code of Conduct specifically limits that responsibility to sites for which an LSRP is responsible, which was intended to be “of record” based on discussions during statute development. A/C Sweeney will discuss with George Schlosser. Some open interpretation comparing “of record” to “retained.” S. Senior to address with Sweeney. Issue needs clarification by the DEP.

Variance Procedures - Requirement for DEP approval on a variance is limited to variances from tech regs because tech regs will be so stripped down that any variance will be significant – e.g., choice to skip PA or SI. To be addressed in detail once new TRSR is available for review, possibly released in mid-August. J. Davies clarified that the DEP does not approve variances. Rather, approval is given by the LSRP; although DEP wants advanced notification of variances.

Notes to be posted on Members Only website section with email blast summary of information.

- Risk Management questions to address for membership
 - Basic issues – where to get information on LSRP program, legislation, code of conduct
 - Complex issues – what LSRPs and firms need to know concerning Risk Management

J. Davies working on “issues” spreadsheet. To be discussed and refined at upcoming meeting with RM&LP. It should be finalized by the next BOT call and posted on website. J. Oberer to provide additional items during development process.

S. Posten developing document addressing LSRP technical guidance issues. Web site posting to be done indicating these are on-going issues that will continue to be addressed as guidance documents become finalized. Document may solicit input from membership. Prepare paragraph on the issue, including statement that we have provided guidance on previous documents. Planned for internal review in about a month.

Outreach document prepared by M. van der Heijden and other Committee members in FAQ format on issues concerning LSRPs and where to go for advice. Committee will finish draft. If necessary, S. Senior, S. Posten, R. Katz, J. Davies and G. Martin may be involved in follow up.

SECRETARY’S REPORT

- Status of March Steering Committee and May BOT minutes onto website.

March Steering Committee minutes ready for posting on web site. May BOT minutes are nearing completion. Approval given and R. Katz will send to S. Danyew for posting. April minutes need editing to remove Licensing Board discussion detail and will be recirculated.

TREASURER’S REPORT

G. Martin not present. K. Goldstein advised there were additional expenses for webmasters during transition period, which is now coming to a close. No significant excursions from budget.

OLD BUSINESS

- LSRPA letter to US Senate supporting funding of EPA Brownfield (?) projects

S. Boyle sent letter on June 10.

- Summary of June 15 IPSC telephone call – S. Senior

Limited to NFA reliance issue. Question is whether it deals with LSRP conduct or how to remediate sites. That will govern who issues guidance – Licensing Board or DEP. Suggested DEP issues guidance, since it concerns how to remediate sites, not LSRP conduct. Next step is to revise white paper for presentation to DEP Steering Committee for further discussion.

NEW BUSINESS

- Sponsorship/membership - S. Boyle

Seven annual sponsors all mentioned during every event and have displays at annual meeting. At least one has asked if sponsorship includes LSRPA membership. Decision reached to include sponsor organizations on e-mail blasts, but not extend memberships. K. Goldstein will email sponsors regarding status. They would not get access to Members Only Section.

- UST qualified LSRPs – J. Hochreiter

Held until SC meeting in two weeks.

- Possible time change for July 21 Steering Committee meeting at ELM - K. Goldstein

Set for 2 pm on July 21.

COMMITTEE REPORTS

Legal and Legislative Committee

- S. Senior and A. Robins to follow up regarding lobbying rules.

Not a high priority. Still pending.

- Draft document on interactive discussion on issues and proposals before the SRPLB - S. Senior.

Little positive comment from Licensing Board in general on subject of stakeholder process.

Reiterated A/C Sweeney comment that there is no requirement for the Licensing Board to have a Stakeholder process. When an issue surfaces needing the Licensing Board's attention, it should be raised in a more formal way, possibly at the Licensing Board meeting.

Regulatory Outreach Committee

- Contact Myrna Campion regarding posting 3/24 meeting notes onto website – M. van der Heijden
- Historic Fill/Diffuse Anthropogenic Pollution (DAP)

Not complete, but expected shortly.

