



COMMONWEALTH OF MASSACHUSETTS  
**Board of Registration**  
of  
**Hazardous Waste Site Cleanup Professionals**

**MINUTES**  
of  
**BOARD MEETING**  
**Held on October 16, 2014**  
[Approved: November 20, 2014]

**Meeting Location:** Northeast Regional Office  
Massachusetts Department of Environmental Protection (MassDEP)  
205B Lowell Street  
Wilmington, MA

Prepared by: L. Read

**List of Documents Used at the Meeting:**

1. Agenda
  2. Draft Minutes of Meeting held on September 11, 2014
  3. Renewal Dockets #1, #2, #3, and #4
  4. Letter dated September 30, 2014, Request for Adjudicatory Hearing
  5. List of Action Items for LSP Board
1. **Call to Order:** Benjamin Ericson called the meeting to order at approximately 3:04 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, Kirk Franklin, John Guswa, Debra Listernick, Robert Rein, and Farooq Siddique. The Board member absent was James Smith. Staff members present were Beverly Coles-Roby, Lori Williamson, and Lynn Read. Also present were Wendy Rundle, Executive Director of the LSP Association (LSPA); and Wesley Stimpson of WES Associates.
  2. **Announcements:** Mr. Ericson thanked Ms. Read for her years of service to the Board.
  3. **Agenda:** The Board members agreed to follow the draft agenda.
  4. **Minutes of Meeting Held on September 11, 2014:** The members present reviewed the draft minutes of the meeting of the Board held on September 11, 2014. Ms. Listernick made a correction to Item 8.A. **A motion was made and seconded to approve the September 11, 2014 minutes as amended. The motion passed with Mr. Rein and Dr. Guswa abstaining.**
  5. **Regulations Committee:** Ms. Coles-Roby said she would take Ms. Read's place on the Applications subcommittee. She said that by the Board's next meeting, **she and Ms. Listernick would issue a memo with their suggestions for amending Section 7 of the Board's regulations, "Procedure Governing Disciplinary Proceedings."** Mr. Ericson

and Dr. Batchelder said the **Applications subcommittee would issue a similar memorandum with suggestions for amending the “Licensing” regulations in Section 3.** Ms. Campbell said she had not received any comments on the matrix of suggested changes to Continuing Education requirements that she distributed at the last meeting. **Dr. Guswa volunteered to work with Ms. Campbell on the Continuing Education regulations. The members present agreed to give Ms. Campbell comments on the matrix by November 13, 2014.**

6. **A-B. Decisions Regarding Licensing of Applicants:** The staff presented the following Application Dockets:

**New Application Docket Number 1**

<b>ID #</b>	<b>Applicant Name/Company Name</b>	<b>ARP #</b>	<b>REC.</b>
8270	Joseph Roman/GEI Consultants, Inc.	262	A
3786	Kristin Zeman/Cardno ATC	262	D

Mr. Ericson asked the ARP to describe briefly their reasons for their recommendations. Mr. Austin and Ms. Campbell said Mr. Roman was a risk assessor, and held a relevant position for more than five years, while the other applicant had less than five years of relevant professional experience. **A motion was made and seconded to accept the recommendation from Application Review Panel #262 that the application submitted by Joseph Roman be approved and that he be found eligible to take the exam, and the application submitted by Ms. Zeman be denied. The motion was approved unanimously.**

**New Application Docket Number 2**

<b>ID #</b>	<b>Applicant Name/Company Name</b>	<b>ARP #</b>	<b>REC.</b>
4381	William Burns/McPhail Associates, LLC	263	A
4608	Daniel Batchelor/	263	D

Mr. Siddique said Mr. Burns was at one company for the last seven years in a senior position, while the other applicant had less than five years of relevant professional experience. **A motion was made and seconded to accept the recommendation from Application Review Panel #263 that the application submitted by William Burns be approved and that he be found eligible to take the exam, and the application submitted by Mr. Batchelor be denied. The motion was approved unanimously.**

The members present said this was the second Board meeting in a row where one of the members of ARP #261 was not present (a different member each time). They said this delayed the consideration of those two applications for seven months after they were submitted, in part because no Board meetings were held in June or August. The members requested that **the staff should send electronic mail informing an applicant if**

**consideration of an application is delayed by more than two months.** The members present said this would address concerns such as preparation for the LSP exam.

