

Steering Committee Minutes
February 7, 2013
Woodard Curran

ROLL CALL

In Person: K. Goldstein, J. Oberer, S. Boyle, S. Posten, M. Fisher, N. DeRose, J. Davies J. Hochreiter, R. Katz, D. Morris, J. Scagnelli, M. van der Heijden, T. Toskos, S. Drew, B. Alter, C. Barnes, J. Scagnelli, D. Warner, L. Watson

Phone: B. Call, J. Postorino, J. Donohue

PRESIDENT'S REMARKS

- **New BOT-SC members for 2013**

John Scagnelli, Caryn Barnes, and Dudley Warner were recently appointed to the Steering Committee.

- Annual Meeting Wrap-up

K. Goldstein commented on the success of the Annual Meeting and approximately 205 members attended.

- Resolutions

Resolutions 2013-1 (Board of Trustees Members and Officers of Association) and 2013-2 (Budget) were approved by the BOT and signed. Resolution 2013-3 (Bylaws) was discussed based on an attendee's dissent over regarding "moral character". Individual wanted us to wait until the Licensing Board defined "moral character", J. Hochreiter spoke with the individual during the meeting, but, in the future, any dissents will be discussed at that time. Once a vote is taken, the vote remains. Thus Resolution 2013-3 was passed by the BOT.

Resolution 2013-4, which identified K. Goldstein (President), S. Boyle (Executive Director) and J. Oberer (Treasurer) as having check-signing authority for the Association was passed by the BOT.

- Committee Priorities

K. Goldstein defined the responsibilities of J. Davies, Internal Vice President and S. Posten, External Vice President and requested that committee priorities be identified, forwarded to S. Boyle and posted to the website. Internal responsibilities are Continuing Education, Nominating, Bylaws, Finance, Mentoring and Membership Committees. External responsibilities include Risk Management/Loss Prevention, Regulatory Outreach and External Stakeholders. Legal and Legislative Committee will report directly to President.

The BOT and Steering Committee list will be updated by L. Watson by March 1.

- Assignments for R. Ferguson

R. Ferguson will replace J. Oberer as Liaison to the Licensing Board. Send any other suggested responsibilities to K. Goldstein.

- LSRPA/SRIN – N. DeRose will contact C. McGowan regarding SRIN representative on the Steering Committee.

SECRETARY'S REPORT

Transition from J. Oberer to M. Fisher will be completed shortly.

TREASURER'S REPORT

J. Oberer met with G. Martin and J. Demas and will provide a complete report during upcoming BOT call. Suggested speaking with D. Bonas, Chair of Finance Committee.

EXECUTIVE DIRECTOR'S REPORT

- New Steering Committee Members

S. Boyle suggested that the Camden County College Green Job Training Director be recommended as a member to work with B. Alter on Career Mentoring Committee. Members discussed their positive experiences working with individuals from training programs.

- Free Membership for Government Remedial Project Managers

Issue was referred to Membership Committee for discussion and recommendation to the Board of Trustees. Committee will work with J. Scagnelli.

- Annual Calendar

S. Boyle updated on the upcoming events: Membership breakfast (2/28/13) and analytical chemistry/data usability continuing education course (3/21/13 and 3/22/13); advised that other events need to be added at the targeted rate of one per month.

- ANJEC Article

Article will be completed for the Spring edition.

- Upcoming SRAG/CVP, IPSC and AC Sweeney Meetings

Many LSRPA Steering Committee members attend the SRAG/CVP meetings. It was agreed that the Association offer to host the May meeting. Association representation is needed and will be discussed more fully at the April Steering Committee meeting.

A meeting with Assistant Commissioner Dave Sweeney is scheduled for March 6 from 2 – 3:30 pm . Suggested agenda items should be sent to S. Boyle.

An IPSC meeting is scheduled for February 20th. J. Oberer will request Annual Reporting be added to the meeting agenda.

S. Boyle advised that the January 17, 2013 Licensing Exam results are posted and 26 individuals did not pass. There are 514 permanent LSRPs and 66 temporary LSRPs have not taken the exam. The Licensing Board will vote on the newly licensed LSRPs on February 28, 2013. C. Barnes reported that Caviart permitted individuals who did not previously register take the exam.

