



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

MINUTES
of
BOARD MEETING
Held on March 20, 2019
Approved: April 24, 2019

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

Prepared by: Richard Friend

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of Meeting held on February 27, 2019
 3. Renewal Docket #1
 4. March 5, 2019 email from Daniel Batchelor to Beverly Roby: "LSP Examinations – Availability and Limits"
 5. March 5, 2019 letter from Ryan J. Mathews, Esq. to LSP Board Re: Joseph Polsinello Public Records Request.
 6. March 13, 2019 email from Robert Atwood to Beverly Roby: "Retiring LSP"
1. **Call to Order:** Maria Pinaud called the meeting to order at approximately 1:20 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, Debra Listernick, Gregg McBride, and Farooq Siddique. James N. Smith, Marc Richards and Kirk Franklin were absent. Staff members present were Beverly Coles-Roby and Richard Friend. Also present was Wendy Rundle, Executive Director of the LSP Association.
 2. **Announcements:** No announcements were made.
 3. **Agenda:** Ms. Coles-Roby stated that she wanted to discuss the following documents that were distributed to Board members:
 - 1) March 5, 2019 email from Daniel Batchelor to Beverly Roby: "LSP Examinations – Availability and Limits"
 - 2) March 13, 2019 email from Robert Atwood to Beverly Roby: "Retiring LSP"
 4. **Minutes of Meeting Held on February 27, 2019:** The members present reviewed the draft minutes of the meeting of the Board held on February 27, 2019. The company

name of LSP License Application #9193, Mathew J. Carey, was changed from GZA Environmental to MassDEP. In the discussion of ARP #300, Mr. Austin said that at the February Board meeting he voiced concern that, in general, if the Board thought that MassDEP staff could only obtain Total Professional Experience, but not Relevant Professional Experience, it could limit MassDEP staff from becoming LSPs. Mr. Austin made clear that he was making a general statement and was not commenting on the particular applicants being discussed. Ms. Pinaud requested that a statement be added that Ms. Cote met the required RPE, and that while at MassDEP, Ms. Cote had managed complex sites, which counted as RPE. **A motion was made and seconded to approve the February 27, 2019 minutes as amended. The motion passed unanimously. Mr. Smith abstained from voting to approve the minutes**

5. Decisions re: Licensing of Applicants:

A. Vote on Application Review Panels:

The Board tabled ARP 299 Jason Ward and 301 Andrew Pandolph, until the April 24, 2019, Board meeting because members of the ARP were not present.

B. Application Review Panel:

Mr. McBride recused himself from voting to approve two applicants in ARP 302, Michael Gray and Susan Bator. The following Board members were assigned to ARP 302: Debra Listernick, Farooq Siddique and Maria Pinaud.

C. Renewal Docket:

The staff presented the following License Renewal Docket:

Renewal Docket #1

Renewal Date: January 30, 2019

New Renewal Date: January 30, 2022

Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	4994	James	A.	O'Loughlin
2	4180	Albert		Ricciardelli

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 dates indicated. The motion was approved unanimously.

6. Other Licensing-Related Matters:

A. Retiring LSP Email. Ms. Coles-Roby discussed an email she received from LSP Robert Atwood on March 13, 2019. He has retired and allowed his license to expire on January 30, 2019. He asked whether he could obtain an extension past January 30, 2019 in order to work on a particular project. The Board members asked Ms. Coles-Roby to inform Mr. Atwood that his license is lapsed, and the LSP regulations do not permit such extensions.

B. Appeals Status Report. There were no pending appeals.

C. Annual Fee Report: Ms. Coles-Roby said that to date staff reported that Annual Fee payments had been received from approximately 300 LSPs, with approximately 200 payments not received. She added that there had never been such a large number of unpaid fees. She indicated that a meeting with MassDEP's Department of Revenue was scheduled to reconcile the numbers.

Ms. Coles-Roby stated that the downward trend in the number of "active" LSPs reflected the retirement of a number of LSPs who had practiced since the program began in 1993. She noted that there have been a number of recent applicants which may balance out the retirees. She said she would like to develop an applicant pool through recruitment. Ms. Pinaud asked whether the LSPA could develop a mentorship program to allow young professionals to learn from senior LSPs. Dr. Batchelder noted that the LSPA has a Young Professionals Committee. Ms. Campbell noted that it can be expensive for companies to sponsor their employees to become LSPs. She noted that the market for LSP services will drive the number of people who become LSPs and since not all LSPs are actively practicing, there are more LSPs than the demand for LSP services. Ms. Batchelder said LSP fees make it expensive for companies to pay for their employees. Mr. Siddique said new people entering the LSP field happens organically. Mr. Siddique asked if the LSPA offers an LSP exam preparation course. Ms. Rundle stated that the LSPA discussed creating a program for "LSPs-in-training" who would take LSP courses; have a mentor; and attend LSPA meetings. Ms. Rundle replied that the LSPA is putting a program together to help people prepare their LSP license applications. Ms. Rundle told the Committee that a fee would likely be charged. Ms. Coles-Roby stated that the LSP Board had attended LSPA Young Professionals meetings in the past, distributing materials, and sitting on discussion panels. However, the Board members decided against participation in discussions that included giving specific information about the examination as opposed to general information about the application or exam processes. Ms. Coles-Roby stated that there may be legal issues surrounding the LSP Board participating in a LSPA program that charged fees.

