

LSRPA Board of Trustees Conference Call

March 7, 2013

8:30 to 10 am

**ROLL CALL**

K. Goldstein, S. Boyle, J. Davies, S. Senior, S. Posten, D. Toder, T. Toskos, J. Oberer, M. Fisher

**PRESIDENT'S REPORT**

- Committee Priorities

Most Committee priorities were received and will be circulated to the Board and posted on the website within one week. Questions should be directed to respective Committee Chair.

- Results of the March 6, 2013 meeting with Assistant Commissioner Sweeney

Meeting attended by S. Boyle, K. Goldstein, N. DeRose, S. Posten and S. Senior. Assistant Commissioner reported that no new rules or initiatives expected due to the focus of the aftermath of Hurricane Sandy and the current election year. UHOT proposal is anticipated, but has not yet been signed.

Publication of Remedial Priority Score has not yet been signed. G. Klein sent out 2000 more letters to RPs who have not yet responded. It is expected that 1500 cases will be placed on the Publicly Funded list and will focus on IECs and receptor impacts to conserve resources. LSRPs will be needed as contractors to support the Publicly Funded Program. IR (sp out)Contract solicitation? Completed; CDM received contract.

Suggested to Assistant Commissioner Sweeney to set up workgroups between the Association and DEP: to focus on the 75 percent administrative deficiencies and Data Miner inaccuracies. Dave Haymes will put together DEP team (expected to include Kathy Katz, Elaine DeWan, Karen Ricciardi and Kirsten Hahn). He will contact S. Boyle after a decision is made on whether one or two teams will be established and anticipated interactions with other groups.

Steve Posten reported that forms are an issue and recommended external review before being released. The forms need modification and clarification. For example, if the Lot and Block Number are wrong, then the RAO is worthless since it is geared towards approval of a project on a specific property. If DEP comments to LSRP on a simple problem and is not getting a response, then there are problems on multiple levels. Referred to document drafted by D. Morris and circulated. Asked BOT to review. Need to decide problems for DEP vs. LSRP to resolve.

J. Davies recommended that possibly K. Hahn and her group join the quarterly meetings with Myrna Campion in order to go through multiple efforts to solve a problem. If multiple meetings on an issue are needed then LSRPA representation must be consistent. Possibly combine group meetings (ex: one joint meeting that includes K. Hahn and Data Miner). K. Goldstein recommended separate, rather than joint meetings.

DEP agreed to pull back on NFA/ RAO/Reliance white paper and post on website.

- Reporting obligations

No white papers, rather work through Licensing Board rules. Attention is needed to ensure rules adhere to statutory language. J. Oberer and R. Ferguson to following issue and involve N. DeRose and S. Posten on reviewing statutory vs. regulatory differences.

- Safe Harbor

Assistant Commissioner Sweeney agreed this is a LSRP issue. DEP does not want DAGs to spend time on this issue, since it is not an urgent problem and not convinced that LSRPs need protection from lawsuits. Concern is not only lawsuit, rather that companies view issue as a personal liability that impacts firm and many eligible individuals are choosing not to be licensed. Consideration should be given on whether there are enough LSRPs and, if not, what are the reasons. The number of LSRPs could be as low as one-third of what was originally anticipated.

S. Senior will lead discussion on Safe Harbor as agenda item for next Steering Committee meeting.

- May 2014 RI deadline.

D. Haymes forming internal group to review and with the goal of issuing a NJDEP compliance advisory in two months. Statutory deadline doesn't differentiate between individuals who want to meet deadline vs. those who do not. No enforcement discretion to be announced. LSRPA offered scenarios where RI timeline should kick in even if case is old; i.e., ethylbenzene drop which triggers more VI work, biannual certification which could lead to more VI or groundwater work. D. Haymes, in conjunction with internal group, will consider definition of RI between SARA and TRSR. S. Boyle will contact D. Haymes and offer services to review compliance advisory before it is released.

J. Davies requested clarification that new RIRs are not necessary on sites where RIRs were previously submitted. S. Boyle to discuss with D. Haymes.

- LSRPA-NJDEP workgroup

DEP seems pleased with workgroup led by S. Posten and M. Gonshor that is involved with the interim revisions to impact to groundwater guidance documents. No further policy revisions excepted until revision of the remediation standards, which is on a two-year schedule.

Assistant Commissioner Sweeney indicated that DEP is the policymaker for constituency groups and has the option, rather than obligation, to ask for assistance on issues. LSRPA raised the issue regarding the lack of IPSC effectiveness. Suggested that Assistant Commissioner Sweeney chair the meeting since he wants policy feedback and DEP identifies discussion topics for policy discussion rather than ask the LSRPA for a list of topics. It was suggested that LSRPA request an agenda before the meeting so we are informed and prepared to discuss. The next SRAG and IPSC meetings are in May; therefore we need to decide when to meet with Assistant Commissioner Sweeney.