Buck Chaffee from Caviart will respond to questions during the February 19th Licensing Board meeting. Steering Committee members are encouraged to send questions to R. Ferguson to raise during the meeting.

The next BOT call is scheduled for March 7 beginning at 8:30 am and the next Steering Committee meeting is scheduled for April 4 beginning at 9 am in Riker's offices. Members are encouraged to attend the Steering Committee meetings in person.

A licensing exam will be held in 2014. A test is not scheduled for 2013.

S. Boyle reported almost \$30K was received in sponsorships.

It was recommended that an LSRPA email address be identified for S. Boyle as Executive Director.

J. Davies recommended that an Ad Hoc group under the Communications Committee reconvene to look at the Webmaster contract, including Memberclicks. J. Oberer, G. Martin, and K. Stetser are the previous members of the Committee.

CONTINUING EDUCATION COMMITTEE

- Update on continuing education courses

D. Toder advised that the LSRPA Membership breakfast is scheduled for February 26th at Mastoris. The NJDEP/LSRPA Practical Applications course was approved by the Licensing Board and is scheduled for May 1 at Rutgers. Alpha Analytical will hold an analytical chemistry/data usability course on March 21 and March 22. Also, Joe Torlucci is the lead in planning a GIS course for later this year and submitted an application to the Licensing Board for CECs. Another Ethics course is under development for the fall. S. Boyle is leading a committee to reformat the course. They will hold their first meeting shortly. The course would be a half-day rather than full-day course and will be held in northern New Jersey.

Professional judgment was suggested as a topic for a future breakfast seminar as well as the attorney/LSRP relationship. It was suggested that upcoming breakfast seminars have a focus topic.

- **REGULATORY OUTREACH COMMITTEE**

M. Fisher reported that the six technical guidance documents groups are active. The groups generally meet biweekly and have begun to move into the document preparation mode, with the goal of mid-year draft document release. As policy recommendations are developed, they will be shared with the BOT.

S. Posten summarized the IGW interim guidance document workgroup activities. The DEP formed a stakeholder group to review and update the existing IGW guidance documents before the full stakeholder process later in the year. The committee is focusing on discussion and revision to various technical components of the existing guidance (for example, allowing the use of the SPLP method for VOCs); policy issues raised in committee will be communicated via Barry Frasco to DEP management for further discussion. He also reported the goal of including more risk-based concepts within the LSRP Program, possibly starting with these documents (for example, revising the time-frame of IGW soil remediation to coordinate with CEA timeframe). A new LSRPA risk-based subcommittee will convene to examine what is realistic and workable. He also reported that several people showed interest in becoming involved in this new subcommittee during the Annual Meeting and N. DeRose is taking the lead in following up with them.

K. Goldstein recommended that the LSRPA develop a White Paper for submission to DEP on the risk based decision making process and recommendations how to incorporate this into the LSRP process. N. DeRose suggested collecting empirical observations to show the stringency of impact to groundwater standards, including possibly canvassing members to get statistics on how many times site specific numbers are calculated and how often the groundwater is impacted. N. DeRose and M. Fisher will work with S. Posten on what is needed on the policy side of the issue and getting information from practitioners. N. DeRose will develop a template for his impact to groundwater sites and share results. Suggested comparing New Jersey sites to sites in PA or NY and show impact to commerce.

S. Posten stated that ongoing technical revisions to the IGW guidance will allow for some additional flexibility in the calculation of site-specific IGW criteria, but that significant changes to the very low IGW values require fundamental policy changes on the part of DEP. Even with continuing technical review, the current guidance documents are too restrictive and include overly conservative assumptions. A meeting with Assistant Commissioner Sweeney to discuss the technical/policy issues of IGW requirements will be requested. However, Assistant Commissioner Sweeney has previously indicated no change in the existing default IGW numbers will occur in the short term. N. DeRose reported that the 2015 stakeholder regulatory process (the next time the Remediation standards are up for formal evaluation) will focus upon developing LSRPA positions on IGW. S. Posten and N. DeRose to take lead; this process will likely begin in 2013.

