



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

**MINUTES
of
BOARD MEETING
Held on February 27, 2019
Approved: March 20, 2019**

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

Prepared by: Richard Friend and Beverly Coles-Roby, Esq.

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting held on January 16, 2019
3. Renewal Dockets #1, #2 and #3

1. **Call to Order:** Chairperson Maria Pinaud called the meeting to order at approximately 2:00 p.m. Also present were David Austin, Dr. Gail Batchelder, Kathleen Campbell, Debra Listernick, Gregg McBride, Marc Richards, Farooq Siddique and James Smith. Board member Kirk Franklin was absent. Staff members present were Beverly Coles-Roby and Richard Friend. Also present were Marilyn Wade, President of the LSP Association (LSPA), Wendy Rundle, Executive Director of the LSPA and Wesley Stimpson of Wes Associates.
2. **Announcements: There were no announcements.**
3. **Agenda:** Ms. Coles-Roby stated that she wanted to add the following item to the agenda: Status of Board Member Replacements by Governor.
4. **Minutes of Meeting Held on January 16, 2019:** The members present reviewed the draft minutes of the meeting of the Board held on January 16, 2019. Dr. Batchelder said that North Carolina should be South Carolina in the second paragraph of page 4. Ms. Rundle asked that a statement on page 4 attributed to her (that there was only enough time to give LSP exams once per year) be deleted because she had no memory of saying it. **A motion was made and seconded to approve the January 16, 2019 minutes as amended. The motion passed unanimously. Mr. Siddique abstained from voting to approve the minutes.**

5. Decisions re: Licensing of Applicants

A. Vote on Application Review Panel Recommendations: The staff presented the following Application Docket:

ID #	Applicant Name/Company Name	ARP #	REC.
9193	Mathew J. Carey/MassDEP	299	A
9874	Jason W. Ward/MassDEP	299	Tabled
5710	Margaret O. Cote/Civil & Environmental Consultants, Inc.	300	A
8375	Todd M. Bridgeo/Weston & Sampson	300	A

ARP 299: Ms. Pinaud and Mr. Smith recused themselves from the discussion. The remaining Board members agreed that Mr. Carey was qualified to sit for the LSP exam. Regarding Mr. Ward’s application, Mr. Austin was interested in MassDEP’s work experience and wanted to wait until he could learn Mr. Franklin’s opinion. Ms. Campbell and Mr. Austin questioned Mr. Ward’s role in making LSP decisions. Ms. Campbell, Mr. McBride, Mr. Austin, Mr. Siddique, Ms. Listernick, Mr. Richards and Dr. Batchelder voted to approve Mr. Carey’s application and to table Mr. Ward’s until more information was available.

ARP 300: Ms. Pinaud stated that Ms. Cote is a strong candidate. Ms. Listernick said she thought that Ms. Cote’s five years of consulting experience counted as Relevant Professional Experience (RPE). Mr. Richards agreed and said that previous MassDEP experience did not count toward RPE. Ms. Cote claimed seventeen years of RPE, but only five years of experience after she left MassDEP should count as RPE. The remaining years are Total Professional Experience (TPE). Mr. Austin stated his concern that in general, MassDEP staff could not obtain RPE, only TPE. Ms. Pinaud stated that because Ms. Cote had the required RPE, even if only taking into account her more recent consulting experience, the ARP did not discuss it further. In addition, Ms. Pinaud stated that while at MassDEP, Ms. Cote was a project manager on many complex sites and that this experience does count as RPE.

Ms. Pinaud stated that Mr. Bridgeo had strong and varied experience. Mr. Richards stated that Mr. Bridgeo’s experience was a good representation of working on different types of projects. Ms. Campbell, Mr. McBride, Mr. Austin, Mr. Siddique, Ms. Listernick, Mr. Richards and Dr. Batchelder voted unanimously to approve the applications of Ms. Cote and Mr. Bridgeo. Mr. Smith abstained from voting to approve the application of Mathew Carey.

