



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

MINUTES
of
BOARD MEETING
Held on August 16, 2017
[Approved: September 20, 2017]

Meeting Location: Massachusetts Department of Environmental Protection
Central Regional Office
8 New Bond Street
Worcester, MA 01606

Prepared by: L. Williamson

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of Meeting held on June 21, 2017
 3. Renewal Dockets #1, #2, #3, #4, and #5
 4. List of Action Items for LSP Board
 5. Petition for Waiver, dated July 21, 2017
 6. Disciplinary Flowchart
1. **Call to Order:** Maria Pinaud called the meeting to order at approximately 1:40 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, Debra Listernick, Gregg McBride, Marc Richards, and Farooq Siddique. Board members absent were Kirk Franklin and James Smith. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Wesley Stimpson, Michael Penzo, Andrew Eckhardt, and Rebecca Woolley.
 2. **Announcements:** Ms. Pinaud welcomed two new LSP Board members, Marc Richards and Gregg McBride. She stated Mr. Richards is filling the LSP-at-large position, has been an LSP since 2003, and works for Tighe & Bond. Ms. Pinaud stated Mr. McBride is filling the manufacturing slot, has been an LSP since 1997, and works for GZA.
 3. **Agenda:** Ms. Coles-Roby reported she had two items to add to the Agenda under "Other Business".
 4. **Minutes of Meeting Held on June 21, 2017:** The members present reviewed the draft minutes of the meeting of the Board held on June 21, 2017. **A motion was made and seconded to approve the June 21, 2017 minutes as written. The motion passed unanimously, with Mr. Richards and Mr. McBride abstaining.**

5. Decisions Regarding Licensing of Applicants:

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

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

	LSP #	First	Middle	Last
1	9456	Matthew	E	Hackman
2	7232	Lauren	M	Konetzny
3	1111	Wayne	C	Perry
4	9845	MD	Farooq	Siddique
5	4695	David	J	Foss
6	4097	Jeanne	M	Westervelt
7	9652	William	J	Fabbri
8	1939	Peter	M	Grivers
9	3507	Stephen	A	Vetere
10	5428	John	P	Jemsek
11	5539	Shawn	D	Rising
12	7565	Robert	S	Berger
13	7303	Steven	D	Charron
14	4018	Carl		Shapiro
15	8104	William	E	Kuriger
16	4718	Steven	R	Passafaro
17	2887	Justin	L	Mosquera
18	4913	Jack		McKenna
19	5463	Richard	J	Wozmak
20	4938	Marc	E	Brochu
21	6364	Christophe	M	Henry
22	4290	Robert	W	Nicoloro
23	9256	Lawrence	M	Hogan
24	7610	Kevin	J	Kavanaugh
25	8237	Douglas	G	Larson
26	7688	John	L	Meyer
27	4521	Raymond		Ball
28	5800	Thomas	J	Stevenson

Minutes of LSP Board Meeting, August 16, 2017

	LSP #	First	Middle	Last
29	9325	Jeffrey	R	Caputi
30	3656	Kerry	R	Tull
31	8246	Mary	J	Brittain
32	9632	Douglas		Heely
33	9663	Elliot	I	Steinberg
34	8494	M.	Margret	Hanley
35	9623	John		Kastrinos
36	9789	Keith	E	Johnson
37	9894	Beverly		Auxford-Paiva
38	4334	Janet	L	Keating-Connolly
39	8066	William	Lyons	Witten
40	2527	Thomas	J	Nunno

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, with Mr. Siddique abstaining.

Renewal Docket #2

Renewal Date: July 30, 2017

New Renewal Date: October 28, 2017

Have requested a 90-day extension:

	LSP #	First	Middle	Last
1	7349	James	M	Nuss
2	9658	Gary	M	Garfield
3	3605	Jonathan	B	Higgins
4	3180	Kelley		Race
5	4280	John		Kubiczki
6	2107	Matthew	P	Heil
7	2891	Timothy	A	Toomey
8	1799	Philip	E	Warner
9	6421	Stephen	J	Graham
10	9988	Luke	A	Fabbri
11	7407	Christopher	L	Hagger
12	1553	Glen	P	Gordon
13	7880	Philip	G	Clark
14	9360	James	J	Decoulos
15	9778	George	G	Gurney

	LSP #	First	Middle	Last
16	2154	Lisa	J	Campe

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

Old Renewal Date: April 30, 2017

New Renewal Date: April 30, 2020

Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	1510	Jeffrey	A	Nangle
2	5895	Brian	A	Emery
3	4129	Michele	SW	Paul
4	3477	Michael		Farrell
5	6597	Debra	A	Stake
6	7326	Andrew	T	Donoghue
7	4969	Lauren	M	Lesinski
8	4757	Karen	L	Brody

A motion was made and seconded to renew the licenses of the LSPs on Renewal Docket #3 for the three-year period ending on the date indicated. The motion was approved unanimously.

