



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

MINUTES
of
BOARD MEETING
Held on April 19, 2017
[Approved: June 1, 2017]

Meeting Location: Massachusetts Department of Environmental Protection
Central Regional Office
8 New Bond Street
Worcester, MA 02108

Prepared by: L. Williamson

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting held on March 21, 2017
3. Renewal Dockets #1, #2, #3, and #4
4. List of Action Items for LSP Board
5. Regulatory Reform Initiative Table

1. **Call to Order:** Ms. Pinaud called the meeting to order at approximately 2:06 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, Debra Listernick, Farooq Siddique, and James Smith. Board member Kirk Franklin was absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Rebecca Woolley of MassDEP, Joseph Vitale, Wendy Rundle, Executive Director of the LSP Association (LSPA), and Wesley Stimpson of WES Associates.
2. **Announcements:** Ms. Coles-Roby announced that LSP Joseph Vitale has arrived at the Board meeting with the intention of being present for the discussion of his Petition for Waiver. She stated that she just informed Mr. Vitale that his Petition was voted on by the Board earlier in the day during the Continuing Education Committee Meeting, and was denied. Ms. Coles-Roby stated that Mr. Vitale has asked for the opportunity to address the Board. The Board agreed to hear Mr. Vitale. Mr. Vitale indicated that his work requires frequent travel, which presents a challenge for obtaining continuing education credits. He stated that the only time of year he does not travel is during the summer months, and courses are rarely offered during that time. Mr. Vitale stated that he is short seven DEP credits and that it appears he will be waiting a significant amount of time to earn those credits. He stated that the Board's denial of his Petition will put a damper on his ability to serve his clients. Mr. Vitale thanked the Board for taking the time to

consider his Petition for Waiver. Mr. Vitale exited the meeting.

3. **Agenda:** Ms. Coles-Roby stated that one new Application had been received, and she would like to add the scheduling of an ARP to the Agenda.
4. **Minutes of Meeting Held on March 21, 2017:** The members present reviewed the draft minutes of the meeting of the Board held on March 21, 2017. **A motion was made and seconded to approve the March 21, 2017 minutes as written. The motion passed unanimously. Mr. Siddique abstained from voting.**
5. **Decisions Regarding Licensing of Applicants:**

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

Renewal Docket #1
Renewal Date: April 30, 2017
New Renewal Date: April 30, 2020
 Has completed all requirements for renewal:

| | LSP # | First | Middle | Last |
|---|--------------|--------------|---------------|--------------|
| 1 | 2149 | James | R | Borrebach |
| 2 | 6837 | Richard | J | Rheaume |
| 3 | 8978 | Jeffrey | T | Mosholder |
| 4 | 1078 | Suzanne | C | Courtemanche |
| 5 | 2791 | William | E | Baird |
| 6 | 7126 | Rebecca | L | Woolley |
| 7 | 5661 | Kimberly | B | Longridge |

A motion was made and seconded to renew the licenses of the LSPs on Renewal Docket #1 for the three-year period ending on the date indicated. The motion was approved unanimously.

Renewal Docket #2
Renewal Date: April 30, 2017
New Renewal Date: July 29, 2017
 Have requested a 90-day extension:

| | LSP # | First | Middle | Last |
|---|--------------|--------------|---------------|-------------|
| 1 | 4969 | Lauren | M | Lesinski |
| 2 | 4757 | Karen | L | Brody |

A motion was made and seconded to grant the LSPs on Renewal Docket #2 a 90-day extension. The motion was approved unanimously.

Renewal Docket #3

Renewal Date: January 30, 2017

New Renewal Date: January 30, 2020

License expired on January 30, 2017, 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 | 7710 | James | S | Young |

Renewal Docket #4

Renewal Date: January 30, 2017

New Renewal Date: January 30, 2020

Completed requirements within 90-day extension:

| | LSP # | First | Middle | Last |
|---|-------|----------|--------|------------|
| 1 | 7639 | David | L | Bramley |
| 2 | 6698 | John | H | Ankiewicz |
| 3 | 8186 | Robert | A | Mullin |
| 4 | 9380 | Alistair | P | MacDonald |
| 5 | 2890 | Lawrence | E | Kahrs |
| 6 | 9181 | Richard | P | Geisler |
| 7 | 6314 | R. Duff | | Collins |
| 8 | 7430 | Arthur | J | Cunningham |

Motions were made and seconded to renew the licenses of the LSPs on Renewal Dockets #3 and #4 for the three-year periods ending on the dates indicated. The motions were approved unanimously.

