



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

MINUTES
of
BOARD MEETING
Held on June 21, 2017
[Approved: August 17, 2017]

Meeting Location: Massachusetts Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

Prepared by: L. Williamson

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of Meeting held on June 1, 2017
 3. Renewal Dockets #1, #2, #3, #4, and #5
 4. List of Action Items for LSP Board
 5. Draft Revisions 309 CMR 5.00
 6. "License Status Regulatory Citations" table and online searchable database
"Definitions" printout
-
1. **Call to Order:** Maria Pinaud called the meeting to order at approximately 1:30 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, Kirk Franklin, Debra Listernick, 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 Deborah Marshall, MassDEP SERO Audit Section Chief. Gerard Martin, MassDEP SERO BWSC Deputy Regional Director, entered the room at 2:00 p.m.
 2. **Announcements:** No announcements were made.
 3. **Agenda:** The Board members agreed to follow the draft agenda.
 4. **Minutes of Meeting Held on June 1, 2017:** The members present reviewed the draft minutes of the meeting of the Board held on June 1, 2017. **A motion was made and seconded to approve the June 1, 2017 minutes as written. The motion passed unanimously.**

5. Decisions Regarding Licensing of Applicants:

A. Vote on Renewal Dockets: The staff presented the following License Renewal Dockets:

Renewal Docket #1
Renewal Date: July 30, 2017
New Renewal Date: July 30, 2020
 Has completed all requirements for renewal:

	LSP #	First	Middle	Last
1	6524	George	D	Naslas
2	9923	Benson	R	Gould
3	8972	Robert	H	Bird
4	9004	Robert	S	Palermo
5	7281	Anne	E	Heffron
6	2647	David	E	Leone
7	9984	Kathleen	L	Campbell
8	6846	Toivo	A	Lamminen, Jr.
9	8331	Richard	R	Lamothe
10	1509	Lawrence	M	Goldman

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 Ms. Campbell abstaining from voting.

Renewal Docket #2
Renewal Date: July 30, 2017
New Renewal Date: October 28, 2017
 Has requested a 90-day extension:

	LSP #	First	Middle	Last
1	9185	Samuel	W	Butcher

A motion was made and seconded to grant the LSP on Renewal Docket #2 a 90-day extension. The motion was approved unanimously.

Renewal Docket #3
Renewal Date: April 30, 2017

New Renewal Date: April 30, 2020

Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	1006	Kevin	J	Scully
2	2152	Alan	D	Hanscom

A motion was made and seconded to renew the licenses of the LSPs on Renewal Docket #3 for the three-year period ending on the date indicated. The motion was approved unanimously.

Renewal Docket #4

Renewal Date: January 30, 2017

New Renewal Date: July 30, 2020

License expired on January 30, 2017, for lack of credits.
Individual has completed renewal requirements within
1-year deadline and is now eligible for active status:

	LSP #	First	Middle	Last
1	2359	Richard	C	Cote
2	7212	Thomas		Williamson, Jr.
3	3788	Thomas	C	Cambareri
4	6423	John	W	McTigue
5	6542	Kenneth	T	Menzies
6	9749	Jeffrey	A	Curtis

A motion was made and seconded to renew the licenses of the LSPs on Renewal Docket #4 for the three-year period ending on the date indicated. The motion was approved unanimously.

Renewal Docket #5

Renewal Date: October 30, 2016

New Renewal Date: July 30, 2020

License expired on October 30, 2016 for lack of credits.
Individual has completed renewal requirements within
1-year deadline and is now eligible for active status:

	LSP #	First	Middle	Last
1	6889	Caron	S	Koll

A motion was made and seconded to renew the license of the LSP on Renewal Docket #5 for the three-year period ending on the date indicated. The motion was approved unanimously.

B. Vote on ARP Recommendations: The staff presented the following Application Docket:

ID #	Applicant Name/Company Name	ARP #	REC.
4331	Jason Perry/Tighe & Bond, Inc.	288	A

Ms. Coles-Roby reported that two members of the ARP recommended approving Mr. Perry’s application, and one member did not. Mr. Austin indicated that he thought the application was well-written and the applicant worked in a variety of mediums. Ms. Campbell indicated she thought the references were lukewarm, the applicant appeared to use buzzwords, and the projects were not very robust. Ms. Pinaud stated that most of the applicant’s experience was related to front-end work. The Board asked the panel if the applicant had demonstrated the required amount of Relevant Professional Experience. The panel confirmed he had.

A motion was made and seconded to accept the recommendation from Application Review Panel #288 that the application submitted by Jason Perry be approved, and that he be found eligible to take the exam. The motion passed with a vote of seven to one, with Ms. Campbell opposing.

6. Other Licensing-Related Matters:

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

B. Annual Fee Payments: Ms. Coles-Roby reported that fifteen LSPs have not paid their annuals fees, and therefore are suspended and moving towards revocation. She indicated that she will place phone calls to all fifteen individuals.

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
9070	January 30, 2017	Inactive	Kemper	Timothy
8501	January 22, 2016	Inactive	Taliadouros	Kleo
9830	March 1, 2017	Inactive	Gates	Robert

D. Total Number of Active LSPs: As reported in the Agenda, the total number of Active

LSPs was 504 as of June 13, 2017.

7. **Examinations:**

A. Exam Dates: Ms. Coles-Roby reported that the dates for the next exam offering will be November 29, 2017 and December 6, 2017. Mr. Smith asked if the dates had been posted on the website yet. Ms. Coles-Roby stated that the dates were chosen only a few days ago, so the website has not been updated yet but will be as soon as possible. Mr. Austin asked if Exam #3 will be administered during the next offering. Ms. Coles-Roby responded that the version of the exam that is given to each applicant will depend on which one(s) they have taken thus far.

