



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

MINUTES
of
BOARD MEETING
Held on September 20, 2017
[Approved: October 25, 2017]

Meeting Location: Massachusetts Department of Environmental Protection
Western Regional Office
436 Dwight Street
Springfield, MA 01103

Prepared by: L. Williamson

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of Meeting held on August 16, 2017
 3. Renewal Dockets #1 and #2
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1. **Call to Order:** Maria Pinaud called the meeting to order at approximately 1:52 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, Debra Listernick, Gregg McBride, Marc Richards, Farooq Siddique, and James Smith. Board member Kirk Franklin was absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the LSP Association (LSPA); and John Ziegler (MassDEP).
 2. **Announcements:** No announcements were made.
 3. **Agenda:** Ms. Coles-Roby suggested the discussion of the proposed regulation revisions be postponed until next month's meeting. Ms. Pinaud also recommended the discussion be held immediately preceding the Continuing Education Committee Meeting.
 4. **Minutes of Meeting Held on August 16, 2017:** The members present reviewed the draft minutes of the meeting of the Board held on August 16, 2017. **A motion was made and seconded to approve the August 16, 2017 minutes as written. The motion passed unanimously. Mr. Smith abstained from voting.**
 5. **Decisions Regarding Licensing of Applicants:**
 - A. **Application Review Panels:** The staff presented the following Application Docket:

ID #	Applicant Name/Company Name	ARP #	REC.
4435	Jessica Yeager/Geosyntec Consultants	290	A
5266	Russell Abell/Sanborn, Head & Associates, Inc.	290	A
6450	Adam Roy/Nobis Engineering, Inc.	290	A

ID #	Applicant Name/Company Name	ARP #	REC.
2082	Timothy Clinton/Fuss & O'Neill, Inc.	291	A
3412	Bryan Massa/Lightship Engineering	291	A
6764	Laura Garvey/Sanborn, Head & Associates, Inc.	291	A

Ms. Coles-Roby reported Application Review Panel #290 recommended approving all three applicants. She stated the panel found that Ms. Yeager’s application demonstrated a number of complex project, principal decision-making experience, and work both in and outside of Massachusetts. The panel indicated Mr. Abell demonstrated IRA experience, assessment work, and a strong technical background. Ms. Coles-Roby stated that Mr. Roy was a re-application, and the panel indicated that his references were stronger than last time, he had been promoted to Project Manager, and he presented four new projects.

Ms. Coles-Roby reported that Application Review Panel #291 recommended approving all three applicants. She stated the panel thought Mr. Clinton and Ms. Garvey’s applications were well-written, demonstrated valuable experience, and had good references. Ms. Coles-Roby stated that Mr. Massa was a re-application, and the panel noted that his project descriptions were stronger this time.

A motion was made and seconded to accept the recommendation from Application Review Panel #290 and #291 that the applications submitted by Ms. Yeager, Mr. Abell, Mr. Roy, Mr. Clinton, Mr. Massa, and Ms. Garvey be approved and that they be found eligible to take the exam. The motion was approved unanimously.

B. Renewal Dockets: The staff presented the following License Renewal Dockets:

Renewal Docket #1
Renewal Date: July 30, 2017
New Renewal Date: July 30, 2020
 Has completed all requirements for renewal:

	LSP #	First	Middle	Last
1	1553	Glen	P	Gordon
2	9658	Gary	M	Garfield

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: July 30, 2017
New Renewal Date: October 28, 2017
 Have requested a 90-day extension:

	LSP #	First	Middle	Last
1	9096	Kathleen	C	Creighton

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

C. Total Number of Active LSPs: As reported in the Agenda, the total number of Active LSPs was 511 as of September 12, 2017.

