



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

MINUTES
of
BOARD MEETING
Held on January 18, 2017
[Approved: March 21, 2017]

Meeting Location: New Bedford Whaling Museum
18 Johnny Cake Hill
New Bedford, MA 02740

Prepared by: L. Williamson

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting held on November 16, 2016
3. Renewal Dockets #1, #2, #3, #4, #5, #6, #7, and #8
4. List of Action Items for LSP Board
5. Draft Regulation Revisions- 309 CMR 7.00

1. **Call to Order:** Maria Pinaud called the meeting to order at approximately 1:32 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, Kirk Franklin, John Guswa, Debra Listernick, Robert Rein, Farooq Siddique, and James Smith. No Board members were absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the LSP Association (LSPA); and Wesley Stimpson of WES Associates.
2. **Announcements:** Ms. Pinaud stated that she wanted to acknowledge Dr. Guswa's impending resignation from the Board, and on behalf of the Commonwealth, wished to congratulate Dr. Guswa and thank him for his years of service. She presented Dr. Guswa with an engraved desk clock as a token of appreciation from the Board and staff. Dr. Guswa expressed his gratitude and stated that he has enjoyed working with everyone and hopes he made a positive contribution the Board over his eight years of service.

Ms. Pinaud stated that Mr. Rein had an announcement to make to the Board. Mr. Rein informed the Board that he too would be resigning, and this would be his last meeting. He stated that his company is relocating him to an office in California, and he will be moving within the next two to four weeks. He stated that it came about very suddenly. Mr. Rein stated that he thinks that the Board has come a long way in the last few years, and he has appreciated working with everyone. The Board members congratulated and thanked Mr. Rein, and wished him well on his relocation to California.

3. **Agenda:** The Board members agreed to follow the draft agenda.
4. **Minutes of Meeting Held on November 16, 2016:** The members present reviewed the draft minutes of the meeting of the Board held on November 16, 2016. **A motion was made and seconded to approve the November 16, 2016 minutes as written. The motion passed unanimously with Mr. Siddique and Ms. Listernick abstaining.**
5. **A-B. Decisions Regarding Licensing of Applicants:** The staff presented the following Application Docket:

ID #	Applicant Name/Company Name	ARP #	REC.
2375	Daniel LaFrance/Fuss and O'Neill, Inc.	283	A
4305	Michael Sabulis/GEI Consultants, Inc.	283	A

Ms. Coles-Roby stated that the panel reviewed the applications submitted by Mr. LaFrance and Mr. Sabulis and recommended they both be approved to sit for the exam. Mr. Stimpson stated that LSPA has been discussing whether the majority of new applicants are seasoned professionals, or individuals who just meet the years of experience required by the regulations, and the possible connections to the exam pass rate. He asked if the panel could summarize the experience of the two applicants. Mr. Austin stated that the two applicants are on opposite ends of the spectrum. He indicated that one had many years of experience and the other just met the regulatory requirements for TPE and RPE. He stated that the applicant who just met the requirements did have good education, projects, and recommendations. Mr. Austin stated that it seems that most of the applicants in the last two to three years have had less experience than the Board has seen in the past. Ms. Rundle indicated that the LSPA had considered offering an exam preparation class for applicants, but is now leaning towards organizing study groups instead.

A motion was made and seconded to accept the recommendation from Application Review Panel #283 that the applications submitted by Daniel LaFrance and Michael Sabulis be approved and that they be found eligible to take the exam. The motion was approved unanimously.

6. **License Renewal Applications:**

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
 Has completed all requirements for renewal:

LSP #	First	Middle	Last

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	LSP #	First	Middle	Last
1	2062	David	G	Austin
2	5019	Robert	P	Rein
3	3452	Michael	J	DeRosa
4	9092	James	B	O'Brien
5	4669	Christine	R	LeBlanc
6	5371	Elissa	J	Brown
7	4026	Todd	S	Alving
8	9370	Leland	J	Figgins, Jr.
9	3266	Kenneth	J	Snow
10	5711	Paul	J	McManus
11	4683	Timothy	F	Nevins
12	5473	Daniel	E	Taylor
13	2400	John	E	Adams
14	5767	Paul	F	Reiter
15	9435	Charles	E	Klingler
16	8119	Jacob	H	Butterworth
17	1620	Francis	J	Hopcroft
18	2963	Ian	M	Phillips
19	4813	Kevin	C	Sheehan
20	4492	Donald	W	Podsen
21	6156	Jennifer	L	Sweet
22	3264	Charles	E	Myette
23	6105	Anthony	F	Andronico
24	1965	William	H	Mitchell, Jr.
25	6442	Alan	E	Weiss
26	4755	Ambrose	J	Donovan
27	6250	Michael	J	Brown
28	6799	Neil	M	Ram
29	4454	Walter	T	Chaffee
30	6522	James	A	Luker
31	2754	Gordon	T	Bookman
32	2306	Christopher	J	Horan
33	7122	Kim	M	Henry
34	8412	Frank	R	Sweet
35	2242	Richard	P	Standish
36	6543	Steven	B	Shope
37	2413	Frank	S	Vetere

