



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

**MINUTES**  
**of**  
**BOARD MEETING**  
**Held on April 17, 2014**  
[Approved: May 15, 2014]

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

Prepared by: L. Read

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

1. Agenda
2. Draft Minutes of Meeting held on March 20, 2014
3. Renewal Dockets #1, #2, #3, and #4
4. Letter from LSP Association dated April 4, 2014
5. Letter from Daniel P. Gorman dated April 4, 2014
6. Letter from Lauren Konetzny dated April 6, 2014
7. Email from Stephan H. Landry dated April 14, 2014
8. Printout of Business page from Mass.gov website
9. Printout of LSP Board's draft web page
10. List of Action Items for LSP Board
11. Letter from the Office of the Attorney General dated March 31, 2014

1. **Call to Order:** Benjamin Ericson called the meeting to order at approximately 3:05 p.m. Also present were David Austin, Kathleen Campbell, John Guswa, Debra Listernick, Robert Rein, Farooq Siddique, and James Smith. Gail Batchelder and Kirk Franklin were absent. Staff members present were Beverly Coles-Roby, Lori Williamson, and Lynn Read. Also present were Lauren Konetzny; Phil Peterson; Matthew Hackman, President of the LSP Association (LSPA); Wendy Rundle, Executive Director of the LSPA; and Wesley Stimpson of WES Associates.
2. **Announcements:** There were no announcements.
3. **Agenda:** The Board members agreed to follow the draft agenda.
4. **Minutes of Meeting Held on March 20, 2014:** The members present reviewed the draft minutes of the meeting of the Board held on March 20, 2014. Ms. Listernick requested a correction to item 6C. **A motion was made and seconded to approve the March 20, 2014 minutes as amended. The motion passed unanimously.**

5. **Regulations Committee:** Ms. Coles-Roby said **the committee will schedule another meeting before the next scheduled meeting of the Board on May 15, 2014.** She said in the meantime, each member is working on a section of the regulations.
6. **A-B. Decisions Regarding Licensing of Applicants:** The staff presented the following Application Docket:

<b>ID #</b>	<b>Applicant Name/Company Name</b>	<b>ARP #</b>	<b>REC.</b>
1987	Michael M. Smith/GZA Geoenvironmental	258	A
4097	Jeanne Westervelt/Cooperstown Environmental	258	A

Mr. Ericson asked whether the ARP would describe their reasons for recommending the applicants for approval. Mr. Austin said that the ARP recommends the Board approve Mr. Smith’s application because he had 20 years of experience and exceeded the licensing requirements. He said Ms. Westervelt clarified her previous application, and showed that her experience exceeded the requirements for relevant experience, thus the ARP recommended the Board approve her application also. After brief discussion, a **motion was made and seconded to accept the recommendations from Application Review Panel #258 that the applications submitted by Michael M. Smith and Jeanne Westervelt be approved and that they be found eligible to take the exam. The motion was approved unanimously.**

C. **Application Committee:** There was no discussion of the Applications committee.

7. **License Renewal Applications:**

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

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

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	2791	William	E	Baird
2	4969	Lauren	M	Lesinski

**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, 2014**

**New Renewal Date: January 30, 2017**

Completed requirements within 90-day extension:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	7450	Joseph	V	Polsinello
2	3788	Thomas	C	Cambareri
3	9546	Joseph	P	Salvetti
4	7333	Alfred	C	Leonard
5	9435	Charles	E	Klingler
6	6542	Kenneth	T	Menzies
7	2140	Peter	J	McGlew
8	8624	Linda	F	Martin
9	1698	Thomas	P	Simmons
10	7639	David	L	Bramley
11	2003	Donald	H	Bruehl
12	5407	Fred	K	Taylor
13	8412	Frank	R	Sweet III
14	5326	Joseph	G	Engels
15	4078	Michael	J	Pierdinock

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

**Renewal Docket #3**

**Old Renewal Date: October 30, 2013**

**New Renewal Date: October 30, 2017**

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

<b>LSP #</b>	<b>LSP Name</b>
1808	John J. McHugh

**A motion was made and seconded to renew the license of the LSP on Renewal Docket #3 for a three-year period ending on the date indicated. The motion was approved unanimously.**

**Renewal Docket #4**

**Renewal Date: April 30, 2014**  
**New Renewal Date: July 29, 2014**  
Has requested a 90-day extension:

LSP #	LSP Name
5661	Kimberly Longridge

**A motion was made and seconded to grant the LSP on Renewal Docket #4 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.** Mr. Siddique, Mr. Rein, and Ms. Listernick volunteered to serve on ARP #259.

**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 April 9, 2014.

**9. Examinations:**

**A. Dates of Next Exam:** Ms. Coles-Roby said that MassDEP’s amendments to the Massachusetts Contingency Plan (“MCP”) received final approval, therefore the current version of the LSP exam will not be administered in May-June 2014, but the new exam will be administered in November-December, 2014, as decided at the February 26, 2014 meeting. She said this decision was the subject of the letters to the Board that would be discussed under item 9.B below, Exam Committee.

**B. Exam Committee:** Mr. Ericson said that the letters from the LSP Association, Mr. Gorman, