



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

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**MINUTES  
of  
BOARD MEETING  
Held on April 24, 2019  
Approved: May 15, 2019**

Meeting Location: Massachusetts Department of Environmental Protection  
Boston Office  
One Winter Street  
Boston, MA 02108

Prepared by: Richard Friend

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

1. Agenda
2. Draft Minutes of Meeting held on March 20, 2019
3. Renewal Dockets #1, #2, #3 and #4
4. April 2, 2019 email from Beverly Coles-Roby: "Subject: LSP Question"
5. April 3, 2019 email from Beverly Coles-Roby: "Subject: LSP renewal notice"

1. **Call to Order:** Maria Pinaud called the meeting to order at approximately 2:34 p.m. Also present were David Austin, Dr. Gail Batchelder, Kathleen Campbell, Kirk Franklin, Debra Listernick, Gregg McBride, Farooq Siddique, and James N. Smith. Marc Richards was absent. Staff members present were Beverly Coles-Roby and Richard Friend. Also present were Wesley Stimpson of Wes Associates, Wendy Rundle of the LSP Association (LSPA) and Lauren Konetzny of Cooperstown Environmental and the LSPA.
2. **Announcements:** There were no announcements.
3. **Agenda:** Ms. Coles-Roby stated that she wanted to discuss the following documents that were distributed to Board members:
  - 1) April 2, 2019 email from Beverly Coles-Roby "Subject: LSP Question"
  - 2) April 3, 2019 email from Beverly Coles-Roby "Subject: LSP renewal notice"
4. **Minutes of Meeting Held on March 20, 2019:** The members present reviewed the draft minutes of the meeting of the Board held on March 20, 2019. Mr. Austin clarified that his stated concern was that if LSP Board staff only considered MassDEP staff able to obtain Total Professional Experience, and not Relevant Professional Experience, it could

limit MassDEP staff from becoming LSPs. Ms. Rundle stated that the LSPA’s Emerging Professional Committee did not help with license applications. Dr. Batchelder clarified how the original LSP regulations allowed applicants to take the LSP exam when LSPs were first being licensed. Ms. Pinaud clarified that she had asked if the LSPA, not the Board, could develop a mentorship program for young professionals. Ms. Listernick clarified her comments that the Board does not limit the number of times an applicant can take the exam, only that they cannot taking the same exam twice.

5. **A motion was made and seconded to approve the March 20, 2019 minutes as amended. The motion passed unanimously.**

6. **Decisions re: Licensing of Applicants:**

A. **Vote on Application Review Panels:** The staff presented the following Applications:

ID #	Applicant Name/Company Name	ARP #	REC.
9874	Jason Ward/MassDEP	299	A

ID #	Applicant Name/Company Name	ARP #	REC.
3235	Andrew Pandolph/Vineyard Engineering	301	D

ID #	Applicant Name/Company Name	ARP #	REC.
4523	Susan Bator/GZA GeoEnvironmental, Inc.	302	A
3493	Michael Gray/ GZA GeoEnvironmental, Inc.	302	A
8876	Sakia Oosting/GEI Consultants, Inc.	302	Table

Ms. Coles-Roby reported that ARP #299 recommended approval of Mr. Ward’s application. Ms. Campbell said she voted to not approve the application because she believed that the positions Mr. Ward listed in his application did not demonstrate enough total years of principal decision-making experience. She also stated that it was not clear that his experience at MassDEP included decision-making responsibilities. Dr. Batchelder stated that MassDEP staff can have decision-making responsibilities, particularly Emergency Response personnel.

Ms. Coles-Roby reported that ARP #301 recommended denial of Mr. Pandolph’s application because he did not have sufficient relevant professional experience.

Ms. Coles-Roby reported that ARP #302 recommended approval of Ms. Bator’s and Mr. Gray’s applications. ARP #302 also concluded that Ms. Oosting’s application demonstrated that she is a strong candidate, but her written references contained similar wording, which might indicate that they were not independently written. Ms. Coles-Roby said she would contact Ms. Oosting and the references.

A motion was made and seconded to accept the recommendation from ARP #299 that the application submitted by Mr. Ward be approved and that he be found eligible to take the exam. Ms. Campbell voted against the motion of the recommendation as presented to the Board. Ms. Pinaud and Mr. Austin abstained from voting. The motion to accept the recommendation was approved by majority vote.

