



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

**MINUTES
of
BOARD MEETING
Held on February 26, 2014
[Approved: March 20, 2014]**

Meeting Location: Massachusetts Department of Environmental Protection
Central Regional Office
627 Main Street
Worcester, MA

Prepared by: L. Read

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of Meeting held on January 16, 2014
 3. Renewal Dockets #1, #2, #3, #4, and #5
 4. Decisions Dayall vs. Board of Registration of Hazardous Waste Site Cleanup Professionals by the Division of Administrative Law Appeals, the Board of Registration of Hazardous Waste Site Cleanup Professionals, and the Superior Court;
 5. List of Old Business
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1. **Call to Order:** Benjamin Ericson called the meeting to order at approximately 3:25 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, John Guswa, Farooq Siddique, and James Smith. Kirk Franklin, Debra Listernick, and Robert Rein were absent. Staff members present were Beverly Coles-Roby and Lynn Read. Also present were Rebecca Woolley, Environmental Analyst with the Bureau of Waste Site Cleanup ("BWSC") in MassDEP's Central Region; Wendy Rundle, Executive Director of the LSP Association ("LSPA"); and Wesley Stimpson of WES Associates.
 2. **Announcements:** Ms. Coles-Roby said an Investigator has been hired for the Board staff, Lori Williamson, currently with Beta Group in Norwood. Mr. Ericson said that Ms. Williamson was very highly recommended by the BWSC staff in MassDEP's Southeast Region, where she previously worked as an auditor, and the Board is fortunate to have such a highly qualified candidate.
 3. **Agenda:** The following item: 13.C. Website Design was added to the agenda.
 4. **Minutes of Meeting Held on January 16, 2014:** The members present reviewed the draft minutes of the meeting of the Board held on January 16, 2014. Ms. Read said she would correct the information on new applications in item 6. Ms. Coles-Roby said the

List of Old Business considered at the January 16, 2014 meeting had been updated, and she distributed copies of the updated list. **A motion was made and seconded to approve the January 16, 2014 minutes as amended. The motion passed unanimously.**

5. **Regulation Committee:** Ms. Coles-Roby said the Board received some comments about the Board’s present regulations and potential amendments to them, and the committee will be scheduling a meeting to discuss the comments. Mr. Ericson thanked the LSPA and ACEC for the comments they submitted.

6. **A-B. Decisions Regarding Licensing of Applicants:** The staff presented the following Application Dockets:

ID #	Applicant Name/Company Name	ARP #	REC.
2570	Stuart S. Manley/Conestoga-Rovers and Associates, Inc.	256	A

ID #	Applicant Name/Company Name	ARP #	REC.
7232	Lauren M. Konetzny	257	A

Mr. Ericson asked if the panelists from Application Review Panels (“ARPs”) #256 or #257 found any non-routine issues to discuss with the full Board. Mr. Austin said that in January, the ARP asked Mr. Manley to submit a fourth recommendation, and after the ARP considered that recommendation, the application was recommended for approval. Ms. Campbell said this application demonstrated responsibility for site decision-making without being a licensed LSP by stating that the applicant collaborated with the LSP, made preliminary decisions about response actions, and verified them with the LSP, and those decisions were discussed in his references. After brief discussion, a **motion was made and seconded to accept the recommendations from Application Review Panels #256 and #257 that the applications submitted by Stuart Manley and Lauren Konetzny be approved and that they be found eligible to take the exam. The motion was approved unanimously.**

Ms. Coles-Roby said there were no new applications to be assigned to ARPs.

C. Dayall v. Board of Registration of Hazardous Waste Site Cleanup Professionals:

Mr. Ericson said he and Dr. Batchelder discussed the decisions in Dayall v. Board of Registration of Hazardous Waste Site Cleanup Professionals, as the Board requested at the January 2014 meeting after discussing Mr. Stimpson’s letter about the standard for Relevant Professional Experience (“RPE”). Members said the Dayall decision was made in the earliest years of the MCP, and since that time the Board added the requirement for three years of RPE within five years before the application (309 CMR 3.02(2)(a)-(b)). Members and staff discussed that the MCP has been in effect for 20 years, and now the Board is reviewing all its regulations and can look at any inconsistencies in handling applications. Mr. Stimpson said it is important that applicants show active waste site cleanup responsibility on a real-time basis, as opposed to reviewing such work by others.

