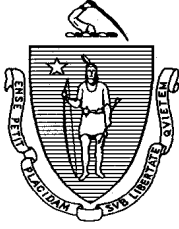


LSP BOARD MEETING MINUTES



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup Professionals
ONE WINTER STREET, 3rd Floor
BOSTON, MA 02108

MINUTES
of
BOARD MEETING
Held on February 11, 2020
Approved on January 26, 2021

Meeting Location: Massachusetts Department of Environmental Protection

MassDEP NERO
205B Lowell Street
Wilmington, MA 01887

Prepared by: Beverly Coles-Roby, Esq.

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting held on January 14, 2020
3. Renewal Dockets Nos. 1-3
4. Memorandum LSP Board Ground Rules, Chairperson, Millie Garcia-Serrano
5. Regulation Promulgation at MassDEP, Ann Lowery, Asst. Commissioner, Bureau of Planning and Evaluation, MassDEP

1. **Call to Order:** Chairperson, Millie Garcia-Serrano, called the meeting to order at approximately 1:58 p.m. The Board members in attendance were David Austin, Debra Listernick, James N. Smith, Kirk Franklin, Gregg McBride, Marc J. Richards, Dr. Gail Batchelder, Kathleen Campbell, and Farooq Siddique. Staff member Beverly Coles-Roby was present. Additionally, Wendy Rundle, Executive Director of the LSP Association (“LSPA”) was present. Ann Lowery, Assistant Commissioner, Bureau of Planning and Evaluation, MassDEP arrived at 12:34 p.m. Mr. Smith left the meeting at 3:35 p.m.

Announcements: Ms. Garcia-Serrano thanked the Board members for their hard work. Additionally, Ms. Garcia-Serrano shared a hand-out entitled “Licensed Site Professional (“LSP”) Board Meeting Ground Rules,” for the purpose of reaffirming the need for strict adherence to core meeting ground rules during all LSP Board meetings.

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2. **Agenda:** Beverly Coles-Roby said that the Board meeting would suspend at 3:00 p.m. so that Assistant Attorney General, Kimberly Parr, could address the Board members regarding *Decoulos v. LSP Board et al.*, Civil Action No. 1981-CV-0063. Mr. Austin requested that the taking of meeting minutes be added to the Board meeting agenda.
3. **Minutes of Meeting Held on January 14, 2020:** The members present reviewed the draft minutes of the meeting held on January 14, 2020.

A motion was made and seconded to approve the January 14, 2020, minutes as amended. The motion passed unanimously. Mr. Siddique abstained from voting to approve the minutes.

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

A. New Panel Assignments and Scheduling. The following Board members were assigned to Application Review Panel No. 307, Adam Cote/Stacey Braga-Harvey Mr. Smith, Mr. Austin, and Ms. Listernick.

B. Vote on Renewal Dockets:

Renewal Docket #1

Renewal Date: January 30, 2020

New Renewal Date: January 30, 2023

Has completed all requirements for renewal:

	LSP #	First	Middle	Last
1	1443	Roger	P	Thibault
2	1488	David	M	Sullivan
3	1631	Matthew	J	Barvenik
4	1699	Kevin		Beaulieu
5	1847	William	A	Simmons
6	1900	Janine		Commerford
7	1955	Christopher		McDermott
8	1984	Simon	B	Thomas
9	2025	Thomas	F	Maguire
10	2062	David	G	Austin
11	2093	William	R	Hoyerman
12	2196	John	C	Drobinski
13	2242	Richard	P	Standish
14	2259	Joseph	M	Jammallo

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15	2845	Ryan		Hoffman
16	2963	Ian		Phillips
17	2999	Prasanta	K	Bhunia
18	3013	Jonathan		Noris
19	3050	Thomas	P	Army
20	3373	Timothy	J	Snay
21	3722	David	J	Thompson
22	4014	Dolores	M	Branco
23	4075	Thomas	P	Luby
24	4620	Peter	E	Nangeroni
25	4667	Marcia	J	Berger
26	5058	Donald	P	Cederquist
27	5654	John	F	Ziegler
28	5711	Paul	J	McManus
29	5755	Geoffrey		May
30	5767	Paul		Reiter
31	6156	Jennifer	L	Sweet
32	6314	R	Duff	Collins
33	6442	Alan		Weiss
34	6508	Richard	E	Doherty
35	6544	Cedwyn		Morgan
36	6891	Charles	A	Lindberg
37	6894	Allen	R	Walker
38	7122	Kim		Henry
39	7196	Joseph	E	Higgins
40	7220	Richard		Kowalski
41	7450	Joseph	V	Polsinello
42	7473	Ralph	J	Tella
43	7563	John		Mannix
44	7710	James	S	Young
45	7755	Ralph	P	Penney
46	7782	Richard	K	Eby
47	7804	Edward		Van Doren
48	8412	Frank		Sweet
49	8456	Timothy		Stone
50	9055	Michael	P	Clark
51	9102	Scott		Masse
52	9181	Richard		Geisler

