



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

DRAFT
MINUTES
of
BOARD MEETING
Held on October 17, 2018
[Approved: _____, 2018]

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

Prepared by: L. Williamson

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of Meeting held on September 19, 2018
 3. Renewal Dockets #1, #2 and #3
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1. **Call to Order:** Maria Pinaud called the meeting to order at approximately 2:03 p.m. Also present were David Austin, Gail Batchelder, Debra Listernick, Farooq Siddique, and James Smith. Board members absent were Kathleen Campbell, Kirk Franklin, Gregg McBride, and Marc Richards. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the LSP Association (LSPA); and Rebecca Woolley (MassDEP).
 2. **Announcements:** No announcements were made.
 3. **Agenda:** Ms. Coles-Roby stated that she has some information to report regarding the Open Meeting Law and would like to add the discussion to the Agenda.
 4. **Minutes of Meeting Held on September 19, 2018:** The members present reviewed the draft minutes of the meeting of the Board held on September 19, 2018. Ms. Listernick identified a misspelling. **A motion was made and seconded to approve the September 19, 2018 minutes as corrected. The motion passed unanimously. Ms. Pinaud and Mr. Smith abstained from voting.**
 5. **License Renewal Applications:** The staff presented the following License Renewal Dockets:

Renewal Docket #1
Renewal Date: October 30, 2018
New Renewal Date: October 30, 2021
Has completed all requirements for renewal:

	LSP #	First	Middle	Last
1	3911	David		Montplaisir
2	1278	Jeffrey	A	Hamel
3	5269	David	L	Chaffin
4	7100	James	R	Bossange
5	6048	Gregg	W	McBride
6	9753	Tracey	A	Costa
7	5319	Mark	D	Casey
8	8396	Frank		Calandra
9	4409	James	H	Zigmont
10	2715	Ronald	E	Myrick Jr.
11	6829	James	T	Adamik
12	9383	Douglas	M	Lindsay

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.

Renewal Docket #2
Renewal Date: October 30, 2018
New Renewal Date: January 28, 2019
Have requested a 90-day extension:

	LSP #	First	Middle	Last
1	2031	David	A	Wright
2	3978	Scott	E	VanderSea
3	9180	Daniel	M	Lanier
4	2974	Glenn	A	Carlson

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

Renewal Docket #3
Old Renewal Date: July 30, 2018
New Renewal Date: July 30, 2021
Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	2365	Todd	D	Kirton
2	9020	Neil	R	Schofield

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.

6. Other Licensing-Related Matters:

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

B. 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
9070	January 30, 2017	Inactive	Kemper	Timothy
9830	March 1, 2017	Inactive	Gates	Richard
5019	December 4, 2017	Inactive	Rein	Robert

C. Total Number of Active LSPs: As reported in the Agenda, the total number of Active LSPs was 503 as of October 5, 2018.

7. Examinations: Ms. Coles-Roby reported that the exam will be offered on December 5, 2018 and December 12, 2018. She stated that seven individuals are currently eligible to sit for the exam. She stated that one of the seven individuals has taken all iterations of the exam, and therefore will not be able to take an exam in December. She stated the individual’s eligibility runs on April 19, 2019. Mr. Austin asked if the staff would re-offer the exam in April 2019. Ms. Coles-Roby responded that she intends to stick to the same schedule of late May/early June and late November/early December. Mr. Smith asked for an update regarding the preparation of a fourth exam. Dr. Batchelder stated that it would not be possible to have a fourth exam ready for April. Mr. Austin stated that it was decided at the last Board meeting to restart the Exam Committee in January 2019, and to meet on a monthly basis to prepare a fourth exam. Ms. Listernick stated that the Board has met its obligation to offer the exam at least once per year. Ms. Coles-Roby stated that the individual took the exam in May 2017, November 2017, and May 2018. Mr. Smith asked if this has happened before under other versions of the exam. Ms. Coles-Roby responded that since she has been the Executive Director, the Board has never offered an individual the same exam twice. She stated that the Board needs to consider limiting the number of times people can take the exam. Ms. Coles-Roby reported that two people have signed up for the December 5th and three people have signed up for December 12th.