B. Exam Challenges Report: Ms. Coles-Roby reported that two sets of exam challenges associated with Exam #3 have been received and the Board will discuss them in the quasi-judicial session following today's Board meeting.

8. **Continuing Education Committee Report:**

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

- a. Midwest GeoSciences Group: Managing the Complexities and Uncertainties of Soil Sequences: For Hydrogeological and Geotechnical Investigations- Part 1, Principles (16 Technical credits, September 12-13, 2017, Exton, PA).
Committee Recommendation: **Approve**

- b. MassDEP: Meeting the Requirements of the National Pollutant Discharge Elimination System (NPDES) Remediation General Permit (4 DEP Regulatory credits, June 27, 2017, Boxborough, MA)
Committee Recommendation: **Approve**

Course Re-approval Request:

- c. LSPA: Sediment, Surface Water, and Biota Sampling Methods to Support MCP Assessments (8 Technical credits, June 22, 2017, Woods Hole/Falmouth) (Course #1603).
Committee Recommendation: **Re-approve**

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

C. Other Business: None.

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. **Personnel, Budget, and Fees:** Ms. Coles-Roby stated that she intends to resume interviewing for the General Counsel position in July. She stated that the required paperwork has been completed to pay the psychometrician \$1050.00 that is owed to him for completing the cut score for the third exam.
11. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby reported that she called the Boards and Commissions office yesterday and spoke to Program Coordinator Michaela Martini. She stated that Ms. Martini is aware that the Board has three vacancies, as well as one request for reappointment. Ms. Coles-Roby stated that she was told by Ms. Martini to forward the request for reappointment to her. Ms. Martini also indicated that she would check with Ed Palleschi, Boards and Commissions Director, to find out what is going on with the vacancies. Mr. Smith asked if the Board was still waiting for approval to post the vacancies. Ms. Pinaud confirmed that the Board is still waiting for the Secretariat's approval to advertise the postings. Dr. Batchelder stated that it has been past practice for the Board to offer suggestions on candidates, and stressed the importance of that process being maintained to ensure qualified Board members. Ms. Campbell asked how someone would apply for the vacant positions. Ms. Coles-Roby responded that a letter of interest should be sent to her and Ms. Pinaud.
12. **Other Business:**
 - A. **Action Items List:** Mr. Siddique asked if any progress had been made in obtaining new exam software. Ms. Coles-Roby responded that she did not have any new information to report at this time.
 - B. **309 CMR 7.00 Procedure Governing Disciplinary Proceedings and Other Dispositions- Proposed Amendments:** Ms. Listernick volunteered to compile the suggested revisions to 309 CMR 7.00 into one working document, which will then be distributed to the Board for review. The Board members agreed to email their edits to Ms. Listernick.
 - C. **309 CMR 5.00 Advisory Rulings- Proposed Amendments:** Ms. Listernick prepared a redline strikeout document of proposed revisions to 309 CMR 5.00 and distributed it to the Board in advance of today's meeting. The Board reviewed and discussed each suggested revision, and Ms. Listernick indicated that she would update the document based on the Board's discussion and re-distribute it.
 - D. **LSP License Designation:** The Board reviewed a copy of the "LSP Definitions" associated with the website's searchable database as well as a table of license status regulatory citations. Ms. Coles-Roby informed the Board that the staff is looking for

guidance on license status terminology for the online searchable database. The Board agreed that the current database designation of “expired” should be changed to “lapsed” to be consistent with the current regulations. The Board also agreed that two new categories, “suspended-fees” and “revoked-fees”, should be added for those individuals who fail to pay their annual fees by the deadline. This will be consistent with the language in the regulations and distinguish between LSPs who are suspended or revoked because they failed to pay fees from those who are suspended or revoked because of disciplinary action. The staff asked the Board how to categorize those individuals who are currently listed in the database as “withdrawn” or “retired” because they informed the Board prior to their expiration date that they will not be renewing their license. The Board acknowledged that this terminology is not contained in the regulations and agreed that these individuals should be given the status of “lapsed”. Ms. Coles-Roby asked what to do if an LSP passes away while his/her license is active. The Board decided the individual’s name should be removed from the public database and the staff should note in the internal database that the person is deceased so no further communications are issued to the individual. Ms. Pinaud noted that the staff should also inform eDEP so the individual’s account is shut down. Mr. Franklin asked if it would pose implications if a deceased LSP who had been disciplined is removed from the database. The Board agreed that a member of the public seeking information on disciplinary actions against an LSP could always contact the Board staff. The staff retains disciplinary records separate from the online searchable database. Ms. Rundle asked whether an LSP who gives up his/her license would remain in the database. The Board confirmed the names would remain in the database, with the status designation of “lapsed”.

A motion was made and seconded that in the event an LSP passes away while his/her license is active that they be removed from the public database, eDEP be notified, and the Board’s Executive Director notify the Board at the next scheduled Board meeting. The motion passed unanimously

13. **Future Meetings:** The Board’s next meeting will be on August 16, 2017 in the Central Regional Office of MassDEP in Worcester. Subsequent Board meetings will be held as follows:
 - September 20, 2017- Western Regional Office (WERO) in Springfield
 - October 25, 2017- Northeast Regional Office (NERO) in Wilmington
 - November 15, 2017- Boston Office
 - January 17, 2018- Central Regional Office (CERO) in Worcester
 - February 21, 2018- Southeast Regional Office (SERO) in Lakeville
 - March 21, 2018- Northeast Regional Office (NERO) in Wilmington
 - April 18, 2018- Boston Office
 - May 16, 2018- Central Regional Office (CERO) in Worcester
 - June 20, 2018- Southeast Regional Office (SERO) in Lakeville

14. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 3:20 p.m.