

LSRPA Board of Trustees Conference Call Notes

July 16, 2015

8:30 – 10 am

ROLL CALL

S. Posten, S. Boyle, C. Barnes, M. Fisher, B. Call, D. Toder, S. Senior, L. Voyce, J. Oberer, R Ferguson, S. Drew. D. Morris, a new BOT member, joined the call at 8:45 am.

PRESIDENT'S REPORT

- Kathi Stetser's replacement

S. Posten reported that K. Stetser accepted a position on the Licensing Board, thereby giving up her position on the Board of Trustees. Her BOT resignation letter was recently received. S. Posten made a motion, with Board agreement, for D. Morris to temporarily fill K. Stetser's BOT position until the end of the year. (K. Stetser was filling Julian Davies' vacated term, which expires at the end of the year).

- Steering Committee Reorganization

S. Posten advised that it is time for a reorganization of committees for several reasons. Members transitioning to new positions within the Executive Committee, and others retiring have generated openings in the Committee Chair slots. Also, co-chairs for each committee should be chosen to help alleviate the workload. Additionally, there are a few committee chair positions that have not changed in several years, and it is time for folks in these positions to be rotated out to other assignments to make room for new member participation. He suggested creating slots on the Steering Committee for individuals no longer serving as a Committee Chair and encouraged existing Chairs to submit suggestions for co-chair or replacement positions.

- OPRA responsiveness

This issue has been previously raised and discussed during meetings with Assistant Commissioner Pedersen. Matt Coefer, OPRA Records Custodian, participated in our recent meeting with Assistant Commissioner Pedersen and advised on the specific language needed when requesting information. If you are not specific, then the entire process becomes cumbersome, due to outreach to other bureaus. DEP will not hunt down all the records unless the request is specific. S. Posten advised using the specific language **"Request all Remedial, Permitting and Enforcement Records"** when requesting information. Using PI and Case Numbers only is not sufficient, and may inadvertently narrow the search process.

This issue was raised during a Licensing Board meeting. Assistant Commissioner Pedersen thought the situation was corrected. R. Ferguson reported on a request where only two documents were revealed at the conclusion of the process, when the requestor had four documents in his possession. This is an important issue for LSRPs and one the Association should closely follow. S. Boyle will eblast the suggested language to the membership and request feedback from those members having problems getting information. She also stressed that OPRA is a records act, not a public information act. [Sue: state more clearly the implication of this statement]

- Rule change – RA permit for soil

There is a requirement in the Soil Biennial Certification form to include documentation associated with any cap disturbance (including record of DEP Hotline notification). There are many situations where routine maintenance is performed (e.g., on potholes), where it doesn't make sense to report a cap disturbance through the Hotline. The form needs to be changed to reflect situations not requiring a call. Prior discussions with AC Pedersen on this matter have indicated that DEP is aware that the form should

be modified to accommodate routine maintenance, but a rule modification may be necessary to accomplish this.

- Summary of meeting with Assistant Commissioner Pedersen

The meeting with Assistant Commissioner Pedersen and D. Haymes included discussions on permits, OPRA, as well as the need for all parties to get the word out on the success of the LSRP program. It is thought that K. Kloo will coordinate with DEP's Press Office in identifying success stories for release.

Also discussed the May 2016 RI complete deadline and DEP's plans for those RPs who don't complete the required documentation. These cases will be handled internally by DEP on a site-by-site basis, since there is a statutory requirement to proceed to direct oversight in these cases. There will be discretion and consideration on whether the entity is working hard to complete the RI, or is doing nothing. DEP does not plan to issue formal guidance on this issue.

The LSRPA is currently interviewing publicists to assist the LSRPA in reporting on project successes, and to work with the DEP and Licensing Board in developing appropriate news stories. The focus will be to prioritize reports from neutral parties, such as municipalities.

- Solid Waste issues – BUD certification issues

Movement of the Solid Waste Program under the management of the Site Remediation Program was discussed. The ongoing issue of Solid Waste requiring an LSRP certification for a beneficial use determination needs to be addressed. It was agreed that if a certification is required, then the language needs to be revised, stating the LSRP can only certify for what they can certify; i.e., what kind of material it is with regard to the standards and criteria. This needs additional clarification. Send any concerns with language to S. Posten, who will facilitate.

- A901 issues

Issue relates to needing a license to handle waste removal from sites. There are potential liabilities for anyone that arranges disposal. Clarification on liabilities and how to avoid liabilities is needed. There is concern with signing bills of lading. S. Senior noted that if the LSRP does not want to be A901 licensed, then it is necessary to contract with someone who is licensed. S. Posten noted that "broker" needs to be defined. C. Barnes suggested inviting a contractor (AWT), lawyer (S. Senior/J. Scagnelli) and consultant to a Member Breakfast to discuss issue, get definition of "broker" and bring clarified issue back to Assistant Commissioner Pedersen and the LSRPA BOT for further discussion. The LSRPA will ask J. Postorino to provide a concise summary of issue. A detailed discussion will be deferred to Risk Management, with follow-up reporting to the membership.

