

Minutes

Steering Committee Meeting

June 18, 2018

2 pm – 5 pm

GZA GeoEnvironmental

ROLL CALL

S. Posten, S. Boyle, J. Oberer, M. Fisher, C. Barnes, T. Toskos, K. Goldstein, B. Alter, M. Pietrucha, D. Warner, R. Ferguson, K. Stetser, S. Drew, R. Katz

Phone: J. Haus, C. McGowan, J. Donahue, S. Senior, K. Long, J. Hochreiter, E. Palko, J. Postorino

Scagnelli, L. Voyce, D. Morris, D. Hoffman, B. Call

PRESIDENT'S REMARKS

- SRRA 2.0 Committee formation

S. Posten reported that the idea to form this committee began during the Spring 2014 LSRPA BOT retreat in Lambertville. J. Oberer and M. Fisher subsequently spoke with Senator Smith at a spring 2015 CIANJ seminar, who was interested feedback from the LSRPA. Currently compiling a list of issues and, in the interim, starting with ongoing issues with DEP and Soil Remediation Standards Committee. S. Senior and I. Kropp were volunteered as Committee co-chairs. The Committee's charter is outwardly focused on regulatory/statutory concepts; hence the selection of the identified co-chairs. T. Toskos, R. Ferguson, K. Stetser, B. Alter, D. Morris, B. Call, M. Fisher, D. Hoffman and D. Collins volunteered for Committee. S. Senior to set up first call/meeting and distribute list of topics to entire Steering Committee and copy S. Posten and S. Boyle.

J. Oberer discussed topic items. Senator Smith was surprised with the lack of a complete Licensing Board. K. Stetser noted that the vote will take place on Monday and if she is appointed to the Licensing Board, cannot serve on the Steering Committee.

Senator Smith is interested in our suggestions regarding the Brownfields Act (how is it working) as well as SRRA related issues such as direct oversight, recalcitrant cases, UST/HDSRF funding, "shopping" for an LSRP; and marginalizing of LSRPs on large projects.). Noted that the DEP and LSRPA not doing a good job of promoting program; we should be collaboratively issuing press releases. Have a Trenton Day for LSRPs. Any other suggestions, put in a letter. VI standards vs. guidance, OSHA vs. risk-based standards.

- LSRPA publicity

Discussed the possibility of hiring a publicist, someone who can meet with municipalities and DEP to develop positive feedback about the LSRP program. S. Boyle received four recommendations: two member recommendations from CIANJ and two recommendations from the South Jersey Development Council, one specializing in nonprofit. The BOT has to review for cost and budget. S. Posten spoke with M. Pedersen and J. Berkowitz to get them involved. The purpose is to spread the word on how the program has been beneficial in educating RPs, improving the technical quality of reporting, and allowing for expedited site closure where conditions permit. Members need to understand the benefits of hiring a publicist. S. Boyle assured the Committee that members will be kept informed throughout the process.

EXECUTIVE DIRECTOR'S REPORT

- **Trenton Days**

This was recommended by T. Russo of CIANJ and Sen Smith. T. Russo recommends that we take a meeting room and invite legislators to meet with us during the fall Legislative Day. We need to tell our own stories. S. Boyle will work with T. Russo over the summer on this effort. Concern whether we are crossing line on becoming lobbyists and if Trenton Day will put us into the category? We are not paying anyone to lobby. S. Boyle, J. Oberer and S. Senior will discuss lobbying. A subcommittee will be formed to discuss Trenton Days.

B. Call contacted Rutgers Center for Urban Environmental Sustainability requesting a copy of the video to send to Senator Smith. He has received emails from sponsors who saw the article in a real estate publication. This type of information should be included in an eblast so members can see our activity. He is working with Debbie Mans from Baykeeper to get the word out and post video on their website.

- LSRPA listing of LSRPs for arbitration/mediation services

K. Goldstein commented on the need for dispute resolution in the LSRP world. DEP has backed away from the role; therefore suggested that the LSRPA provide a listing of LSRPs interested in either arbitration or mediation as needed. The majority of BOT members agree and S. Senior and A. Robins saw no issues in providing this service. A link would be created from the public page of website to the list of LSRPs. The list would be populated through email blast. K. Goldstein, S. Boyle and S. Danyew working together on language and logistics. Ask LSRPs if they want their name added as a business function. Attorneys will either modify existing disclaimer or create a new one. Any interested LSRP should include a resume. Board gave permission to move forward, have S. Danyew create link and S. Boyle send out blast to get resumes posted.

K. Goldstein will talk offline how to advertise service through the Environmental Bar. There is an overlap in the service provided by D. Warner's Committee; therefore K. Goldstein will discuss the differences between the two services. Placed on public site for accessibility by both client attorneys and LSRPs on both sides.

