



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

MINUTES
of
BOARD MEETING
Held on January 31, 2018
[Approved: February 21, 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 November 15, 2017
 3. Renewal Dockets #1, #2, #3, #4 and #5
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1. **Call to Order:** Maria Pinaud called the meeting to order at approximately 1:31 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, Kirk Franklin, Debra Listernick, Gregg McBride, Farooq Siddique, and James Smith. Board member Marc Richards was absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle (LSPA), Wesley Stimpson, and Rebecca Woolley (MassDEP).
 2. **Announcements:** No announcements were made.
 3. **Agenda:** Ms. Coles-Roby requested to add a report on Annual Fees to the Agenda. Ms. Listernick asked if the "Status of Board Member Replacements" would only be on the Agenda if there was new information to report. Ms. Coles-Roby responded that the item will be added back onto the Agenda once she receives any news.
 4. **Minutes of Meeting Held on November 15, 2017:** The members present reviewed the draft minutes of the meeting of the Board held on November 15, 2017. **A motion was made and seconded to approve the November 15, 2017 minutes as written. The motion passed unanimously, with Ms. Campbell abstaining.**
 5. **Decisions Regarding Licensing of Applicants:**
 - A. **Vote on Application Review Panel Recommendations:**

ID #	Applicant Name/Company Name	ARP #	REC.
2160	Jeff N. Larsen/Antea Group	293	A

Ms. Coles-Roby stated the panel recommended approving Mr. Larsen’s application. She reported that the panel determined the applicant met the requisite professional experience and had good references. **A motion was made and seconded to accept the recommendation from Application Review Panel #293 that the application submitted by Jeff N. Larsen be approved and that he be found eligible to take the exam. The motion was approved unanimously.**

- B. Vote on Renewal Dockets:** The staff presented the following License Renewal Dockets:

Renewal Docket #1

Renewal Date: July 30, 2017

New Renewal Date: January 30, 2021

License expired on July 30, 2017 for not submitting renewal documents.

Individual has completed renewal requirements within 1-year deadline and is now eligible for active status:

	LSP #	First	Middle	Last
1	9463	Jonathan	A	Aisner
2	6572	Peter		Zeeb

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: January 30, 2017

New Renewal Date: January 30, 2021

License expired on January 30, 2017 for not submitting renewal documents.

Individual has completed renewal requirements within 1-year deadline and is now eligible for active status:

	LSP #	First	Middle	Last
1	3621	Robert	C	Luhrs

A motion was made and seconded to renew the license of the LSP on Renewal Docket #2, for the three-year period ending on the date indicated. The motion was approved unanimously.

Renewal Docket #3

Renewal Date: October 30, 2017

New Renewal Date: October 30, 2020

Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	7713	Brian	G	Snow
2	8881	Eric	D	Simpson

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, 2018

New Renewal Date: April 30, 2018

Have requested a 90-day extension:

	LSP #	First	Middle	Last
1	9882	Steven	W	Rumba
2	7609	Janice	K	Derby
3	9867	Stephen	S	Parker
4	2075	Timothy	F	Condon
5	8188	Jarrold	P	Yoder

A motion was made and seconded to grant the LSPs on Renewal Docket #4 a 90-day extension. The motion was approved unanimously.

Renewal Docket #5

Renewal Date: January 30, 2018

New Renewal Date: January 30, 2021

Have completed all requirements for renewal:

	LSP #	First	Middle	Last
1	3598	Julianna	B	Connolly
2	7669	Donna	H	Pallister
3	1976	Hayden	S	Solomon
4	9635	Robert	M	Cataldo
5	4003	Stefan	C	Sokol

	LSP #	First	Middle	Last
6	4879	Kevin	D	Trainer
7	7680	Christopher	P	Parent
8	4832	Timothy	J	Warr
9	2509	Amy	A	Roth
10	9755	Paul		Feshbach-Meriney

A motion was made and seconded to renew the licenses of the LSPs on Renewal Docket #5, 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
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
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 508 as of January 9, 2018. Ms. Coles-Roby reported that she was contacted by three LSPs in the last few weeks that are planning to retire, one of whom was Martha Zirbel who is currently on the Inactive Status list.

