



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

**MINUTES**  
of  
**BOARD MEETING**  
**Held on March 21, 2017**  
[Approved: April 19, 2017]

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

Prepared by: L. Williamson

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

1. Agenda
  2. Draft Minutes of Meeting held on January 18, 2017
  3. Renewal Dockets #1, #2, #3 and #4
  4. List of Action Items for LSP Board
  5. Petition for Waiver- License Application No. 6030
  6. Draft Regulatory Reform Initiative spreadsheet
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, Kirk Franklin, Debra Listernick, and James Smith. Board member Farooq Siddique was absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Lisa Alexander of MassDEP; Wendy Rundle, Executive Director of the LSP Association (LSPA); and Wesley Stimpson of WES Associates. Commissioner Martin Suuberg entered the room at 2:38 p.m.
  2. **Announcements:** Ms. Pinaud announced that Ms. Campbell had been re-appointed to the Board and offered her congratulations.
  3. **Agenda:** Ms. Coles-Roby requested that a Petition for Waiver from Applicant No. 6030 be added to the Agenda.
  4. **Minutes of Meeting Held on January 18, 2017:** The members present reviewed the draft minutes of the meeting of the Board held on January 18, 2017. **A motion was made and seconded to approve the January 18, 2017 minutes as written. The motion passed unanimously.**
  5. A. **Renewal Dockets:** The staff presented the following License Renewal Dockets:

**Renewal Docket #1**  
**Renewal Date: January 30, 2017**  
**New Renewal Date: January 30, 2020**  
 Have completed all requirements for renewal:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	2398	Lawrence		McTiernan
2	7473	Ralph	J	Tella
3	9982	Olaf		Westphalen
4	8120	Mark		Begley
5	4620	Peter		Nangeroni
6	9788	David	J	Crispin
7	9350	Dawn		Horter
8	6891	Charles	A	Lindberg
9	2259	Joseph	M	Jammallo
10	3211	Raymond	F	Leather
11	3989	John		Thompson
12	2025	Thomas	F	Maguire
13	8456	Timothy		Stone
14	6934	Michael	J	Webster
15	9000	Bruce	H	Nickelsen
16	4014	Dolores	M	Branco
17	5160	David	A	Carlson
18	8403	John	J	Spirito
19	9102	Scott		Masse
20	5455	Stephen		Sakakeeny
21	1855	Michael	R	Ainsworth
22	3965	Carol	D	Bois
23	8260	Charles	E	Teale
24	7804	Edward	P	Van Doren
25	1699	Kevin	J	Beaulieu
26	2093	William	R	Hoyerman
27	1900	Janine		Commerford
28	5058	Donald	P	Cederquist
29	4078	Michael	J	Pierdinock
30	1984	Simon	B	Thomas
31	3050	Thomas	P	Army
32	4667	Marcia	J	Berger

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	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
33	3163	William	J	Betters
34	9492	Ronald	K	Burns
35	6894	Allen	R	Walker
36	5483	James	P	Murphy
37	9546	Joseph	P	Salvetti
38	3013	Jonathan	M	Noris
39	7196	Joseph	E	Higgins
40	1847	William	A	Simmons
41	4075	Thomas	P	Luby
42	2061	James	F	Begley
43	5654	John	F	Ziegler
44	3972	Derek	J	Tomka
45	7343	Keith	W	Veren
46	9932	Matthew	J	Grove
47	1217	Joseph	A	Landyn
48	1481	Robert	C	Atwood
49	9342	James	D	Fitzgerald
50	6544	Cedwyn		Morgan
51	1443	Roger	P	Thibault
52	3722	David	J	Thompson
53	5755	Geoffrey	R	May
54	8493	Brian	F	Klingler
55	3742	Michael	F	Dacey
56	9556	Robert	J	Ankstitus
57	9719	Ileen	S	Gladstone
58	6118	Raymond	C	Johnson
59	8945	William	R	Norman
60	7262	Eric	S	Wood
61	9595	John	M	O'Donnell
62	7336	Dorothy	A	McGlinicy
63	2196	John	C	Drobinski
64	5309	Alvin	J	Snyder III
65	9926	Sara	R	Hanna

