

Minutes
LSRPA Board of Trustees Conference Call
August 2, 2012
8:30 to 10:00 AM

ROLL CALL

K Goldstein, S. Boyle, B. Call, D. Toder, J. Davies, M. Fisher, T. Toskos, S. Senior, J. Oberer, L. Voyce,

PRESIDENT'S REPORT

- Meeting with Legislative Services.

Legislative Services contacted K. Goldstein with a meeting request after his testimony in June before the Assembly Environment Committee. The meeting was attended by N. DeRose, S. Boyle, J. Davies, K. Goldstein and S. Senior in addition to three representatives from Legislative Services and the lead person from the Majority Leader's Office. An introduction and history of the LSRPA in relation to the testimony when SRRA was provided. Discussed the progress of LSRP program that is managed by DEP and identified issues needing resolution. There was no real agenda from the Legislative Services reps except to learn more about the program. The meeting also touched upon the background and importance of Safe Harbor, LSRP reporting obligations and the evolving working group, RAO validation and the RBCA issue. Our primary view was that the term "RBCA" evokes visceral reactions; therefore, it is important that topics don't get lost in the discussion. There are opportunities within DEP program to implement risk-based approaches; i.e., impacts of groundwater standard and how the statute affects the clean fill situation.

Hold a conference call with interested individuals before August 8th to promote our approach, develop game plan and conversation that will continue to move the issue forward. The use of site specific approach will not be harmful to environment, but would limit much LSRP angst. K. Goldstein will talk to N. DeRose. M. Fisher will coordinate a conference call with N. DeRose, L. Voyce, T. Toskos, J. Oberer and S. Posten to discuss Site Specific Evaluation issues and strategize for the August 8th meeting.

EXECUTIVE DIRECTOR'S REPORT

- Data Miner issue

S. Boyle advised of website e-mail from Sonya Ward informing of her issues with Data Miner and data not being there. She will contact Elaine DeWan to discuss. J. Oberer will email T. Cozzi to put on agenda for the August 15th IPSC meeting.

A conference call was scheduled during the week of August 8th with the External Stakeholder group to discuss external outreach to other groups, reciprocity of membership, Steering Committee composition and mentoring those who want to become LSRPs. Include J. Postorino and C. Barnes in call.

Reschedule the September 6th Steering Committee meeting (Exam Prep Course) to September 20th beginning at 9 am at the offices of GEI Consultants, 18000 Horizon Way, Suite 200, Mt. Laurel, NJ.

S. Boyle will circulate e-mail on the date change.

SECRETARY'S REPORT

- Outstanding Steering Committee minutes

May 3rd Steering Committee minutes were approved. K. Goldstein's edits will be incorporated in the June 28th draft Steering Committee minutes and request approval by email.

TREASURER'S REPORT

G. Martin is on vacation, therefore no update available.

HOT TOPICS

- Clean Fill Response letter

Discussed response to letter from Concrete and Aggregate Association on their requested meeting with the Association. Suggested position is we will meet with them but bring other RP stakeholders to the meeting, such as the Chemistry Council, NJBIA, EBC as well as the DEP. (NOTE; This meeting was held on 9/11/12). S. Boyle has drafted response. In case quarries want a one-on-one meeting with the Association, it was agreed that DEP needs to be included in the meeting. If stakeholders are not included, a meeting will not be held. S. Boyle has a call into Bill Layton from the Concrete and Aggregate Association, but has yet received a response.

Issue was discussed at recent Risk Management meeting and concluded that we need to take further action due to the supply and demand market for clean fill. The stringent remediation standards are driving the issue. May be advantageous to meet with quarries to discuss protecting our professional license and impress upon the Concrete and Aggregate Association that the problem lies within DEP's structure of its remediation standards and its impact to groundwater.

- Continuing Education Committee

The Committee met on July 24th and discussed the August 10th deadline to receive revised presentations for the September 6th Exam Preparation course. Discussed upcoming and future courses. Minutes of the meeting will be distributed shortly.

--Upcoming Exam Review and Future Course

The upcoming September 6th Exam Prep course was discussed as well as future Exam Prep courses scheduled for October 30th and January 3, 2013. These courses are scheduled for the National Conference Center – Holiday Inn in East Windsor, NJ. The Ethics Course is scheduled for October 22nd at the Burlington Enterprise Center and the half-day Business Practices Seminar on December 5th at the National Conference Center – Holiday Inn in East Windsor. The final event presently scheduled is the Annual Meeting on January 10, 2013 at the National Conference Center. S. Boyle will prepare eblast announcing the courses.

