



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

**MINUTES
of
BOARD MEETING
Held on June 19, 2019**
Approved: August 6, 2019

Meeting Location: Massachusetts Department of Environmental Protection
Central Regional Office
8 New Bond Street
Worcester, MA 01606

Prepared by: Beverly Coles-Roby, Esq.

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting held on May 15, 2019
3. Renewal Docket #1
4. Petition for Waiver, Ernest Ashley, June 13, 2019
5. Active LSP Graphs 1993-2019
6. LSP Applicant Query, May 30, 2019 electronic mail

1. **Call to Order:** Maria Pinaud called the meeting to order at approximately 1:12 p.m. Also present were David Austin, Dr. Gail Batchelder, Kathleen Campbell, Kirk Franklin, Debra Listernick, Gregg McBride, Marc Richards, Farooq Siddique, and James N. Smith. Staff member present was Beverly Coles-Roby. Also present were Wendy Rundle, Executive Director of the LSP Association ("LSPA"); and Wesley Stimpson of WES Associates.
2. **Announcements:** None
3. **Minutes of Meeting Held on May 15, 2019:** The members present reviewed the draft minutes of the meeting of the Board held on May 15, 2019. **A motion was made and seconded to approve the May 15, 2019 minutes as amended. The motion passed unanimously.** Mr. Smith and Ms. Campbell abstained from voting to approve the minutes.

Minutes of LSP Board Meeting, June 19, 2019

4. **Active LSPs 1993-2019:** Mr. Siddique commented that the Active LSP graphs dated 1993-2019, indicated that the peak licensing year was 2009. Dr. Batchelder added that a number of LSPs licensed in 1993 are retiring.

5. **License Renewal Applications:**

Renewal Docket. The staff presented the following License Renewal Docket:

Renewal Docket #1
Renewal Date: April 30, 2019
New Renewal Date: April 30, 2022
Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	6643	Rosanne	M.	Joyce
2	1736	Daniel	W.	Folan

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

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

- A. **New Panel Assignments and Scheduling.** The following Board members were assigned to Application Review Panel # 304 M. Sapanara: Mr. Austin, Mr. Smith, and Ms. Campbell.
- B. **Appeals Status Report.** There were no pending appeals of any denials by the Board of license applications.
- C. **Inactive Status Report.** The staff reported that the following LSP is currently on Inactive Status:

LSP Number	License Status Date	License Status	Last Name	First Name
5019	December 4, 2017	INACTIVE	Rein	Robert

- D. **Total Number of Active LSPs.** As reported in the Agenda, the total number of Active LSPs was 487 as of June 7, 2019.

Minutes of LSP Board Meeting, June 19, 2019

E. Quarterly Fee Report: Ms. Coles-Roby reported that approximately 33 LSPs' licenses are due to expire on July 30, 2019.

7. Examinations:

A. Dates of Next Exam: Ms. Coles-Roby reported that LSP exam was offered on June 5, 2019. Three applicants registered to sit for the exam, all three of whom achieved a passing score. The date of the next exam date will be June 26, 2019. Six applicants have registered to take the exam on that date.

B. Exam Committee: Ms. Coles-Roby said that the committee will reconvene in August 2019. Ms. Pinaud asked whether a date had been set for the meeting. Ms. Coles-Roby replied, "not yet." Ms. Coles-Roby said that the newly purchased exam software was not in place. She also said that the software will be installed for the fall 2019 exam offering.

8. Continuing Education Committee Report:

A. Mr. Austin reported that the Committee met earlier in the day and makes the following course recommendations to the Board:

1. AWMA: *Air and Waste Management Association's Annual Conference* (1/2 Technical credit per hour of attendance at conference, June 25-28, 2019, Quebec City Convention Center, Quebec City, Canada) **Recommend Approval.**
2. MassDEP: *LNAPL Regulatory Change, Guidance and Progress* (4 DEP Regulatory credits, three offerings fall of 2019, locations To Be Determined) **Recommend Approval.**
3. LSPA: *Theory and Applications of ISCO Injectate Selection and In Situ Remediation Using Activated Carbon Based Injectates* (1.5 Technical credits, late 2019 or early 2020, location in greater Boston area To Be Determined) **Recommend Approval.**
4. NGWA: *The PFAS Management, Mitigation, and Remediation Conference* (12.58 Technical credits, June 19-20, 2019, Westerville, OH) **Recommend Approval.**

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

B. Other Business: None.

Minutes of LSP Board Meeting, June 19, 2019

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. **Other Business:**

A. **Public Records Requests:** Ms. Coles-Roby said that she would send the documents to Attorney Ryan Mathews regarding his March 5, 2019 Public Records Request for any and all records relating to Joseph V. Polsinello, LSP No. 7450, from 2007 to the present with an invoice.