D. Annual Fees: Ms. Coles-Roby reported that 499 Annual Fee invoices were mailed to the active LSPs on January 18, 2018, 5 invoices were mailed to inactive LSPs and 8 to MassDEP LSPs on January 22, 2018. She stated all the Annual Fee invoices have gone out and payments are due in March.

7. Examination Report:

A. Exam Date- January 24, 2018: Ms. Coles-Roby reported that the staff offered the exam on six days during the 2017 to 2018 calendar year. She stated that one person took the exam on April 6, 2017 and passed. Six people took the exam on May 3, 2017 and two passed; six people took the exam on May 10, 2017 and four passed; six people took the exam on November 29, 2017 and two passed; six people took the exam on December 6, 2017 and five passed; and four people took the exam on January 24, 2018 and all four passed. Dr. Batchelder asked if any of the test-takers sat for more than one

offering in 2017. Ms. Coles-Roby responded that there were some repeat takers. She reported that twenty-six people took the exam in 2015-2016, and fifteen passed.

- B. Exam Challenges:** Ms. Coles-Roby reported that two individuals who sat for the exam in November and December 2017 submitted exam challenges. She stated one individual challenged seven questions, all of which were reviewed by the MassDEP technical expert (John Fitzgerald) and the two members of the Board's exam challenge subcommittee (Mr. Austin and Mr. Siddique). She stated all three reviewers denied all seven challenges. Mr. Austin added that none of the seven questions were flagged for revisions. Ms. Coles-Roby stated that the second individual challenged fourteen questions, which have been reviewed by the technical expert and are now being reviewed by the subcommittee. Ms. Coles-Roby stated that the challenges are taken very seriously and vetted through three levels of review. Ms. Listernick stated that process has made for a better exam. Mr. Austin asked whether it would be useful to review the applications of individuals who have been unable to pass the exam to see if there might be something that was missed. Ms. Pinaud stated that it may be useful for those tasked with revising the applications section of the regulations to conduct a review in an effort to clarify what constitutes relevant professional experience. Ms. Listernick stated that there is not always a direct connection between application and ability to pass the exam. Ms. Pinaud stated that she has been concerned about applicants who have a narrow range of experience. Mr. Siddique stated that it possible that two individuals with the exact same experience could have different results when it comes to passing the exam. He stated that an assumption as to why an individual did not pass the exam cannot be made by simply reviewing one application.

Ms. Coles-Roby stated that the Board should consider revising its exam review policy. She stated currently exam reviewers are allowed two hours to review the questions they answered incorrectly and write up any challenges. They are given a copy of the MCP and are permitted to supplement their challenges within ten days.

Ms. Coles-Roby stated that one applicant has taken all three versions of the current exam, and suggested reconvening the exam committee to begin creating a fourth exam. Ms. Listernick stated that the Board previously only had three versions of the exam, and she was aware of at least one person took the old exam five times. She questioned why the Board would create another exam for just one person. Ms. Coles-Roby stated the creation of a fourth exam would not be done for one person. Ms. Listernick asked if the Board had money in its budget to pay a psychometrician for a fourth exam. Ms. Coles-Roby responded that sufficient funds are available. Ms. Listernick questioned how many unused questions remained and how different a new exam would be from the other three. Dr. Batchelder stated that it is a good practice for the Board to always be updating its exam question database. Mr. McBride asked for clarification on where the exam questions come from. Dr. Batchelder stated the committee reviewed the old exam questions, threw some out, re-wrote some, and added new questions pertaining to the 2014 MCP and new technologies. Ms. Coles-Roby stated that the exam committee currently consists of several members of the Board, John Fitzgerald of MassDEP, and Wes Stimpson. Ms. Coles-Roby stated the issue for the Board is what to do when an