A motion was made and seconded to accept the recommendation from ARP #301 that the application submitted by Mr. Pandolph be denied and that he be found ineligible to take the exam. The motion to accept the recommendation was approved unanimously.

A motion was made and seconded to accept the recommendation from ARP #302 that the applications submitted by Ms. Bator and Mr. Gray be approved and that they be found eligible to take the exam, and that the application of Ms. Oosting be tabled until the May 15, 2019 Board meeting. The motion to accept the recommendation was approved unanimously. Mr. McBride recused himself from voting on Mr. Gray's and Ms. Bator's recommendations.

**B. Renewal Dockets:**

The staff presented the following License Renewal Dockets:

**Renewal Docket #1**

**Renewal Date: April 30, 2018**

**New Renewal Date: April 30, 2022**

License expired on April 30, 2018.

Individual has completed renewal requirements within 1-year deadline and is now eligible for active status:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	5171	Elizabeth	C	Casey

A motion was made and seconded to renew the license of the LSP 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, 2019**

**New Renewal Date: April 30, 2022**

Have completed all requirements for renewal:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	3560	Michael	P	Flynn
2	7007	Brian	R	LaPierre
3	5448	Edward	F	Giordano
4	4410	Peter	M	Richards
5	4562	Jonathan	R	O'Brien

	LSP #	First	Middle	Last
6	5928	Jonathan	S	Moore
7	9969	Scott	K	Parker

**A motion was made and seconded to renew the licenses of the LSPs on Renewal Docket #2 for the three-year period ending on the date indicated. The motion was approved unanimously.**

**Renewal Docket #3**

**Renewal Date: April 30, 2019**

**New Renewal Date: July 29, 2019**

Has requested a 90-day extension:

	LSP #	First	Middle	Last
1	4894	Ernest	C	Ashley

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

**Renewal Docket #4**

**Renewal Date: January 30, 2019**

**New Renewal Date: January 30, 2022**

Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	7051	Dennis	P	Giustra
2	2591	Leonard	V	Rappoli

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

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

**A. Appeals Status Report:** There were no pending appeals.

**B. Annual Fee Report:** Ms. Coles-Roby reported that on March 27, 2019 she met with DEP Revenue staff who reported that as of that date, 17 LSPs had not paid their Annual Fee. Letters were sent to those LSPs with unpaid fees on April 3, 2019. Their status was changed to “Inactive” on April 11, 2019. As of April 23, 2019, twelve LSPs had not paid their annual fee, two of whom, Valerie Tillinghast and Richard Gates, are retired. The remaining ten LSPs licenses lapsed.

- C. **Total Number of Active LSPs:** Ms. Coles-Roby reported that as of April 12, 2019 there are 497 active LSPs and one inactive LSP.
- D. **Quarterly Fee Report:** Ms. Coles-Roby reported that approximately 23 LSPs' licenses are due to expire on April 30, 2019, one of whom has requested a 90-day extension and another who is retiring.
- E. **Discussion of 309 CMR 3.06(4):** The Board discussed the April 3, 2019 email "Subject LSP renewal notice." An LSP wants to allow his or her license to lapse for one year while on a "sabbatical." The Board agreed that the LSP could let his or her license lapse as long as the Annual Fee is paid. Ms. Coles-Roby reported that the LSP had paid the fee.

8. **Examination Report:**

- A. **Exam Dates:** Ms. Coles-Roby said that two people are scheduled to take the LSP exam on June 5, 2019 and four on June 26, 2019. Two of the applicants scheduled to take the exam in June have taken the exam once before, and one has taken it twice. Ms. Coles-Roby said that she expects the three applicants approved at today's Board meeting to sign up for one of the two June dates. Ms. Coles-Roby said that if necessary a third exam date in July may be added. The exam will next be offered between Thanksgiving and Christmas 2019. She added that no specific dates have been designated yet.

Ms. Coles-Roby said that the exam software has been purchased and that the Test Generator license is expected soon. She stated that the electronic exams may be ready in time for the June exam dates, and if not ready in June, she expects that it will be ready by the 2019 fall exam dates.

- B. **Schedule Exam Committee:** Ms. Coles-Roby stated that the Exam Committee will reconvene during the summer to develop a fourth version of the LSP exam. Lauren Konetzny noted that the next LSP exam may need to include upcoming revisions to the MCP.