- Continuing Education

S. Boyle advised that B. Alter along with Chemmie Sokolic of TRC will instruct a Due Diligence course on October 27th at Hatch Mott McDonald's training room in Metro Park. There is the ongoing concern with low course registrations. S. Boyle encourages anyone with a meeting room that could accommodate between 25-40 individuals to contact her. J. Scagnelli offered space at his firm.

Arrangement with DEP that we give credit when partnering on seminars in return for our assistance with registration. We can also charge \$25 for course certificates and duplicate certificates. Discussed policy on giving continuing education credits for webinar participation.

Presenters of the Forensics course asked permission to videotape the seminar. Permission not yet given, although it may be possible to use videotape as a basis for seminar. A release or agreement for "intellectual property" would be needed. Discussion followed with the conclusion that S. Boyle will discuss request with attorneys.

- July 2 Meeting with Assistant Commissioner Pedersen

S. Boyle needs agenda items immediately. K. Stetser, S. Senior, J. Oberer and M. Fisher attending.

- John Scagnelli's email on other organizations' LSRP related event

S. Boyle thanked S. Senior and A. Robins for giving the recent Ethics seminar. The next Ethics seminar will be given by S. Senior, A. Robins and J. Scagnelli

- Annual Meeting
- L. Watson to get available dates and reserve a room at the National Conference Center.

SECRETARY'S REPORT

May minutes will be completed and posted online after approval.

TREASURER'S REPORT

- Licensing Board Report

R. Ferguson reported that comments on rulemaking are in full swing. Present schedule is to have commenting completed in August, finalized in Sept then to AG office for review and adoption by January. Possibly temporary withdrawal of license section may need to be reserved. SRRA 2.0 will be involved.

R. Ferguson updated on complaints. One complaint involves professional conduct of 3 LSRPs; two remanded back for more information and the third complaint referred to Complaint Review Team. The Board has been shorthanded for a long time; R. Dewling is not returning, which will cause a huge lift for non-LSRPs. Jeff Robinson will temporarily serve as Acting State Geologist, replacing the retired Karl Mussig.

- LSRPA Budget Summary

Currently there is \$246K in the Association's savings account. Summary is broken down by last two years and this year's budget also revenue for membership vs. revenue from seminars is shown. Expenses are in line.

B. Alter made a request for 503(c)3 not-for-profit status. Another entity would be created, with a separate ID number and bank account, for scholarship funding and other charitable activities. S. Senior will look into the legality. Board is in favor and Bylaws Committee meeting needed since entity would have separate bylaws.

OLD BUSINESS

- Update of the Soil Remediation Standards - S. Drew

Meeting on June 10th and after meeting since March of last year, we are through language part of rule and go on hiatus until next step. Rule is in final draft, undergo Department review then out for comment. The last phase of remediation standards development has been more difficult due to the impacts. In almost all cases, Department review will be required. N. DeRose was able to get a clause whereby Impact to Groundwater doesn't require department approval, everything else will require DEP review and approval. S. Drew thanked people who are on the Committee.

COMMITTEE REPORTS

Nominating Committee

- Five terms expiring at the end of 2015

D. Warner advised that the terms of C. Barnes, B. Call, K. Stetser, S. Drew and R. Ferguson expire at the end of 2015. An email to D. Warner needs to be received before September from individuals want to nominate themselves or are no longer interested. Only an updated resume is needed.

If K. Stetser's nomination to the Licensing Board is approved, it is the BOT's responsibility to find her replacement. D. Toder may retire early next year, possibly he would be interested in serving the remainder of her term. D. Warner will contact D. Toder.

External Stakeholder Committee

C. Barnes is working on a joint networking event with the AHMP and AEG -- an August 12th baseball event with the Somerset Patriots at TD Bank Park. Each group will contribute \$500 towards the event. Tickets will be \$25 each, which gets you into the suite. AWT is donating \$500 and Accutest will pay for one drink per person. Additional sponsors will be recruited.

C. Barnes also advised that an Aspiring Professionals event for about 100 is being planned for October. The Chimney Rock Inn was suggested as a possible venue.

Membership Committee

C. Barnes reported on the recent Member Breakfast held at Ponzios. The event was a sounding board and attracted about 35 members. S. Drew's presentation on the Soil Remediation Standards was well received. The next Member Breakfast will be held in Northern NJ during September. The current LSRPA membership includes 427 LSRPs, 150 Non-LSRPs and five students. DEP will be contacted for email addresses of recent LSRPs.

Legal and Legislative Committee

S. Senior reported that the Committee is working on loss prevention and are awaiting the next issue to work on. Jaan Haus is secretary of Committee.

Regulatory Outreach Committee

M. Fisher updated on Committee's activities. Comments on RFS/FA are due by June 30th. Currently there are very few non-BOT/Non-Steering Committee comments. Contaminated Groundwater and Surface water draft was released last week with comments due back by July 21. M. Fisher will send blurb to S. Boyle to include in an eblast to members for their comments. Childcare document was also released and D. Morris will prepare a blurb and link for S. Boyle to send to members for comment. Comingled plume possibly in two months.

