



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 January 14, 2020  
Approved on February 11, 2020

Meeting Location: Massachusetts Department of Environmental Protection

**MassDEP SERO**  
**20 Riverside Drive**  
**Lakeville, MA 02347**

Prepared by: Beverly Coles-Roby, Esq.

**List of Documents Used at the Meeting:**

1. Agenda
2. Draft Minutes of Meeting held on November 12, 2019
3. Renewal Dockets # 1-5
4. Electronic mail from Wendy Rundle LSPA Executive Director, December 30, 2019

1. **Call to Order:** Chairperson, Millie Garcia-Serrano, called the meeting to order at approximately 2:20 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, and Kathleen Campbell. Board member Farooq Siddique was absent. Staff member Beverly Coles-Roby was present. Additionally, Wendy Rundle, Executive Director of the LSP Association (“LSPA”) and Michele Paul, LSPA president, were present. Assistant Attorney General, Kimberly Parr, arrived at 2:47 p.m.

**Announcements:** Ms. Garcia-Serrano announced that on Friday, December 27, 2019, MassDEP finalized revisions to the Massachusetts Contingency Plan (310 CMR 40.0000) related to per- and polyfluoroalkyl Substances (“PFAS”). These changes to the waste site cleanup regulations include:

- Creation of notification criteria (Reportable Concentrations in groundwater and soil and Reportable Quantities);
- Creation of MCP Method 1 cleanup standards for groundwater and soil;

- Creation of MCP Method 2 standards for soil and Method 3 Upper Concentration Limits for groundwater and soil; and
- Listing of toxicity information required for use in a Method 3 risk characterization.

MassDEP also published several related documents, including:

- A detailed Response-to-Comments document; and
- All PFAS-related public comments received.

This information is available online at: <https://www.mass.gov/lists/final-pfas-related-revisions-to-the-mcp-2019>. Consequently, the Interim PFAS Sampling Fact Sheet has been revised to reflect the new standards (see <https://www.mass.gov/doc/interim-guidance-on-sampling-and-analysis-for-pfas-at-disposal-sites-regulated-under-the/download>).

Additionally, the MassDEP Drinking Water Program has formally proposed a PFAS drinking water standard (“MCL”) and related sampling requirements for public water supplies in Massachusetts. There will be five public hearings held between January 23, 2020 and January 31, 2020. The public comment period ends February 28, 2020. The detailed proposal and more information about the public hearings are available at: <https://www.mass.gov/regulations/310-CMR-22-the-massachusetts-drinking-water-regulations#proposed-amendments-public-comment>. Ms. Coles-Roby noted that she had forwarded this email from Paul Locke to the Board members on December 13, 2019.

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 November 12, 2019:** The members present reviewed the draft minutes of the meeting held on November 12, 2019.

**A motion was made and seconded to approve the November 12, 2019, minutes as written. The motion passed unanimously. Mr. Richards and Mr. Franklin abstained from voting to approve the minutes.**

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

**A. Application Review Panel Recommendations:** There were no applications pending.

**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:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	4683	Timothy	F	Nevins
2	6105	Anthony	F	Andronico
3	2400	John	E	Adams
4	5483	James	P	Murphy
5	5455	Stephen		Sakakeeny
6	4966	William	J	Mallio
7	4122	Geoffrey		Souza
8	4669	Christine	R	LeBlanc
9	9995	George	G	Preble
10	6118	Raymond	C	Johnson
11	4492	Donald	W	Podsen
12	6522	James	A	Luker
13	4183	Frank	W	Lilley
14	6250	Michael	J	Brown
15	8435	Brian	D	Moore
16	1450	Guy	P	Dalton
17	9435	Charles	E	Klingler
18	7231	Robert	J	Leventry
19	4454	Walter	T	Chaffee
20	7351	Brian	V	Moran
21	2306	Christopher	J	Horan
22	2398	Lawrence		McTiernan
23	8260	Charles	E	Teale
24	4078	Michael	J	Pierdinock
25	7109	Bruce	A	Hoskins
26	6543	Steven	B	Shope
27	9000	Bruce	H	Nickelsen
28	4755	Ambrose	J	Donovan
29	1855	Michael	R	Ainsworth
30	7262	Eric	S	Wood
31	9365	Carol		Bois
32	4026	Todd		Alving
33	5103	John	H	Clement
34	1965	William		Mitchell, Jr.
35	7924	Jeffrey	W	Garretson
36	7639	David	L	Bramley