He said an application by a BWSC auditor would raise issues similar to the recently approved application. Ms. Woolley said that reviewing others' site cleanup work is different from having responsibility to do such work in the first instance. Mr. Ericson said **the Board will continue to discuss these issues next time.**

7. License Renewal Applications:

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

Renewal Docket #1
Renewal Date: January 30, 2014
New Renewal Date: January 30, 2017
 Have completed all requirements for renewal:

	LSP #	First	Middle	Last
1	5755	Geoffrey	R	May
2	3965	Carol		De Groot Bois
3	1443	Roger	P	Thibault
4	9492	Ronald	K	Burns
5	6698	John	H	Ankiewicz
6	2359	Richard		Cote
7	1631	Matthew		Barvenik
8	8945	William	R	Norman
9	9926	Sara	R	Hanna
10	5248	Ronald	F	Bukoski
11	3211	Raymond	F.	Leather
12	4075	Thomas	P	Luby
13	9556	Robert	J	Ankstitus
14	2306	Christopher	J	Horan
15	7262	Eric	S	Wood
16	7430	Arthur	J	Cunningham
17	8120	Mark	J	Begley
18	3124	Mathew	A	DiPilato
19	9495	Matthew	E	Robbins
20	3331	Barbara	A	Weir
21	3013	Jonathan	M	Noris
22	3989	John	A	Thompson
23	2845	Ryan	S	Hoffman
24	6891	Charles	A	Lindberg
25	1699	Kevin	J	Beaulieu

Minutes of LSP Board Meeting, February 26, 2014

	LSP #	First	Middle	Last
26	9982	Olaf		Westphalen
27	6934	Michael	J	Webster
28	9102	Scott		Masse
29	5473	Daniel	E	Taylor
30	9415	John		Rendall
31	8186	Robert	A	Mullin
32	7473	Ralph	J	Tella
33	7109	Bruce	A	Hoskins
34	3163	William	J	Betters
35	7220	Richard	G	Kowalski
36	2999	Prasanta	K	Bhunia
37	9370	Leland	J	Figgins, Jr.
38	4122	Geoffrey		Souza
39	5654	John	F	Ziegler
40	1965	William	H	Mitchell, Jr.
41	1481	Robert	C	Atwood
42	4454	Walter	T	Chaffee
43	9350	Dawn	L	Horter
44	8435	Brian	D	Moore
45	3497	Dana	A	Simpson
46	4183	Frank	W	Lilley
47	9181	Richard	P	Geisler
48	6894	Allen	R	Walker
49	7196	Joseph	E	Higgins
50	5455	Stephan	A	Sakakeeny
51	9719	Ileen	S	Gladstone
52	9996	Mark	A	Germano
53	7122	Kim	M	Henry
54	5103	John	H	Clement
55	3621	Robert		Luhrs
56	6442	Alan	E	Weiss
57	3050	Thomas	P	Army
58	1620	Francis	J	Hopcroft

Renewal Docket #2

Renewal Date: October 30, 2013

New Renewal Date: October 30, 2016

Completed requirements within 90-day extension:

LSP #	First	Middle	Last
2563	Frank	B	Postma

Renewal Docket #3

Renewal Date: January 30, 2014

New Renewal Date: January 30, 2017

Have requested a 90-day extension:

	LSP #	LSP Name
1	7893	Mark Nelson
2	3199	Robert A Stewart
3	3788	Thomas C. Cambareri
4	9546	Joseph P. Salvetti
5	9380	Alistair MacDonald
6	3722	David J. Thompson
7	6423	John W. McTigue
8	9435	Charles E. Klingler
9	1984	Simon Thomas
10	9749	Jeffrey A. Curtis
11	6544	Cedllyn Morgan
12	4014	Dolores M. Branco
13	2242	Richard P. Standish
14	2025	Thomas Maguire
15	6314	R. Duff Collins
16	2093	William R. Hoyerman
17	7336	Dorothy A. McGlincy
18	5483	James P Murphy
19	7450	Joseph V. Polsinello
20	2413	Frank S. Vetere
21	5309	Alvin J. Snyder
22	4620	Peter Nangeroni
23	5326	Joseph G. Engles
24	5438	Paul Hughes
25	4667	Marcia J. Berger
26	9000	Bruce H. Nickelsen
27	1217	Joseph A. Landyn
28	9056	David A. MacLean
29	8523	Charles D. Race