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53	9342	James	D	Fitzgerald
54	9350	Dawn		Horter
55	9370	Leland	J	Figgins, Jr.
56	9380	Alistair		MacDonald
57	9492	Ronald		Burns
58	9495	Matthew	E	Robbins
59	9642	Gregg		Demers
60	9719	Ileen	S	Gladstone
61	9763	Lawrence		Lessard
62	9932	Matthew	John	Grove
63	9982	Olaf		Westphalen
64	9996	Mark	A	Germano
65	9997	J. Andrew		Irwin

Renewal Docket #2
Renewal Date:

January 30, 2020

New Renewal Date: January 30, 2023

Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	3264	Charles	F	Myette

Renewal Docket #3

Renewal Date: January 30, 2020

New Renewal Date: April 29, 2020

Have requested a 90-day extension:

	LSP #	First	Middle	Last
1	1008	Richard		Stromberg
2	1217	Joseph	A	Landyn
3	2890	Lawrence	E	Kahrs
4	3163	William	J	Betters
5	3452	Michael	J	DeRosa
6	3972	Derek	J	Tomka
7	4662	Yee		Cho
8	4836	James	D	Okun
9	5160	David	A	Carlson
10	5309	Alvin	J	Snyder III
11	5407	Fred	K	Taylor
12	5473	Daniel	E	Taylor

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13	6698	John	H	Ankiewicz
14	6934	Michael	J	Webster
15	7336	Dorothy	A	McGlinicy
16	7343	Keith	W	Veren
17	7430	Arthur	J	Cunningham
18	8119	Jacob	H	Butterworth
19	8403	John	J	Spirito
20	8493	Brian	F	Klingler
21	9092	James	B	O'Brien
22	9546	Joseph	P	Salvetti
23	9788	David	J	Crispin
24	9908	Kevin	J	O'Reilly
25	9445	Brandon	J	Fagan

A motion was made and seconded to renew the licenses of the LSPs on Renewal Dockets Nos. 1-3 for the three-year period ending on the date indicated or for a 90-day extension as requested. The motion was approved. Mr. Austin and Ms. Garcia-Serrano recused themselves from voting on Docket No.1. Ms. Listernick and Ms. Garcia-Serrano recused themselves from voting on Docket No. 3. As grounds, the members cited professional or personal relationships, or that their own Application for LSP License Renewal was on the docket.

C. Petition for Waiver: Ms. Coles-Roby presented a Petition for Waiver on behalf of an LSP being treated for a serious medical condition. She said that the LSP had provided medical documentation and had completed all other regulatory requirements. The LSP asked for a 90-day extension. Ms. Listernick commented that the Board had granted similar waivers for medical issues. Mr. Austin said that waivers were given for the exact reason in the past. Mr. Smith thought that granting the petition would remove license renewal as a point of stress for the LSP. Ms. Coles-Roby also said that she recommended on-line courses to the LSP. Ms. Garcia-Serrano said that on-line courses were a good option, we do not want the LSP practicing. Mr. Richards indicated that the Board should approve the 90-day extension. Mr. Siddique suggested a six month to one-year extension. Ms. Garcia-Serrano said that the Board could revisit the issue in six months. She said that she was not in opposition to the proposal, but she asked can the LSP render LSP opinions? Ms. Listernick asked whether the Board should look at past practice. The Board voted to grant the LSP an extension of 90 days plus six months, with the new renewal date to be determined.

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5. Other Licensing-Related Matters:

- A. **Annual Fee Report 2020:** Ms. Coles-Roby reported that 499 LSPs must pay their Annual Fees by March 1, 2020. The invoices and instructions were mailed in early December 2019.
- B. **Total Number of Active LSPs:** Ms. Coles-Roby reported that there are currently 496 licensed LSPs as of February 7, 2020.
- C. **Quarterly Fee Report January 2020:** Ms. Coles-Roby said that one hundred forty-nine (149) LSPs must renew their license by January 30, 2020. The invoices and instructions were mailed in early December 2019. Program Coordinator, Barbara Wyche, reported administratively completed renewals to eDEP, the MassDEP electronic filing website, on a rolling basis. Ms. Rundle asked whether the Applications to Renew LSP License were due on January 20, 2020. Ms. Coles-Roby answered that she had emailed a response on this question to Ms. Rundle on December 5, 2019, which indicated that pursuant to the Board's regulations 309 CMR 3.06, applications are due by close of business on January 30th.

