



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

MINUTES
of
BOARD MEETING
Held on September 19, 2018
[Approved: October 17, 2018]

Meeting Location: Massachusetts Department of Environmental Protection
Western Regional Office
436 Dwight Street
Springfield, MA 01103

Prepared by: L. Williamson

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of Meeting held on August 15, 2018
 3. Renewal Dockets #1 and #2
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1. **Call to Order:** Beverly Coles-Roby called the meeting to order at approximately 12:59 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, Debra Listerick, Gregg McBride, Marc Richards, and Farooq Siddique. Board members absent were Kirk Franklin, Maria Pinaud, and James Smith. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Jack Guswa and Wesley Stimpson.
 2. **Announcements:** No announcements were made.
 3. **Agenda:** Ms. Coles-Roby stated that Agenda Item 10E, the discussion on Relevant Professional Experience, will be tabled until next month's meeting. In preparation for the discussion, Mr. Stimpson requested that the Board pay particular attention to the attachments submitted with his letter.
 4. **Minutes of Meeting Held on August 15, 2018:** The members present reviewed the draft minutes of the meeting of the Board held on August 15, 2018. **A motion was made and seconded to approve the August 15, 2018 minutes as written. The motion passed unanimously.**
 5. **License Renewal Applications:** The staff presented the following License Renewal

Dockets:

Renewal Docket #1
Renewal Date: April 30, 2018
New Renewal Date: October 30, 2021
 Completed requirements within one year deadline
 and is now eligible for active status:

	LSP #	First	Middle	Last
1	3427	Donald		Maggioli

Renewal Docket #2
Renewal Date: October 30, 2018
New Renewal Date: October 30, 2021
 Has completed all requirements for renewal:

	LSP #	First	Middle	Last
1	6173	George	G	Lingenfelter
2	7413	Peter		King
3	6230	Patrick	P	King

Motions were made and seconded to renew the licenses of the LSPs on Renewal Dockets #1 and #2 for the three-year periods ending on the dates indicated. The motions were approved unanimously.

6. Other Licensing-Related Matters:

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

B. 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
9070	January 30, 2017	Inactive	Kemper	Timothy
9830	March 1, 2017	Inactive	Gates	Richard
5019	December 4, 2017	Inactive	Rein	Robert

C. Total Number of Active LSPs: As reported in the Agenda, the total number of Active LSPs was 503 as of September 10, 2018.

7. Examination Report: Ms. Coles-Roby stated that the staff will be meeting tomorrow to

establish exact dates for the next exam offering. She stated she expects the offerings to be in late November or early December 2018. Mr. Austin suggested the Exam Committee reconvene in January 2019, and meet monthly, to begin creating a fourth exam.

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:

1. LSPA: Exposure Point Concentrations and You: Calculating 95% UCLs and Employing ProUCL to Compute Them for Use as EPCs (8 Technical credits, location and date to be determined).

Committee Recommendation: **Approve**

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

- 9. Professional Conduct Committee:** Ms. Coles-Roby summarized the current status of the active cases and informed the Board that the Committee reviewed a new Complaint, 18C-02, and voted to appoint a Complaint Review Team.

10. Other Business:

A. Website Update: Ms. Coles-Roby reported that the online searchable database has been fixed. She stated that if the Board has any trouble locating things on the new website, or has suggestions, to contact her.

B. Personnel, Budget, and Fees: Ms. Coles-Roby stated that interviews for the General Counsel position will begin in October 2018.

C. Online Fee Payments: Ms. Coles-Roby stated that she is still working to resolve the online fee payments issue, and has no new information to report at this time.

D. Status of Board Member Replacements by Governor: Ms. Coles-Roby reported that some of the information on the Boards and Commissions' website is incorrect, including term dates for Mr. Franklin, Ms. Campbell, and Mr. Austin. She stated that she is going to call about the incorrect dates and will also ask for an update on the pending matters. Ms. Listernick stated that the Board is supposed to be comprised of 5 non-LSPs, and only 2 are at today's meeting. She stated that having an open non-LSP slot affects the distribution of work for ARPs, CRTs, etc. She stated the goal should be for the Board to work the way the statute and regulations intended.

E. 309 CMR 2.02 Definitions- Relevant Professional Experience: Discussion was tabled until October 17, 2018 meeting.

F. Application Review Panel #298: Ms. Coles-Roby stated that ARP #298 met on August 15, 2018 and identified an issue with the applicant's references. She stated the CRT felt the applicant was otherwise qualified, but they were concerned with the nearly identical language in the applicant's references. The CRT decided to "table" the matter until an interview could be conducted with the applicant, in accordance with 309 CMR 3.03(4). Ms. Coles-Roby stated that the CRT held a conference call with the applicant on September 11, 2018. The applicant stated that he was unsure how the references could have used that same language and that he followed the required protocol. Ms. Coles-Roby informed the Board that the reference letter envelopes were received signed and sealed, as required. Ms. Coles-Roby stated that the CRT requested that she contact one of the applicant's references; the principal of the firm for which the applicant works. Ms. Coles-Roby stated that she called the principal and prefaced her remarks by saying she was asked to call by the ARP members because of similarities in text written by the references. She stated that in some places the language was exactly the same. She stated there is a good moral character aspect that the ARP considers with respect to each applicant. The principal responded that what he wrote in his reference letter represents what the applicant has done. He stated he has "off the shelf write-ups", which are things he has written in the past, and he sometimes cuts and pastes from those documents. He stated that he can't say for sure whether he did or didn't share or discuss those write-ups with any of the other references. He said he doesn't know why the references were the same. He stated he gets calls and requests all the time and it is quite possible that he could have sent his reference as an example. He stated that he has gotten lots of requests for references over thirty-three years. He stated he will attest to the fact that what he wrote in the reference is accurate.

The Board agreed that the application is currently incomplete because it does not include four independent references. The Board requested the applicant submit four new, independently-written reference letters from the same or different references.

11. **Future Meetings:** The Board's next meeting will be on October 17, 2018, in the Central Regional Office of MassDEP in Worcester.
12. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 1:49 p.m.