



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

MINUTES
of
BOARD MEETING
Held on May 21, 2015
[Approved: June 18, 2015]

Meeting Location: Massachusetts Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

Prepared by: L. Williamson

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of Meeting held on April 16, 2015
 3. Renewal Dockets #1, #2, #3, and #4
 4. List of Action Items for LSP Board
 5. Email from Mark Ensign regarding renewal questions, dated April 9, 2015
 6. Letter from Supervisor of Records, dated April 30, 2015
-
1. **Call to Order:** Benjamin Ericson called the meeting to order at approximately 1:38 p.m. Also present were David Austin, Gail Batchelder, Kirk Franklin, Debra Listernick, Robert Rein, and Farooq Siddique. Board members absent were Kathleen Campbell, John Guswa, and James Smith. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the LSP Association (LSPA) and Linda Segal.
 2. **Announcements:** No announcements were made.
 3. **Agenda:** The Board members agreed to follow the draft agenda.
 4. **Minutes of Meeting Held on April 16, 2015:** The members present reviewed the draft minutes of the meeting of the Board held on April 16, 2015. **A motion was made and seconded to approve the April 16, 2015 minutes as written. The motion passed unanimously, with Mr. Rein, Mr. Franklin, and Dr. Batchelder abstaining.**

5. **Regulations Committee:** Mr. Ericson stated that the majority of the activity this past month has been with the Exam Committee. Ms. Coles-Roby stated that she will begin scheduling meetings in July for all the various subcommittees.
6. **A-B. Decisions Regarding Licensing of Applicants:** The staff presented the following Application Docket:

| ID # | Applicant Name/Company Name | ARP # | REC. |
|-------------|--|--------------|-------------|
| 5107 | Gregory R. Morand/Cushing, Jammallo, and Wheeler, Inc. | 272 | A |

Mr. Ericson asked the ARP to briefly describe the reasons for their recommendation. Mr. Rein stated that the applicant demonstrated good experience with a wide variety of assessment work, remediation technologies, and types of releases. The panel members indicated that Mr. Morand had prepared a very extensive application and had excellent references.

A motion was made and seconded to accept the recommendation from Application Review Panel #272 that the application submitted by Mr. Morand be approved and that he be found eligible to take the exam. The motion was approved unanimously.

Mr. Ericson stated that ARP #271 did not meet today because two members of that panel were not present, and it will be postponed until the June 18, 2015 meeting. Ms. Rundle questioned whether this postponement would prevent the applicants in that panel from taking the exam when it is offered in June. Ms. Coles-Roby stated that the Board staff is planning to hold the exam in both June and July, so those individuals who are approved at the June meeting would have the opportunity to sit for the July offering. Mr. Austin stated that he is the third member of that panel and will not be able to attend the June 18, 2015 meeting. He questioned whether other arrangements should be made to ensure the panel meets at that time. Ms. Coles-Roby stated that Mr. Austin could share his thoughts and recommendations on the applicants with the other two members of the panel, and they can take them into consideration when making a recommendation to the Board at the next meeting.

C. Applications Committee: No report was made.

7. **License Renewal Applications:**

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

Renewal Docket #1
Renewal Date: April 30, 2015
New Renewal Date: April 30, 2018
 Has completed all requirements for renewal:

Minutes of LSP Board Meeting, May 21, 2015

| | LSP # | First | Middle | Last |
|----|--------------|--------------|---------------|-------------|
| 1 | 9367 | Stephen | S | Boynton |
| 2 | 3904 | Adam | | Last |
| 3 | 9844 | Neal | M | Drawas |
| 4 | 4275 | Bruce | | Tease |
| 5 | 7903 | David | J | Hazebrouck |
| 6 | 9145 | Paul | A | McKinlay |
| 7 | 5211 | Marc | J | Richards |
| 8 | 5171 | Elizabeth | C | Casey |
| 9 | 9857 | Alexandra | N | Riddle |
| 10 | 3117 | Andrew | D | Walker |
| 11 | 5723 | Eric | | Johnson |
| 12 | 7716 | Richard | K | Quateman |
| 13 | 9126 | Timothy | F | Keane |
| 14 | 3675 | Reginald | H | Achilles |

Renewal Docket #2

Renewal Date: January 30, 2015

New Renewal Date: January 30, 2018

Completed requirements within 90-day extension:

| | LSP # | First | Middle | Last |
|---|--------------|--------------|---------------|-------------|
| 1 | 9867 | Stephen | S | Parker |
| 2 | 5427 | Raimundo | J | Matos |
| 3 | 8542 | James | W | Stolecki |
| 4 | 2075 | Timothy | F | Condon |

Motions were made and seconded to renew the licenses of the LSPs on Renewal Dockets #1 and #2 for the three-year periods ending on the dates indicated. The motions were approved unanimously, with Mr. Austin abstaining from voting on Docket #2.