6. Examination Report:

- A. Ms. Coles-Roby said that 2020 LSP examination dates have not been set.
 - B. **Exam Committee:** Ms. Coles-Roby stated that the Exam Committee meeting took place on January 22, 2020. It was hosted by Mr. Austin's office, AECOM. Chris Borges, from MassDEP IT, assisted, with all attendees bringing their ten suggested questions to the meeting on a thumb drive. Committee member, John Fitzgerald, MassDEP NERO Senior Section Chief crafted one hundred questions. Committee member Wes Stimpson indicated that there were some questions that had not been used previously. The next meeting will be held on February 26, 2020. Mr. Richards asked what occurred because he missed the first meeting. Ms. Roby explained that members developed their questions based on the Content Outline which she had emailed to all Board members in November 2019.
7. **Continuing Education Committee:** Mr. Austin reported that during today's meeting, three new courses were approved; there was an upcoming course announcement; and one course was denied approval. Mr. Austin also reported that the Committee makes the following course recommendations to the Board:

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A. Course Approval Requests:

1. LSPA: *State of the Art vs. State of the Practice for In Situ Remedial Design*, (4 Technical credits, May or June 2020, greater Boston area) **Recommend Approval.**
2. MassDEP: *Updates on BWSC's Natural Resource Damages Program*, (1.5 MassDEP credits, on-line course)(Course No. 1683) **Recommend Approval.**
3. LSP: *GSCI 322 Principles of Igneous and Metamorphic Petrology* (4 Technical credits, Spring 2020, Tuesday, and Thursday, 9:25 a.m.-10:40 a.m.; Laboratory Wednesday, 10:50 a.m. -1:30 p.m. Central Connecticut State University) **Recommend Approval.**
4. NEWMOA: *Northeast Conference on the Science of PFAS: Public Health and the Environment*, (4.75, March 31, 2020; 4.5 Technical credits April 1, 2020 or 9.25 for both days, March 31, 2020 8:00 a.m.-5:30 p.m.; April 1, 2020 8:00 a.m.-5:00 p.m. Sheraton Framingham Hotel and Conference Center, Framingham, MA) **Recommend Denial.**

B. Course Announcement:

EPOC: *PFAS Sampling for Environmental Professionals*, (8 Technical credits, April 6, 2020, CTCPA Center Rocky Hill CT 8:30 a.m.-5:00 p.m.)(Course No. 1670)

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

8. **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.

9. **Other Business:**

- A. **Personnel, Budget, and Fees:** Ms. Coles-Roby said that she the candidate selected for the LSP Board General Counsel position withdrew from the process because she/he accepted another position. She also said that primary candidate for the investigator position withdrew her/his name from consideration. Ms. Garcia-Serrano indicated that social media and LSPA postings might prove helpful. Dr. Batchelder inquired about a contract position, possible someone who does not want to work full-time.
- B. **LSPA--Invitation to LSP Board Members:** Ms. Garcia-Serrano asked Ms. Rundle to speak about the LSPA's invitation. Ms. Rundle said that the potential discussion

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topics were outlines in the LSPA request. She went on to say that it would be a good opportunity for LSPs to ask questions: i.e., “Who is on the Board?”--“What seats do the members fill?” number of complaints received. Ms. Garcia-Serrano said that it was not going to happen in the spring, maybe in the fall. Dr. Batchelder suggested November 2020. She also said that the course should be offered in western Massachusetts as well. Ms. Coles-Roby told the Board that she would forward the Board’s Power Point slideshow used in the training.

- A. General Laws chapter 30A Regulation Promulgation Process:** Ms. Garcia-Serrano introduced MassDEP Assistant Commissioner for Planning and Evaluation, Ann Lowery. Ms. Lowery stated that she has worked at MassDEP for twenty years tracking and reporting regulatory amendments. Mr. Austin said that we are almost done with LSP Board regulation changes. Ms. Lowery said once the regulation amendments were voted on by the Board they would then go to the Executive Office of Energy and Environmental Affairs (EEA”) then Administration and Finance (“A&F”). She also said that Ms. Coles-Roby had prepared and submitted mandated forms in the past regarding such issues as small business impact. Ms. Lowery informed the Board that it may be asked to explain the rationale behind some proposed amendments. Mr. Smith asked what the typical timeframe was for turn-around from EEA and ANF. Ms. Lowery responded that the answer depended on several factors such as –when the regulations are needed. She went on to state that the filing with the Secretary of State is fairly simple preparation of the final document package. Mr. Austin asked what was “small business impact?” Ms. Coles-Roby noted that she had explained the LSP Board’s small business impact statements filed with EEA, and she had discussed the forms at the March 2016 Board meeting. Ms. Lowery talked about MassDEP’s process for promulgating regulations; proposed regulatory language; completing the required forms; and submission to the Governor’s office for approval to proceed to public hearing and public comment. She explained that there are some restrictions on public hearings. She noted that part of that process requires interacting with the Office of the Secretary of State, and publication in the Massachusetts Register. Ms. Lowery also told the Board that the process goes faster if the effective date of the regulations is close to the Massachusetts Register publication date. Ms. Listernick asked who tracks the process. Ms. Lowery indicated that Ms. Coles-Roby is the point of contact. Mr. Austin asked about stakeholders. Ms. Lowery replied that the Board could share proposed changes with the LSPA. Ms. Garcia-Serrano thanked Ms. Lowery saying that her presentation was very helpful.

10. Future Meetings: The Board’s next meeting will be held on **March 10, 2020, at the Central Regional Office, CERO of MassDEP.**

11. Adjournment: A motion was made and seconded to adjourn, and by unanimous roll-call vote, the Board meeting was adjourned at approximately 3:48 p.m.