



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

**MINUTES**  
of  
**BOARD MEETING**  
**Held on March 19, 2015**  
[Approved: April 16, 2015]

Meeting Location: Massachusetts Department of Environmental Protection  
Northeast Regional Office  
205B Lowell Street  
Wilmington, MA 01887

Prepared by: L. Williamson

**List of Documents Used at the Meeting:**

1. Agenda
  2. Draft Minutes of Meeting held on February 19, 2015
  3. Renewal Docket #1
  4. List of Action Items for LSP Board
  5. Public Records Request Letter, dated February 27, 2015
1. **Call to Order:** Benjamin Ericson called the meeting to order at approximately 1:37 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, Debra Listernick, Robert Rein, Farooq Siddique, and James Smith. Board members absent were John Guswa and Kirk Franklin. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the LSP Association (LSPA); and Wesley Stimpson of WES Associates.
  2. **Announcements:** No announcements were made.
  3. **Agenda:** The Board members agreed to follow the draft agenda.
  4. **Minutes of Meeting Held on February 19, 2015:** The members present reviewed the draft minutes of the meeting of the Board held on February 19, 2015. A formatting error was identified. **A motion was made and seconded to approve the February 19, 2014 minutes as amended. The motion passed unanimously.**
  5. **Regulations Committee:** Ms. Campbell reported that the Continuing Education subcommittee met earlier in the day. Present at the meeting were Ms. Campbell, Mr. Smith, Wendy Rundle, and Dorothy McGlincy, of the LSPA. Ms. Campbell summarized that potential regulatory revisions, including reducing the required credits from 48 to 36 and changing the naming convention for credit categories, have been suggested. She

stated that the committee is now focusing on proposing regulatory revisions that would eliminate roadblocks for obtaining continuing education credits and identifying areas where flexibility might be allowed. The committee discussed the possibility of eliminating the requirement that college courses be pre-approved, with the caveat that the course's subject matter fall into one of the categories listed in Appendix A of the regulations. The committee also acknowledged that although there is a certain level of comfort in taking a pre-approved course, they felt it would be beneficial to have a more flexible second option for obtaining credits that wouldn't require pre-approval from the Board. Ms. Campbell stated that suggestions for this more flexible option could include receiving credit for serving as a Board member or on an LSPA committee, completing college classes, or taking an alternative learning format course. The committee indicated that it would be up to the LSP to provide sufficient information about the course or activity to convince the Board that credit should be awarded. It was suggested that the regulations stipulate a maximum number of credits that could be counted each renewal period using this alternative option. The committee also discussed whether the implementation of an honor system for license renewals was feasible. This would entail auditing only a certain percentage of license renewals instead of each one, with the notion that each LSP would be selected for an audit at some point. Ms. Campbell stated that the committee would like some feedback from the Board on these ideas before they begin drafting proposed revisions. Dr. Batchelder suggested that the Board modify the current language in the regulations regarding college courses to eliminate the pre-approval requirement. Ms. Coles-Roby stated that she was concerned about the suggestion of awarding credit for serving on the Board. She stated that all members of the Board serve on a volunteer basis and are not allowed to accept any payment for that service. Being awarded credits for service instead of having to pay for courses, could be considered a monetary incentive. Ms. Coles-Roby also indicated that she could see issues arising from instituting an honor system. She reported that the staff routinely identifies renewal applications that are incomplete or contain mistakes, which are resolved by placing a phone call to the LSP. She questioned how the Board would distinguish between an honest mistake and a deliberate violation. Ms. Coles-Roby stated that the statute sets the parameters for what revisions can and cannot be made to the regulations and that licensing and maintaining authority over LSPs needs to be adhered to in order to meet the Board's statutory responsibility. Mr. Ericson asked the Board members if there were examples of other state licensing authorities that review only a percentage of license renewals. Dr. Batchelder stated that New Hampshire's Boards of Professional Engineers and Professional Geologists use the audit program. She also stated that, in her opinion, without pre-approved courses, the audit program would put a large burden on the staff as well as the Board, who will be required to approve any credits obtained under the flexible option. Dr. Batchelder also questioned if there would be consequences if the audit determined that the LSP didn't meet his/her requirements, and if not, what the incentive would be to do it correctly. She remarked that if there are no consequences, an individual might be willing to risk the chance of an audit. She also suggested that any renewal application that uses the proposed flexible option result in an automatic audit. Mr. Ericson pointed out that this would become burdensome, as the staff would have to present all of those cases to the Board for approval of the credits. Ms. Coles-Roby stated that some individuals are better record keepers than others and the Board may encounter