**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: January 30, 2017**  
**New Renewal Date: April 30, 2017**  
Have requested a 90-day extension:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	5407	Fred	K	Taylor
2	3788	Thomas	C	Cambareri
3	9749	Jeffrey	A	Curtis
4	8186	Robert	A	Mullin
5	7430	Arthur	J	Cunningham
6	6314	R	Duff	Collins
7	7893	Mark	E	Nelson
8	7212	Thomas		Williamson, Jr.
9	9996	Mark		Germano
10	9181	Richard	P	Geisler
11	8959	Anthony	M	DelTufo
12	6698	John	H	Ankiewicz
13	2890	Lawrence	E	Kahrs
14	2140	Peter	J	McGlew
15	9495	Matthew	E	Robbins
16	7639	David		Bramley
17	9380	Alistair	P	Macdonald
18	6746	Joseph	P	Vitale

**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: October 30, 2016**  
**New Renewal Date: October 30, 2019**  
Completed requirements within 90-day extension:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	9536	Marylou		Armstrong

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

**Renewal Docket #4**

**Renewal Date: January 30, 2017**

**New Renewal Date: January 30, 2020**

Completed requirements within 90-day extension:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	9763	Lawrence	H	Lessard
2	1698	Thomas	P	Simmons

**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.**

**B. Decisions Regarding Licensing of Applicants:** The staff presented the following Application Docket:

<b>ID #</b>	<b>Applicant Name/Company Name</b>	<b>ARP #</b>	<b>REC.</b>
9155	Diane Baxter/Nobis Engineering, Inc.	284	A
7123	Andrew Eckhardt/Stantec, Inc.	284	T
8439	Nancy Nevins/Roux Associates, Inc.	284	A

Ms. Coles-Roby reported that the panel recommended approving the applications submitted by Diane Baxter and Nancy Nevins. The panel indicated that Ms. Baxter’s experience included complex projects across all phases, as well as work on Superfund sites. The panel stated that Ms. Nevins has worked as a supervisor and a project manager, and her experience included complex sites and a range of remediation.

Ms. Coles-Roby reported that the panel recommended tabling Mr. Eckhardt’s application. Mr. Austin stated that he felt the application was well-written and had strong references; however, the panel was on the fence about the complexity of the projects presented. Mr. Austin stated that the panel felt it would be best to table the application until the third panel member, Mr. Siddique, was present and they had additional time to take a closer look at the project descriptions and the depth of decision-making.

**A motion was made and seconded to accept the recommendation from Application Review Panel #284 that the applications submitted by Diane Baxter and Nancy Nevins be approved and that they be found eligible to take the exam, and the application submitted by Andrew Eckhardt be tabled until next month’s meeting. The motion was approved unanimously.**

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

**A. Appeals Status Report:** None.

**B. Scheduling of existing ARPs:** The following Board members were assigned to Application Review Panel #285: Ms. Pinaud, Mr. Smith, and Ms. Campbell. The following Board members were assigned to Application Review Panel #286: Mr. Austin, Dr. Batchelder, and Ms. Listernick.

**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
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

**D. Total Number of Active LSPs:** As reported in the Agenda, the total number of Active LSPs was 522 as of February 7, 2017.

**7. Examinations:**

**A. Exam Committee Report:** Ms. Coles-Roby reported that the Exam Committee has finished Exam #3. She stated that the last step in the process is to get the cut score from the psychometrician. Mr. Austin asked what the timeframe was for the psychometrician to complete the work. Ms. Coles-Roby responded that she is still trying to reach him.

Ms. Coles-Roby stated that she was able to procure new exam software. She stated that the new software will allow the exam to be offered from any region, will have stronger anti-virus, and will time people out. She stated that there will be online support available if problems arise. Ms. Coles-Roby stated that she is just waiting to be informed of the launch date.

**B. Exam Dates- April-May 2017:** Ms. Coles-Roby reported that the Board still intends to offer the exam at the end of April/beginning of May 2017.

**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. EPOC: *Contaminant Fate and Transport Processes* (8 Technical credits, March 2, 2017, March 23, 2017, April 6, 2017, and May 1, 2017, Rocky Hill, CT).