30	7333	Alfred C. Leonard
31	3742	Michael F. Dacey
32	7893	Mark E. Nelson
33	1286	Paul D. Steinberg
34	2003	Donald H. Bruehl
35	7212	Thomas Williamson, Jr.
36	6054	James K. Barrett
37	2890	Lawrence E. Kahrs
38	2196	John C. Drobinski
39	6746	Joseph P Vitale

Renewal Docket #4

Old Renewal Date: April 30, 2012

New Renewal Date: April 30, 2017

LSP requested to be placed on Inactive status effective April 23, 2012.

LSP is now requesting to be returned to Active status, and has completed renewal requirements within the two year deadline, and is now eligible for active status:

LSP #	LSP Name
9392	Benjamin R. Frothingham

Renewal Docket #5

Renewal Date: July 30, 2014

New Renewal Date: July 30, 2017

Has completed all requirements for renewal:

	LSP #	First	Middle	Last
1	7688	John	L	Meyer

A motion was made and seconded to renew the licenses of the LSPs on Renewal Dockets #1, #2, #4, and #5 for three-year periods ending on the dates indicated. The motion was approved unanimously. A motion was made and seconded to grant a 90-day extension to the LSPs on Renewal Docket #3. The motion was approved unanimously.

B. Other Renewal-related Matters. The staff reported that no waiver requests were received since the previous meeting, and there were no other renewal-related matters.

8. Other Licensing-Related Matters:

A. New Panel Assignments and Scheduling. See item 6 above.

B. Appeals Status Report. There were no pending appeals regarding the Board’s denial of license applications.

- C. 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
9282	January 3, 2013	Inactive	Welsh	Mark
2349	January 30, 2014	Inactive	Howell	Deborah
9090	January 30, 2014	Inactive	McCreery	Charles

- D. **Total Number of Active LSPs.** As reported in the Agenda, the total number of Active LSPs was 562 as of February 18, 2014.

9. **Examinations:**

A. **Dates of Next Exam:** Ms. Coles-Roby thanked Board members for their hospitality in hosting Exam Committee meetings. She said the Exam Committee plans to meet with a psychometrician in September 2014, and hold a cut-score workshop for the new and revised questions in October, 2014. She said the committee proposes to offer the new exam on November 19, 2014, but if the cut-score workshop cannot be done in October, there are enough questions available to offer an exam to comply with the Board’s responsibility to offer the exam once per year. She said that if the new MCP amendments are delayed and do not go into effect this Spring as expected, the old exam can be offered in May and June, 2014. Members said a November date for the new exam would give the regulated community several months of experience with the MCP amendments before applicants take the new exam. Mr. Ericson said the final approval of the MCP amendments is expected very soon, and the effective date is expected in May, 2014. Ms. Rundle asked what would be the Board’s plan if the MCP amendments go into effect soon but the cut-score workshop is delayed. Members stated that there are enough existing questions available to give one exam in late 2014. **A motion was made and seconded to approve the Exam Committee’s proposal to administer the new exam in November, 2014, or, if the cut-score workshop cannot be held in October, 2014, to offer an exam in October, 2014. The motion was approved unanimously.**

B. **Exam Committee:** The next meeting of the Exam Committee will be March 10, 2014.

C. **Exam Challenge:** Ms. Coles-Roby reported that the subcommittee addressing exam challenges is awaiting information from MassDEP, and several applicants who challenged exam questions passed the exam while their challenges were pending.

