

Draft Minutes
LSRPA Board of Trustees Conference Call
June 6, 2012
8:30 to 10 am

ROLL CALL

K. Goldstein, S. Boyle, L. Voyce, S. Senior, B. Call, M. Fisher, S. Posten, J. Davies, R. Katz, J. Oberer and L. Watson

PRESIDENT'S REPORT

- Agenda items for June 26 meeting with Assistant Commissioner Sweeney and June 20th IPSC meeting.

Release of Opinion that LSRP work cannot be requested under OPRA; LSRP reporting obligations as described in the Licensing Board's Disciplinary Action #3 ; clean fill; previously released NFAs and RAOs; VI screening levels; the acute level of construction worker exposure to TCE; DAP and the reason it is not in regulations. Release of the Opinion can be raised at the upcoming Licensing Board meeting. Status of the White Paper (Reliance on NFAs) written last year by NJDEP Steering Committee (Robins/Senior)? A conference call will be arranged with K. Goldstein, M. Fisher, R. Ferguson and L. Voyce to discuss PCE, TCE toxicity criteria change in IRIS and implications for vapor intrusion and other remedial issues.

- Executive Director Contract

K. Goldstein suggested and BOT agreed to amend the Executive Director's contract from quarter to half time with commensurate salary. K. Goldstein will circulate new draft contract to BOT for review and asking for decision on either a term contract from July – December 2012 or July – December 2013. Original contract is scheduled to terminate in Dec. 2012. Responding to a question on her vision of the amount of time needed to perform the work, S. Boyle explained that we are not yet stable due to the evolving continuing education program and new pursuits over the next two years. Both S. Boyle and her employer are comfortable with increasing her time from 25 to 50 percent. Flexibility with hourly rate and percentage of time is necessary. K. Goldstein will also speak with G. Martin to make sure our budget considerations are in line with the new contract.

EXECUTIVE DIRECTOR'S REPORT

- September 6th Exam Prep Course

S. Boyle will work with S. Danyew to open course registration and D. Toder on the course schedule. A suggestion was received after the previous exam session to make the course more challenging to match what is on the exam. S. Boyle and D. Toder will discuss. The Exam Prep Course received great reviews at the recent EBC meeting.

- Annual Meeting January 10, 2013

Annual Meeting is scheduled for January 10, 2013 at the Holiday Inn National Conference Center in East Windsor. S. Boyle will check with sponsors on whether they had enough traffic in last year's location. Locating all sponsors in a separate room is advantageous for them.

- LOM update

In addition to having a booth at the upcoming League of Municipalities Conference, we are serving on a panel with Lew Goldshore, Esq. and Dave Sweeney. S. Boyle will contact Lew Goldshore to discuss the panel.

- ANJEC

L. Voyce contacted Sandy Batty, ANJEC Executive Director to discuss writing an article for ANJEC's Fall Quarterly Report; ANJEC will consider request, seemed positive about prospect of sharing this information with environmental commissioners across state. Municipalities receive this publication. S. Boyle will send the White Paper prepared for last year's LOM Conference to L. Voyce.

- Legislative Hearing week of June 11

The LSRP Program will be discussed at the upcoming meeting with the Chemistry Council. NJBIA, CIANJ and other stakeholders.

- Website meeting

A website meeting was recently held. Many good suggestions. Brian Smith was helpful in suggestions to work with the vendor on the use of built-in features of the software. S. Boyle will follow up.

It was noted that the next Steering Committee meeting is scheduled for June 28 at AMEC. Committee Chairs should be prepared to give thorough committee reports.

SECRETARY'S REPORT

- Posting of March Steering Committee and April BOT minutes to website

J. Oberer will confirm that the March Steering Committee and April BOT meeting minutes were posted. S. Boyle will check the website. K. Goldstein will send edits to the May Steering Committee minutes. These minutes will be approved at the upcoming June 28th Steering Committee meeting.

TREASURER'S REPORT

- Information on retention of nonprofit status

G. Martin was not on call, but K. Goldstein reported there is not a problem with retention of our nonprofit status. Update on nonprofit ceiling during upcoming Steering Committee meeting.