Committee Recommendation: **Approve as Course #1527a**

2. EBC: Contaminated Property Buying/Selling Strategies- a MOCK Transaction- Part One: Transaction, Funding Aids, and Project Set-up (4 Technical credits, January 17, 2017, Woburn, MA).  
Committee Recommendation: **Deny- not applicable to the MCP**
3. EBC: Contaminated Property Buying/Selling Strategies- a MOCK Transaction- Part Two: Development and Build-Out Planning (3.5 Technical credits, February 14, 2017, Woburn, MA).  
Committee Recommendation: **Approve**
4. EBC: Contaminated Property Buying/Selling Strategies- a MOCK Transaction- Part Three: Demolition Phase (3.5 Technical credits, March 17, 2017, Woburn, MA).  
Committee Recommendation: **Deny- not applicable to the MCP**
5. Redox Tech, LLC: Redox Tech and Carus Chemical Workshop (2 Technical credits, March 29, 2017, Waltham, MA)  
Committee Recommendation: **Approve**
6. ISOTEC: Increasing Remediation Success: Focus on Planning, Implementation, and Combining Technologies (6 Technical credits, date and location to be determined)  
Committee Recommendation: **Approve, contingent on notification of date, time, and location of offering**
7. Rutgers/BCONE: The 8<sup>th</sup> Northeast Sustainable Communities Workshop (6 Technical credits, May 25, 2017, Newark, NJ).  
Committee Recommendation: **Deny- majority of presentations are not applicable to the MCP**
8. LSPA: Perspectives on Understanding, Assessing, Analyzing, and Remediating Perfluorinated Compounds: A Regulator, An Engineer, A Geologist, and A Lab (1.5 Technical credits, April 5, 2017, Springfield, MA)  
Committee Recommendation: **Approve**
9. LSPA: New Equipment and Technologies for Your MCP Sites (1 Technical credit, April 6, 2017, Bridgewater, MA)  
Committee Recommendation: **Approve**

Course Re-approval Requests:

10. LSPA: *The New MCP for Everyone: A Practical Understanding of the Massachusetts Contingency Plan* (4.5 Regulatory credits, March 2, 2017, Framingham, MA)(Course #1515)  
Committee Recommendation: **Re-approve as Course #1515**
11. LSPA: *Introduction to Environmental Forensics of Organic Chemicals: Survey of Applications, Approaches, Capabilities, and Limitations* (8 Technical credits, May 5, 2017, Framingham, MA)(Course #1504)  
Committee Recommendation: **Re-approve as Course #1504**
12. LSPA: *Measuring Biological Exposure to Environmental Chemicals* (4 Technical credits, March 30, 2017, Westborough, MA)(part of conference#1223-2016)  
Committee Recommendation: **Re-approve as Course #1223-2016a**
13. LSPA: *Assessment and Response to Perfluorinated Compounds in Groundwater and Soils in the Cape Cod Aquifer* (1 Technical credit, March 23, 2017, Westborough, MA)(part of conference #1223-2016)  
Committee Recommendation: **Re-approve as Course #1223-2016b**

**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 reported that the interviews for the General Counsel position were ongoing. She stated that \$780 of the Board's budget was used to have the hearing transcribed in case 08C-03. She stated that she doesn't yet know what the cost was for the exam software. Ms. Coles-Roby reported that 62 letters were issued on March 10, 2017 to those LSPs who failed to pay the Annual Fee by the March 1<sup>st</sup> deadline. Mr. Smith suggested the Board may want to consider incorporating late fees into the proposed regulation revisions. The Board agreed that late fees should be taken into consideration. Ms. Coles-Roby noted that some LSPs have paid their fee since the letters went out.
11. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby reported that she drafted vacancy announcements for the open Board positions over two months ago and