**New Panel Assignments and Scheduling. The following Board members were assigned to Application Review Panel #264: Mr. Ericson, Mr. Rein, and Mr. Austin.**

**C. Request for Adjudicatory Hearing:** Mr. Ericson and Mr. Austin said that the applicant's letter requesting a hearing on the denial of his application contained information that clarified his professional experience. They said it would be more efficient for the applicant to re-apply using that information than to pursue a hearing on the previous application. The members present discussed that the same Application Review Panel would be assigned to the second application, and they asked that **the staff let the applicant know that he can pursue either a hearing or a new application, but the Board encourages a new application.** Ms. Coles-Roby noted that the Board's regulations do not fully describe the hearing process for denials of applications, and the members present discussed that it is typical for the applicant to re-apply using the clarifying information. Ms. Coles-Roby said one person last year re-applied, was approved to take the exam, and passed, demonstrating that a faulty application is not a dead end and re-application can be efficient.

**7. License Renewal Applications:**

**A. Renewal Dockets.** The staff presented the following License Renewal Dockets:

**Renewal Docket #1**

**Renewal Date: October 30, 2014**

**New Renewal Date: October 30, 2017**

Have completed all requirements for renewal:

**B.**

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	4589	Jeffrey		Arps
2	9143	Andrew		Smyth

**Renewal Docket #2**

**Renewal Date: July 30, 2014**

**New Renewal Date: July 30, 2017**

Completed requirements within 90-day extension:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	4334	Janet		Keating-Connolly
2	3656	Kerry	R	Tull
3	4280	John		Kubiczki

**Renewal Docket #3**

**Renewal Date: April 30, 2014**

**New Renewal Date: April 30, 2017**

Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	4839	Catherine	L	Eby

**A motion was made and seconded to renew the licenses of the LSPs on Renewal Dockets #1, #2, and #3 for the three-year periods ending on the dates indicated. The motion was approved unanimously.**

**Renewal Docket #4**

**Renewal Date: July 30, 2014**

**New Renewal Date: October 28, 2014**

Has requested a 90-day extension:

	LSP #	LSP Name
1	6493	Peter J. DeChaves

**A motion was made and seconded to grant the LSP on Renewal Docket #4 a 90-day extension. The motion was approved unanimously.**

**B. Other Renewal-related Matters.** The staff reported that no waiver requests were received since the previous meeting, and there were no other renewal-related matters.

**8. Other Licensing-Related Matters:**

**A. Appeals Status Report.** There were no pending appeals of any denials by the Board of license applications.

**B. Inactive Status Report.** The staff reported that the following LSPs are currently on Inactive Status:

LSP Number	License Status Date	License Status	Last Name	First Name
9282	January 3, 2013	Inactive	Welsh	Mark
2349	January 30, 2014	Inactive	Howell	Deborah

**D. Total Number of Active LSPs.** As reported in the Agenda, the total number of Active LSPs was 549 as of October 8, 2014.

**9. Examinations:**

- A. **Dates of Next Exam:** Ms. Coles-Roby said a notice has been placed on the Board's website that the next exam will be scheduled in the Spring of 2015 or earlier, after the Board finishes developing the new exam.
- B. **Exam Committee:** Ms. Coles-Roby said the Exam Committee met on September 2, 2014, and now has enough questions for two exams. She said the psychometrician's contract proposal is under consideration in MassDEP's process, therefore the psychometrician is not yet under contract. She said this psychometrician is located in Utah, and will need two to three hours to conduct a cut-score workshop via telephone. The members present discussed using a guidance document provided by Mr. Stimpson.
- C. **Exam Challenge:** Ms. Coles-Roby reported that one challenger took the exam three times, and on the third try missed the passing score by one point, and challenged some questions. She said John Fitzgerald approved the challenger's answers to two questions, thus the challenger might pass the exam. **The Challenge Committee (Dr. Guswa and Mr. Siddique) said they will review Mr. Fitzgerald's analysis and report back to the Board.** Ms. Coles-Roby said another person who failed the exam two times submitted two challenges that are under review.