B. Vote on ARP Recommendations:

| ID # | Applicant Name/Company Name | ARP # | REC. |
|------|----------------------------------|-------|------|
| 7123 | Andrew J. Eckhardt/Stantec, Inc. | 284 | A |

| ID # | Applicant Name/Company Name | ARP # | REC. |
|------|--|-------|------|
| 7850 | Craig C. Paradis/ESS Group, Inc. | 285 | A |
| 7998 | Lawrence F. Mach/Hoosac Environmental, LLC | 285 | A |

| ID # | Applicant Name/Company Name | ARP # | REC. |
|-------------|---|--------------|-------------|
| 5753 | Philip M. Peterson/EBI Consulting, Inc. | 286 | A |
| 8204 | Myron Ritrosky Jr./Eco-Genesis Corp. | 286 | A |
| 6809 | Neal W. Kelly/Stantec, Inc. | 286 | A |

Ms. Coles-Roby reported that ARP #284 recommended approving Mr. Eckhardt’s application. She stated the panel agreed that his application was well written and showed a comprehensive amount of work in all phases. Ms. Coles-Roby reported that ARP #285 recommended approving Mr. Paradis’ re-application. The panel determined Mr. Paradis now has the required five years of relevant professional experience. ARP #285 also recommended approving Mr. Mach, whose application demonstrated good experience in many phases, well written project descriptions, and good references. ARP #286 recommended approving Mr. Peterson and Mr. Kelly’s re-applications, and Mr. Ritrosky’s application. **A motion was made and seconded to accept the recommendation from Application Review Panels #284, #285, and #286 that the applications submitted by Mr. Eckhardt, Mr. Paradis, Mr. Mach, Mr. Peterson, Mr. Ritrosky, and Mr. Kelly be approved and that they be found eligible to take the exam. The motion was approved unanimously.**

6. Other Licensing-Related Matters:

- A. New Panel Assignments and Scheduling:** The following Board members were assigned to Application Review Panel #287: Mr. Smith, Mr. Siddique, and Ms. Listernick.
- B. Appeals Status Report:** There were no pending appeals of any denials by the Board of license applications.
- C. Annual Fee Payments:** Ms. Coles-Roby stated that the staff issued nineteen letters on April 12, 2017 to LSPs who still have not paid their annual fees. She reported that the list of names was sent to eDEP, and they are now unable to file documents. Ms. Coles-Roby stated that the regulations specify that these individuals are suspended, and their licenses will be revoked if payment is not received within 90-days. She stated that the Board needs to determine how to list their status in the online database. The Board previously recommended using the “expired” status; however this is not consistent with the regulations. Mr. Smith stated that the Board was concerned that “suspended” inferred disciplinary action. He recommended that, as part of the regulation revisions, definitions be added for various status categories. Ms. Coles-Roby stated that she would also like to institute late fees. Dr. Batchelder recommended adding the category “suspension- non-payment” for non-payment of annual fees, which would be different from a disciplinary suspension. The Board agreed to begin compiling a list of license status categories for potential regulatory revisions. Ms. Listernick recommended that the Board also look at the definitions currently on the website for comparison purposes.
- D. 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 |
|------------|---------------------|----------------|-------------|------------|
| 7613 | July 22, 2015 | Inactive | Warren | Robert |
| 9451 | February 12, 2016 | Inactive | Zirbel | Martha |
| 9070 | January 30, 2017 | Inactive | Kemper | Timothy |
| 8501 | January 22, 2016 | Inactive | Taliadouros | Kleo |
| 9830 | March 1, 2017 | Inactive | Gates | Richard |

D. Total Number of Active LSPs: As reported in the Agenda, the total number of Active LSPs was 510 as of April 11, 2017.

7. Examinations:

A. Exam Committee Report: Ms. Coles-Roby stated that the exam will be offered on April 26, 2017, May 3, 2017, and May 10, 2017. She stated that the psychometrician has determined the cut score for exam #3. Ms. Coles-Roby reported that all those that were approved prior to today’s meeting were contacted and given the opportunity to sign up for one of the three dates. She stated that the applicants approved today will receive emails following the meeting informing them of their approval and the opportunity to sign up to take the exam. She stated that currently, one individual is signed up for April 26th, three for May 3rd, and three for May 10th. Mr. Siddique asked if the new software has been received. Ms. Coles-Roby stated that the software has not been received yet, and the old software will be used for this set of offerings. Mr. Siddique asked when the new software was expected. Ms. Coles-Roby responded that she expected it a month ago, but is unsure of what happened. She stated that nothing can be done until the budget group makes the decision. She stated that Chris Borges (MassDEP) has already previewed the software and provided her with a summary.

B. Exam Dates: The exam will be offered on April 26, 2017, May 3, 2017, and May 10, 2017.

8. Continuing Education Committee Report:

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

- a. NEWMOA: *PFAS in The Northeast: State of Practice and Regulatory Perspectives* (6 Technical credits, May 8, 2017, Danielson, CT, May 9, 2017, Westford, MA, and May 10, 2017, Lebanon, NH).