individual has taken all three version of the exam. Ms. Listernick stated that it is not a unique situation and some individuals took the old exam more than three times. Mr. McBride asked what the downside was for administering the same exam more than once. Dr. Batchelder responded that anyone who fails the exam is afforded the opportunity to look at all the questions they got wrong during a two-hour exam review, and they would likely remember the questions. Ms. Listernick stated that 80% of a fourth exam would be composed of questions that are on the existing three exams, and only 20% of the questions would be new. Ms. Pinaud suggested it would be worth having a conversation with the exam committee to determine if creating a fourth exam was worth it. Ms. Coles-Roby suggested that the Board also consider making revisions to the regulations to limit the number of times someone can take the exam. Mr. Smith suggested incorporating a “cool down” period where an individual who failed the exam three times would have to wait two years before trying again. Ms. Listernick stated there is overlap in the questions in exams 1, 2, and 3, and the advantage of creating a fourth exam is marginal. Mr. Smith suggested that the exam subcommittee discuss the issue and bring a recommendation to the Board as to whether a fourth exam should be created.

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. LSPA: Soil Saturation Based LNAPL Assessment: A Case Study with an Introduction to 3D PDF File and LiDAR (1 Technical credit, January 11, 2018, Westborough, MA).
Committee Recommendation: **Approve**

- b. LSPA: Commingled Plumes, Downgradient Property Status and Privatized Cleanup Programs: Lessons Learned from Two Decades of Practice (1 Technical credit, March 15, 2018, Westborough, MA).
Committee Recommendation: **Approve**

- c. MassDEP: Right from the Start: Complying with MCP Notification and Preliminary Response Action Requirements (4 DEP Regulatory credits, March 27, 2018, Boxboro, MA).
Committee Recommendation: **Approve**

- d. Focused Remediation Seminars: Focused Remediation Seminars 2018 (5.25 Technical credits, March 14, 2018, Dedham, MA).
Committee Recommendation: **Approve for 5.5 Technical credits**

- e. MassDEP: *A Fresh Look at Brownfields Challenges and Opportunities* (1 DEP Regulatory credit, February 13, 2018, Taunton, MA)
Committee Recommendation: **Approve**
- f. MassDEP: *Waste Management Considerations for MCP Projects* (1.5 DEP Regulatory credits, January 29, 2018, Springfield, MA)
Committee Recommendation: **Approve for 1 DEP Regulatory credit and 0.5 non-DEP Technical credit**
- g. Battelle: *Eleventh International Conference on Remediation of Chlorinated and Recalcitrant Compounds* (1 Technical credit per 2 hours attendance at conference and 1 Technical credit per hour attendance at short courses, April 8-12, 2018, Palm Springs, CA)
Committee Recommendation: **Approve, with the exception of the short course “Accelerating Technologies to Market with Environmental Technology Verification (ISO 14304)”**
- h. GeoPractical: *Introduction to Groundwater Modeling* (6 Technical credits, March 26, 2018, Amherst, MA)
Committee Recommendation: **Re-approve as Course #1590a**

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. **Website Update:** Ms. Coles-Roby stated that the website is still a work in progress. She stated that the staff was contacted last week by an individual who could not find the application on the website, and the web designers are currently working to correct the issue. She stated that the staff is only made aware that something is no longer on the website when someone calls to inquire about it. Mr. Smith suggested putting a section in the next Bulletin. Ms. Coles-Roby stated that she thought that was a good idea and asked the Board to email staff with any questions or concerns they have about the new website.
- B. **309 CMR 7.00- Proposed Amendments Report:** Ms. Coles-Roby reported that the Board finished going through the proposed revisions to 309 CMR 7.00, and will be moving on to 309 CMR 4.00 next.

Minutes of LSP Board Meeting, January 31, 2018

11. **Future Meetings:** The Board's next meeting will be on February 21, 2018, in the Southeast Regional Office of MassDEP in Lakeville.
12. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 2:15 p.m.