B. Application Review Panel:

The following Board members were assigned to ARP 301: Farooq Siddique, James Smith, and Maria Pinaud.

C. Renewal Dockets

The staff presented the following License Renewal Dockets:

Renewal Docket #1

Renewal Date: January 30, 2019

New Renewal Date: January 30, 2022

Have completed all requirements for renewal:

	LSP #	First	Middle	Last
1	1254	Mark		Lovejoy
2	5217	William	J.	Gibbons
3	5843	Michael		Stiller
4	2002	John	E.	Harvey
5	3676	Anne Marie	C.	Desmarais
6	3319	James		Collins
7	6812	Cole		Worthy
8	2039	Joseph	R.	McLoughlin
9	4108	Samuel	S.	Macintire
10	7936	Joseph		Callahan
11	8450	Michael		Cronan
12	4614	Elizabeth	M.	Greene
13	2692	Catherine	G.	Johnson
14	5521	Neil	J.	Carey
15	4689	Brian	J.	Cote
16	6232	Andrew		Lunn

Renewal Docket #2

Renewal Date: October 30, 2018

New Renewal Date: October 30, 2021

Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	4900	Christopher		Glod
2	2031	David	A.	Wright
3	4574	Craig		Sasse

Renewal Docket #3
Renewal Date: January 30, 2019
New Renewal Date: April 30, 2019
 Have requested a 90-day extension:

	LSP #	First	Middle	Last
1	2591	Leonard	V.	Rappoli
2	4208	Michael	S.	Lotti
3	4180	Albert		Ricciardelli
4	7051	Dennis	P.	Giustra
5	4994	James	M.	O'Loughlin
6				

A motion was made and seconded to renew the licenses of the LSPs on Renewal Dockets #1, # 2 and # 3 for the three-year periods ending on the dates indicated. The motion was approved unanimously.

6. Other Licensing-Related Matters:

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

B. Annual Fee Report. Ms. Coles-Roby reported that annual fee invoices were mailed on January 10, 2019 and are due March 1, 2019. Mr. McBride reported that a colleague of his had asked about where the renewal fee was to be sent. Ms. Coles-Roby said that checks should be sent to the Bank of America via the “lock box” and that the renewal application form should be sent to the LSP Board office at 1 Winter Street, Boston. Mr. McBride said that instructions on the “Application to Renew LSP License” form are unclear because it says to enclose the check with the renewal application. Mr. Friend said this also applies to the Supplemental Application to Renew LSP License form. Ms. Coles-Roby said she would review the instructions on the license renewal forms and make the necessary revisions.

C. Quarterly Renewals. Ms. Coles-Roby reported that she sent letters to five or six LSPs informing them that their licenses had lapsed and their ability to submit through eDEP had been suspended. These LSPs had not paid their annual fee and/or had not submitted their license renewal applications. She had not heard back from any of them.

Timothy Kemper allowed his LSP license to lapse on January 30, 2019 due to his retirement.

D. 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
9830	March 1, 2017	INACTIVE	Gates	Richard
5019	December 4, 2017	INACTIVE	Rein	Robert

E. Total Number of Active LSPs. The total number of Active LSPs was 509 as of

February 14, 2019.

7. Examination Report:

A. Exam Dates: Ms. Coles-Roby said that the LSP Exam will be offered in June or early July 2019.

B. Examination Software:

Ms. Coles-Roby reiterated that she met with the Director of the Enterprise Information Office, Victoria Phillips and Chris Borges, who handles the technical aspects of the LSP examination on January 24, 2019. They discussed purchasing new software, Test Generator On-line Testing Options, for the LSP exam. She explained to the Director that due to software and computer glitches, the December 2018 LSP exam had to be given in paper form, graded by hand, and for which we have no statistics. Ms. Coles-Roby told the Board members that she met with MassDEP Commissioner Suuberg on February 13, 2019, who green-lighted the project. The cost is \$1,600.00 for a yearly subscription, plus \$500.00 for on-line administrative support. Administrative support will make the software easier to customize. The subscription also includes updates to the software. One key benefit, she explained, is that the software has the capability of being used by other agencies in the secretariat. Finally, she said there is the possibility of administering the test at remote locations. The contract for the software will be with the Executive Office of Energy and Environmental Affairs (EOEEA) but will be paid from MassDEP's budget. On February 22, 2019 the Director of the Enterprise Information Office provided the software specifications to EOEEA.

