

**LSRPA  
Steering Committee Meeting  
June 6, 2013  
The ELM Group**

**ROLL CALL**

In Person: K. Goldstein, J. Davies, R. Ferguson, D. Toder, S. Posten, M. Fisher, L. Voyce, S. Boyle, T. Toskos, D. Toder, B. Call, J. Oberer, B. Alter, C. McGowan, C. Barnes, J. Scagnelli, R. Katz, M. Pietrucha, L. Watson

Phone – D. Warner, J. Postorino, K. Stetser, D. Morris, D. Bonas, A. Robins

**PRESIDENT'S REMARKS**

- Summary of May IPSC and SRAG

Successful in having DEP change format of IPSC to one-topic meeting focusing on the RI deadline and getting D. Sweeney to attend. Successful in modifying SRAG format to panel discussion. SRAG looking for hosts for remaining two meetings of the calendar year.

- LSRPA Role in Legislative process

Meetings held by other stakeholders with legislators to promote legislative changes to SRRA and other statutes. Legislators may have meetings over the summer. Discussed Association involvement in the process, either through letters or meeting attendance. S. Boyle will contact partisan staff and speak with S. Chronowski of the Chemistry Council and others on the best way to get involved and afterwards present recommendations to the Board. A. Robins noted that nothing will likely be done until after the November elections.

- Committee Priorities

All Committee priorities were posted on the website.

- Response to Edd Hogan's article on "The New Dynamic of Site Remediation in New Jersey"

Two possible ideas are either to write a Letter to the Editor of the Law Journal on the reason for disagreement or write a positive article on the role of an LSRP in remediations and the benefits to everyone. J. Scagnelli will read the article and discuss with S. Boyle. J. Scagnelli, L. Voyce, C. Barnes and S. Boyle will prepare article, balancing the needs of both clients and LSRPs.

- Paragraph on DEP's letter on post RAO document

Under review by K. Goldstein and L. Voyce

- Submission of case studies – B. Alter and J. Davies

B. Alter's article will be completed next week; J. Davies' article is progressing. M. Pietrucha will prepare an article for August and C. Barnes for September.

#### **SECRETARY'S REPORT**

M. Fisher reported that the Committee priorities have been posted. L. Watson will follow up with S. Danyew on updating the BOT members on the website; meetings for 2011 not in chronological order; Licensing Board minutes are needed for posting and Association budget for 2013 does not appear on website. S. Boyle will follow up with S. Danyew.

#### **TREASURER'S REPORT**

J. Oberer reported deposits to date of approximately \$24,000 for courses, seminars and sponsorships with checks totaling \$21,000. This amount is down about \$4,500 from the budget forecast. The current balance is \$219,000. J. Oberer will give projection at an upcoming meeting on the budget projection for the remainder of the year.

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

- SRAG/CVP meeting

Reported on the previous successful SRAG meeting and the next meeting is scheduled for September 10th. NJDEP is looking for meeting hosts.

- Mtg. w/ Assistant Commissioner Sweeney and D. Haymes

S. Boyle, J. Davies, K. Goldstein and S. Senior attended meeting with Assistant Commissioner Sweeney and Dave Haymes. NJ DEP reported that Technical Impracticability guidance delayed. LSRPA wants development of enforcement lessons learned to be discussed with Linda Grayson and recommended the ability to add narrative to E-forms.

Compliance averaging for EPH as long as it is Category I and below 8000 mg/kg product threshold. S. Boyle will discuss with Barry Frasco.

K. Hersey advised that the Board wants to fill vacancies and is looking for an LSRP and academic candidates. The Board is also looking ahead to members who are approaching the end of their terms.

- Mercer County Special Services School Events

A pizza party is scheduled for June 12 for students who helped on LSRPA projects and graduation is on June 19th, when \$2000 in scholarships will be presented to students who worked on LSRPA projects.