Committee Recommendation: **Approve**

- b. Battelle: Fourth International Symposium on Bioremediation and Sustainable Environmental Technologies (1:2 Technical credits for conference and 1:1 Technical credits for short courses, May 22-25, 2017, Miami, FL).
Committee Recommendation: **Approve**
- c. Atlas Environmental Company: Sampling Techniques and Procedures (8 Technical credits, date and location to be determined).
Committee Recommendation: **Table and request additional information from provider**
- d. MassDEP: New VPH Method and Other MCP Current Issues (4 DEP Regulatory credits, May 31, 2017, Boxboro, MA).
Committee Recommendation: **Approve**

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

C. Other Business: Mr. Siddique reported that the Committee reviewed, discussed, and voted on four Petitions for Waiver, separately. He stated that the Committee recommended denying each of the four Petitions. **A motion was made and seconded to accept the Continuing Education Committee's recommendation. The motion passed unanimously.**

- 9. **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 and there were no items to be voted on.
- 10. **Personnel, Budget, and Fees:** Ms. Coles-Roby stated that there was an expenditure of \$1050 for the psychometrician. She stated she is still looking to hire a General Counsel.
- 11. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby stated that the Chief of Staff informed her that she should be hearing something from EEA or the Governor's office regarding permission to post the openings within the next two weeks. Mr. Siddique asked what the process is for applying. Ms. Coles-Roby stated that interested candidates should submit resumes to her and Ms. Pinaud. She stated that she and Ms. Pinaud will conduct interviews, and then memos will be drafted to go to the Commissioner and to EEA. Mr. Austin and Mr. Smith both indicated they were aware of individuals interested in the open positions.
- 12. **Other Business**
 - A. **Action Items List:** Ms. Coles-Roby stated that she had an update for the Board on House Bill 4188. She stated it was introduced on April 11, 2016, had a 25% progression and died in chamber on October 6, 2016.

- B. MA Government Portal Redesign:** Ms. Coles-Roby stated that she attended a training session on April 4, 2017 for the rollout of a new design for government websites. She stated that the goal is for all the websites to be uniform in appearance and more user-friendly. She reported that all the websites will be the same color and font, with a similar look and feel. She stated the process will begin in the fall and the old system will be totally shut down in December 2017. Mr. Smith asked if this would be an opportunity to push for online payments. Ms. Coles-Roby stated that it would not be appropriate for the group that is handling this task, but she intends to work on online payments and other programming issues this summer.
 - C. House Bill 437:** Ms. Coles-Roby reported that there has been no movement on House Bill 437.
 - D. 309 CMR 3.09 Continuing Education Regulations- Proposed Amendments:** No report was made.
 - E. 309 CMR 7.00 Procedure Governing Disciplinary Proceedings and Other Dispositions- Proposed Amendments:** The Board discussed the suggested revision of 309 CMR 7.04 to eliminate the “former member” language as it relates to CRT composition. The Board agreed that allowing a former Board member to continue serving on a CRT was problematic as she/he would not be held to the same standards as a sitting Board member. The Board also discussed the proposed language “A CRT shall be comprised of one LSP and one member who is one of the other members of the Board...” The Board agreed the regulations should be modified to “one LSP” and “one non-LSP”. Ms. Pinaud questioned the proposed revision to 309 CMR 7.10(2), changing the 90-day timeframe to “a reasonable time”. Ms. Coles-Roby stated that it is almost impossible to meet the 90-day deadline and the Board is leaving itself open to a lawsuit. She stated that “reasonable time” is defined with the court. Ms. Pinaud asked if the Board had an idea of what the reasonable time is. Dr. Batchelder stated that it depends on the size of the case, as they can vary greatly. Ms. Coles-Roby asked that the Board email her and Ms. Listernick their edits.
- 13. Future Meetings:** The Board’s next meeting will be on May 17, 2017 in MassDEP’s Western Regional Office. The Board members discussed the issue of traveling to WERO, which had been raised at a previous meeting. Mr. Austin stated that the last two times the meeting was held at WERO there have been no attendees, Board members arrived late, and it has been a struggle to make a quorum. Ms. Coles-Roby stated that she understands it is an inconvenience, but every regional office deserves some attention as there are LSPs located across the entire state. Mr. Smith stated that it is a volunteer Board and travel time should be taken into consideration. Dr. Batchelder stated that in the past, consideration had been made to the Board’s geographic diversity. Ms. Pinaud agreed that geographic diversity has been a goal of the Commonwealth and is considered when filling vacancies. Dr. Batchelder stated that she thinks the Board should go the WERO at least once per year. Ms. Listernick agreed and stated that next month’s meeting should still be held in WERO because it has already been announced. The Board members agreed to keep next month’s

meeting in WERO and to change to once per year for the next scheduling round.

14. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 3:25 p.m.