Ms. Coles-Roby also informed the Board that the applicant who was asked to submit new references emailed her on Monday to say the references have been completed and should be in the office today.

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. HRP: *MA Department of Environmental Protection and US Department of Transportation Hazardous Waste & Materials Training Course* (8 Regulatory credits, December 12, 2018, Boxboro, MA).
Committee Recommendation: **Deny**
- b. JessCo Enterprises LLC: *Vapor Mitigation Strategies* (1 Technical credit, webinar).
Committee Recommendation: **Approve**
- c. LSPA: *Per- and Polyfluoroalkyl Substances (PFAS): The Latest Information* (2 DEP-Regulatory and 2 non-DEP Technical credits, November 8, 2018, Natick, MA)(Course #1608).
Committee Recommendation: **Re-approve**
- d. LSPA: *Method 3 Ecological Risk Assessment* (4 Technical credits, November 1, 2018, Westborough, MA)(Course #1558).
Committee Recommendation: **Re-approve**

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 meeting of the Professional Conduct Committee held earlier in the day.

10. Other Business:

A. Personnel, Budget, and Fees: Ms. Coles-Roby reported that fifty-seven resumes were received for the General Counsel position. She stated that she will be receiving some assistance with setting up the interviews. She also reported that Ms. Williamson has accepted a position back in MassDEP's Lakeville office, and this will be her last Board

meeting. She stated she is working on a short time and long term plan to address the loss.

- B. Proposed Regulation Amendments 309 CMR 8.00:** Ms. Coles-Roby stated that a portion of the Board met earlier in the day to discuss revisions to 309 CMR 8.00. She stated the group stopped at 309 CMR 8.13. She stated that she will clean up the draft and an updated version will be in next month's packet.
- C. 309 CMR 2.02 Definitions- Relevant Professional Experience:** Ms. Coles-Roby suggested this discussion be tabled until next month because a number of Board members are absent from today's meeting, including Mr. McBride who had requested the information. Ms. Listernick added that Wes Stimpson is also absent and should also be present for the discussion.
- D. Open Meeting Law:** Ms. Coles-Roby stated that she contacted the Attorney General's Division of Open Government to inquiry whether a quorum was needed for the subcommittee meetings. She stated that she did not get a resolution and will be calling to discuss the matter further. She stated that her email to the Assistant Attorney General was as follows: "The LSP Board has three separate meetings on each of its public meeting dates, must we have a quorum of the membership to hold those meetings? The two meetings of particular concern are the Continuing Education Committee, which reviews and approves courses, and the Professional Conduct Committee, which reviews and discusses disciplinary matters pending before the Board. While both are subcommittees, they do make recommendations to the full body." She stated the AAG replied as follows: "A public body, whether a subcommittee or a Board, is free to meet without a quorum, and if there is not a quorum then the discussions would not constitute deliberations and would not be subject to the Open Meeting Law. However, there may be other, non-OML concerns with holding a meeting without a quorum, such as whether the public body has the authority to make certain decisions or take certain action in the absence of a quorum." Dr. Batchelder stated that the Continuing Education Committee was always smaller and only made recommendations. She stated a few people volunteered to be on the Committee so not everyone had to arrive that early to the meeting. She stated the Committee's recommendations were always discussed at the Board meeting, and the full Board voted on the recommendations. Ms. Coles-Roby stated that what the AAG is saying is different from what Governor Patrick's office said the Board had to do. She stated the Board had to document that every meeting had a quorum. Dr. Batchelder stated that the Open Meeting Law has changed since the Board was set up, but it has always been that the Continuing Education Committee did not have the authority to make decisions, only recommendations; the Professional Conduct decisions would stand, and had to have a quorum. She stated that there must be minutes somewhere that detail why it was set up this way. Ms. Coles-Roby stated that she will follow up with the AAG and will have more information for next month's meeting.

- 11. Future Meetings:** The Board's next meeting will be on November 28, 2018 in MassDEP's Boston office.

12. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 2:30 p.m.