provided them to the Commissioner's Chief of Staff. She stated that she is still waiting for approval to post the vacancy announcements. She stated that one person who had made it all the way through the process had to rescind. Dr. Batchelder questioned why the postings had to be approved by the Commissioner. Ms. Coles-Roby stated that she was not sure, and that it was never done in the past. Ms. Pinaud stated that the approval actually comes from EEA, but the Commissioner's Chief of Staff is the individual who communicates with the Secretariat. She stated that this is a new process for the new administration, and that the Commissioner is very supportive of the Board. Ms. Coles-Roby reiterated that the vacancy announcements were never reviewed prior to being posted in the past. She stated that waiting for the approval is slowing the Board down. Ms. Pinaud stated that the appointments are made by the Governor, and the administration is trying to be engaged throughout the process. Ms. Rundle asked if it would be helpful for the LSPA to write a letter to the administration. Ms. Pinaud responded that LSPA should feel free to write a letter if they wished. Ms. Coles-Roby commented that it would depend on the type of letter the LSPA wrote, as some of the past letters have been more of a criticism as opposed to an impetus for change. Dr. Batchelder asked if the Board has any potential candidates waiting. Ms. Pinaud responded that the Board will need to recruit candidates for all the open positions.

**12. Other Business:**

**A. Action Items List:** Mr. Smith stated that he had drafted a table to assist the Board in tracking the regulatory revisions, and that he would be happy to update it each month as necessary. The Board discussed the draft table, and agreed to push the discussion of Section 7.00 (Disciplinary Proceedings) to the April meeting, which will be followed by Section 5.00 (Advisory Rulings) at the May meeting, and Section 3.00 (Licensing) at the June meeting. The Board thanked Mr. Smith for his efforts.

Ms. Rundle informed the Board that State Representative Louis Kafka reintroduced his Bill to establish an appeals board within MassDEP. She stated that the Bill has more supporters this time around. She stated that LSPA intends to request a meeting with Anne Gobi, chair of the Joint Committee on Environment, Natural Resources, and Agriculture, in regards to the matter.

**B. Commissioner Suuberg:** Commissioner Suuberg entered the meeting at 2:38 p.m. and greeted the Board. Commissioner Suuberg stated that he supports the work of the Board. He stated that he is working to try to help fill the Board vacancies, and that the Board has tremendous advocates in Ms. Coles-Roby and Ms. Pinaud. He stated that he is also supporting the effort to get a General Counsel to join the team. Commissioner Suuberg stated that this year's budget generally looks good for DEP and EEA, and is slightly larger than last year, by about 6%. The Board thanked Commissioner Suuberg for taking the time to stop by the meeting.

**C. LSP Board Website- Disciplinary Information Update:** Ms. Coles-Roby stated that the issue of dismissed complaints on the LSP database was resolved. She stated that she personally apologized to everyone who contacted her about the issue. She stated

that IT was able to correct the problem.

**D. 309 CMR 3.09 Continuing Education Requirements- Proposed Amendments:** No report

**E. 309 CMR 7.00 Procedure Governing Disciplinary Proceedings and Other Dispositions- Proposed Amendments:** No report

**F. Public Records Guide January 2017:** Ms. Coles-Roby stated that she emailed a copy of the January 2017 Public Records Guide to all Board members. She stated that when reviewing the Guide, the Board members should pay particular attention to page 7 (updated public records law), page 8 (response within ten days), page 10 (agencies may not assess fee for the first four hours), page 11 (request for extensions), page 43 (records access officer), and page 44 (how to respond).

**G. Petition for Waiver:** The Board reviewed a Petition for Waiver submitted by an applicant whose eligibility to sit for the exam will expire on April 16, 2017. Mr. Smith stated that the applicant is only requesting an additional 15 days so he can sit for the exam offering to be held at the end of April. Ms. Coles-Roby stated that in the past, the Board has approved waivers to extend eligibility to the end of the month. Ms. Listernick stated that if the Board denies the Petition, the applicant can always submit a Limited Application. Mr. Franklin questioned how quickly a Limited Application could be approved. Ms. Pinaud stated that if the Board requires the applicant to reapply, he would miss the April exam offering. She stated that she thinks the Board should grant the extension because his expiration date is so close to the exam date. Ms. Coles-Roby stated that the staff is also planning to offer the exam once in July to cover any applicants who cannot attend the April/May offering. The Board indicated that the waiver should be for the next offering of the exam only, and beyond that a Limited Application would be required. **A motion was made and seconded to grant the waiver to the next available 2017 exam offering. The motion passed with a vote of six to one, with Ms. Listernick opposing the motion.**

13. **Future Meetings:** The Board's next meeting will be on April 19, 2017, in MassDEP's Central Regional Office.

14. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 2:50 p.m.