Renewal Docket #4

Old Renewal Date: January 30, 2017

New Renewal Date: July 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	7877	David	J	Lang
2	2140	Peter	J	McGlew
3	6746	Joseph	P	Vitale
4	9056	David	A	MacLean

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.

Renewal Docket #5

Renewal Date: July 30, 2016

New Renewal Date: July 30, 2020

License expired on July 30, 2016 or not submitting renewal documents.

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

	LSP #	First	Middle	Last
1	3494	Theresa	Ann	Miller-Kleiner

A motion was made and seconded to renew the license of the LSP on Renewal Docket #5 for the three-year period ending on the date indicated. The motion was approved unanimously.

B. Assignment of Application Review Panels: The following Board members were assigned to Application Review Panel #290: Ms. Listernick, Mr. Austin, and Ms. Pinaud. The following Board members were assigned to Application Review Panel #291: Dr. Batchelder, Mr. Siddique, and Ms. Campbell.

6. Other Licensing-Related Matters:

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

B. Petition for Waiver: Ms. Coles-Roby reported that a Petition for Waiver was received on July 21, 2017 from an LSP requesting to remain on inactive status for an additional year. She stated the LSP originally went on inactive status on July 22, 2015, and had two years, or until July 22, 2017, to resume active status. Ms. Coles-Roby stated the communication she received from the LSP on July 21, 2017 indicated he was requesting reinstatement, but also wished to petition the Board to extend his inactive status for an additional year. Ms. Coles-Roby explained that the LSP had 488 days left in his three year renewal cycle when he requested to go on inactive status, and therefore he has 488 days from the date of his reinstatement to obtain his continuing education credits and submit a Renewal Application (deadline of November 21, 2018). Mr. Austin commented that the Petition indicates the reason for the request is that the LSP has been working internationally. He stated the Board has denied petitions in the past that cited similar circumstances. Ms. Listernick stated that 309 CMR 9.02 (1) reads “A licensed site professional may remain on inactive status for no longer than two years. In no case shall a licensed site professional be allowed to maintain inactive status for a period extending more than two years beyond the date the licensed site professional last maintained an active license.” **A motion was made and seconded to deny the Petition for Waiver. The motion was approved unanimously.**

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
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	Robert

D. Total Number of Active LSPs: As reported in the Agenda, the total number of Active LSPs was 512 as of August 8, 2017. Dr. Batchelder asked if the two individuals who were recently licensed were included in the total. Ms. Coles-Roby confirmed they were. She explained that one question on the last exam was determined by the Board’s technical expert to be faulty because two answers could be considered acceptable. The Board voted in quasi-judicial session to accept both answers and change the scores to reflect this. There were two individuals who had been one point away from passing. Both answered the other possible option, and therefore, they ended up passing the exam. Ms. Coles-Roby stated that everyone else who answered the other possible option received an additional point, but were not close enough to pass.

7. **Examinations:** Ms. Coles- Roby reported the exam will be offered on November 29, 2017 and December 6, 2017. She stated the Board’s Program Coordinator is compiling a list of all eligible applicants. Dr. Batchelder asked if additional dates would be added if needed. Ms. Coles-Roby stated she will consider it once it is determined how many eligible applicants there are. Mr. McBride asked how many applicants can sit for the exam each day. Mr. Austin responded that six applicants can take the test each day. Mr. Richards asked who proctors the exams. Ms. Coles-Roby responded that the Board’s staff proctors the exam. She stated that applicants, as always, will be prioritized based on eligibility.

8. **Continuing Education Committee Report:**

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

1. GEI Consultants: *MGP 2017* (1 Technical credit for every 2 hours, October 16-18, 2017, New Orleans, LA).
Committee Recommendation: **Approve**
2. AEHS Foundation: *33rd Annual International Conference on Soils, Sediments, Water, & Energy* (1 Technical credit for every 2 hours for conference and 1 Technical credit for every hour for workshops, October 16-19, 2017, Amherst, MA).