J. Davies suggested transferring the continuing education information included in the package received as permanent LSRPs and posting on the Association's website.

In addition to covering David Abbott's travel expenses, K. Goldstein suggested offering him an honorarium.

--The Caviart Group's participation in July 9 Licensing Board Meeting Exam

J. Oberer reported that comments during the July 9th Licensing Board meeting indicated that the Caviart Group did an outstanding job on exam, the percentage of individuals passing the exam was high, the exam was fair and it was a good exam based on their statistical measures. Everyone present and the Licensing Board agreed that it was a tough exam. Talked to people who took exam and wrote to Caviart and those working on questions for the next exam. Based on comments Caviart received and comparing test results from both locations, they re-evaluated some questions, thereby accepting more than one answer in some cases and, where necessary, eliminating questions. Permanent LSRPs are also writing questions for the next exam.

- Risk Management Committee/Loss Prevention Committee

The Committee met on July 30th and is tracking about six topics.

B. Call gave update on the LSRP insurance survey. Discussed two tracks being reviewed (a) example endorsement for employer policy and b) secondary insurance product for LSRPs with weak or no employer coverage.

Reported on the formation of a subcommittee to focus on the insurance survey. John Scagnelli, Dan Borgna, Paul Falcigno and Debbie Christian from Marquis will review the survey results and develop "solutions" for insurance- two-page list of suggested endorsement language as a sample endorsement that can be attached to employer's insurance policy to further protect its LSRP employees. (Paul Falcigno will work with Zurich on this task).

The other track is a secondary insurance product for LSRPs with weak or no employee coverage with the cost being in the \$3500 range. Looking at NJ, MA and CT to possibly pool with these states and create a viable market for product.

- SRPLB Liaison Updates

--Draft rules posted for comment. LSRPA will link directly to SRPLB website when complaint resolutions are released and Standard of Care evolves. A link to the Licensing Board's summary will be included by the Board in our e-mail blasts.

J. Oberer reported that there are presently four disciplinary complaints-- two summaries are posted, one complainant requested an Adjudicatory Hearing, therefore not posted, one decision is pending.

-- Business Practices Seminar

B. Call advised that the Business Practices Seminar is scheduled for the December 5th at the National Conference Center in East Windsor and is working with the Continuing Education Committee on this event. Possible Powerpoint introduction to contracts/insurance, followed by panel format with four to six speakers. Consider including a panel member to present the employer's perspective of the LSRP program. RM&LP will apply to Licensing Board for Continuing Education credits but approval is doubtful.

--Meeting with DEP Inspectors

M. van der Heijden was unsuccessful in contacting M. Campion to schedule a meeting with DEP Inspectors; therefore, he will contact Len Romino for this meeting.

-- New RM&LP org chart to be updated and sent to S. Boyle along with the meeting minutes.

Committee was asked for written statement regarding OPRA-ability of LSRP work in progress. Next Board meeting should have something in writing on this subject. Department's opinion is an LSRP is not a government agency, and OPRA pertains only to government agencies. Issue will be brought up during the Sept. 10th meeting.

NEW BUSINESS

- RPS – LSRP can close pathway with new information

S. Boyle reported that an LSRP contacted George Klein and discussed RPS work he was doing. G. Klein agreed that existing data should not be relied upon if new data, not previously submitted to NJDEP, became available after the Pathways was closed and the LSRP must certify this information. LSRPA will initiate an e-mail blast after George reviews the draft language provided and revision will be circulated to the BOT before sending an e-blast to membership.

- Next meeting with Assistant Commissioner Sweeney

S. Boyle will schedule a meeting with Assistant Commissioner and D. Haymes in September.

N. DeRose is part of a group reviewing LSRP reporting obligations. He advises that we should stick to language of the statute...LSRP must be what is commonly described as "of record" to have the obligation. Wants feedback from the BOT. Our suggested position should be to go to IPSC using what is stated in the statute as our starting point. S. Senior and N. DeRose have understanding of issue to begin discussion on the intent of the statute and to reach a consensus. They will do what is proper under the provision and come back to the Board to explain the reasons.