HOT TOPICS

- Diffuse Anthropogenic Pollutants (DAP) removal from TRSR and guidance – J. Davies

E-mail by N. DeRose was basis for discussion. DEP included DAP in historic fill guidance, but removed it from final rule and guidance document. Concern with how DEP is addressing this issue; i.e., is it working alone rather than reconvening guidance group? Is it removed from guidance and possibly made a stop-gap policy? Suggest forming an internal group to develop a coherent strategy to bring to DEP's attention. Other issues include clean fill sampling and bypassing the stakeholder process (with changes in sampling requirement for quarries). Question raised on whether the Stakeholder process will reconvene if there is guidance change. Language in statute is ambiguous. J. Davies will attend IPSC meeting. K. Stetser will raise this issue as an agenda item to DEP.

It was subsequently determined that removal of DAP from Technical Guidance was an AG decision based on availability of other existing avenues to address such contamination in guidance or rule (background and/or off-site contamination).

New Guidance documents topics – M. Fisher and S. Boyle

DEP is looking for new guidance topics to consider during June 20th meeting. Generate an email for BOT to review on its suggested guidance topics. Suggested issues include impact to groundwater standards, QA/QC, comingled plumes, concrete recycling, land use permitting, waste characterization and impact of DAP removal from guidance.

S. Posten will provide M. Fisher a document that LSRPA prepared previously (2010) to identify pertinent technical guidance topics in response to DEP's initial request for the formation of Stakeholder Technical Guidance Committees. This document should be reviewed to identify topics that were not addressed in the initial round of guidance development and can supplement a new list of topics under preparation that is being circulated to the Steering Committee for review (deadline for completion of updated list is Friday, June 15).

NEW BUSINESS

- Update on Licensing Board regulations – J. Oberer

J. Oberer reported that the Licensing Board posted draft rules for comment. Members were reminded to review rules and send comments to him. Need to develop one document that includes all LSRPA comments.

- Consider sending out post-event e-blasts – J. Oberer

J. Oberer suggested releasing post-event communications to the e-blast list, explaining the event with photos, reinforcing the benefits of membership. These communications should follow events like the annual meeting, the Exam Prep Course, etc. S. Boyle will send a message on the previous Exam Prep Course before the September Exam Course announcement

- Reissue LSRP insurance survey reminder to website link - B. Call

B. Call reported receiving 18 – 20 survey responses and requested S. Boyle to send a reminder to members anticipating receipt of another 20 responses. Insurance questions are received by S. Boyle during meetings, which indicates a concern with issue. Number of responses received may not be indicative of interest.

- Clean Fill guidance letter to D. Sweeney – B. Call

B. Call encouraged review of the letter R. Ferguson drafted. There is concern that DEP is considering scaling back requirements for quarries and mining facilities to conduct annual site samplings. This issue will continue to be a concern and will be expressed during both the IPSC meeting and the meeting with Assistant Commissioner Sweeney. How does this relate to professional judgment, etc.? Development of A Standard of Care document on how to address this issue is suggested. B. Call will convene the Risk Management Committee and others to initiate development of this document from the LSRP's perspective.

- Miscellaneous

S. Boyle requested comments on the possibility of a summer event for the membership. There was concern regarding any benefits, besides networking, being derived from an event. She also reported on an EBC-sponsored LSRP roundtable for all environmental stakeholders. The LSRPA does not want to duplicate other organization's programs. The LSRPA does need to be in the forefront as the brainstorm location for LSRPs.

S. Boyle suggested a conference call with T. Toskos, J. Davies, D. Toder, B. Call and other interested BOT members. B. Call advised that a Best Practices seminar may be held in the fall. S. Boyle suggested that our sessions be held in alternate months from EBC's sessions in order to provide the best service to our members. Possibly hold half-day seminars, get CEU approval for our courses and invite other organizations to partner with us. This is a topic for the June 28th Steering Committee meeting.

Adjourned at 9:45 am