



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

**MINUTES
of
BOARD MEETING
Held on August 6, 2019**
Approved: September 23, 2019

Meeting Location: Massachusetts Department of Environmental Protection
Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

Prepared by: Beverly Coles-Roby, Esq.

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting held on June 19, 2019
3. Renewal Docket Nos. 1-2

1. **Call to Order:** Maria Pinaud, Board Chairperson, called the meeting to order at approximately 1:01 p.m. Also present were Board members David Austin, Dr. Gail Batchelder, Kathleen Campbell, Debra Listernick, Gregg McBride, Farooq Siddique, and James N. Smith. Board members Kirk Franklin and Marc J. Richards were absent. Staff member present was Beverly Coles-Roby. Also present were Wendy Rundle, Executive Director of the LSP Association ("LSPA"); David LaPusata, MassDEP NERO Section Chief, BWSC, and Wesley Stimpson of WES Associates.
2. **Announcements:** Ms. Pinaud announced that she was officially appointed to a new position within MassDEP. She is now the Deputy Director of State Revolving Fund Municipal Services, EEA Division. She previously held the position of Acting Director.
3. **Minutes of Meeting Held on June 19, 2019:** The members present reviewed the draft minutes of the meeting of the Board held on June 19, 2019. **A motion was made and seconded to approve the June 19, 2019 minutes as written. The motion passed unanimously.**
4. **License Renewal Applications:**
Renewal Docket. The staff presented the following License Renewal Dockets:

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Renewal Docket #1
Renewal Date: July 30, 2019
New Renewal Date: July 30, 2022

	LSP #	First	Middle	Last
1	2304	Edward	G	Kontos III
2	3835	Jerry	J	Tolosko
3	2893	Andrea	D	Stiller
4	9138	Navpreet	P	Brolowski
5	3335	Robert	I	Patten
6	3606	Michael	A	Penzo
7	3532	Angela	V	Boyd
8	1548	James	T	Curtis
9	4312	Thomas	A	Campbell III
10	6260	Peter	P	Burnell
11	5022	Robert	A	Francis
12	5888	James	J	Soukup
13	5323	James	B	Matz
14	5995	Allen	G	Wyman
15	9458	Rachel	B	Leary
16	6161	Patricia	M	Pinto
17	6501	Richard	E	Warren

Renewal Docket #2
Renewal Date: July 30, 2019
New Renewal Date: July 30, 2022
Completed requirements within 90-day extension

	LSP #	First	Middle	Last
1	4396	Brian	J	Horan
2	8848	Jedd	S	Steinglass
3	4828	Deidra	R	Winterburn
4	6645	Katherine	A	Fogarty
5	4284	Bruce	C	Ross
6	7496	Valerie	A	Miller
7	4354	Christopher	E	Gill

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

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

A. **New Panel Assignments and Scheduling.** The following Board members were assigned to Application Review Panel # 305 W. Brochu/L/ McCarthy: Mr. McBride, Mr. Siddique, and Ms. Listernick.

B. **Decisions Regarding Licensing of Applicants:**

Application Review Panel Recommendations: The staff presented the following Application Docket:

ID #	Applicant Name/Company Name	ARP #	REC.
8953	Maryann Sapanara/GZA	304	A

Ms. Coles-Roby reported that the members of ARP No. 304 recommended approving Ms. Sapanara’s application. Ms. Campbell stated that the applicant’s references, education and experience made her a strong candidate. Mr. Smith stated that the applicant has the requisite Relevant Professional Experience and principal decision-making authority. Mr. Austin agreed.

A motion was made and seconded to accept the recommendation from Application Review Panel No. 304 that the application submitted by Ms. Sapanara be approved and that she be found eligible to take the exam. The motion was approved unanimously. Mr. McBride abstained from voting to approve Ms. Sapanara’s application.

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

D. **Inactive Status Report.** The staff reported that the following LSP is currently on Inactive Status:

LSP Number	License Status Date	License Status	Last Name	First Name
5019	December 4, 2017	INACTIVE	Rein	Robert

E. **Total Number of Active LSPs.** As reported in the Agenda, the total number of Active LSPs was 487 as of July 29, 2019.

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F. Quarterly Fee Report: Ms. Coles-Roby reported that approximately 33 LSPs' licenses expired on July 30, 2019.