Renewal Docket #3

Renewal Date: April 30, 2015

New Renewal Date: July 29, 2015

Have requested a 90-day extension:

| | LSP # | First | Middle | Last |
|--|--------------|--------------|---------------|-------------|
|--|--------------|--------------|---------------|-------------|

| | LSP # | First | Middle | Last |
|---|--------------|--------------|---------------|-------------|
| 1 | 9985 | James | R | Greacen |
| 2 | 3978 | Scott | E | VanderSea |
| 3 | 5586 | Francis | M | Ricciardi |
| 4 | 3427 | Donald | J | Maggioli |
| 5 | 8815 | Kenneth | J | Gendron |
| 6 | 4948 | Matthew | T | Madden |

A motion was made and seconded to grant the LSPs on Renewal Docket #3 a 90-day extension. The motion was approved unanimously.

Renewal Docket #4

Renewal Date: October 30, 2014

New Renewal Date: July 30, 2018

License expired on October 30, 2014 for lack of credits.
Individual has completed renewal requirements within
1-year deadline and is now eligible for active status:

| | LSP # | First | Middle | Last |
|---|--------------|--------------|---------------|-------------|
| 1 | 7394 | James | F | Daley |

A motion was made and seconded to renew the license of the LSP on Renewal Docket #4 for the three-year period ending on the date indicated. The motion was approved unanimously.

B. Other Renewal-Related Matters: Ms. Coles-Roby reported that she had received a written inquiry from Mark Ensign who wishes to take a one year sabbatical from being an LSP without going on Inactive Status. Mr. Ensign posed questions regarding his intention to renew his license within the one year following its expiration on April 30, 2015. The Board members discussed each of his questions and agreed that a letter be sent to Mr. Ensign stating that he must submit his renewal application prior to April 30, 2016 to avoid having to retake the exam, his next renewal period will run for three years from the 30th of either January, April, July, or October depending on when his renewal application is voted on by the Board, and he is allowed to count his continuing education credits earned during his 2012-2015 renewal period. He cannot act as, advertise as, hold himself out to be, or represent himself as being an LSP at this time, and his license will be listed as “expired” in the Board’s database until a renewal application is received.

8. Other Licensing-Related Matters:

A. New Panel Assignments and Scheduling: The following Board members were

assigned to Application Review Panel #273: Dr. Guswa, Ms. Listernick, and Dr. Batchelder.

- B. Appeals Status Report.** There were no pending appeals of any denials by the Board of license applications.
- C. 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 |
|------------|---------------------|----------------|-----------|------------|
| 9099 | January 30, 2016 | Inactive | Egan | David |
| 9921 | September 1, 2016 | Inactive | DelMarco | David |
| 2349 | January 20, 2016 | Inactive | Howell | Deborah |

- D. Total Number of Active LSPs:** As reported in the Agenda, the total number of Active LSPs was 542 as of May 12, 2015.

9. Examinations:

- A. Dates of Next Exam:** Ms. Coles-Roby stated that the exam will be offered in June and July 2015, and that there are currently 21 individuals who have been approved to take the exam. She informed the Board that approximately four of these individuals' eligibility will be expiring within the next couple of months, and recommended that they be given the first choice of dates. The Board members agreed that procedure would be appropriate.
- B. Exam Committee:** Ms. Coles-Roby informed the Board that the next Exam Committee meeting is scheduled for May 28, 2015, and is anticipated to be 3 hours in length. Two additional 2 hour meetings will likely be needed to finalize everything. She stated that the Committee had encountered a few issues recently but, because extra time had been built into the schedule, is still on track to have the exam completed for June. Ms. Coles-Roby stated that all the work has been done electronically which has expedited the process and the psychometrician has been very easy to work with. Mr. Austin expressed concern that the exam would not be finalized for a June offering. He stated that the psychometrician has flagged questions that will be addressed at the next Committee meeting, but other questions have been flagged by the test-takers which will require additional time to fix. He also indicated that once all those changes have been made, another meeting will be needed to verify that each exam does not contain any questions which are too similar to each other. Ms. Coles-Roby stated that the Committee can focus on finalizing one version of the exam for a June offering and complete the others at a later time. She stated that the purpose of having more than one version of the exam is to prevent any individual who is re-taking it from being tested on the same questions twice. As this will be first offering of the new exam, there will be no test-takers in that situation.
- C. Exam Challenge:** Ms. Coles-Roby reported that all individuals who had pending exam

challenges have been notified of the Board's decisions. She stated that one individual, who had been only one point away from a passing score and whose challenge was accepted, was awarded a license.