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	LSP #	First	Middle	Last
38	8435	Brian	D	Moore
39	7450	Joseph	V	Polsinello
40	9995	George	G	Preble
41	1631	Matthew	J	Barvenik
42	3760	Craig	E	Blake
43	7231	Robert	J	Leventry
44	9445	Brandon	J	Fagan
45	4183	Frank	W	Lilley
46	3331	Barbara	A	Weir
47	4662	Yee		Cho
48	1450	Guy	P	Dalton
49	4122	Geoffrey		Souza
50	1008	Richard	G	Stromberg
51	6713	Nancy	C	Roberts
52	4966	William	J	Mallio
53	6508	Richard	E	Doherty
54	2999	Prasanta	K	Bhunia
55	8998	Andrea	E	Sewall
56	7563	John	M	Mannix
57	7109	Bruce	A	Hoskins
58	6039	Denis	W	D'Amore
59	5103	John	H	Clement
60	7220	Richard	G	Kowalski
61	9997	J.	Andrew	Irwin
62	2845	Ryan	S	Hoffman
63	9055	Michael	P	Clark
64	7755	Ralph	P	Penney
65	5248	Ronald	F	Bukoski
66	7924	Jeffrey	W	Garretson
67	4836	James	D	Okun
68	9908	Kevin	J	O'Reilly
69	7351	Brian	V	Moran

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, with Mr. Austin and Mr. Rein abstaining.

Renewal Docket #2

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

	LSP #	First	Middle	Last
1	6423	John	W	McTigue
2	9763	Lawrence	H	Lessard
3	6542	Kenneth	T	Menzies
4	7877	David	J	Lang
5	1698	Thomas	P	Simmons
6	2359	Richard		Cote
7	9056	David	A	MacLean

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

	LSP #	First	Middle	Last
1	9999	Paul	G	Beaulieu
2	3635	Thomas	B	Hevner, Jr.

Renewal Docket #4
Old Renewal Date: July 30, 2016
New Renewal Date: July 30, 2019
Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	9458	Rachel	B	Leary

Renewal Docket #5
Old Renewal Date: January 30, 2016
New Renewal Date: January 30, 2019
Completed requirements within deadline of the Board-approved
Extension Waiver on April 21, 2016:

	LSP #	First	Middle	Last
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	LSP #	First	Middle	Last
1	5521	Neal	J	Carey

Renewal Docket #6

Old Renewal Date: July 30, 2016

New Renewal Date: January 30, 2020

License expired on July 30, 2016 for not submitting renewal documents.
Individual has completed renewal requirements within
1-year deadline and is now eligible for active status:

	LSP #	First	Middle	Last
1	3373	Timothy	J	Snay

Renewal Docket #7

Old Renewal Date: April 30, 2016

New Renewal Date: January 30, 2020

License expired on April 30, 2016 for not submitting renewal documents.
Individual has completed renewal requirements within
1-year deadline and is now eligible for active status:

	LSP #	First	Middle	Last
1	1488	David	M	Sullivan

Renewal Docket #8

Old Renewal Date: January 30, 2016

New Renewal Date: January 30, 2020

License expired on January 30, 2016 for not submitting renewal documents.
Individual has completed renewal requirements within
1-year deadline and is now eligible for active status:

	LSP #	First	Middle	Last
1	9642	Gregg	A	Demers
2	7782	Richard	K	Eby

Motions were made and seconded to renew the licenses of the LSPs on Renewal Dockets #3, #4, #5, #6, #7, and #8 for the three-year periods ending on the dates indicated. The motions were approved unanimously.

7. Other Licensing-Related Matters:

A. New Panel Assignments and Scheduling: The following Board members were

assigned to Application Review Panel #284: Ms. Pinaud, Mr. Austin, and Mr. Siddique.

