



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

MINUTES
of
BOARD MEETING
Held on November 20, 2014
[Approved: January 15, 2015]

Meeting Location: Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

Prepared by: L. Williamson

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of Meeting held on October 16, 2014
 3. Renewal Dockets #1, #2, #3, #4 and #5
 4. List of Action Items for LSP Board
1. **Call to Order:** Benjamin Ericson called the meeting to order at approximately 2:40 p.m. Also present were John Guswa, Kathleen Campbell, David Austin, Farooq Siddique, Debra Listernick, and Kirk Franklin. Robert Rein entered the room at 2:44 p.m. Board members absent were Gail Batchelder and James Smith. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the LSP Association (LSPA), Wesley Stimpson of WES Associates, and Linda Segal of Wayland, MA.
 2. **Announcements:** There were no announcements.
 3. **Agenda:** The Board members agreed to follow the draft agenda.
 4. **Minutes of Meeting Held on October 16, 2014:** The members present reviewed the draft minutes of the meeting of the Board held on October 16, 2014. **A motion was made and seconded to approve the October 16, 2014 minutes as written. The motion passed unanimously.** Mr. Rein entered the room after the vote.
 5. **Regulations Committee:** Ms. Listernick stated that she and Ms. Coles-Roby did not have an opportunity to meet this month. Ms. Coles-Roby indicated a report would be made at the next Board Meeting. Mr. Ericson said the applications subcommittee also did not have an opportunity to meet this month. Ms. Campbell reported the continuing education subcommittee met earlier in the day with Susan Fessenden (MassDEP).

Comments will be incorporated into the draft Continuing Education Regulation Amendment Matrix, and a more in-depth discussion will take place at the next Board Meeting. Ms. Rundle offered the assistance of LSPA's Continuing Education Committee to provide suggestions and comments on any draft amendments.

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

ID #	Applicant Name/Company Name	ARP #	REC.
7520	Mindi Messmer/Tetra Tech	264	A
4685	Rebecca Balke/Comprehensive Environmental Inc.	264	T
8572	Jayne Knott/JFK Environmental Services	264	T

Mr. Ericson indicated the ARP would briefly describe their reasons for recommendations. Mr. Ericson said the panel recommended approving Ms. Messmer's application because she demonstrated that she has been working closely with LSPs and, overtime, has taken over project management duties and principal decision maker responsibilities for waste site cleanup work. Ms. Coles-Roby summarized the panel's reasons for recommending the tabling of Ms. Balke's and Ms. Knott's applications until additional information can be obtained. Regarding Ms. Balke's application, the panel would like clarification of which specific years the relevant professional experience had been performed. Without this information, the panel could not confirm that at least three years of relevant professional experience occurred within the five years prior to submission of the application. Ms. Coles-Roby stated that the panel recommended tabling Ms. Knott's application pending receipt of additional education documentation including either a transcript or a certified letter, additional information from references or different references altogether, and a more detailed description of one position and one project listed on the application. **A motion was made and seconded to accept the recommendation from Application Review Panel #264 that the application submitted by Mindi Messmer be approved and that she be found eligible to take the exam, and the applications submitted by Rebecca Balke and Jayne Knott be tabled until additional information is received. The motion was approved unanimously.**

Ms. Coles-Roby reported that ARP#261 did not meet again this month because two members of the panel were unable to attend today's meeting. The two applications were received in May 2014, and were assigned to a panel at the July 10, 2014 Board Meeting. Ms. Coles-Roby indicated that the applications were not received in time for the applicants to be eligible to take the May/June 2014 offering of the exam. The exam has not been given since that time and a date for the new version of the exam has not yet been established. Ms. Coles-Roby stated that the delay has not resulted in any missed opportunity to take the exam, but the applicants are losing out on a prompt decision. Ms. Rundle asked if it was possible for the panel to meet by phone. Ms. Coles-Roby stated that the Open Meeting Law applies to ARP meetings. Mr. Ericson suggested that the Board look into whether remote participation might be an option for the future. Ms. Coles-Roby indicated that there has been a repeated delay because there was disagreement among two of the panel members regarding some minimum requirements and, therefore, the full three-person panel is needed in order to make a recommendation to the Board.

Ms. Coles-Roby stated that she would contact the applicants to notify them of the continued delay. The Board members agreed to designate a backup ARP panel in case any members of the original panel could not attend the next Board Meeting to ensure that a decision would be made at that time. Mr. Ericson, Mr. Rein, and Mr. Austin volunteered to serve as backup panel members. Ms. Coles-Roby stated she would send the applications to them to review in advance of the next Board Meeting.

C. Application Committee: No report was made by the Application Committee.

7. License Renewal Applications:

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

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

	LSP #	First	Middle	Last
1	3661	Spencer	S	Smith
2	9198	Maria	E	Pinaud
3	3926	Michael	C	Bricher

Renewal Docket #2
Renewal Date: July 30, 2014
New Renewal Date: July 30, 2017
 Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	2154	Lisa	J	Campe
2	5573	Marco	D	Boscardin
3	2891	Timothy	A	Toomey
4	2107	Matthew	P	Heil
5	7349	James	M	Nuss
6	9325	Jeffrey	R	Caputi
7	9865	William	C	Beyer
8	6572	Peter	J	Zeeb
9	9894	Beverly		Auxford-Paiva

Renewal Docket #3
Old Renewal Date: January 30, 2014

New Renewal Date: January 30, 2017

License expired on January 30, 2014, for lack of credits.
Individual has completed renewal requirements within
1-year deadline and is now eligible for active status:

	LSP #	First	Middle	Last
1	3266	Kenneth		Snow

Renewal Docket #4

Old Renewal Date: April 30, 2014

New Renewal Date: April 30, 2017

License expired on July 30, 2013, for lack of credits.
Individual has completed renewal requirements within
1-year deadline and is now eligible for active status:

	LSP #	First	Middle	Last
1	7326	Andrew		Donoghue

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

Renewal Docket #5

Renewal Date: October 30, 2014

New Renewal Date: January 28, 2015

Have requested a 90-day extension:

	LSP #	First	Middle	Last
1	7713	Brian	G	Snow
2	2516	Eric	G	Nelson
3	8467	Kelly	M	Hansel

A motion was made and seconded to grant the LSPs on Renewal Docket #5 a 90-day extension. 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. The following Board members were assigned to Application Review Panel # 265: Ms. Campbell, Dr. Guswa, and Mr. Franklin.

B. Appeals Status Report. Ms. Coles-Roby provided an update to the Board on the Request for Adjudicatory Hearing that was discussed at the October 16, 2014 Board Meeting. The Request was submitted by an individual whose application had been denied, and contained additional information regarding his professional experience. Ms. Coles-Roby said she contacted the applicant and encouraged him to submit a new application, but has not heard anything further from him.

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
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 546 as of November 12, 2014.

9. Examinations:

A. Dates of Next Exam: Ms. Coles-Roby reported that the dates for offering the new exam have not yet been determined.

B. Exam Committee: The Exam Committee reported that the next meeting is scheduled for December 4, 2014 at Mr. Siddique’s office. Ms. Coles-Roby reported that the committee is currently reviewing the questions for accuracy, consistency, and grammar. Ms. Coles-Roby informed the Board that the contract for the psychometrician is ready to go, and start and end dates need to be established. She said that six to ten people will be needed for the cut-score workshop.

C. Exam Challenge: Ms. Coles-Roby reported that John Fitzgerald approved a challenger’s answers on two questions, and she forwarded the information to Dr. Guswa and Mr. Siddique for their review. Dr. Guswa indicated he had emailed his findings to Ms. Coles-Roby. Mr. Siddique requested to review the statistics for how the questions were answered historically prior to making his decision. The Board discussed difficulties obtaining this information in the past. The Board members agreed that the challenge will only be presented to the full Board if Dr. Guswa and Mr. Siddique are not in agreement with their findings.

10. Continuing Education Committee Report:

A-B. Report on 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:

- a. LSPA: *The New MCP for Everyone: A Practical Understanding of the Massachusetts Contingency Plan* (4.5 Regulatory credits, Spring 2015, Location TBD).
Committee Recommendation: **Approve**

- b. Battelle: *Eighth International Conference on Remediation and Management of Contaminated Sediments* (12 Technical credits, January 12-15, 2015, New Orleans, LA).
Committee Recommendation: **Deny**
The Board asked the staff to contact the LSP who made the request and encourage him to ask Battelle to submit a Course Approval Request that contains procedures for tracking attendance.

- c. LSPA: *LNAPL and VI Sites: Using AULs For Site Closure Under the New MCP* (1 Regulatory credit, December 9, 2014, Westborough, MA).
Committee Recommendation: **Approve**

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:

- A. Report from Today's Committee Meeting:** 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.

- B. Action on Committee Recommendations:** Ms. Coles-Roby offered to draft a written response to Dominic Galluzzo's Petition for Reconsideration, documenting the Board's decision not to re-open Complaint No. 13C-03.

- C. Other Business:** None

12. **Website Update:** Mr. Austin suggested that some changes be made to the website. He stated that he had noticed the current photographs displayed on the website all show the initial stages of a release, and suggested some be added that depict sites post-remediation, or some “before” and “after” pictures. He also suggested adding other non-disciplinary information to the “News” section such as the number of individuals who passed the exam this year. Mr. Ericson agreed that discipline is a very important part of what the Board does, but it is not all the Board does, and the website should reflect that. Mr. Ericson also suggested that there might be other agencies that should be added to the “Related Agencies” section, and that the LSPA should be listed someplace other than in the “Related Agencies” section. Ms. Coles-Roby asked Board members to send her any other suggestions they might have on the website’s content.
13. **Personnel, Budget, and Fees:** Ms. Coles-Roby reported that she plans to post the Assistant General Counsel position, and depending on whether the budget allows, would also like to hire a General Counsel.
14. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby reported that the Environmental slot is still open, and she is still hoping to have someone appointed, but has not heard anything from the Governor’s office. She stated that three new applications have been received, and she and Mr. Ericson have not yet conducted interviews. She stated that she was not optimistic that the sitting Governor would make any more appointments prior to the end of his term in January 2015. Ms. Rundle stated that if candidates were recommended to the Governor’s office for the position, the LSPA would be happy to make phone calls in an attempt to expedite the process. Mr. Ericson stated that he and Ms. Coles-Roby would meet with new candidates as soon as possible.
15. **Other Business:**
 - A. **Legislative Matter:** Mr. Ericson reported that he received comments from several Board members, and made changes to the letter. He will forward the draft letter to Ms. Coles-Roby for her review, and then to the Board.
 - B. **Action Items List:** The members present reviewed the Action Items List.
16. **Future Meetings:** Mr. Ericson suggested canceling the December 18, 2014 Board Meeting do to scheduling conflicts. He suggested using the time for the Board’s Committees to meet instead. **The Board members agreed to cancel the December 18, 2014 Board Meeting.** The Board’s next meeting will be on January 15, 2015, in the Central Regional Office of MassDEP in Worcester.
17. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 4:05 p.m.