difficulties obtaining the documentation from LSPs selected for an audit, especially if some time has passed since they submitted their renewal. Dr. Batchelder stated that she didn't see how the proposed changes would relieve the burden on LSPs. Mr. Ericson asked the committee what challenge these suggested alternative approaches would be solving. Ms. Campbell indicated that the suggested changes would allow LSPs more flexibility in obtaining credits. Ms. Listernick indicated that a number of LSPs have commented to her that they were only aware of the courses being offered by the LSPA, even though the Board regularly approves courses offered by a variety of other providers. She questioned if there was a way to better inform the LSP community of all the approved courses being offered. Dr. Batchelder suggested that the best change the Board could make to assist LSPs with the burden of obtaining credits would be to reduce the number of continuing education credits required per year, making them consistent with other jurisdictions. Mr. Ericson stated that the Board has three topics to consider: reducing the number of credits required for license renewal, finding a way to give LSPs more options for obtaining continuing education credits, and determining the most appropriate way for LSPs to document achievement of those required credits. He suggested that the Board focus on these three topics for future discussions. Mr. Ericson indicated that the Board needs to determine if the statute allows for the flexibility to make any of these suggested changes. Ms. Coles-Roby stated that it is the assumed responsibility of the Board to not give a license to an individual who hasn't kept up with the technology or who isn't qualified. Ms. Listernick suggested that the Board make the pre-approval process more streamlined in an attempt to encourage more providers to submit requests. Ms. Campbell indicated that Ms. Rundle is working on drafting a standardized form. Dr. Batchelder offered to forward the Board members a copy of the EPOC matrix, which summarizes the licensing requirements for all related jurisdictions, to aid in future discussions on the matter. Mr. Ericson stated that he would give some thought to statutory authority in the context of licensing in Massachusetts and if there are general rules the Board must adhere to.

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

ID #	Applicant Name/Company Name	ARP #	REC.
5644	David J. Gill/TRC	267	A

ID #	Applicant Name/Company Name	ARP #	REC.
5753	Philip M. Peterson/EBI Consulting	268	A

Mr. Smith was recused and left the room. Mr. Ericson asked the ARP to briefly describe the reasons for their recommendations. Mr. Siddique stated that Mr. Gill has approximately 20 years of total professional experience, approximately 15 years of relevant professional experience, and has worked on a variety of projects. Dr. Batchelder stated that Mr. Peterson had applied previously and was approved to take the exam, however his 2-year window had lapsed. His re-application contained the same

references, but included additional experience and four new projects. **Motions were made and seconded to accept the recommendation from Application Review Panel #267 and #268 that the applications submitted by Mr. Gill and Mr. Peterson be approved and that they be found eligible to take the exam. The motions were approved unanimously.** Mr. Smith returned to the room.

C. **Application Committee**: No report was made.

7. **License Renewal Applications**:

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

**Renewal Docket #1**  
**Renewal Date: January 30, 2015**  
**New Renewal Date: January 30, 2018**  
Have completed all requirements for renewal:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	6466	Lewis	S	Streeter
2	3049	Daniel	E	Walsh

**A motion was made and seconded to renew the licenses of the LSPs on Renewal Docket #1 for the three-year periods ending on the dates indicated. The motion was approved unanimously.**

B. **Other Renewal-related Matters**: The staff reported that there were no other renewal-related matters.

8. **Other Licensing-Related Matters**:

A. **New Panel Assignments and Scheduling**: The following Board members were assigned to Application Review Panel #269: Mr. Ericson, Mr. Austin, and Mr. Siddique. The following Board members were assigned to Review Panel #270: Ms. Listernick, Mr. Smith, and Ms. Campbell.

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

C. **Inactive Status Report**: The staff reported that the following LSPs are currently on Inactive Status:

<b>LSP Number</b>	<b>License Status Date</b>	<b>License Status</b>	<b>Last Name</b>	<b>First Name</b>
9099	January 30, 2016	Inactive	Egan	David
9921	September 1, 2016	Inactive	DelMarco	David

**D. Total Number of Active LSPs:** As reported in the Agenda, the total number of Active LSPs was 545 as of March 11, 2015.

**9. Examinations:**

**A. Dates of Next Exam:** To be determined.

**B. Exam Committee:** Ms. Coles-Roby reported that the Exam Committee had its first meeting with the psychometrician, Scott Thayn, this week, which was done as a conference call with all attendees logging onto their individual computers to access the information. Mr. Thayn set up a sidebar on the screen that documented his suggested changes for the committee to review and either accept or decline. The committee completed their review of approximately half of the questions during this first meeting. Ms. Coles-Roby stated that she would be sending an email to the committee members to schedule the second meeting, likely for the week of March 30, 2015. After this meeting, the next step would be the Angoff method, which entails the committee members taking the exam and rating each of the questions. She indicated that the committee is still on schedule to have the exam ready for a June 2015 offering. She stated that she would like to have everything wrapped up by April 30, 2015, so the committee has all of May to deal with any last minute issues that may arise. The Board members questioned how many applicants were waiting to take the exam. Ms. Coles-Roby reported that there are currently approximately 15 to 20 applicants waiting. She stated that the exam room accommodates six individuals per day and the staff will offer the exam as many days as it takes to allow all those waiting an opportunity to take the exam.