B. Appeals Status Report: None.

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
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 528 as of January 10, 2017.

8. Examinations:

A. Exam Committee Report: Dr. Guswa reported that the Exam Committee met on January 11, 2017 at Mr. Austin’s office and addressed a few key issues. He stated that the five questions that were identified as needing corrections were modified so that they can stay in the exam. He indicated that the Committee asked Chris Borges (MassDEP) to complete a few tasks, and that the exam should be compiled by February 8, 2017. He stated the Committee has a conference call scheduled for February 8th to review the compiled exam. Mr. Austin stated that the only potential roadblock for having the exam ready for April is getting the psychometrician to score the exam. He also stated that there are thirty brand new questions that have not been used on the previous exams.

B. Exam Dates- April-May 2017: Ms. Coles-Roby stated the exam is still expected to be offered in late April and early May 2017. Ms. Listernick asked if there would be any restrictions on which applicants are allowed to site for Exam #3. Ms. Coles-Roby responded that the exam will be open to all those who have been approved to sit for the exam.

9. Continuing Education Committee Report:

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

- a. Battelle: *Ninth International Conference on Remediation and Management of Contaminated Sediments* (1:1 Technical credits for short courses and 1:2 Technical credits for conference, January 9-12, 2017, New Orleans, LA).

Committee Recommendation: **Approve, except for the short course The Role of Stakeholder Collaboration in Sustainable Remediation: Its Purpose, Benefit, and Process**

- b. GeoPractical: Introduction to Groundwater Modeling (4 Technical credits, March 24, 2017, Amherst, MA).
Committee Recommendation: **Approve**
- c. MassDEP: The Audit Process- 24 Years Later! (1 DEP Regulatory credit, February 9, 2017, Taunton, MA).
Committee Recommendation: **Approve**
- d. LSPA: How to Achieve More Representative Soil Data (1 Technical credit, January 12, 2017, Westborough).
Committee Recommendation: **Approve**
- e. EPOC: Dissolved Oxygen Alteration Method for Fractured Bedrock Wellbore Flow Characterization (4 Technical credits, March 2017, Storrs, CT)
Committee Recommendation: **Approve, contingent on receiving the date, time, and location of the offering**
- f. LSPA: In-Situ Remediation Using Activated Carbon-Based Injectates: Theory and Application (4 Technical credits, date and location to be determined)
Committee Recommendation: **Approve, contingent on receiving the date, time, and location of the offering**

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

- C. **Other Business:** Mr. Smith stated that with Dr. Guswa's resignation from the Board, the Continuing Education Committee will be left without a co-chair. He stated that he would like to nominate Mr. Austin as co-chair of the Continuing Education Committee and the Exam Challenge Committee.

A motion was made and seconded to appoint Mr. Austin as co-chair of the Continuing Education Committee and Exam Challenge Committee. The motion passed unanimously.

- 10. **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.
- 11. **Personnel, Budget, and Fees:** Ms. Coles-Roby reported that some of the interviews for the General Counsel position were conducted in the month of December, and that interviews

would continue. As for budget issues, Ms. Coles-Roby stated that the Board staff is in need of a new printer, which would cost about \$1000. She said this is usually paid for by MassDEP; however she was told that no money was available. She was told the money could be taken out of the LSP Board's budget, but new exam software is also needed, which costs about \$1000 per year for the license. Ms. Coles-Roby reported that there is not enough money in the budget to purchase both a printer and the software. She stated that Chris Borges has indicated to her that he occasionally gets locked out of the exam software. Dr. Batchelder suggested that new exam software be purchased now and asked if the staff could use DEP's printers until money is available for a new one. Ms. Coles-Roby stated that the staff has been using the DEP printers but it poses a problem because the Board has to print out confidential documents, which can be seen by everyone else using the printers.

12. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby stated that the candidate for the environmental slot is waiting for a background check. Dr. Guswa asked if the LSP slot has been advertised yet. Ms. Coles-Roby responded that advertising has not been conducted yet. Mr. Rein stated that he gave LSPA a name of a manufacturing LSP as a potential candidate for his slot. He also offered to participate in Board meetings remotely for a time, if the rules allow for that. Mr. Austin asked if there was any way to let the Governor's office know that that the Board is now losing two members and ask if it would be possible to expedite the process. Ms. Listernick asked how interested individuals would apply for the open positions. Ms. Coles-Roby stated that candidates should send a resume and cover letter to Ms. Pinaud and herself. Ms. Pinaud stated that the open slots will be advertised on the Board's website and through LSPA.

