

## Board of Trustees Conference Call Minutes

July 17, 2014

8:30 – 10 am

### **ROLL CALL**

S. Posten, S. Boyle, K. Goldstein, D. Toder, M. Fisher, L. Voyce, D. Scott, C. Barnes, S. Senior

### **PRESIDENT'S REPORT**

Forum feature, part of Memberclicks, on website

K. Goldstein reported that everything on the website is current and will spend time over the next few weeks getting minutes posted. He led discussion on an open forum for the Members only side of the website. Forum will be similar to LinkedIn, but since on the closed portion, only members will have access. Spoke with S. Danyew, who explained that the feature is already built in and would take about 10 hrs. for him to activate it. Since it is an open forum there is no ability for answers to be restricted to a Board or Steering Committee member. Any member can log in and provide a response to a question and a discussion follows. An area on the website where members can ask questions, but responses are controlled is preferred. Presently S. Boyle accesses questions that are received and sends to appropriate person to respond. Include in next eblast that questions and responses will be posted to Members Only page. S. Boyle and K. Goldstein will develop a paragraph for S. Danyew to post on website and K. Goldstein will also contact D. Collins regarding forums on MA's webpage. K. Goldstein will give briefing during next Steering Committee meeting.

### **SRS Reauthorization: LSRPA letters to Terry Sugihara and Commissioner Martin**

There are 10 LSRPA members on committee with knowledge of risk assessment and toxicology. Issues exist with how DEP's interprets EPA guidance and toxicological principles. Forum could actually discuss some of these issues. Committee has provided DEP outlines on how to move ahead with their limited ability for discussion on the issues. Frustration exists with process and a session where stakeholders can present information and discuss is needed. This was basis of our letter and the Chemistry Council also sent a letter with their issues to Terry Sugihara.

There is consensus among Board and membership that we need to discuss the bigger picture, i.e., issues related to standards development. The Brownfields Act includes more flexibility in developing remediation standards and a letter on this issue was sent to Commissioner Martin and Mark Pedersen. DEP has idea that NJ is special on how to look at development of standards and the need for more stringency. The group meeting requested with Commissioner Martin may be with Mark Pedersen and his staff. S. Boyle requested BOT members send their schedules for July and August, to see who is available to attend the meeting when set. S. Drew will request this information from members of the Soil Remediation Standards Committee.

S. Boyle advised that consideration is needed on what we want to pursue after our meeting with the Committee and Mark Pederson. Do we meet with Commissioner or Senator Smith? A game plan is needed, depending on outcome of other two meetings. S. Posten suggested discussing with Senator

Smith, since he seems ready to talk and five years ago he suggested visiting the topic now. Terry Sugihara's letter with standards was sent out on July 7<sup>th</sup> to members of Committee for review, but spreadsheets were not provided. S. Drew asked Terry Sugihara to provide us with spreadsheets for our review, but was declined. In general, our letter to Terry Sugihara's identified specific technical topics while the letter from CCNJ included policy topics. Items suggested in our letter to meet groundwater standards, can be dealt with in the existing framework (allow more exposure scenarios and keeping 10<sup>6</sup>). EPA has simpler equations than those used by DEP. Items that should be on the table for discussion are not.

L. Voyce questioned how much time and political capital do we want to spend if we get stonewalled. This is a huge issue.

**Battelle 3<sup>rd</sup> International Symposium on Bioremediation and Sustainable Environmental Technologies (Miami May 2015): Licensed Site Remediation Professional Session**

- S. Posten reported that Battelle holds a solvent remediation conference that draws people internationally. During a conference in Miami, the Conference Chair suggested that next year's conference include a session on licensed site professional programs and commented that more states should consider the LSRP program based on our success. S. Posten will lead this session. A request for abstracts will be released shortly, with a late summer or fall deadline. Abstracts from membership and Steering Committee should be sent to S. Posten. He will also contact Duff Collins. N. DeRose is interested and a suggested topic is State of the Practice. S. Senior wants to also participate and S. Posten will provide his paper from last year's conference as guidance.
- Mark Pedersen would like to be appraised of any sites where DEP is requiring investigation/remediation of eco resources as a sole result of groundwater discharge from historic fill (impacts resulting from historic fill contaminants in the groundwater discharge)

Subject was raised during IPSC meeting. M. Pedersen asked for specific examples. C. Barnes has a site near the Passaic River. She will write summary and send to S. Posten. S. Boyle will contact Jorge Berkowitz since he may also have an area and will inform S. Posten.

- IGW Capping Guidance: No clean zone required for sites where groundwater is already contaminated

If groundwater is not contaminated then 2 ft. fill is needed above groundwater. Question raised - if groundwater is already contaminated, do you need 2 ft. clean above groundwater? Answer is no. CEA, monitor attenuation, etc. needed. Groundwater control in place is needed if you are going to cap.

S. Boyle suggested this issue be used as a Tools of the Trade. K. Goldstein will prepare a paragraph. People think that contaminated soil in contact with groundwater, but no groundwater contamination. Guidance would say clean up anything that intervenes with groundwater. S. Boyle will request S. Posten to write article.

- SRPLB Update - LSRPA could identify LSRPs who be willing to arbitrate, offer judgments, etc.