**C. Exam Challenge:** Mr. Siddique stated that he had added his opinions and comments into the Exam Challenge Matrix, and forwarded it to Dr. Guswa. The Board members agreed that any challenges that Mr. Siddique and Dr. Guswa are not in agreement on will go to the Exam Committee members for a decision.

**10. Continuing Education Committee Report:**

**A-B. Report on Course and Conference Approval Requests:** Mr. Siddique reported that the Committee met earlier in the day and made the following course recommendations to the Board:

1. GEI Consultants: *MGP 2015 Conference* (0.5 Technical credit per hour of attendance, April 15-17, 2015, Providence, RI).  
Committee Recommendation: **Approve**
2. RAM Group of Gannett Fleming: *Contaminant Fate and Transport Processes and Modeling* (12 Technical credits, May 9-10, 2015, Hartford, CT).  
Committee Recommendation: **Approve**

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3. RAM Group of Gannett Fleming: Application of Risk Assessment as a Decision Making Tool for Contaminated Sites (12 Technical credits, May 8-9, 2015, Hartford, CT).  
Committee Recommendation: **Approve the course as modified, and assign Course #1501a**
4. Redox Tech: Technology Workshop (2 Technical credits, March 25, 2015, Waltham, MA).  
Committee Recommendation: **Approve**
5. LSPA: Evaluating Wetlands Doesn't Have to be Risky Business (1 Technical credit, April 7, 2015, Waltham, MA)  
Committee Recommendation: **Approve**
6. Cherrytree Group: Developing a Brownfields Site: Building a Toolkit for Success (4 Technical credits, June 5, 2015, Boston, MA)  
Committee Recommendation: **Approve for 3 Technical credits to correspond to the 3 hours of technical presentation**
7. LSPA: Use of Surface Geophysical Tools for Subsurface Assessment: From Theory to Hydrogeologic Cases (1 Technical credit, March 12, 2015, Westborough, MA)  
Committee Recommendation: **Approve**
8. NEWMOA: TCE Vapor Intrusion: State of the Science, Regulation, and Technical Practice Workshop (5.5 Technical credits, April 13, 2015, Providence, RI and April 14, 2015, Lowell, MA)  
Committee Recommendation: **Approve**
9. LSPA: Remote Telemetry in SSDS Installations (1 Technical credit, April 29, 2015, Springfield, MA)  
Committee Recommendation: **Re-approve course with the new instructor and maintain the same course number**
10. LSPA: DNAPL Site Remediation: A Short Course for LSPs (4 Technical credits, spring 2015, location to be determined)  
Committee Recommendation: **Approve course as #1508a due to similar course content and instructors as Course #1508**
11. MassDEP: Geothermal/GSHP Application Opportunities under the MCP- A Component or Repurposing of Greener Cleanup Remedies (3 DEP Regulatory credits and 5 Technical credits, May 5, 2015, Westborough, MA and May 7, 2015, Taunton, MA)  
Committee Recommendation: **Re-approve course as modified and maintain the same course number**

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

**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:** Ms. Coles-Roby stated that the psychometrician's contract had been paid. She also stated that the hiring freeze is still in place, and no new staff can be hired at this time.
13. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby stated that one potential Board candidate had been interviewed and she has made contact with a second candidate who will be interviewed in the next couple of weeks.
14. **Other Business**
  - A. **Legislative Matter:** Mr. Ericson reported that he had not yet had the opportunity to speak to Senator Rush, but the letter will be sent out as soon as he does.
  - B. **Action Items List:** The Board members acknowledged the Action Items List.
  - C. **Public Records Requests:** Ms. Coles-Roby stated that she had issued a letter to Mr. Wyman on February 27, 2015 regarding his public records request, and has not received a response yet. She stated that an unrelated, second public records request the Board received requested copies of two LSP's applications. Ms. Coles-Roby reported that she had sent out the 10-day letter and notified the two individuals whose applications were the subject of the request. Copies of their redacted applications were emailed to both individuals for their review. A response was received from one of the individuals but not the other yet. She stated that she will give the individual a 30-day deadline to reply and then will send out the redacted applications to the requestor. Mr. Siddique questioned why all individuals mentioned in the applications were not notified. Ms. Coles-Roby stated that the Board staff redacted all names in the applications except the applicant, including references, supervisors, and clients.
15. **Next Meeting:** The next meeting is scheduled for April 16, 2015 at MassDEP's Boston office.
16. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 3:05 p.m.