Committee Recommendation: **Approve**

3. MassDEP: Per- and Polyfluoroalkyl Substances (PFAS): The Latest Information (2 DEP Regulatory credits and 2 non-DEP Technical credits, October 16, 2017, Amherst, MA).
Committee Recommendation: **Approve**
4. GeoPractical: Introduction to New England Hydrogeology (8 Technical credits, November 16, 2017, Amherst, MA).
Committee Recommendation: **Approve**
5. RedVector: 2015 International Fire Code Essentials- Hazardous Materials (2 Technical credits, online).
Committee Recommendation: **Deny**
6. RedVector: Basics of Soil Resources 1: Classification, Mapping and Data Bases (2 Technical credits, online).
Committee Recommendation: **Deny**
7. RedVector: Basics of Soil Resources 2: Erosion, Desertification, Salinization & Soil Acidification (1 Technical credit, online).
Committee Recommendation: **Deny**
8. RedVector: Basics of Water Resources: Groundwater Contamination (2 Technical credits, online).
Committee Recommendation: **Table**
9. RedVector: Basics of Water Resources: Wetland Basics (3 Technical credits, online).
Committee Recommendation: **Table**
10. RedVector: Chemicals Used in Mold Remediation (1 Technical credit, online).
Committee Recommendation: **Deny**
11. RedVector: Completing the Mold Remediation (1 Technical credit, online).
Committee Recommendation: **Deny**
12. RedVector: Constructed Wetlands- Pollutant Removal Mechanisms (2 Technical credits, online).
Committee Recommendation: **Deny**

13. RedVector: Modern Environmental Laws Webcast (2 Technical credits, online).
Committee Recommendation: **Deny**
14. RedVector: Indoor Air Quality: Introduction, Diagnosing & Mitigating (8 Technical credits, online).
Committee Recommendation: **Deny**
15. RedVector: Developing and Implementing an EPA RMP (2 Technical credits, online).
Committee Recommendation: **Deny**
16. RedVector: Set-Up of Engineering Controls for Mold Remediation Projects (1 Technical credit, online).
Committee Recommendation: **Deny**
17. RedVector: Hazardous Waste: Treatment (1 Technical credit, online).
Committee Recommendation: **Table**

Course Re-approval Request:

18. Hartman Environmental: The Vapor Intrusion Risk Pathway: A Practical Guide (14 Technical credits, October 3-4, 2017, Columbia, MD)(Course #1562).
Committee Recommendation: **Re-approve**

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

C. Other Business: None.

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.
10. **Personnel, Budget, and Fees:** Ms. Coles-Roby stated that she did not have time in July to conduct the interviews for the General Counsel position because the time was spent advancing the disciplinary cases. She stated interviews will resume this fall.
11. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby reported that the Board still has one vacant environmental slot. She stated she has forwarded a request for re-appointment to the Governor's office of Boards and Commissions, which is still pending. She stated that an individual had been approved by the Governor for the environmental slot and was undergoing the background check when the person decided to

take another job out of state. Ms. Listernick stated that Board is supposed to be comprised of five non-LSP members, and expressed concern that the non-LSPs are constantly under-represented at the Board meetings.

12. Other Business

- A. 309 CMR 7.00- Proposed Amendments:** Ms. Coles-Roby reported there had not been sufficient time to go through the proposed revisions earlier in the day. She stated she will propose a schedule for next month. The Board agreed that 309 CMR 3.00 will be revised next.
- B. 309 CMR 5.00- Proposed Amendments:** Ms. Coles-Roby reported that a subset of the Board met earlier in the day and went through the proposed revisions to 309 CMR 5.00. Ms. Listernick will update the document and re-distribute it to the Board.
- C. National Student Clearinghouse Transcripts:** Ms. Coles-Roby stated that she had been contacted by an applicant who asked if the Board would accept a transcript issued through Student Clearinghouse. She stated that the regulations do not specifically speak to this and asked the Board if they would accept a transcript from a third party. She stated the individual attended Brown University, and this company would provide a transcript for Brown. Mr. Siddique commented that this practice is very common now. Ms. Coles-Roby stated that this is something the Board should keep in mind when revising the regulations. The Board agreed to accept this as a reasonable form of transcript. **A motion was made and seconded to accept transcripts obtained through legitimate third parties. The motion passed unanimously.**
- D. Electronic Payments:** Ms. Coles-Roby stated that the revenue department has informed her Bank of America is going paperless starting December 31, 2017. As such, the Board will be modifying the process for submitting License Renewal Applications. She stated that the fee will continue to be mailed to the lockbox; however, the Renewal Application and Attendance Forms will be mailed directly to the Board. She stated that currently everything goes to the lockbox, revenue processes the checks, and then sends the paperwork to the Board. She stated the staff will work on publicizing the new process on the website, the monthly bulletin, and in text on the invoices. Ms. Coles-Roby stated that it is very important for LSP numbers to be on all checks, and that large companies often pay for many LSPs and Barbara has to call to find out which LSPs they are paying for. She stated every LSP's number for which they are paying needs to be on the check. Ms. Coles-Roby reported that she is also in touch with eDEP about moving the Board to online fee payments through their system.
- E. Disciplinary Flowchart:** Ms. Coles-Roby distributed copies of the Board's disciplinary flowchart and indicated that she will be conducting training at the next Board meeting.

13. Future Meetings: The Board's next meeting will be on September 20, 2017, in the Western Regional Office of MassDEP in Springfield.

14. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 2:40 p.m.