Ms. Coles Roby said that the Exam Committee will reconvene in April 2019.

Ms. Coles-Roby reported that she informed the applicant who had failed the licensing exam three times and wanted to take it again that the Board had denied his request.

8. Continuing Education Committee Report:

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

1. EPOC: *ISCO/ISCR Permeable Reactive Barrier (PRBs) to Prevent Migration of Contaminant Plumes* (2 Technical credits, Rocky Hill, CT, February 14, 2019, 8:00 a.m.–10:00 a.m.)

Committee Recommendation: **Approve 2 Technical Credits**

2. EPOC: *Remediation of Heavy Metals Using Insitu Approaches That Combines Multiple Mechanisms* (2 Technical credits, Rocky Hill, CT, February 14, 2019, 11:00 a.m.–1:00 p.m.)
Committee Recommendation: **Approve 2 Technical Credits**
3. Society for Environmental Toxicology and Chemistry, North Atlantic Chapter: *The Use of Equilibrium Passive Sampling for Environmental Investigations* (4 Technical credits, UMASS Boston, Boston, MA, April 8, 2019, 8:00 a.m.– 12:00 p.m.)
Committee Recommendation: **Approve 4 Technical Credits**
4. LSPA: *MCP Environmental Risk Characterization: An Introduction and Planning and Sampling Considerations* (1 Technical credit, Western MA, April or May 2019)
Committee Recommendation: **Approve 1 Technical Credit**
5. Waterloo Hydrogeologic: *Applied Groundwater Modeling with Visual MODFLOW Flex*, (21 Technical credits, Synergy Environmental, Royersford, PA, April 9-11, 2019, 8:30 a.m.–4:30 p.m.)
Committee Recommendation: **Approve 21 Technical Credits**

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

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 Professional Conduct Committee meeting held earlier in the day.

10. Other Business

A. Personnel, Budget and Fees: Ms. Coles-Roby reported that interviews for a general counsel for the LSP Board will begin in April.

B. Proposed Regulation Amendments 309 CMR 2.00:

There was a discussion of the definition of Relevant Professional Experience as defined in the LSP Advisory Committee's *Final Report* dated July 1992. The Regulations subcommittee also reviewed the *Joseph Dayall v. Board of Registration of Waste Site Cleanup Professionals*, decision. Ms. Coles-Roby said she will edit the regulations as discussed at the Subcommittee meeting today for review at the March 20, 2019 meeting.

C. Board Membership Replacement

Ms. Coles-Roby reported that on February 13, 2019 she informed Commissioner Suuberg, that she sent requests for LSP Board re-appointments to all term limited Board members. Ms. Coles-Roby said that the Commissioner is recruiting potential candidates for the vacant Environmental seat on the Board. Dr. Batchelder said that a

South Carolina board has had similar issues filling an Environmental slot. Ms. Coles-Roby said that she has submitted names of candidates who requested reappointment to Commissioner Suuberg, which are then submitted to Executive Office of Energy and Environmental Affairs Secretary Matthew Beaton and Governor Baker for consideration. Mr. Richards asked if there was a term limit for Board members appointed to serve. Ms. Coles-Roby said that Board members are appointed to serve for a statutory term of four years. Ms. Pinaud said that Board members continue to serve until they are reappointed or replaced.

11. **Future Meetings:** The Board's next meeting will be held on **Wednesday, March 20, 2019** at the MassDEP Central Regional Office in Worcester, MA.
12. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 2:43 p.m.