7. Examinations: Ms. Coles-Roby reported that the exam is currently scheduled to be offered on November 29, 2017 and December 6, 2017. She stated that, including the six new applicants who were approved today, approximately fifteen individuals are eligible to take the exam. She stated that if all fifteen want to take the exam this round, a third day will need to be added. Mr. Richards asked why each day was limited to six people. Ms. Coles-Roby responded that the DEP training room has only six computers with the exam software. Mr. Richards asked how much notice applicants are given of the upcoming exam offerings. He stated that he had received some phone calls expressing concern over having sufficient notice for studying purposes. Ms. Coles-Roby indicated that phone calls of that nature should be directed to the LSP Board staff, and not be made to individual Board members. Ms. Listernick stated that the dates for the next exam offerings have been on the website for several months now. Ms. Coles-Roby added that the dates have been posted since at least June. She stated that the staff takes eligibility

into consideration when contacting applicants to sign up. Mr. Richards asked if it was a possibility that someone who wanted to take the exam would not be able to get a slot. Ms. Coles-Roby stated that a sufficient number of slots will be available for everyone, but there is no guarantee that everyone will get their first choice of dates. Mr. Siddique asked if the number of times an individual has taken the exam is figured in. Ms. Coles-Roby responded that the staff contacts those individuals whose eligibility is expiring first, and does not consider number of past exam attempts. She stated that Ms. Wyche will begin contacting applicants at the beginning of October to sign up. Ms. Coles-Roby noted the Board is only required to offer the exam once per year, so for 2017 that requirement was met back in July.

Mr. Austin asked if the Board should start thinking about preparing a fourth exam. Ms. Listernick suggested the exam committee first look at the performance results for the three existing exams. Mr. Austin suggested setting up a meeting in January or February 2018 to discuss the performance results. Dr. Batchelder stated that the Board should also consider adding language to the regulations which limits the number of times the exam can be taken, as is the case for other disciplines.

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:

1. RE3: RE3 Conference 2017 (1 Technical credit for every hour, November 1-3, 2017, Philadelphia, PA).
Committee Recommendation: **Approve three short courses, and notify the provider the request can be re-submitted for consideration as a conference, with a one-for two credit basis.**
2. MassDEP: Enforcement Basics, As Applied to M.G.L. ch.21E and the MCP (2 DEP Regulatory credits, October 24, 2017, Boxborough, MA).
Committee Recommendation: **Approve**
3. LSPA: Increasing Remediation Success: Focus on Planning, Implementation, and Combining Technologies (8 Technical credits, November 2017, Greater Boston area).
Committee Recommendation: **Approve**

C. Petition for Waiver: Mr. Austin reported the Committee reviewed a Petition for Waiver and recommended denying it for lack of good cause shown.

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. **Personnel, Budget, and Fees:** Ms. Coles-Roby reported she is still looking to hire a General Counsel, and there are currently no budget restrictions on the position moving forward. She stated that the Board received its annual spending budget, totaling \$17,000, which is the same amount as last year. Ms. Rundle asked what was covered by the budget. Ms. Coles-Roby responded that \$2,000 is for travel related expenses; \$4,000 for administrative expenses such as materials for creating the LSP certificates, envelopes and other office supplies; \$5,000 for consultant services, such as expert witness for disciplinary cases; \$5,000 for operational services; and \$1,000 for information technology.
11. **Status of Board Member Replacements by Governor:** Ms. Pinaud stated that she had no new information to report at this time.
12. **Other Business:**
 - A. **Website Update:** Ms. Coles-Roby reported that the Board's website is in the process of being converted to the new government website, and the staff has been provided with a draft version to review. She stated the staff has identified some issues and is in the process of re-writing much of it. She stated that some of the website's previous content has been lost in the new version. Ms. Coles-Roby reported that the staff is going through each topic to make such the language is consistent with the regulations. She stated the intent of the new website is to make it more user-friendly and to be consistent throughout government with respect to look and content. Ms. Listernick stated that an LSP commented to her that the "hold paramount" language is no longer on the current website and the mission statement is now located at the very bottom of the page. Ms. Coles-Roby stated that she would look into it. Mr. Smith asked if there was any update on using eDEP for LSP online payments. Ms. Coles-Roby responded that she has not heard back yet; however, the new website design is taking precedence right now.
 - B. **309 CMR 7.00 Procedure Governing Disciplinary Proceedings and Other Dispositions- Proposed Amendments:** Ms. Pinaud stated that this discussion will be postponed until next month. Ms. Listernick stated that she will continue to take comments.
13. **Future Meetings:** The Board's next meeting will be on October 25, 2017, in the Northeast Regional Office of MassDEP in Wilmington.
14. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 2:34 p.m.