

**Minutes
Steering Committee Meeting
The ELM Group
Princeton, NJ
May 3, 2012
9 am – 12 noon**

ROLL CALL

In Person: K. Goldstein, S. Boyle, J. Davies, L. Voyce, D. Toder, M. Fisher, J. Oberer, D. Bonas, R. Ferguson, S. Posten, T. Toskos, R. Katz, A. Robins, Scott Drew

Phone: K. Stetser, D. Morris, T. Fusillo, D. Collins, C. McGowan, B. Call, B. Alter, J. Donahue

PRESIDENT'S REMARKS

- Follow up on Exam Prep Course

Kudos to D. Toder and all speakers. There were 462 attendees for the two sessions and membership has increased.

- Follow up on Meeting with AC Sweeney

Assistant Commissioner Sweeney was provided a document on A2464, the bill that approves methodology the remediation program follows on guidance and the need to adopt regulation for DEP's review before distribution to membership. Also provided document on discussion of discharge notification for LSRP. Another meeting will be requested after the May exam. Begin developing agenda for the meeting.

K. Goldstein advised on an Opinion that may be forthcoming regarding work performed by an LSRP cannot be requested under OPRA, since OPRA is applicable only to government agencies. Only when documents are submitted to DEP, thereby becoming public documents, can they be requested under OPRA. If decision is going to be distributed by LSRPA let Assistant Commissioner Sweeney know beforehand if it is obtained from the department.

- Licensing Board Disciplinary Action #3

Gave background information on the disciplinary action. Very well written decision on when LSRP has reporting obligations, and distinguishes that LSRP against whom the action was brought was not the LSRP of record and did not have the reporting obligation. J. Davies suggested that the LSRPA have a tab on its website to Licensing Board's Disciplinary Action decisions. Complaints taken seriously and written decision on synopsis and reasoning are important. E-blast will be prepared.

SECRETARY'S REPORT

The minutes for March Steering Committee meeting and April 5 BOT call were approved. It was clarified that Steering Committee meeting minutes are reviewed by BOT and Steering Committee, but only need BOT approval.

TREASURER'S REPORT

- Information regarding retaining nonprofit status - G. Martin absent

EXECUTIVE DIRECTOR'S REPORT

- Sponsor/speak at NSCW on June 7

S. Boyle reported that this event is sponsored in conjunction with NY/NJ/PA/CT/MA and is a plenary session on what is new in world of site remediation. Requested speaker from NJ LSRPA to highlight NJ program. Ben Alter may be interested in speaking.

- LOM booth again in Nov

S. Boyle suggested getting a speaking role at the LOM and will contact B. Dressel. Not good venue for increasing membership, but good venue for exposure and to raise profile of the organization. L. Voyce suggested participation in ANJEC meeting. S. Boyle will follow up with LOM; Lisa will follow up with ANJEC. Benefit of LOM is that B. Dressel will send emails to LOM membership upon request. Suggest giving a presentation during session and possible sponsorship at LOM. L. Voyce will prepare a white paper for inclusion in ANJEC's quarterly report on how the Association can help municipalities. ANJEC has contacted us in the past to sponsor. J. Davies recommended requesting a spot on a panel with sponsorship as an alternate.

S. Boyle will circulate list of 48 individuals currently having inactive membership status to Steering Committee members for their review and outreach to those individuals they know asking them to again consider LSRPA membership. Explaining the management of website questions, S. Boyle reported that questions regarding committees are referred to the appropriate Committee Chair. Possibly include the more interesting questions in an e-blast for members to have an idea of the variety of questions we receive.

Although a Steering Committee meeting is scheduled for July 12, suggest changing it to June 28th at AMEC.

A September date for the next Exam Prep Course will be scheduled shortly.

COMMITTEE REPORTS

- **Continuing Education Committee**

Positive feedback from both venues for the Exam Prep Course, with April 25 comments being more positive. S. Boyle discussed the various comments.

The next exam is scheduled for Sept. 24th. We will have the exam prep course in one location, shortly after Labor Day.

Consider two half-day sessions each with webinars for future sessions as opposed to one entire day. There were 462 attendees at the two sessions, with 97 being nonmembers. A profit of \$50k was realized. Ethics Course may be offered in October and has been approved for LSRP continuing education credit.

Business Practices and Risk was suggested as a possible course offering.

- **Regulatory Outreach Committee** – M. Fisher

Meeting at end of March to review present subcommittees, chairs and identify which subcommittees will remain active and talk about main priorities for ROC over the next 12 months. M. Fisher distributed list of all past and present active committees. Main priorities for the Committee are the new Rules and impact to groundwater guidance document. A ROC Rule subcommittee was established to review what was adopted, including the NJDEP response to comments and identify some of the failures by the

Department in responding to our comments. Goal is to communicate the top issues identified in our comments, whether Department responded and if we should continue to pursue.

M. Fisher advised that the Committee is working with the Risk Management Committee on technical issues of the RPS.

He also advised that the soil remediation impact to groundwater guidance documents never went through formal stakeholder process, therefore the DEP should be re-engaged on these issues. There are issues with guidance documents, therefore Drew Sites will be contacted. Presented status of guidance documents, and subcommittees that will remain active. Remaining include the Attainment and TI draft documents, which are in comment period, as well as data review and feasibility guidance that have not yet been issued. M. Fisher will work with S. Boyle to get all draft and final documents posted for review and comment.

Discussed the need for better communication with ROC membership. Additional ROC Goal is for bi-monthly meetings, as well as bi-monthly posts/updates to LSRPA website on the activities of ROC/subcommittees. K. Stetser and M. Fisher will identify what ROC members to contact for subcommittee updates.