K. Goldstein reported that the Department will use its discretion on when direct oversight will be used, it will determine which oversight tools to use on a case-specific basis.

Discussion of RAO document tabled until next Steering Committee meeting.

## **EXECUTIVE DIRECTOR'S REPORT**

- February 26 Breakfast Seminar

T. Toskos reported that 45 attended and favorable feedback received. Goal is to hold quarterly (May, September and early December) and increase seats to membership, since the Association and sponsors were well represented. J. Oberer recruited members to work on his committees. Suggestion to have individual tables come up with topics for discussion and send to moderator. Alternate between North and South Jersey venues. Send venue ideas to S. Boyle.

- Scholarship for Mercer County Special Services School

A \$1000-2000 scholarship should be sent before the school year ends in June. The photocopying work and associated tasks provides work skill training to students.

K. Goldstein commented that we should be comprehensive in offering scholarships. Make it known to different colleges that we will offer scholarship(s) based upon certain criteria and have them apply. Put it in budget each year and review applications. Contact Ben Alter before a decision is made by the BOT. Include on agenda for May so we can get a check to them by June.

T. Toskos suggested that a policy addressing scholarship is needed. Issue will be included on the agenda for the April Steering Committee meeting.

## **SECRETARY'S REPORT**

- Approval of November Steering Committee minutes

A motion was made and seconded to approve the November Steering Committee minutes. All minutes from 2012 as well as the slides from the Annual Meeting are on website.

The BOT/Steering Committee contact list will be circulated for updates and L. Watson will work with S. Danyew to have posted on website.

M. Fisher will review February 7 draft minutes.

K. Goldstein will circulate notes for review from previous meeting with Assistant Sweeney to attendees for review and post to the website. No Board Resolutions from 2012 are posted on website (later determined to be on the website, just in a different location). He will forward these to Mark F. and Sue Boyle.

## **TREASURER'S REPORT**

S. Boyle will manage the day-to-day checks

## **HOT TOPICS**

- Training Seminars

The Analytical Chemistry Course is scheduled for March 21 in Saddle Brook Marriott and March 22 at the National Conference Center. Participants will receive 4 CECs. And the GIS course is in the planning stages. Likely will be scheduled in late summer or fall.

The GIS course led by Joe Torlucci is scheduled for May 6 at Ramapo College and second session will be held at the Burlington Enterprise Center.

The Continuing Ed Committee will meet on March 26<sup>th</sup> to discuss modifying the ethics class and develop ideas for other courses for 2013. The upcoming May 1<sup>st</sup> Case Study Training course will focus on one site with 22 AOCs and its remediation. D. Toder and K. Stetser are involved in the course.

- Primary Employer/Secondary Insurance Coverage for LSRPs: *Rollout of Secondary Insurance in Spring-Summer 2013*

D.Borgna taking the lead and looking at spring release. This would be a good product for Membership who may want a secondary insurance policy. J. Scagnelli is the lead on employer insurance. This would be a written endorsement recommended for employers of LSRPs. Additional information being developed.

The next Risk Management/Loss Prevention meeting will be held on March 20<sup>th</sup>.

- Standard of Care/guidance document under development (LSRP reporting obligations, reliance of NFAs/RAOs, OPRA-ability of LSRPs, document retention, LSRP Contracts & 3rd party reliance).

Discussing in more detail and assigning sub-committees at next RM&LP meeting.

- White paper guidance document

Position papers will be discussed during March meeting

- Future Seminar Schedule and Topics

Loss Prevention – Loss Control seminar in June-July & Business Practices 2.0 Seminar in Oct 2013. *RM&LP* to coordinate with D. Toder on Continuing Education seminar in mid-summer.

- SRPLB Attendance and Updates & Coordinating LSRPA Review/Comments for Draft Board Rules

J. Oberer needs responses.

- Meeting(s) with DEP SRP Bureau of Inspection and Review

Quarterly schedule set. Next meeting scheduled for March 13.

Finalization of the official rulemaking process will be addressed at the upcoming Board meeting. JoAnn Held wants the draft rules to be finalized in April and sent to the Attorney General's office. I. Whitman suggested a holding a public forum on the proposed rules. Association should follow up with I. Whitman and the Licensing Board. We need to get responses circulated and to the Licensing Board in advance of a public forum.

- Miscellaneous

L. Voyce advised of a potential precedent setting, Picatinny remedial program public hearing tonight on land use and institutional/engineering controls. Program will include discussion of a facility with 57 AOCs. Lisa will circulate information following the meeting.

Next Steering Committee meeting will be held on April 4 at 9 am in the Riker offices in Morristown. The next BOT call is scheduled for May 2 at 8:30 am

10 am adjournment