



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

MINUTES
of
BOARD MEETING
Held on January 16, 2019
[Approved: February 27, 2019]

Meeting Location: Massachusetts Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, 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 November 28, 2018
3. Renewal Dockets #1, #2 and #3
4. Letter from LSPA to Secretary Matthew Beaton, January 11, 2019, Filling the Vacant Seat on the Board of Registration of Hazardous Waste Site Cleanup Professionals
5. Proposed legislative change to General Laws, chapter 21A, Section 19A, Board of Registration of Hazardous Waste Site Cleanup Professionals

1. **Call to Order:** Chairperson Maria Pinaud called the meeting to order at approximately 1:20 p.m. Also present were David Austin, Dr. Gail Batchelder, Kathleen Campbell, Kirk Franklin, Debra Listernick, Gregg McBride, Marc Richards and James Smith. Board member Farooq Siddique was absent. Staff members present were Beverly Coles-Roby and Richard Friend. Also present were Wendy Rundle, Executive Director of the LSP Association (LSPA) and Wesley Stimpson of Wes Associates.
2. **Announcements:** Maria Pinaud announced that she has assumed a new position at MassDEP in the Bureau of Water Resources, Municipal Services Division in the Boston office. In that role she will help administer the State Revolving Fund. She is no longer involved in MassDEP enforcement matters and will not have to recuse herself from Board disciplinary matters that involve MassDEP.
3. **Agenda:** Ms. Coles-Roby stated that she wanted to add the following items to the agenda:

LSP Association letter to Secretary Matthew Beaton, January 11, 2019 re: Filling the Vacant Seat on the Board of Registration of Hazardous Waste Site Cleanup Professionals

Proposed House Bill "An Act relative to the Board of Registration of Hazardous Waste

Site Cleanup Professionals”

4. **Minutes of Meeting Held on November 28, 2018:** The members present reviewed the draft minutes of the meeting of the Board held on November 28, 2018 and requested that the hiring of Richard Johnson and Richard Friend as new LSP Board staff be added to the minutes. Ms. Coles-Roby said that the information was included but that she submitted an older iteration of the minutes. She indicated that she would forward the correct version to Board members. **A motion was made and seconded to approve the November 28, 2018 minutes as amended. The motion passed unanimously.**

5. **Decisions re: Licensing of Applicants**

- A. **Application Review Panels:** The following Board members were assigned to ARP 299 and ARP 300:

ARP 299: Kathleen Campbell, Kirk Franklin, David Austin

ARP 300: Debra Listernick, Marc Richards, Maria Pinaud

B. **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	1708	Derek	C.	Volkin
2	9819	Joel	S.	Mooney
3				

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	2974	Glenn	A.	Carlson
2	9180	Daniel		Lanier
3	7505	Michael	S.	Gitten
4	4161	Benjamin	P.	Gregson
5	9244	Paul	F.	Gabriel

Renewal Docket #3

Old Renewal Date: July 30, 2018

New Renewal Date: July 30, 2021

Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	6297	Eric	M.	Axelrod
2				

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 508 annual fee invoices were mailed on January 10, 2019. Mr. Austin asked why there were 527 active LSPs reported, but only 508 invoices. Ms. Coles-Roby reported that the numbers fluctuate based on retirees and lapsed licenses, but the difference is something that LSP Board staff need to reconcile.

C. Quarterly Renewals. Ms. Coles-Roby reported that 33 licenses are due to expire on January 30, 2019. She also reported that LSP Board staff sent invoices for license renewals to MassDEP’s Revenue Department, which sent them to the Executive Office of Environmental Affairs, who sent the invoices to Board staff for mailing. She reported that she continues to seek approval for on-line payments.

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

Ms. Coles-Roby reported that Board staff sent a letter to one LSP reminding him that his inactive status expires on January 30, 2019.

E. Total Number of Active LSPs. The total number of Active LSPs was 527 as of January 4, 2019.

7. Examination Report:

A. Newly licensed LSPs: Ms. Coles-Roby said that three people passed the most recent exam given in December 2019. She also reported that due to technical problems and

lack of IT Support, the exam was given in paper form rather than the electronic version. Ms. Coles-Roby reported that she, Richard Johnson, and Richard Friend corrected the exams manually.

Ms. Coles-Roby reported that one of the people who failed the exam also failed all previous iterations of the exam, and has asked why he cannot take the same exam more than once. She asked the Board how they want to deal with this situation. She stated that there are three people in total who have failed all three versions of the exam. Mr. Austin asked over what period of time this person took the exam. Ms. Coles-Roby said that they had taken the exam the last three consecutive times that the exam was offered. She also stated that the exam is offered twice per year, but the Board's regulations only require that it be offered once per year. Dr. Batchelder stated that the regulations should be revised to limit the number of times an applicant can take the exams. Ms. Listernick stated that the Board may need to establish a policy that an applicant may not take the same LSP exam more than once. Mr. Austin said the Board should tell the person who failed all versions of the exam that the Board does not have another exam that he can take. Ms. Coles-Roby stated that applicants who fail the LSP exam can only review the questions they answered incorrectly, including their answers to those questions. Mr. Austin said it should be the Board's policy that an applicant may not take the exam more than three times. Ms. Coles-Roby said the Board could state that it has been the Board's policy to not allow anyone to take the same version of the exam more than once.