**10. Continuing Education Committee Report:**

**A-B. Report on Course and Conference Approval Requests.** Dr. Guswa reported that the Committee met earlier in the day and made the following course recommendations to the Board:

- a. Sponsor: Environmental Simulations, Incorporated ("ESI")  
Course Title: Using MODFLOW-USG (Unstructured Grids) in Groundwater Modeling  
Credits Requested: 16 Technical credits  
Date and Location: November 10-20, 2014, Webinar  
Committee Recommendation: **Postponed until information is provided on whether an exam is required; how attendance will be tracked if taken from an archive rather than the live webinar; and breakdown of lecture schedule;**
- b. Sponsor: ESI  
Course Title: Calibrating Groundwater Models with Groundwater Vistas & PEST  
Credits Requested: 16 Technical Credits  
Date & Location: January 5-15, 2015, Webinar  
Committee Recommendation: **Postponed until information is provided on whether an exam is required; how attendance will be tracked if taken from an archive rather than the live webinar; and breakdown of lecture schedule;**
- c. Sponsor: ESI

Course Title: Transport Modeling with MT3DMS, MODFLOW-USG, and SEAWAT

Credits Requested: 16 Technical credits

Date and Location: February 16-26, 2015, Webinar

Committee Recommendation: **Postponed until additional information is provided, including whether an exam is required; if the webinar will be recorded, how attendance will be tracked; and breakdown of lecture schedule**

- d. Sponsor: GEO/ISOTEC/Beacon Environmental/Zebra Environmental  
Course Title: In Situ Thermal Remediation Workshop  
Credits Requested: 6.5 Technical credits  
Date and Location: November 18, 2014, Boston, MA  
Committee Recommendation: **Approve for 7 Technical Credits**
  
- e. Sponsor: Princeton Groundwater, Inc.  
Course Title: The Groundwater Pollution and Hydrology Course (Course #1150)  
Credits Requested: 38 Technical Credits  
Date and Location: February 23-27, 2015, Tampa, FL, and March 9-13, 2015, San Francisco, CA  
Committee Recommendation: **Re-approve contingent on maintaining daily sign-in and sign-out and issuing Board's Continuing Education Form**
  
- f. Sponsor: Princeton Groundwater, Inc.  
Course Title: The Remediation Course  
Credits Requested: 41 Technical credits  
Date and Location: October 27-31, 2014, Miami, FL and May 4-8, 2015, Las Vegas, NV  
Committee Recommendation: **Re-approve contingent on maintaining daily sign-in and sign-out and issuing Board's Continuing Education Form**
  
- g. Sponsor: LSPA  
Course Title: Remote Telemetry in SSDS Installations  
Credits Requested: 1 Technical credit  
Date and Location: November 13, 2014, Westborough, MA  
Committee Recommendation: **Approve**
  
- h. Sponsor: MassDEP  
Course Title: Greener Cleanups Under the MCP  
Credits Requested: 4 DEP Regulatory credits  
Date and Location: December 10, 2014 and December 11, 2014, Westborough, MA  
Committee Recommendation: **Approve**

**A motion was made and seconded to accept the Continuing Education Committee's recommendations. The motion passed with Mr. Ericson abstaining from the vote as to the MassDEP course.**

**Other Business:** None.

11. **Professional Conduct Committee:** The Board agreed to forego a Professional Conduct Committee report, because all the Board members present at this meeting were also present at the meeting of the Professional Conduct Committee held earlier in the day.
12. **Website Update:** Ms. Coles-Roby said she hopes to receive articles from Board members for posting on the Board's website, and she is exploring how to implement on-line license applications and fee payments.
13. **Other Business**
  - A. **Action Items List:** The members present acknowledged the list.
  - B. **Legislative Matter:** This matter was addressed in the meeting of the Professional Conduct Committee earlier today.
  - C. **Public Records Request:** As noted in the Professional Conduct Committee meeting earlier in the day, all the public records have been sent to the requestor.
  - D. **Regional Meeting:** Ms. Rundle said the LSPA is setting a date for a meeting with similar organizations in the region. Ms. Coles-Roby said she would like to set a date when the members of our Board could meet with the licensing Boards from Connecticut and New Jersey.
14. **Future Meetings:** The Board's next meeting will be on November 20, 2014, in the Boston Office of MassDEP at One Winter Street.
15. **Adjournment:** **A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 4:05 p.m.** to enter into a quazi-judicial session.