9. **Continuing Education Committee:** Mr. Austin reported that the Committee met earlier in the day and made the following course recommendations to the Board:

**Course Approval Requests:**

1. AIPG: *The Use of Unmanned Aerial Vehicles in Environmental Site Characterizations* (4 Technical credits, September 16, 2019, 8:00 a.m.-12:00 p.m. South Burlington, VT)  
Committee Recommendation: **Approve 4 Technical Credits**

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2. EBCNE: Understanding the Science and Toxicity of PFAS – A Deeper Dive (3.5 Technical credits, May 2, 2019, 8:00 a.m.–12:00 p.m. Framingham, MA)  
Committee Recommendation: **Approve 3.5 Technical Credits**
3. Enviro Workshops: Vapor Intrusion Workshop (4 Technical credits, 11:15 a.m.–5:00 p.m. April 23, 2019, West Harrison, NY; April 24, 2019, Windsor Locks, CT; April 25, 2019, Mansfield, MA)  
Committee Recommendation: **Approve 4 Technical Credits**
4. Enviro Workshops: Remediation Workshop (4 Technical credits, 11:15 a.m.– 5:00 p.m. April 10, 2019; Waltham, MA; April 11, 2019; Windsor Locks, CT)  
Committee Recommendation: **Approve 4 Technical Credits**
5. ESCI: Hands-On SESOIL and AT123D Training (8 Technical credits, Taunton, MA, May 10, 2019, 8:00 a.m.– 5:00 p.m.)  
Committee Recommendation: **Approve 8 Technical Credits**
6. EPOC: Application of Flexible Liner Underground Technologies (FLUTE) in Groundwater Contaminant Investigations (8 Technical credits, April 12, 2019, 8:00 a.m.– 5:15 p.m. Storrs, CT).  
Committee Recommendation: **Approve 8 Technical Credits**
7. NEWMOA: Remedy Selection: Planning for Success & Lessons Learned (5.5 Technical credits, May 7, 2019, 9:30 a.m.– 4:30 p.m. Danielson, CT; May 8, 2019, 9:30 a.m.– 4:30 p.m. Lowell, MA)  
Committee Recommendation: **Approve 5.5 Technical Credits**
8. RISEP: PFAS Sampling for Environmental Professionals (8 Technical credits, 8:30 a.m.– 5:00 p.m. date and location to be determined)  
Committee Recommendation: **Approve 8 Technical Credits**
9. SGS: Do's and Don'ts of PFAS Sampling (1 Technical credit, April 22, 2019, 12:00 p.m.– 1:00 p.m. Logan Township, NJ; April 23, 2019, 9:00 a.m.– 10:00 a.m. South Plainfield, NJ; April 23, 2019, 12:00 p.m.– 1:00 p.m. Bellmawr, NJ; April 25, 2019, 12:00 p.m.–1:00 p.m. Edison, NJ)  
Committee Recommendation: **Approve 1 Technical Credit**
10. EPOC: Air and Soil Gas Sample Collection and Analysis: How to Collect Relevant & Representative Data (3.5 Technical credits, 1:00 p.m.–5:00 p.m. April 30, 2019, Rocky Hill, CT)  
Committee Recommendation: **Approve 3.5 Technical Credits**

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

10. **Professional Conduct Committee:** The Board agreed to forego a Professional Conduct Committee report because all of the Board members present at this meeting were also present at the Professional Conduct Committee meeting held earlier in the day.
11. **Other Business:**
  - A. **Public Records Request:** Ms. Coles-Roby reported that the March 5, 2019 Public Records Request by Attorney Ryan Mathews resulted in 2,445 pages of documents. While there is no charge for electronic files, the LSP Board will charge Mr. Mathews for time spent by Ms. Coles-Roby and Mr. Friend to segregate and redact the files.
  - B. **Personnel, Budget and Fees:** Ms. Coles-Roby reported that she anticipates interviews for the Board's General Counsel position will occur in May. Ms. Coles-Roby also reported that she is working with MassDEP Commissioner Suuberg to institute electronic online fee payments for LSPs.
  - C. **Proposed Regulation Amendments 309 CMR 2.00:** The Board discussed the need to further clarify the definitions of Relevant Professional Experience and Total Professional Experience. Mr. Smith stated that remaining sections of 309 CMR 3.03 need to be discussed, as well as 309 CMR 6.00 the design and use of the LSP license seal. Ms. Campbell said that she thinks that "each position" should be removed from the qualifications requirements of the LSP Regulations.
12. **Future Meetings:** The Board's next meeting will be on May 15, 2019 in the Southeast Regional Office of MassDEP.
13. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 3:32 p.m.