- The Andy Robins Challenge: another term for “invalidate”

DEP reported on the two “invalidated” RAOs during SRAG meeting. The RAOs are “invalidated” because temporary LSRPs who originally wrote them did not obtain a permanent license and, therefore, cannot make the necessary changes to the documents. Suggestion made by A. Robins to replace “invalidate” with “incorrect”. Invalidation is agenda item for next SRAG meeting. DEP procedure that constrains its authority under the law needs to be followed. Reliance of client on RAO is highly dependent on how strong the bar is for invalidation.

A meeting will be scheduled with D. Sweeney before he retires in September.

- Alternate meeting venues

Advised members to contact either S. Boyle or L. Watson if your office or office park can host upcoming seminars that have fewer than 50 participants.

- Membership verification

If membership verification is needed to get a registration discount at seminars, contact L. Watson.

## **COMMITTEE REPORTS**

### **Risk Management and Loss Prevention Committee**

- LSRP insurance issues

Bill Call updated Committee on primary employer endorsement (being finalized) and secondary insurance. Sample application, outline, instructions and specimen policy were provided by Dan Borgna from the Dale Group and reviewed by John Scagnelli. B. Call is going through the application process as the first applicant for the secondary insurance product, and will relate his experiences to the committee. K. Goldstein advised that this is a secondary policy, with primary coverage provided by individual employer. Individual questions should be referred to D. Borgna. Posting insurance information on the website is a service to our members and should be provided without endorsing a provider. In addition to the Dale Group, Falcigno should also be listed as an insurance provider. BOT approved the posting. B. Call will provide S. Boyle with language for the website.

- SRPLB & Clean Fill Updates (R. Ferguson)

R. Ferguson reported that the revisions to the Clean Fill guidance are not yet completed.

The draft letter to Commissioner Martin was forwarded to members for review. This is a joint letter from several stakeholders to DEP. Meeting by other stakeholders was held recently with Commissioner Martin and Irene Kropp. Discussed policy statement indicating that “virgin quarry material” obtained directly from quarry and goes to site is not regulated and no testing needed. Urging DEP to issue a policy, followed by revision to the guidance document on issue. Unanimously approved by Committee that K. Goldstein will sign letter after review and recommendation by R. Ferguson.

- Records Retention

Discussion followed on records retention. The Licensing Board wants DEP to develop a policy on this issue before Assistant Commissioner Sweeney retires and it is unknown whether stakeholders will have opportunity to comment. It is recommended that all documents included in the RAO decision- making process be physically retained by the LSRP. Current thinking is to keep documents for three years.

Reinforced that LSRPs are not subject to OPRA. The Responsible Party also has the legal responsibility to retain information.

Consideration given to combining the loss prevention seminar, contracts terms and conditions, responding to public inquiries, records retention, and QA/QC with repeat of Best Business Practices seminar that was held last year and making this a full-day event. Bill Call previously spoke with Lawra Dodge on possibility of continuing education credits – not applicable since it is “business related”.

- Standard of Care guidance docs:
  - LSRP reporting obligations (G. Forrest)
  - OPRA/Document Retention (J. Oberer)
  - Clean Fill (R. Ferguson)
  - LSRP Contracts & 3<sup>rd</sup> Party Reliance (J. Scagnelli)

Next NJDEP-LSRPA RM&LP Reviewer’s Inspector’s Meeting is scheduled for June 12, 2013 @ 1 PM. Agenda items should be sent to M. van der Heijden.

Suggestion by K. Goldstein to refine Standard of Care documents regarding Reliance on RAOs/NFAs. A. Robins and S. Senior will review and finalize.

### **Continuing Education Committee**

- May 8 GIS course

D. Toder reported that the May 8<sup>th</sup> GIS course received excellent reviews by attendees. Many attendees were unaware how to use GIS before taking the course. Thanked Joe Torlucci for leading this course.

- Upcoming courses

Dave Umbach is working on a field course.

Analytical Chemistry Course – R. Ferguson reported that the guidance workgroup has contacted Rutgers regarding a full-day course in addition to the NJDEP roll-out class, but there is opportunity for other organizations to hold similar course. Possibly the Association will hold one course with panels led by the laboratories.

Ethics course – S. Boyle responsible for developing this course.