13. **Other Business:**

A. **Action Items List:** Ms. Coles-Roby stated that the first item on the list ("Request statistics from C. Borges for new exams- number of times questions were answered correctly/incorrectly) has been completed, and she will send Mr. Borges a reminder about it. Dr. Guswa stated that the Exam Committee is requesting this information to look for any unintended biases in questions and answers to see if anything needs to be revised or corrected. Mr. Siddique stated that the passing rate for first-time test takers is the same as it has historically been; about 60-70%. He stated that the pass rate for repeat takers is lower than first-time takers.

B. **LSP Board Website- Disciplinary Information:** Ms. Pinaud stated that she received an email from an LSP expressing concern over information that is on the Board's website. Ms. Coles-Roby reported the specific concern relates to dismissed complaints showing up on the searchable database. She stated that the information should not be there and it is an IT issue. She stated that several glitches have been identified and are being corrected, including applicants being issued five digit numbers instead of four, new applicants being listed in the database, and the dismissed complaints showing up. Ms. Coles-Roby stated that she has notified the IT group and they are working to correct all the issues. Dr. Guswa asked if there was a way to shut down the website until it is corrected. Mr. Siddique stated that the information should not be there, and that the website should have been shut down the moment it was identified. Ms. Coles-

Roby stated that as of Monday, IT was still making corrections. Mr. Austin stated that the information was still on there as of this morning, and IT should shut the website down. Dr. Batchelder stated that she agreed it should be shut down but worried about how long it would take to get it back up. Ms. Coles-Roby stated that she will ask the IT group to shut down the searchable database. Ms. Pinaud stated that she has asked Ms. Coles-Roby to respond to the LSP and let him/her know that the issue is going to be addressed as fast as possible. Ms. Pinaud stated that it does take some time to get IT issues addressed, as DEP no longer has its own IT department. The IT group provides service to the entire secretariat. Mr. Austin stated that he did not want to wait until next month's meeting to be informed on the status of this issue and asked if Ms. Coles-Roby would be able to provide updates on the issue as it progresses. Ms. Coles-Roby confirmed she would.

C. 309 CMR 3.09 Continuing Education Regulations- Proposed Amendments: Ms. Campbell stated that she made all the changes that were recommended at the last meeting. She stated that she will circulate the final version to the Board. She stated that it will be important to keep terminology consistent throughout the whole set of regulations. Ms. Pinaud stated that she had a question for the Board to consider. She asked if the Board would see it as important to expedite the continuing education regulations on their own. Ms. Coles-Roby stated that she thought that would be unwise. She stated that she would have to research whether this would even fit into an "emergency" situation. She stated the Board would have to specify what the emergency is and demonstrate it meets the criteria. She stated that the Board's regulations are meant to be read as a contiguous document and difficulties may arise when the Board gets to sections that cross-reference section 3.09. She stated that it would also be a significant drain on resources to go through the process multiple times. Mr. Rein stated that after the other sections are revised, the Board may have to go back and make changes to the continuing education regulations. Ms. Pinaud stated that she was particularly interested in advancing the portions of the proposed revisions that include being able to carry over credits and the reduction in the number of required credits. She stated that she thinks it would be a useful change and the Board could be surgical in determining what gets advanced. Dr. Batchelder stated that the Board would still have to have public comment, hearings, etc. for the revised regulations, and it is not a simple process. Ms. Listernick agreed that it would be time consuming and suggested the Board put forth the revisions all at once. Mr. Smith stated that a lot of the Board's time has been devoted to creating the new exams, and if the Board can now dedicate more time to revising the regulations the process could potentially be expedited. He suggested setting up a table with a schedule and the list of Board members assigned to each section.

D. 309 CMR 7.00 Disciplinary Proceedings- Proposed Amendments: Ms. Coles-Roby stated that she and Ms. Listernick made revisions to the regulations. Mr. Austin suggested that the Board have their edits for next month's meeting.

14. Future Meetings: The next Board meeting will be held on February 15, 2017 at the MassDEP Northeast Regional Office. Mr. Austin stated that the Board should consider

eliminating WERO from its rotation. He stated that the last meeting at WERO was poorly attended and people were late to arrive. Ms. Pinaud stated that she agreed, and it is a lot to ask of Board members to travel that distance. She suggested the Board discuss the issue further at a subsequent meeting.

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