10. **Continuing Education Committee Report:**

A. **Course and Conference Approval Requests.** Dr. Guswa reported that the Committee met earlier in the day and made the following course recommendations to the Board:

Minutes of LSP Board Meeting, February 26, 2014

- a. Northeast Waste Management Officials' Association: Communicating Risk to the Public (March 27, 2014, Westford, MA. 5 ½ Technical credits; March 28, 2014 Brown University, Providence, R.I. 5 ½ Technical credits).
Committee Recommendation: **Approve**
- b. Cherrytree Group: Obtaining A Brownfields: Why You May Be Closer Than You Think (May 16, 2014, Boston, MA. 2 Technical credits).
Committee Recommendation: **Approve**
- c. VeruTEK: In-Situ Remediation (Early 2014, Boston, MA. 6 Technical credits).
Committee Recommendation: **Approve**
- d. LSPA: Method 3 Risk Characterization-A Short Course For LSPs (Spring/Fall 2014, Location TBD 6 Technical credits).
Committee Recommendation: **Approve**
- e. LSPA: A Short Course In Contaminated Fractured Rock Hydrogeology and Geophysics (March 21, 2014, Tufts University, Somerville, MA. 8 Technical credits previously approved as Course No. 1469).
Committee Recommendation: **Approve with the same course number**
- f. Battelle: Ninth International Conference On Remediation Of Chlorinated And Recalcitrant Compounds (May 19-22, 2014, Monterey, CA. 50% of time spent in conference, 100% time spent in Workshops, Technical credits).
Committee Recommendation: **Approve for 50% of time spent in conference, 100% time spent in Workshops, except no credit for Hazardous Materials Management Workshop**
- g. Rhode Island Society of Environmental Professionals: Fundamentals of Organic Chemistry (March 27, 2014, Lincoln, R.I. 8 credits previously approved as Course No. 1420).
Committee Recommendation: **Approve with the same course number**
- h. LSPA: Vapor Intrusion Site Management (March 13, 2014, Westborough, MA. 1 Technical credit).
Committee Recommendation: **Approve pending receipt of new instructor information**
- i. LSPA: Effective Data Visualization For Environmental Professionals (Spring/Fall 2014, Location TBD 8 Technical credits).
Committee Recommendation: **Tabled until next meeting, sponsor to provide more information**

- j. LSPA: Direct Push Methods For Groundwater Sampling to Support High Resolution Site Characterization (June 2014, Hanscom Air Force Base, Bedford, MA. 8 Technical credits).
Committee Recommendation: **Approve**

A motion was made and seconded to accept the Continuing Education Committee's recommendations. The motion passed unanimously, with Mr. Ericson abstaining as to the course offered by Northeast Waste Management Officials' Association, and Mr. Siddique abstaining as to the course offered by the Cherrytree Group.

Other Business: None.

11. **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.
12. **Personnel, Budget, and Fees:** See Announcements, item 2 above.
13. **Other Business**
- A. **LSPA News Topic:** Ms. Coles-Roby said she will draft an article on a topic suggested at past meetings, and will submit it to the Board for review before submitting it to the LSPA.
- B. **Action Items List:** As discussed above regarding Minutes, Ms. Coles-Roby distributed an updated chart of Old Business action items.
- C. **Board's Website:** Ms. Coles-Roby demonstrated a new page format for the Board's website. She said this format is used by all agencies within the Energy and Environmental Affairs secretariat, and it will have more information and functions than the current website. She said the new website will launch on April 20, 2014, and it will have a different web address, so there will be two sites for the Board, with links to each other. **She asked Board members to email her suggestions for content for the new website.** Members asked whether licensing applications, renewals, and fee payments can be done via the new website. Ms. Coles-Roby said such functions are developed by Information Technology, which is separate from the website designers. **Members said they will review on-line licensing services on the websites of the licensing boards for Professional Geologists and Professional Engineers. Ms. Coles-Roby asked Board members who are interested to send her some biographical information for posting on the Board's new website.**
16. **Future Meetings:** The Board's next meeting will be March 20, 2014, at the Western Regional Office of MassDEP, and other meetings are planned as follows:
April 17, 2014 – MassDEP Boston
May 15, 2014 – Northeast Region
June 19, 2014 – Southeast Region

17. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 4:24 p.m.