**Renewal Docket #2**

**Renewal Date: January 30, 2019**

**New Renewal Date: January 30, 2023**

**Completed requirements within one-year deadline  
and is now eligible for active status:**

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	8559	Irwin		Silverstein
2	4208	Michael	S.	Lotti

**Renewal Docket #3**

**Renewal Date: April 30, 2019**

**New Renewal Date: January 30, 2023**

**Completed requirements within one-year deadline  
and is now eligible for active status:**

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	1259	James	Keith	Sullivan

**Renewal Docket #4**

**Renewal Date: October 30, 2019**

**New Renewal Date: October 30, 2022**

**Completed requirements within 90-day extension:**

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	2563	Frank	B	Postma
2	5481	Michael	J	Elliott

**Renewal Docket #5**

**Renewal Date: January 30, 2020**

**New Renewal Date: April 29, 2020**

**Have requested a 90-day extension:**

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	2061	James	F	Begley
2	3742	Michael		Dacey
3	3989	John		Thompson
4	3264	Charles	F	Myette
5	1698	Thomas	P	Simmons

**A motion was made and seconded to renew the licenses of the LSPs on Renewal Dockets #1-5 for the three-year period ending on the date indicated or for a 90-day extension as requested. The motion was approved unanimously.**

**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 499 licensed LSPs as of January 9, 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. December 11, 2019:** Ms. Coles-Roby said that on December 11, 2019, the LSP licensing examination got off to a late start due to a snowstorm. She added that there was one exam day because only six applicants out of the total who were eligible registered to take the exam. She added that the newly purchased exam software was used for the first time. She commented that the graphics and font are now in an easier to read format. There were some first-time glitches due to the exam room computers shutting down for updates. Technical assistance was, however, available by phone.
- B. Exam Committee:** Ms. Coles-Roby stated that the Exam Committee meeting will take place on January 22, 2020, at Mr. Austin's office, AECOM. Chris Borges from MassDEP will be present and all attendees are requested to bring 10 suggested questions to the meeting on a thumb drive for review by the Committee. Ms. Roby explained that members developed their questions based on the Content Outline which she emailed to all Board members in November 2019. The next meeting will be held on February 26, 2020.

7. **Continuing Education Committee:** The Board agreed to forego a Continuing Education Committee report because all the Board members present at this meeting were also present at the Continuing Education Conduct Committee meeting held earlier in the day. Mr. Austin stated that the Committee met earlier in the day and made the following course recommendations to the Board:

**A. Course Approval Requests:**

1. NGWA: *Groundwater/Surface Water Interactions: Field and Mathematical Approaches to Evaluating Groundwater Seepage and Attenuation*, (15 Technical credits, December 5-6, 2019, Las Vegas, Nevada) **Recommend Approval.**
2. NGWA: *Groundwater Week 2019*, (15.25 Technical credits, December 2-5, 2019, Las Vegas, Nevada) **Recommend Approval ½ credit for every hour of attendance.**
3. NGWA: *PFAS In Groundwater Workshop: The Professional’s Challenge*, (6.17 Technical credits, December 5, 2019, Las Vegas, Nevada) **Recommend Approval.**
4. NGWA: *Drilling Fundamentals for Hydrogeologists and Engineers*, (7 Technical credits, December 2, 2019, Las Vegas, Nevada) **Recommend Approval.**
5. Midwest GeoSciences Group: *Managing the Complexities and Uncertainties of Soil Sequences: For Hydrogeological and Environmental Investigations*, (8 Technical credits, September 10, 2019 Westchester University Graduate Center, Westchester, PA, Part 1 8:00 a.m.-12:30 p.m.; Part 2 1:00 p.m.-5:30 p.m.) **Recommend Approval four (4) hours technical credits for Part 1 and Part 2 with “A” and “B” designations.**

**B. Course Re-Approval Requests:**

1. LSPA: *MCP Remediation Waste Management*, (8 Regulatory (non-MassDEP) credits, Spring 2020) **Recommend Approval.**
2. LSPA: *Facility Roundtable: Managing Remediation and Hazardous Waste*, (4 Technical credits, December 11, 2019, Mansfield Holiday Inn, Mansfield, MA 1:00 p.m.-5:00 p.m.) (Course No. 1647) **Recommend Approval. Mr. Franklin abstained from voting to approve the course.**
3. NGWA: *Applications of Groundwater Geochemistry*, (14 Technical credits, December 5-6, 2019, Las Vegas, Nevada) (Course No. 1061A) **Recommend Approval.**