S. Posten reported on the status of current revisions to IGW guidance documents; the SPLP guidance (incorporating VOCs) will likely be completed by April; changes to the SESOIL/AT123D ("modeling") guidance may be completed by May/June. The latter would allow for compliance timeframes to be extended from current limitations (e.g., 5 years at Compliance Point 1) to CEA timeframes (capped at 30 years).

Risk Management/Loss Prevention

B. Call reported that the Committee is working on guidance documents and looking at several issues, including LSRP reporting obligations, NFA/RAO reliance, OPRA-ability, document retention and third-party reliance. The Falcigno Group presented a sample endorsement for insurance providers.

- Future Seminar Schedule

B. Call advised that a seminar on Loss Prevention/Loss Control will be planned for June/July; another Business Practices Seminar in October.

- SRPLB Activity Update and LSRPA Review/Comments for Draft Board Rules

The meeting minutes from the October 14 meeting with DEP Reviewers are posted on LSRPA website. No follow up meetings have been scheduled. J. Davis expressed interest in participating. A meeting will be scheduled with L. Romino and discussion pursued to identify date for quarterly meetings.

R. Ferguson advised that the DEP Alternate/Clean Fill Stakeholder meeting is scheduled for next week.

The Licensing Board voted to amend the audit protocol. Practitioners will be requested to submit a Data Miner Report. However, problems exist with Data Miner and DEP wants each LSRP to correct the errors on their sites. Often negative comments from reviewers appear on the public report. R. Ferguson will prepare text for an eblast to LSRPA members.

Licensing Board Member Phil Brilliant wants a third category on the audit (approved with comment category) for those items that should not be raised to another professional conduct committee. These comments will be published. J. Scagnelli and R. Ferguson will speak with P. Brilliant on this issue. R. Ferguson will discuss the auditing report with P. Brilliant and request that generic information be given to LSRPs through the audit report rather than individual audits.

Technical issues are managed by DEP and ethical issues by the Licensing Board. Will be added as agenda item for meeting with Assistant Commissioner Sweeney.

J. Oberer received few comments on draft Board rules. Encouraged members to submit comments within the next week and he will review to determine what comments will be sent to the Licensing Board.

In presenting the summary of the Professional Conduct Committee, R. Ferguson reported that five complaints were received in 2012. Two were closed, one withdrawn, and one completed, with two ongoing investigations.

S. Boyle stated that the Licensing Board wants applicants from the LSRPA membership and encouraged anyone interested in a Board position to submit application to her within a week.

MEMBERSHIP COMMITTEE

T. Toskos reported on the details of the February 26 Membership Breakfast.

- Membership Update

T. Toskos reported currently there are 200 renewals with approximately 20 new members. Discussed various membership categories and the benefits of corporate membership. Topic was tabled for future discussion.

- Annual Meeting Survey

Out of the approximate 200 surveys distributed at the Annual Meeting, 63 responses were received. Membership is generally pleased with the Association's work, but would like more work on legal issues and are split on regulatory issues. Many visit the website regularly. Suggested that a short survey be given to sponsors. It was suggested that time be allotted during each event to talk about our sponsors. S. Boyle advised that future eblasts will include a paragraph on a sponsor. Summary of comments should be posted on website. Feedback from Steering Committee will be included in upcoming BOT call.

- Mentoring

B. Alter reported on two emails to the Membership. Membership was asked to reach out to people in their organization to assist in mentoring program. J. Davies requested the DEP provide a list of subsurface evaluators. Individuals on list will be contacted to see how the Association can help them in their career. Email may be developed for to university students entering the profession. Objective is also to reach alumni groups within New Jersey schools. Email will also request general membership to provide names of contacts in universities.

NOMINATING COMMITTEE

D. Warner to contact the five BOT applicants who did not get seated to the LSRPA BOT with the goal of placing them on an LSRPA committee.

NEW BUSINESS

D. Morris raised the issue of small arms firing ranges not regulated.

J. Hochreiter is a panel member in a redevelopment seminar and wants success stories.