



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

**MINUTES**  
of  
**BOARD MEETING**  
**Held on June 18, 2015**  
[Approved: August 13, 2015]

Meeting Location: Massachusetts Department of Environmental Protection  
Western Regional Office  
436 Dwight Street  
Springfield, MA 01103

Prepared by: L. Williamson

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

1. Agenda
  2. Draft Minutes of Meeting held on May 21, 2015
  3. Renewal Dockets #1 and #2
  4. List of Action Items for LSP Board
  5. Petition for Waiver submitted by Stephan Landry
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1. **Call to Order:** Benjamin Ericson called the meeting to order at approximately 3:00 p.m. Also present were Gail Batchelder, Kathleen Campbell, John Guswa, Debra Listernick, Robert Rein, and James Smith. Mr. Smith left the meeting at 3:20 pm. Board members absent were David Austin, Kirk Franklin, and Farooq Siddique. 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:** Ms. Coles-Roby requested that two additions be made to the Agenda, including an update on a lawsuit filed by Allen Wyman (to be discussed under "Other Business") and a Petition for Waiver submitted by Stephan Landry (to be discussed under "Examinations").
  4. **Minutes of Meeting Held on May 21, 2015:** The members present reviewed the draft minutes of the meeting of the Board held on May 21, 2015. **A motion was made and seconded to approve the May 21, 2015 minutes as written. The motion passed unanimously, with Mr. Smith and Ms. Campbell abstaining.**

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

ID #	Applicant Name/Company Name	ARP #	REC.
9138	Navpreet Parmar/Lightship Engineering	271	A
6815	Joel Loitherstein/Tata & Howard, Inc.	271	A

ID #	Applicant Name/Company Name	ARP #	REC.
3546	Matthew Wagner/Tighe & Bond, Inc.	273	A

Mr. Ericson asked the ARPs to briefly describe the reasons for their recommendations. Ms. Campbell stated the applicants in Panel #271 included a new applicant and an applicant who had previously held a license that had been revoked. She stated that both individuals met the regulatory requirements for total and relevant professional experience. Dr. Guswa stated that the applicant in Panel #273 exhibited experience with a range of projects and a variety of contaminants.

**A motion was made and seconded to accept the recommendation from Application Review Panel #271 that the applications submitted by Ms. Parmar and Mr. Loitherstein be approved and that they be found eligible to take the exam. The motion was approved unanimously.**

**A motion was made and seconded to accept the recommendation from Application Review Panel #273 that the application submitted by Mr. Wagner be approved and that he be found eligible to take the exam. The motion was approved unanimously.**

C. **Applications Committee:** No report was made.

6. **License Renewal Applications:**

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

**Renewal Docket #1**

**Renewal Date: July 30, 2014**

**New Renewal Date: July 30, 2018**

License expired on July 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	3370	Thomas	A	Jordan

**Renewal Docket #2**

**Renewal Date: April 30, 2015**

**New Renewal Date: April 30, 2018**

Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	8815	Kenneth	J	Gendron

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.

**B. Other Renewal-Related Matters:** No other renewal matters were reported.

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

**A. New Panel Assignments and Scheduling:** The following Board members were assigned to Application Review Panel #274: Ms. Campbell, Dr. Guswa, 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 544 as of June 9, 2015.

**8. Examinations:**

**A. Dates of Next Exam:** Ms. Coles-Roby reported that there are a total of twenty-four applicants who are eligible to take the exam when it is offered in July and all have been notified of the dates it will be administered. Ms. Coles-Roby stated that the Board staff had originally planned to hold the first offering on June 24, 2015, however only one individual signed up for that date. It was decided that that offering should be canceled and the individual be moved to one of the other dates. Ms. Cole-Roby reported that the four applicants whose eligibilities expire in 2015 were contacted and given the first choice of dates. She stated that the staff will be holding the exam on four Wednesdays

in the month of July and will make sure there are sufficient slots available for all those who wish to sit for the exam. Dr. Guswa questioned what the typical schedule will be for offering the exam moving forward. Ms. Coles-Roby responded that staff will return to the previous schedule of administering the exam twice a year, with offerings in June and late November/early December.

- B. Exam Committee:** Ms. Coles-Roby informed the Board that, as of June 12, 2015, the updated acronym list, the reference list, and the content outline for the new exam had been posted on the Board's website. She stated that the current announcement regarding the upcoming exam offering will be revised to include the specific dates. Ms. Coles-Roby reported that she and John Fitzgerald (MassDEP) are in the process of putting together a complete exam and are making sure there are enough items in each of the subject matter categories. She stated that once that process is complete, all the questions will be sent to Chris Borges (MassDEP) to create the exam. Dr. Batchelder questioned, and Ms. Coles-Roby confirmed, that the remainder of the questions not used for Exam 1 will be sufficient to create Exam 2.
- C. Petition for Waiver:** Ms. Coles-Roby reported that Stephan Landry had submitted a Petition for Waiver requesting that his 2-year window of eligibility to take the exam be extended. Mr. Landry's eligibility expires on June 20, 2015. He took the exam the last time it was offered in May/June 2014 and would have signed up to re-take it in November 2014 if it had been offered. He also had two exam challenges which were only recently resolved. Ms. Coles-Roby advised the Board that they have the ability to waive any regulatory requirement, with the exception of fees. Dr. Batchelder and Mr. Ericson suggested that Mr. Landry's eligibility be extended until the end of July 2015 so he has the opportunity to take the exam one more time. **A motion was made and seconded to extend Stephan Landry's eligibility to July 31, 2015. The motion passed unanimously.**

Board member James Smith left the meeting.