### C. Course Announcements:

1. LSPA: *ISCO/ISCR Permeable Reactive Barrier (PRBs) to Prevent Migration of Contaminant Plumes*, (2 Technical credits, March 3, 2020, Hilton Garden Inn, 800 Hall of Fame Ave, Springfield, MA 6:00 p.m.-8:00 p.m.) (Course No. 1656)
2. LSPA: *Remediation of Heavy Metals Using Insitu Approaches That Combines Multiple Mechanisms*, (2 Technical credits, April 7, 2020, Hilton Garden Inn, 800 Hall of Fame Avenue, Springfield, MA 6:00 p.m.-8:00 p.m.) (Course No. 1657)
3. LSPA: *PFAS Sampling for Environmental Professionals*, (8 Technical credits, January 14, 2020, Doubletree Hotel, 5400 Computer Drive, Westborough, MA 8:00 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 the candidate selected for the General Counsel position withdrew from the process because she/he accepted another position. She also said that interviews for the investigator position were conducted on January 6<sup>th</sup> and 7<sup>th</sup> 2020. Ms. Garcia-Serrano asked about the budget. Ms. Coles-Roby replied that there was nothing to report other than there was funding available to hire a psychometrician to assist with exam development.
- B. **Status of Board Member Replacements and Reappointments:** Ms. Coles-Roby stated that she and Ms. Garcia-Serrano met with MassDEP Commissioner, Martin Suuberg on December 9, 2019. She added that she prepared a briefing memorandum for that meeting and the Commissioner was given updated information on the status of all Board members and vacancies.
- C. **LSPA--Invitation to LSP Board Members:** Ms. Rundle said that it had been four years since the Board members had come before the LSPA membership. She noted the LSPA had suggested discussion topics in her December 30, 2019 email to Ms. Coles-Roby and Ms. Garcia-Serrano. She also said that it is a nice way to have face-to face communication between the Board members and the LSPA's members. The LSPA monthly meeting dates work best, but Ms. Rundle indicated that they were open to other dates. She went on to say that she would be happy to help with preparation for the meeting. Ms. Garcia-Serrano said that it would be a good opportunity for the parties to engage. She thanked Ms. Rundle. Dr. Batchelder discussed the last such

meeting that the Board members conducted which allowed attendees to obtain Continuing Education credits. She informed the Board that she spoke about disciplinary statistics; former member John Guswa discussed disciplinary cases; and Ms. Coles-Roby talked about the structure of the LSP Board. She also said that the program should be offered in western Massachusetts. Ms. Garcia-Serrano asked if such a presentation would have to be approved by the Board. Dr. Batchelder responded that it would have to be approved pursuant to the regulations. Mr. Austin said that it comes down to who is willing to present. He added that he was not willing to present. The Board members were in favor of the idea and asked that it be added to the February 2020 meeting agenda to talk about content and who would participate. Ms. Campbell noted that it would be a great opportunity to present the framework for the proposed regulations.

**A. General Laws chapter 30A Regulation Promulgation Process:** Ms. Garcia-Serrano proposed inviting Assistant Commissioner for Planning and Evaluation, Ann Lowery, who has reviewed thirty regulatory packages for MassDEP to a Board meeting. Ms. Lowry could present an overview of the MassDEP process for promulgating regulations; proposed regulatory language; completing the required forms; and review and approval through the MassDEP Commissioner. The presentation would also discuss the process for transmittal to the Executive Office of Energy & Environmental Affairs (“EOEEA”) and the Executive Office for Administration and Finance (“A&F”) and the Governor’s office for approval to proceed to public hearing and public comment. Part of that process requires interacting with the Office of the Secretary of State, and publication in the Massachusetts Register. Ms. Lowery would also touch on newspaper publication, conduct of public hearings, and using the forms required by statute and A&F to manage the proposed regulatory changes, such as the Small Business Impact forms. Finally, Ms. Lowery would discuss the process of making final changes to regulatory changes proposed that are prompted by public comment. Her remarks would be helpful, Ms. Garcia-Serrano said. The members agreed and asked that Ms. Lowry be added to the February 2020 meeting agenda. Ms. Coles-Roby indicated that she had prepared Small Business Impact Statements for each of the Board’s regulations in response to a gubernatorial mandate in 2016.

**B. Meeting Minutes:** Mr. Austin declined to discuss taking meeting minutes.

**10. Future Meetings:** The Board’s next meeting will be held on **February 11, 2020, at the Northeast Regional Office, NERO 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 3:02 p.m.