- **Legal and Legislative Committee**

Status of A – 2464 write up for LSRPA members. –S. Senior may be reviewing.

No update on Safe Harbor issue.

- **Risk Management and Loss Prevention Committee – Bill Call**

Loss Prevention Committee documents (“Insurance Survey”, “FAQ: Contract Language” and “Thoughts to Consider”) posted on website. Sue Boyle and B. Call to prepare email blasts on insurance survey to determine if there is a market for secondary insurance. J. Scagnelli helping the Committee on third party reliance issue. Draft case studies will be released shortly. Business Practices seminar covering legal, business, financial, insurance issues being planned. Committee will meet after the exams.

J. Oberer added Board met on Disciplinary Issue, but did not produce anything noteworthy. They have drafted Audit Process rules and posted on Licensing Board website for comment. Despite what we were told in the past, the draft rule states that an individual cannot be audited for one year after undergoing an audit (not three years as we had been told). Rules are tentatively scheduled to be promulgated in Sept. 2013. K. Goldstein encouraged continued comments during the meetings, but Association should also prepare formal comments.

Suggest John Oberer and Rodger Ferguson take lead on Association comment process for SRPLB rules.

- **Membership Committee**

T. Toskos reported that 528 members, of whom 360+ were renewals and 140+ new members. A large increase of renewals within the last two months. Membership at this point last year was approximately 360+ members. Committee discussed administrative items; i.e., how we charge for membership, presently on year-end renewal cycle, discussed pro-rated or rolling renewal system for consideration. It was

decided that membership cards are unnecessary and reviewed what other organizations do. Fundraising and recruiting new members is under discussion. Suggest more networking and idea exchange opportunities. Considerations include membership breakfast, dinner/lecture event, using more social media technology, such as LinkedIn, for information exchange. Suggestions include Members Only discussion boards; circulating work product to membership, expand recruitment of committee members possibly through the renewal/membership process. Priority is communication with members. Suggest a survey to get feedback from members on what is expected from membership.

- **Communications Committee**

L. Voyce reported that priorities include website upgrade, serve our membership, breakfasts or dinner meetings that include presentations to attract many members; need for quarterly events. S. Boyle advised of the desire for an interactive LSRP group. Annual meeting followed by a breakfast, dinner and a workgroup during the present year and determine which is the most productive.

Member Survey – L. Voyce, T. Toskos and S. Boyle discuss how to move this forward and give recommendation to the BOT.

Website – Committees should be assigned a monthly schedule for submitting information for posting on the website; it is the responsibility of appropriate Vice President to ensure that Committees are adhering to their assigned schedules. Committee will meet shortly on improving the web site. Discussed process of getting approval of documents for posting on website.

- **External Stakeholder Committee**

N. DeRose provided input to Steve Posten on the draft Attainment guidance.

N. DeRose provided editorial of sorts in the May 7th ENR regarding the LSRP program the role of professional judgment.

- Status of meeting date with Tracy Straka and industry people.

T. Straka wants to schedule a follow up meeting including K. Goldstein, N. DeRose, S. Boyle and S. Senior to meet with NJBIA, Chemistry Council and other stakeholders.

Finance Committee

D. Bonas reported on discussion results with CT EPOC and MA LSPA. Discussed check-signing authority. The LSRPA's President and Treasurer, not the Executive Director, have check signing authority. The Executive Director for EPOC has all the check signing authority and manages all the financial matters, although an independent audit is conducted. Suggest allocating money for similar oversight. D. Bonas will schedule a conference call with G. Martin, K. Goldstein, and J. Davies to discuss issue on services provided by the accountant.

Reported on the financial reserves. Both CT EPOC and MA LSPA, both having larger budgets than NJ LSRPA, have at least a year's worth of reserve, amounting to hundreds of thousands of dollars. MA

keeps approximately \$10K in checking account, with the remainder in investments. Suggest developing a liaison with these organizations and meet quarterly. It was agreed that D. Bonas continue as liaison.

STAKEHOLDER COMMENTS

John Donahue suggested that if we are considering quarterly meetings as discussed, the quality of the speaker will be an important consideration as an attraction for attendance. He also commented on the UHOT rule change. From the standpoint of the homeowner, there is a perception that it is better to receive a NFA from the Department (see discussion below re same).

NEW BUSINESS

- Alternate/Clean Fill Materials – R. Ferguson

Alternate/Clean Fill Committee recently met and circulated the draft language from Dept; high level meeting with I. Kropp, D. Sweeney and a quarry. Decision that quarries are permitted to mine material and given a presumption they are clean. Department will circulate another version of the language. Quarries are not going to test. Issue becomes will the LSRP get safe harbor when fill material is brought in without any documentation and presumed to be clean by the quarry, therefore no further testing?

Definition of clean fill is in Tech Rule that will be released shortly, does reference sampling and guidance only. Does not protect the LSRP or Responsible Party. How do we make this manageable for the LSRP and RPs? Language is drafted, but since language is not in rule, it cannot be used. R. Ferguson suggested a response by the Association when DEP circulates a revised draft. He will circulate draft when received and lead the response process.

- Processing of Unregulated Heating Oil Tanks (UHOTs) after May 7, 2012 – R. Ferguson

Discussed DEP's requirement in ARRCs rule that LSRPs will need to submit an unregulated UHOT case to DEP for an NFA, which is contrary to our comment on the proposed rule that a licensed LSRP should be able to exercise professional judgment. J. Donohue commented that for consistency in the lender and real estate markets, the NFA is acceptable, understood and viable is necessary. Do those markets/the Dept. want more latitude and accessibility for cases that are easiest to clean up, especially since they cannot currently predict the demands on LSRPs after May 7th and they do not want to slow down homeowner cases?