S. Posten stated this is not an official LSRPA function. No problem if LSRPs would like to provide service, then we would provide names and resumes on our website for access by those who need it. He spoke with D. Collins, who indicated MA was going to offer this service, but it didn't generate much interest. Not adverse to have information on webpage for others to retain people.

This could be a tangible service LSRPA could provide members. C. Barnes suggested possibly discussing during member breakfast. R. Ferguson suggested this issue be referred to Risk Management Committee. J. Scagnelli will review suggestion from a legal aspect. We should see something from topic from Risk Management Committee.

- Feedback on Retreat and networking event

E-mail Sue Boyle with your comments and suggests regarding the retreat. Hold maybe once or twice a year if there were specific issues to address. S. Senior commented the retreat was great, generated a lot of good discussion; we pulled one or two follow up issues out for letter to Commissioner. S. Posten suggested next event be held at a winery.

### **EXECUTIVE DIRECTOR'S REPORT**

- Inquiry to website: LSRP amending an RAO after dismissal.

Inquiry presented as an ethics question to website: LSRP amending an RAO after dismissal. Section of SRRA requires LSRP of record to make administrative, not technical, changes. DEP Reviewer was citing SRRA section referring to sites where remediation was complete. Potential exists for more changes requested by DEP, since remediation was not complete. General agreement that general LSRP of record should be making changes to RAO. Requestor will speak with DEP staff to resolve. Reviews said that the LSRPA agreed with DEP's decision. Would like to know how MA handles this type situation.

Scenario what happens when LSRPA retires or no longer has a license was also discussed. LSRP needs to develop a plan for this situation. Contact L. Romino for guidance.

- Requests for LSRPA to expand services: identify LSRPs who be willing to arbitrate, offer judgments, peer review etc.; clearinghouse for soil bank.

Discussion on possible new activity the LSRPA should undertake. Should requests to expand services be directed initially to BOT or Risk Management Committee first. Suggestion made to have board on site where people could post info. Possibly similar to LinkedIn page, use as a forum, but not official position of the LSRPA. Since R. Ferguson moderates LSRP LinkedIn page, speak with him.

- Continuing Ed: 2 day courses scheduled for Sept and October

S. Boyle reported that the Northwest Environmental Training Center is partnering with the Association on a two-day course on Groundwater Contaminant Remediation Principles and Practices scheduled for September 16<sup>th</sup> and 17<sup>th</sup> at the National Conference Center in Hightstown. This is a 13 CECs.

A Forensics course is scheduled for October 7 and 8 at the National Conference Center and possibly offer 13 CECs.

- NJLOM Consulting tables on Nov 18, 2014

An exhibiting table forum has not been successful, but a consulting table will be available during the NJLOM.

- Annual Meeting on Jan 15, 2015.

The Annual Meeting is being planned for the January 15, 2015 and will be held at the National Conference Center in Hightstown. Unless objections are received, a contract will be signed and information posted on the website.

**SECRETARY'S REPORT** – R. Ferguson not on call

**TREASURER'S REPORT** – J. Oberer not on call

### **HOT TOPICS**

- Reauthorization of Standards Rule – S. Drew

Discussed earlier

- Follow-up on Soil Standards letter – L. Voyce

Talked to Chuck Harmon regarding Eco Risk 202 with NWETC. S. Boyle to follow up. Spoke with D. Toder and decided it would be a one-day class.

- Tools of the Trade

Looking for articles to include in Tools for the Trade. TCB on hold, L. Voyce working on ECO Risk. K. Goldstein and S. Boyle working with Keith Gagnon on whether PAs for ISRA sites.

- Co-mingle plume guidance issues...

M. Fisher has spoken with Maryann Kuserk. Lack of focus by DEP on guidance committees. Majority of external committee will meet and identify what needs to be done on particular documents, although DEP does not have meaningful schedules to get documents done. Deadlines are needed. Impact to Solid Waste - Groundwater Committee close to final draft months ago, but haven't heard from Bill Hanrahan. S. Drew will follow up with him.

Based on what she has seen regarding comingled plumes, L. Voyce questions whether anyone has concerns on the level of information put into the guidance documents. S. Senior explained that "level of information in guidance where certain items became complicated and has been dummed down. L. Voyce commented whether the guidance document is beneficial after edits are completed, stripped down and reviewed.

S. Posten suggested the use of tables and flowcharts to present important information that becomes the focus and text is written around the tables. A balance is needed between what people may need to know with what they understand.

G. Nichols is now chairing the Off Site Source of Contamination Committee. Off-site document is waiting for an internal DEP ListServe on incident reporting. Document has been in DEP Committee since last July. Not as engaged and collaborative as first set of guidance documents.

Discussed whether we need to prioritize/refocus due to burnout.

## **NEW BUSINESS**

- Annual Conference and Trade Show

S. Boyle reported that members have suggested we need to offer more services to our sponsors and should give them an opportunity to make presentations. Possibly have a one or two-day event for continuing education cases as an alternate to an annual conference. Maybe schedule a day in late February or March that includes several continuing education classes for members who need credits by April 2015 for a July licensing date. S Drew will organize a committee with Phil Brilliant, Dave Hoffman and other interested individuals to develop plans for a conference that includes formal meetings, papers and training, for August or September 2015.