6. Examinations:

- A. Exam Report:** Ms. Coles-Roby reported that LSP exam was offered on June 26, 2019. The examinees initially had difficulties logging into the examination. She noted that five of the six who took the exam, passed. She added that one examinee scored in the 91.25 percentile. Mr. Austin wondered if the exam results reflect a better Application Review process. Mr. Smith added that the Board has had a run of strong applicant. Ms. Pinaud commented that applicants must live the Massachusetts Contingency Plan, ("MCP"), not just theoretically know it. Mr. Austin asked whether there was one examinee who had taken all the available versions of the examination. Ms. Pinaud noted that we need a new iteration of the exam because of revisions to the MCP.
- B. Exam Dates:** Ms. Coles-Roby indicated that the next exam will be offered in the fall of 2019.
- C. Exam Committee:** Mr. Austin said that the new exam should be ready in 2020. Dr. Batchelder said that the Committee will have to prepare new questions as well as revising some old questions. Ms. Coles-Roby reported that with respect to the Board's newly purchased exam software, Chris Borges is importing all the existing exam data into the new system. The new software will be in place for the fall examination offering.

7. Continuing Education Committee Report:

- A.** Mr. Siddique reported that the Committee met earlier in the day and makes the following course recommendations to the Board:
1. AEHS: *35th Annual International Conference on Soils, Sediments, Water & Energy* (1/2 Technical credit per hour of attendance at conference, and 1 Technical credit per hour of attendance at workshops, October 21-21, 2019, University of Massachusetts, Amherst, MA) **Recommend Approval.**
 2. NGWA: *NGWA Conference on Fractured Rock and Groundwater* (11.6 Technical credits, September 23-24, 2019, Hilton Burlington Lake Champlain, Burlington, VT) **Recommend Approval.**

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3. LSPA: Horizontal Remediation Wells for Improved Site Cleanup (4 Technical credits, fall 2019, location in greater Boston area To Be Determined, formerly Course No. 1464) **Recommend Approval.**

He also reported that the LSPA asked for a determination on whether LSPs could claim credit for both Course Nos. 1626A, 1626B and 1626C, Environmental Law for LSPs, as well as the original four-hour course, No. 1626. Iterations A-C are subsets of the original four-hour course, No. 1626. The Committee recommended that the response should be no.

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

B. Other Business: None.

8. **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.

9. **Other Business:**

A. Public Records Requests: Ms. Coles-Roby said that Allen Wyman had requested a copy of the draft proposed regulation amendments. Ms. Campbell said that the regulations are a work in progress. Mr. Smith thought that the issue should be researched since it could be a grey area. Ms. Coles-Roby indicated that she would contact the Secretary of State's Office or the Attorney General's Office. Mr. McBride said that doing so would invite comments before the regulations are ready for public comment. Ms. Pinaud said that the Board has a proscribed process that it must follow which is set by statute.

B. Personnel, Budget and Fees: Ms. Coles-Roby reported that effective August 2, 2019 Tania Baez no longer works with the LSP Board. She went on to say that she will meet with the Commissioner to determine next steps. She explained that the General Counsel and Scientist/Investigator positions were submitted on June 26, 2019, approved on July 8, 2019, and posted on July 9, 2019. The positions closed on the fifteenth day, which was July 23, 2019. She added that she will begin the selection process this month.

Ms. Coles-Roby also reported that the Fiscal Year 2020 Budget was filed on July 23, 2019, and that it remained the same as last year. She added that fees for the psychometrician, who will work with the Board to create a new iteration of the LSP examination.

Comment [RB(1):

C. Proposed Regulation Amendments 309 CMR 1:00-9.00: Ms. Coles-Roby proposed that the discussion of the proposed amendments to all sections of the regulations thus far be postponed until the October 2019, meeting since travel time

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to and from WERO in September 2019 might limit the discussion. Mr. Smith thought that the meetings could resume in October. Ms. Coles-Roby said that she was looking for comments on formatting errors. Dr. Batchelder wanted to check on other state agencies' approach to gender neutral terms. Ms. Rundle wanted to ensure that there is a role for stakeholders like the LSPA. Dr. Batchelder said that the draft regulations have not yet reached the public comment stage.

10. **Future Meetings: September 10, 2019 MassDEP WERO**

11. **Adjournment: A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 2:47 p.m.**