### **Regulatory Outreach Committee**

- May 2014 RI deadline

M. Fisher reported that a draft policy on RI definition and pending May 2014 deadline is expected to be issued by DEP in the next several weeks. DEP will send letters to Responsible Parties who may be subject to deadline and have no record of RI. LSRPs will have access via a dataminer report.

- Beneficial Use Determination (BUD) Approvals / LSRP Certifications

M. Fisher discussed onsite demonstration at non-SRP site. K. Stetser is working with Solid Waste to get a BUD approval. B. Confer wanted LSRP certification that soil is safe to use. D. Sweeney met with Mary Jo Aiello and BUD approval was issued without certification. K. Goldstein is meeting with D. Sweeney and D. Haymes on issue.

- Status of New NJDEP Guidance Documents

Guidance committees continue to meet on a bi-weekly basis. There are six pending documents all moving forward, with drafts scheduled to be released in the fall. TI document is delayed; Quality Assurance/Quality Control is under final DEP review; modifications by SPLP on Impact to Groundwater document; and Cap Modifications may be released within the next two months. Full stakeholder process for Remediation Standards will begin next calendar year.

- NJDEP On-Line Forms

DEP is working on the RI online submission form. Substantial improvement on the form, which may be released in the summer. M. Fisher, M. Pietrucha, D. Katz and K. Stetser have met with DEP online team, with monthly meetings to continue to revise / prepare for other on-line form/report submissions. DEP's goal is to have the key document on line submittal forms finalized by the end of the year. Preliminary Assessment/Site Investigation form may be split into two forms for simplification. Notice of Intent to Close and General Information Notice forms are complete. DEP is analyzing how CID form can be used as an on-line form. Association may assist DEP in beta testing of the forms.

### **Membership Committee**

T. Toskos reported there are currently 468 members with 411 returning members.

A recommendation will made to the Board of Trustees not to change the current fee structure. Second recommendation that no blanket free membership be given to government employees. However, individuals may be invited to specific meetings. Discuss with S. Boyle before inviting a nonmember to a meeting.

- May 22 breakfast roundtable

T. Toskos reported that approximately 30 members attended the breakfast. Good opportunity for networking. Many individual practitioners attended. More direct marketing to individual practitioners is needed.

- Attracting new members (for example, LSRPs who have never joined the Association) and getting renewals

Possibly offer incentive to members who bring a nonmember to an upcoming event. C. McGowan suggested training classes. Discussed possibility of corporate member or sponsor-member discount. L. Watson will work on project to contact LSRPs who are not members. Committee to provide recommendation to BOT.

#### **Career Mentoring Committee**

- University Outreach

Presentation by B. Alter to Rutgers University students was well accepted. A PowerPoint presentation was developed for university outreach purposes.

- HAZWOPER Course

Camden County Community College is offering HAZWOPER course. B. Alter reported that the Committee is working on holding the course in central New Jersey. Possibly provide a subsidy to students interested in taking the course. A minimum of 15 students needed to take the course, which may be offered in mid-August. This would be the first event for the Committee. Recommendation will be sent to the Board regarding a student subsidy.

A suggestion was made to contact member organizations to identify young professionals within their organization who may be interested in joining the Association.

- Young Professionals Mixer

Networking and marketing opportunity in planning stages for young professionals. Planning to hold in brew pub, possibly in the fall. Possible topic is "How to Become A LSRP".

#### **Communications Committee**

- EPA VI Guidance and extended comment period

L. Voyce reported that document is under review. June 22 is the end of the comment period. OSHA numbers not appropriate and new screening levels are proposed. ASTM waiting for VI resolution prior to finalizing new Phase I Guidance.

#### **External Stakeholder Committee**

C. Barnes, reporting for the Committee, advised the Committee is working with other organizations on reciprocal membership.

- Update on groundwater use reclassification

Tabled until Nick DeRose can report.

#### **NEW BUSINESS**

S. Boyle reported that the post office box will be moved to Mt. Laurel.

Next Steering Committee will be held on August 1 at HDR offices in Lawrenceville.