Dr. Batchelder discussed how the South Carolina Board for Licensing of Geologists graphed the results of their annual license examination. She showed a graph from their website that depicts exam passing rates from 2008 to 2013. She stated that it would be helpful to the public if the Board published similar statistics for its exam. Ms. Coles-Roby stated that she agreed that a similar graphic would be helpful, and could include statistics on the passing rates for first-time exam takers compared to examinees that have taken the exam two or three times. She noted that the passing rate for examinees taking it multiple times is lower compared to first-time exam takers, which is a similar to the results of the Massachusetts Bar exam.

B. Examination Software: Ms. Coles-Roby informed the Board that on January 24, 2019, she met with Victoria Phillips, MassDEP's Director of Enterprise Information Technology, and Chris Borges, who oversees the technological aspects of the LSP examination to discuss purchasing new exam software. They discussed what type of software would meet the Board's needs and the commonwealth's software procurement process.

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:

Minutes of LSP Board Meeting, January 16, 2019

1. APEX: Course GSCI 121 *The Dynamic Earth*, (8 to 12 Technical Credits, January 22–May 19, 2019, Central Connecticut State University, 223 Copernicus Hall New Britain, CT)
Committee Recommendation: **Approve 8 Technical Credits**
 2. Battelle: *Tenth Annual Conference on the Remediation and Management of Contaminated Sediments*, (1/2 Technical credit per hour attendance at conference and 1 Technical credit per hour attendance at workshops, February 11-14, 2019, New Orleans, LA)
Committee Recommendation: **Approve Course No. 1651, 1 Technical credit per hour of attendance at conference; 1 Technical credit per hour of attendance at workshops. Multi-Tool Approach to Stakeholder Engagement: Using Social Methodology to Strengthen Your Relationship with the Public, Recommend Denial.**
 3. LSPA: *Hands on 2D and 3D Environmental Data Visualization*, (4 Technical credits, date and location to be determined) (Previously Approved Course No. 1454, *2D and 3D Environmental Data Visualization*)
Committee Recommendation: **Approve Course No. 1652.**
 4. MassDEP: *Proposed MCP Amendments* (1.5 DEP Regulatory credits, March 19, 2019, 7:00 p.m.-8:30 p.m. Westborough, MA)
Committee Recommendation: **Approve**
 5. MassDEP: *Telemetry on Active Exposure Pathway Mitigation Measures: A Look at Related Audit Findings and Challenges for LSPs and MassDEP* (1 DEP Regulatory credit, February 12, 2019, 7:00 p.m.-8:00 p.m. Woburn Hilton, Woburn, MA)
Committee Recommendation: **Approve**
 6. LSPA: *How Building Science and Performance Impact Vapor Intrusion* (1 Technical credit, January 16, 2019, 7:00 p.m.-8:00 p.m. Taunton Holiday Inn, Taunton, MA)
Committee Recommendation: **Approve (Mr. Austin abstained from voting to approve the course.)**
 7. LSPA: *The New MCP for Everyone: A Practical Understanding of the Massachusetts Contingency Plan* (4.5 Regulatory credits, February 27, 2019, 3:00 p.m. – 3:30 p.m., Crowne Plaza, Natick, MA) (course 1515a)
Committee Recommendation: **Re-Approve Course No. 1515a.**
- 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:** There was no further report.

 - B. **Proposed Regulation Amendments 309 CMR 2.00:** The Board agreed to forego a Regulations Committee report because all the Board members present at this meeting were also present at the Regulations Committee meeting held earlier in the day.

 - C. **Proposed House Bill to replace G.L. chapter 21A, section 19A.** The Board members discussed how the proposed bill would the revise the existing law.

 - D. **LSP Association letter to Secretary Matthew Beaton, January 11, 2019 re: Filling the Vacant Seat on the Board of Registration of Hazardous Waste Site Cleanup Professionals.** Ms. Coles-Roby thanked Ms. Rundle for bringing the vacancy issue to Secretary Beaton's attention. She concurred with everything addressed in the letter. However, she disagreed with the comments on page two, saying that the credibility of the Board is strong, and the Board is both effective and efficient. She went on to state that historically the LSP staff consisted of as many as six full-time members. In 2014, that number was reduced to two full-time and a part-time person who was available one to two hours daily. Additionally, since 2014, this reduced staff processed Application Recusals within 24-48 hours and approved or denied them within one month of receipt; Continuing Education providers received a response within 24-48 hours; two website reconstructions took place; three new examinations were developed; the examination was offered twice a year, as opposed to the regulatory requirement of once per year; most of the nine sections of the Board's regulations were revised; and eight disciplinary matters were settled or otherwise resolved.

Ms. Coles-Roby stated that she was disappointed that the LSPA letter to Secretary Beaton did not state how much the Board has accomplished. She said that she and the Board's previous staff member, Lori Williamson, had accomplished many things, but this was not acknowledged by the LSPA in their letter.

11. **Future Meetings:** The Board's next meeting will be held on February 27, 2019 at the MassDEP Northeast Regional Office in Wilmington, MA.

12. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 2:20 p.m.