D. Total Number of Active LSPs. The agenda stated the total number of Active LSPs was 499 as of March 11, 2019, but Ms. Coles-Roby stated the actual number is 501.

7. Examination Report:

A. Exam Dates: Ms. Coles-Roby said that the LSP Exam will be offered on June 5, 2019 and June 26, 2019. She also reported that the proposal for the purchase of new exam software is pending with the Executive Office of Energy and Environmental Affairs, but may not be installed in time for the June exam dates. Ms. Coles-Roby said there are six slots for each of the two days. So, twelve people in total may sit for each exam.

B. Discussion of 309 CMR 3.04 (9) Ms. Coles-Roby discussed the March 5, 2019 email from Daniel Batchelor who asked if he can re-take the LSP exam after failing all three versions currently offered. Dr. Batchelder noted that the original LSP regulations allowed an applicant two years to take the exam without having to re-apply to sit for the exam, but at that time, the exam was only offered once per year, with the exception of the first two years that the exam was offered. She also said that a larger set of LSP exam questions is required to be able to generate unique exams. Mr. McBride said that Mr. Batchelor cannot take another exam until the Board decides to create a new exam, and only if the Board decides to allow applicants to sit for more than three versions. Mr. Austin said that in any case, Mr. Batchelor cannot re-take the exam until there is a fourth version. Ms. Coles-Roby explained that she tracks who has failed the exam and when their eligibility to re-take the exam lapses. Mr. Siddique asked if an applicant could sue the Board arguing that the Board arbitrarily limits the number of times an applicant can re-take the exam. Ms. Listernick noted the Board does not limit the number of times applicants can sit for the exam, rather that they cannot take the same exam twice. Ms. Rundle suggested that the Board may want to add language to its website explaining that applicants may take the three versions of the exam one time each. Ms. Coles-Roby said she explains to applicants who fail the exam that there are three versions and therefore, they can sit for the exam two more times, and if they fail all three versions, there are currently no more exams they can take.

8. Continuing Education Committee: Mr. Austin reported that the Committee met earlier in the day and made the following course recommendations to the Board:

1. EPOC: *Sampling Domestic Wells for Contamination: Overcoming Concentration Averaging Issues* (4 Technical credits, Rocky Hill, CT, March 13, 2019, 8:00 a.m.– 12:00 p.m.)
Committee Recommendation: **Approve 4 Technical Credits**
2. LSPA: *Active Exposure Mitigation Systems & Telemetry Requirements* (1 Technical credit, Taunton, MA, April 23, 2019, 7:00 p.m.– 8:00 p.m.)
Committee Recommendation: **Approve 1 Technical Credit**
3. RemTEC: *RemTEC Summit 2019* (½ Technical credit per hour of attendance, Denver, CO, February 26-28, 2019)
Committee Recommendation: **Approve ½ Technical credit per hour of attendance**
4. ESCI: *Hands-On SESOIL and AT123D Training* (8 Technical credits, Taunton, MA, May 10, 2019, 8:00 a.m. – 5:00 p.m.)
Committee Recommendation: **Table until April 2019 Board meeting**

5. Battelle: *Fifth International Symposium on Bioremediation and Sustainable Environmental Technologies* (1:2 Technical credits for conference and 1:1 Technical credits for short courses, Baltimore, MD, April 15-18, 2019)
Committee Recommendation: **Approve**

6. NGWA: *Groundwater and Oil and Gas Development: Improved Management Practices for Groundwater Protection and Water Supply* (10.17 Technical credits, San Antonio, TX, March 4, 2019, 8:30 a.m.– 4:50 p.m. March 5, 2019, 8:30 a.m.- 12:30 p.m.)
Committee Recommendation: **Deny**

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

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 Professional Conduct Committee meeting held earlier in the day.

10. **Other Business:**
 - A. **Public Records Request:** Ms. Coles-Roby reported that she contacted Attorney Ryan Mathews regarding his March 5, 2019 Public Records Request for any and all records relating to Joseph V. Polsinello, LSP No. 7450. Attorney Mathews said he only requires records from 2007 to the present.

 - B. **Personnel, Budget and Fees:** Ms. Coles-Roby reported that letters were mailed inviting applicants to interview for the Board's General Counsel position. She anticipates interviews will occur in April.

 - C. **Proposed Regulation Amendments 309 CMR 2.00:** The Board agreed to forego a Regulations Committee report because all of the Board members present at this meeting were also present at the Regulations Committee meeting held earlier in the day.

11. **Future Meetings:** The Board's next meeting will be on April 24, 2019 in the Boston office of MassDEP.

12. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 2:20 p.m.