- Presentation of professional conduct issues spreadsheet to membership – J. Davies

Completed and sent to DEP on behalf of the LSRPA

- Monitored Natural Attenuation guidance comments

Completed and sent to DEP on behalf of the LSRPA. Separate comments submitted by URS and Langan. N. DeRose will send Langan's comments to the BOT.

- Compliance Attainment (N. DeRose, S. Posen and T. Toskos)

Ongoing; guidance document will likely not be complete until September time frame; seem to have made progress on several important issues (compliance averaging; 75%-10X for post-ex

samples). Issue of property line compliance for GWQS was discussed at length but ultimately punted to an internal DEP committee (Len Romino) that is evaluating strategy and policy for “Operational Facilities”; e.g. terminal facilities where investigation cannot be performed in reasonable timeframe without disrupting operations.

- Tentatively identified compounds and regulation concept.

J. Hochreiter, S. Posten, N. Rothman and others will review and prepare a white paper to send to DEP before end of month. Unknown if legislative or statutory revision is needed.

- Status of comments on present subset of Groundwater SI Tech Regs – J. Davies
- Professional conduct spreadsheet – J. Davies
- Send reminders to subcommittee members to submit comments – M. Fisher
- Full ROC meeting may be scheduled in July.

Risk Management/Loss Prevention Committee

- UHOT cost guides and contact D. Morris to discuss LSRP rates – M. van der Heijden (July SC meeting)
- Setting aside a portion of Steering Committee meetings to discuss professional conduct issues

J. Davies, N. DeRose, B.Call, M.van der Heijden will meet and report back.

- Risk Management outreach effort

J. Oberer to contact M. Fisher to begin process

- **Licensing Board Liaison Subcommittee**

Summarizing notes from June 13 Licensing Board meeting. K. Goldstein reported that the audit process will be streamlined and questionnaire shortened, the committee accepted the concept of a single certification to cover many irrelevant or inapplicable issues. A revised draft will be sent to the LB shortly. Continuing Education open meeting was scheduled for June 27. Unknown if that occurred. Combined meeting with Licensure Committee scheduled for August 22. Discussed extending temporary licenses. Status of exam contractor bids uncertain – possibly only one received. Also discussed applications for exams. Who examines, approves, what happens to those who fail exam. These issues will be discussed during August 22 meeting. Complaint process to be discussed at July 11 meeting with open forum scheduled for July 25. J. Oberer to e-mail LSRPA Steering Committee regarding audit and disciplinary process schedule.

Continuing Education Committee

D. Toder reported on a meeting with DEP Training committee on June 27.

- Continuing education training and revenue – S. Boyle
- Letter to LSRP Licensing Board regarding CEUs – D. Toder
- SRPLB considering whether LSRPs can begin to accrue CEUs for first license renewal

- Summary of June training sessions and Mayor's Roundtable – D. Toder

Licensing Board, LSRPs and various universities were represented along with other vendors. Licensing Board leaning to 36 CEUs per 3-year period. Do not want to issue CEUs now for temporary LSRPs. Not in favor of pre-accrual. Permanent licenses unlikely before middle to end of 2012. Four continuing education courses – ethics, regulatory, technical and discretionary. Considering 4 CEUs for ethics; 10 CEUs for regulatory; 14 CEUs for technical and 9 CEUs for discretionary. Specific numbers will be released for each. D. Toder to summarize and e-mail to BOT. Only one bid for exam received from vendor.

Presumptive remedy training set for July 26. “Practical applications course” set for Rutgers University on August 10.

DEP working on spreadsheet for training sessions covering July 2011 through April 2012.

Committee meeting to be set to discuss revenue enhancement through training programs.

Communications Committee

- Weekly/biweekly email summaries to membership – S. Boyle

First e-mail was widely appreciated. To be continued on regular basis with frequency to be determined.

- Table has been obtained for League of Municipalities meeting

Looking for staffing and input on materials to be distributed/displayed. Meeting scheduled from November 14-17.

Membership Committee

Deferred to Steering Committee meeting.

Bylaws Committee

- Draft language for Bylaws modification regarding not allowing SRPLB member to serve on Steering Committee or Board of Trustees – S. Boyle
- June 29 Committee meeting in Yardley worked out draft language to be discussed during July SC meeting.

Nominating Committee

No input