## **9. 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. *ECS: A Licensed Site Professional's Guide for Understanding and Navigating Through the Regulatory and Technical Challenges of an Underground Storage Tank (UST) Release in Massachusetts* (8 Technical credits, Fall 2015, Greater Boston area).

Committee Recommendation: **Approve for 6.75 credits contingent on receipt of a revised syllabus which moves the presentation on building**

**renovation and demolition requirements to the end of the course (no credit will be awarded for that presentation).**

- b. LSPA: *Estimating LNAPL Transmissivity: A Guide to Using ASTM Standard Guide E2856* (16 Technical credits, Fall 2015, Greater Boston area).  
Committee Recommendation: **Approve**
- c. Massachusetts Geological Society: *Massachusetts Geological Society First Annual Field Trip* (6 Technical credits, July 18, 2015, Lynn Woods and Breakheart Reservations, Lynn and Saugus, MA).  
Committee Recommendation: **Approve**
- d. National Groundwater Association: *2015 NGWA Conference on Groundwater in Fractured Rock* (1 Technical credit for every 2 hours attendance, September 28-29, 2015, Burlington, VT).  
Committee Recommendation: **Approve**

Course Re-Approval Request:

- e. LSPA: *Emerging Contaminants* (4 Technical credits, June 19, 2015, Norwood, MA).  
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.

**10. Professional Conduct Committee:**

**A-B. Report from Today's Committee Meeting:** Mr. Ericson reported that there were no actions from today's Professional Conduct Committee meeting that required a vote.

**C. Other Business:** None

**11. Personnel, Budget, and Fees:** Ms. Coles-Roby reported that she and Mr. Ericson met with MassDEP Commissioner Martin Suuberg on June 1, 2015. She stated that Commissioner Suuberg would like to attend the next Board meeting that is held in the Boston office to meet the members of the Board.

Ms. Coles-Roby reported that the Governor's early retirement program failed to meet its goal by about 2,000 people. Mr. Ericson said that just over 100 MassDEP employees will

be taking early retirement, which is a significant portion of the approximately 800 total staff. He stated that due to the shortfall of the early retirement program, layoffs may be necessary. Ms. Coles-Roby reported that she spoke to the Commissioner about the need to fill the General Counsel and Assistant General Counsel positions as soon as possible.

12. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby reported that there is one more candidate to be interviewed. She stated that she has attempted to contact the candidate to schedule the interview, but has not heard back. Ms. Coles-Roby stated that she will follow up with the individual. Mr. Ericson stated that he and Ms. Coles-Roby hope to submit recommendations for the open Board member slot to the Governor's office this summer. He also reported that there some re-appointments that need to be submitted.
13. **Other Business:**
  - A. **Legislative Matter:** No report was made.
  - B. **Action Items List:** The Board members acknowledged the Action Items List. Dr. Guswa stated that he wished to remind the LSPA that if there was an expectation that the Board would be making a presentation at an upcoming LSPA member meeting, the Board should be given sufficient time to plan and prepare.
  - C. **Website Update:** Ms. Coles-Roby stated that Board members' biographies have been updated to include their designated slots, as suggested at a previous Board meeting. She reported that the Board staff has started working on updating the online LSP database to reflect the terminology decided upon at last month's Board meeting for the "License Status" categories. Ms. Coles-Roby reported that she anticipates spending the summer months getting the regulations committees back on track, meeting with the Board staff to determine how we can make things more efficient, and focusing more time on the disciplinary cases.
  - D. **Lawsuit:** Ms. Coles-Roby reported that the lawsuit filed by Allen Wyman, alleging civil rights violations, is moving forward and is currently in the discovery phase of the investigation. She stated that she will be devoting some time to compiling the documents that have been requested. Some of the documents requested include those that are part of the ongoing Public Records Request as well as a number of Executive Session minutes. Ms. Coles-Roby reported that the Board will have to vote on whether or not to release those documents, and members of the Board may be called as witnesses. She advised Board members to retain any Board-related documents they have, as they could be deemed evidence.
14. **Next Meeting:** The Board's next meeting will be on August 13, 2015, in the Northeast Regional Office of MassDEP in Wilmington. The Board members agreed to continue to hold Board meeting on the third Thursday of the month from September 2015 through June 2016.

15. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 3:45 p.m.