She also noted that on May 22, 2019, she received a records request from Allen Wyman for the April 24, 2019 Board meeting minutes. She stated that she sent the draft minutes to Mr. Wyman on May 28, 2019. There was she said, some discussion of the *Dayall v. LSP Board* decision at the April 2019 meeting, but the essence of that discussion was not captured by Mr. Friend, who drafted the minutes. Ms. Pinaud said that the discussion concerned MassDEP employee, who had applied to sit for the LSP exam. In this context, Mr. Wyman's application was discussed. Ms. Coles-Roby said that the pending application was tabled in March or April. Mr. Franklin recalled that the meeting had taken place in Boston. Ms. Coles-Roby informed the Board that Mr. Wyman is entitled to both the draft and final iterations of the minutes under the Massachusetts Public Records law. However, the Secretary of State does not require the Board to create documents that do not exist. Ms. Listernick said that the minutes are not a transcript. Dr. Batchelder said that the minutes do not have to capture everything. Mr. McBride asked if the minutes could be revised, since something was inadvertently left out. Mr. Siddique said that what was most pertinent was in the minutes. Mr. Smith commented that the essence of what was discussed was in the record.

B. **Personnel, Budget and Fees:** Ms. Coles-Roby reported that effective June 10, 2019, Richard Friend no longer worked with the LSP Board. She explained that he had served provisionally in the vacant Scientist/Investigator position as part of a MassDEP TRIP which was through the Human Resources Division, and usually lasts about six months. Mr. Friend returned to the MassDEP Water Management Act Program. Mr. Johnson, who had been LSP Board Program Coordinator, has joined the MassDEP Diversity and Inclusion Program. Ms. Coles-Roby stated that Tania L. Baez was placed with the Board through a contract between a temporary agency and MassDEP. She is a graduate of Salem State University and has experience maintaining websites and creating spreadsheets. She also worked for the Department of Public Health and the Civil Service Unit of the Massachusetts Human Resources Division, where she was involved with the state Civil Service examination. She also had some experience working with confidential materials such as CORI, the Criminal Offender Registry, for the commonwealth. Ms. Listernick asked whether Ms. Baez is a regular hire. Ms. Coles-Roby indicated that her current contract runs through October 2019. She went on to say that her salary is paid out of the LSP Board's budget. Ms. Coles-Roby told the Board that both the

Minutes of LSP Board Meeting, June 19, 2019

General Counsel position as well as the Scientist/Investigator position will be posted in July 2019.

Ms. Coles-Roby also reported that the FY 2020 Budget is due July 19, 2019. She said that she does not anticipate any drastic changes in the amount allotted. Although, she hopes to build in funding for the psychometrician who will work with the Board to create a new iteration of the LSP examination

Comment [RB(1):

- C. Proposed Regulation Amendments 309 CMR 1:00-9.00:** The Board agreed to review the proposed amendments to all sections of the regulations thus far at its August 2019 meeting.

Ms. Coles-Roby said that there is an Executive Office of Energy and Environmental Affairs (“EEA”) project pending regarding agency regulations. She also said that she informed the persons spear-heading the effort, MassDEP’s Ann Lowery and EEA’s Linda Benevides, that the Board plans to complete its regulation amendment package by the end of 2019. More exactly, the Office of Administration and Finance (“ANF”) has asked that each agency do the following:

- Add new regulations that have been promulgated since 2017 to the regulation platform and delete those that were rescinded.
- Designate each regulation with a “rescind”, “retain”, or “amend” recommendation in the “Secretariat Recommendation” column of the spreadsheet. These recommendations are subject to ANF approval.
- Provide a work plan that identifies a date by which each of the regulations would be submitted to ANF for approval. ANF will review regulations submitted from every Secretariat. The review schedule will be spread out over the course of twelve months. All plans should be signed off by EEA prior to submission to ANF.

- D. Petition for Waiver:** The Board reviewed a Petition for Waiver dated June 13, 2019, from Ernest Ashley, that requested an “extension to time required to obtain additional Continuing Education credits.” As grounds therefore, the LSP indicated that he was unable to attend MassDEP courses due to work commitments. Mr. Richards asked if this case differs from approving courses after the fact. Mr. McBride said there is a requirement that requests additional time be made before the expiration date. The Board voted to deny the petition.

- E. LSP Applicant Query:** The potential applicant emailed the Board on May 30, 2019 asking questions about Form 3 of the application and whether the “duration of the Project” language in the application is defined as the “lifetime of the project,” or the “total period of time that [the applicant] worked on the project.” Mr. McBride affirmed that the phrase means the duration of an applicant’s involvement with project.

- 11. Future Meetings:** The Board set the following 2019-2020 meeting schedule:

Minutes of LSP Board Meeting, June 19, 2019

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<u>Date</u>	<u>Location</u>
August 6, 2019	MassDEP NERO
September 10, 2019	MassDEP WERO
October 8, 2019	MassDEP CERO
November 12, 2019	MassDEP Boston
December 2019	No Meeting Scheduled
January 14, 2020	MassDEP SERO
February 11, 2020	MassDEP NERO
March 10, 2020	MassDEP CERO
April 14, 2020	MassDEP Boston
May 12, 2020	MassDEP SERO
June 9, 2020	MassDEP CERO

12. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 2:10 p.m.