- Discharge notifications

S. Posten discussed a question received in a recent email to the Association: Is it necessary to report a discharge to the DEP Hotline when the only evidence of a soil exceedance relates to impact to ground water criteria. S. Senior advised if there is a discharge, it does need reporting, there is not a minimum threshold. Issue needs additional review and discussion. LSRPs may be reporting on conditions that People are reporting things they previously would not report. S. Posten suggested giving this issue to the Sounding Board.

- Request for Stakeholders to serve as Committee members on technical guidance development

A request from ListServe was received for candidates for two committees (Inhalation and Direct Contact Alternative Remediation Standards (ARS) s and EPH). S. Posten indicated that Kevin Long would represent a good choice for the ARS committee. He advised that DEP will only take three or four members for each committee. S. Drew advised that the VI Committee is also being reconstituted for the

VI issue. R. Ferguson asked if there is any idea what else is coming up so we can examine our resources. C. McGowan and J. Donahue are interested in the EPH issue. CIANJ has proposed names for that committee. The official response to DEP will be through M. Fisher and names are needed by July 24th. S. Boyle will eblast membership regarding request and R. Ferguson will post on LinkedIn.

EXECUTIVE DIRECTOR'S REPORT

S. Boyle received an inquiry from Michael Catalini, an AP reporter working on the Exxon Mobil case. He was interested getting information on other remediation cases, filed an OPRA request and received limited information.

S. Boyle has four recommendations for a publicist, two from CIANJ and two from South Jersey Development Council. Suggests forming a subcommittee to help identify scope of work and determine the broadness of our issues. Wants to involve, C. McGowan, J. Berkowitz and T. Russo since the issues are broader than just us. Input from developers and municipalities are needed. We cannot get a price because we are not certain what we need. Short and long-term plans and possibly crisis management is needed. The goal is to have this completed by the end of the third quarter and have someone by the end of the year. C. Barnes will work with S. Boyle and possibly contact a PR firm she is familiar.

Suzanne Dietrich is now working for Land Use.

A thank-you will be planned for K. Stetser.

The Annual Meeting will be held on January 13, 2016 at the National Conference Center.

S. Boyle reported that C. Barnes received the SWEP "Growing Great Women in the Garden State" award during its recent gala.

S. Posten wants the Association to hold an upcoming event at a winery. Other events include a joint networking event at TD Ballpark in August with the Somerset Patriots and a joint aspiring professionals event in October.

SECRETARY'S REPORT

C. Barnes and L. Watson are working to finalize previous BOT and Steering Committee meeting minutes. All outstanding minutes, except April are ready for review.

TREASURER'S REPORT

Finances are in good shape.

MEMBERSHIP COMMITTEE

C. Barnes reported that a joint LSRPA/AHMP/AEG aspiring professionals event is scheduled in August at TD Ballpark with the Somerset Patriots. Each group contributed \$500 towards the event. Another sponsor is needed to help defray costs. A membership breakfast will be held in September and a membership event to be held in the northern area.

CONTINUING EDUCATION COMMITTEE

Discussed the appointment of David Hoffman as Committee co-chair since D. Toder is considering retiring next year.

EXTERNAL STAKEHOLDERS COMMITTEE

- Updated on August 12th baseball event
- Updated on Aspiring Professionals event

RISK MANAGEMENT/LOSS PREVENTION COMMITTEE

- LSRPA Sounding Board Updates – Use as a tool for getting people involved (W. Call)

Remove the word “service” and replace with “sounding board”; cosmetic changes and placing of a test case on the website, this is visible only to the subcommittee. W. Call stated the subcommittee is in a three-month test period and Sounding Board will go live in the fall. Discussion followed on the inquiry categories and process. Users will need to complete a check box saying that they agree to terms and conditions. Upon submittal of an inquiry, the subcommittee will discuss and person submitting inquiry will be called (no written communication) to discuss conclusion. The Board needs to know what the topics are and the resolutions. S. Boyle will see all inquiries and resolution information. S. Posten needs a summary that logs in requests. All replies will be verbal.

- SRPLB updates (R. Ferguson)

R. Ferguson advised of new members on the Licensing Board. The Board Rule proposal is going forward and sign off by M. Pedersen, is anticipated for September and publication in January. The SRPLB distributed a summary of the audits and PCC process. One audit is in Attorney General’s Office and one person chose to relinquish his license rather than to go through the audit process.

REGULATORY OUTREACH

M. Fisher advised that comments were submitted on the RFS. Limited comments were received on Childcare Guidance. GW to SW comments are due next Tuesday. S. Drew will provide copy of the draft guidance.

Child Care guidance could be a breakfast topic or a training topic with D. Morris giving presentation.

HOT TOPICS

- Technical consultation subcommittee concept progress (W. Call) – previously discussed
 - Progress of Builder’s Association proposal (J. Oberer)
- J. Oberer participated in call regarding virtual CEA. Our accumulated comments were submitted and, depending upon review, Builders may request additional clarification.
- S. Boyle advised that the RE3 Conference in September was approved for 15 technical credits.
- S. Posten advised that the EBC spring meeting was also approved.

Call ended at 10:11 am.