Risk Management and Loss Prevention Committee

- Technical Consultation Subcommittee proposal with intro letter to Steve Posten (attached) (D. Warner/W. Call/J. Scagnelli)

B. Call presented an introduction to the proposed technical subcommittee, its objectives and the legal disclaimer drafted by John Scagnelli. The BOT gave its approval to proceed. L. Voyce volunteered for the committee.

D. Warner presented the background and the similarities between this subcommittee and the dispute resolution service K. Goldstein proposed. Wants to get portal operational and conduct data tests before going public. Describing the process, he explained that when an LSRP has an issue of uncertainty, possibly a gray area, and wants input from others, a portal will be placed on the Members Only page, linking it to the website. A series of 5 or 6 summary questions will be submitted and a designated area at the end to

discuss concern. Names are not given, only general information to keep confidentiality for everyone. Once completed and submitted, this information would be disseminated to committee members to review and start internal email dialogue among Committee members. Within 24-48 hours, individuals with different expertise (LSRPs and attorneys) will be brought in and a consensus reached and given to the LSRP. This is a members-only service, whose purpose is to provide verbal feedback/guidance on a particular topics of interest to the membership.

S. Posten advised referring to this group as a Peer Review Committee, not a technical consultation. If technical issues are involved, then Committee needs to include Regulatory Outreach, which has been the Association's technical body.

Potential for much opportunity for abuse was stated as a concern by member. Another concern was how to document source of information when it comes from an undisclosed source. The disclaimer would indicate this is only a "sounding board" service provided by the Association. No identification during the entire process. Although beneficial to solo practitioners, consider the formation of a Solo Practitioner Committee. These individuals could be culled from the membership list. A concerted effort by all involved is needed. S. Boyle will contact S. Danyew regarding portal.

S. Posten suggested defining a list of subject areas that individual can choose (such as membership, mentoring, forms and more difficult questions); divide between Risk Management and technical areas. We can provide users with a list of questions for their choice.

K. Goldstein explained using a pilot portal for individuals to pose questions for discussion. Discussed using a pilot program for three months, which may give enough experience to see how the program works. S. Posten commented that the portal landing page needs to be addressed before proceeding with the pilot. Questions on how the BOT will ensure that the program is run correctly and how the topics will be managed.

- Next LSRPA and June 16 NJDEP Reviews Inspectors Meeting (W Call/M. van der Heijden)

College Outreach Committee

- College scholarship progress report

B. Alter reported that five colleges, Montclair, NJIT, Stockton, Rutgers – New Brunswick and William Paterson were contacted. The recipients were selected by each college. Checks were written to two of the colleges for use in the upcoming fall semester. The recipients will be invited to our Annual Meeting. Press should be involved with the awarding of scholarships.

- Fall Meetings on Campus

Meetings with the five colleges will be held in the fall and possibly outreach to eight additional colleges (Lehigh, Ramapo, Rowan, Rutgers-Newark, Stevens, Temple, Univ. of Scranton and Villanova). Wants to meet with the faculty to discuss the LSRP program and possibly establishing a student chapter of the LSRPA. A volunteer is needed to meet with Ramapo.

- Resume portal

Students will be able to upload their resumes, which could be viewed only by members. Portal changes may need to be made.

S. Posten thanked the Scholarship Committee for their fine work over the past year in planning and implementation.

Continuing Education Committee

S. Boyle reported on the Forensics course scheduled for June 23 at the Enterprise Center in Mt. Laurel.

Communications Committee

- Meeting update

L. Voyce advised on the lack of resources to do newsletter. The material will be outdated by the time a newsletter is released. Suggested focusing on eblasts and consider a newsletter at a later date. Website updates being done. Platform on website is changing.

There is a real resistance to having bios on the website. S. Boyle commented that M. Pedersen feels it is important to have bios on the website.

S. Boyle suggested with the number of website changes being requested by several committees, a meeting needs scheduled with all involved to identify changes, then contact S. Danyew.

STAKEHOLDER COMMENTS

J. Donahue reported on the UST rule which has been released for comment and will be published in the July 3 Register. He will provide S. Boyle information for blasting to members.

C. McGowan stated that SRIN is concerned with the length of time taken to get groundwater permits approved. This is an agenda item for the next SRAG meeting. She will send specifics to S. Boyle.

Discussed the 2016 deadline and what happens if an RI is not finished. M. Pederson understands the seriousness of issue, but no way statutorily to develop policy for 2016 deadline.

NEW BUSINESS

Golf Committee formed

Meeting ended at 5:10 pm

2015 Steering Committee Meetings

August 20 – French & Parrello – Wall, NJ

October 15 – HDR, Mahwah, NJ

December 17 – Riker, Morristown