10. Continuing Education Committee Report:

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

- a. American Institute of Professional Geologists: *Interpretation of Surficial Geologic Maps to Develop Conceptual Site Models* (8 Technical credits, online course).
Committee Recommendation: **Approve**
- b. MassDEP: *Quantitative Evaluation for Greener Cleanups Using SEFA* (4 DEP Regulatory credits, October 19, 2015, Amherst, MA).
Committee Recommendation: **Approve**
- c. Remediation Partners Consortium: *Hazardous Materials Management for Environmental Remediation Professionals* (8 Technical credits, mid-June 2015, location to be determined).
Committee Recommendation: **Table until more information is received regarding how each of the presentations relates to the MCP**
- d. LSPA: *2015 Soil Management Options: Will The Crisis Be Averted?* (1 Technical credit, May 12, 2015, Westborough, MA).
Committee Recommendation: **Approve**
- e. LSPA: *New Data for Background Indoor Air Levels of VOCs and APH in Office Buildings and Schools* (1 Technical credit, June 11, 2015, Westborough, MA).
Committee Recommendation: **Approve**
- f. NEWMOA: *TCE Vapor Intrusion: State of the Science, Regulations, & Technical Options Workshop* (5.5 Technical credits, May 20, 2015, West Lebanon, NH).
Committee Recommendation: **Re-approve with the new instructor and maintain the same course number**

A motion was made and seconded to accept the Continuing Education Committee's recommendations. The motion passed unanimously.

C. **Other Business:** None.

11. **Professional Conduct Committee:**

A-B. Report from Today's Committee Meeting: Mr. Ericson reported that the Committee met earlier in the day and discussed the status of all the active cases. He stated that some of the cases are scheduled to be discussed in the Quasi-Judicial session following today's Board Meeting.

C. **Other Business:** None

12. **Personnel, Budget, and Fees:** Ms. Coles-Roby reported that the psychometrician's contract is reaching its end, and allocating additional money is infeasible. She stated that she believes there are sufficient funds remaining to accomplish those tasks the psychometrician is needed for.

13. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby reported that one candidate for the open environmental slot, Ms. Staci Rubin, has withdrawn from consideration due to increased work responsibilities. Mr. Ericson stated that he and Ms. Coles-Roby have interviewed two candidates and will be sending their recommendations to the Governor's office.

14. **Other Business:**

A. Legislative Matter: Mr. Ericson reported that he anticipates that the letter to Senator Rush will be sent out within the next few weeks.

B. Action Items List: The Board members acknowledged the Action Items List.

C. Public Records Request: Ms. Coles-Roby reported that a letter from the Supervisor of Records, regarding the public records request compliant filed by Allen Wyman, was received on May 8, 2015. She stated that the letter acknowledged receipt of the compliant and advises that they will be reviewing the matter.

D. Website Update: Ms. Coles-Roby reported that an announcement has been posted on the website stating that the exam will be offered in June 2015.

Ms. Coles-Roby reported that in updating the Board's website, the staff has found that the LSP database contains a variety of terminology used in the "LSP Status" field for non-active LSPs. These terms include "suspended", "administratively suspended", "retired", "withdrawn", and "expired". Non-active LSPs include those who have retired from the profession, voluntarily chose to give up their license, have not paid annual fees, have not submitted a renewal application, or have been disciplined by the Board. Ms. Coles-Roby stated that the Board staff would like to streamline this language for consistency purposes. The Board members discussed each of the terms

and agreed that “administrative suspension” should not be used for those individuals who have not paid their fees or submitted a license renewal because it is not defined in the Board’s regulations and has a negative connotation. The Board decided that “suspended” should be assigned to those individuals who have been disciplined by the Board, “expired” shall be assigned to those who have not paid their fees or submitted a license renewal application, and “withdrawn” shall be assigned to those who have notified the Board prior to their license expiration date that they will no longer be practicing. Dr. Batchelder suggested, and the Board members agreed, that those who are listed as “withdrawn” be reassigned as “expired” once their license expiration date has passed.

15. **Next Meeting:** The Board’s next meeting will be on June 18, 2015, in the Western Regional Office of MassDEP in Springfield.
16. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 2:50 p.m.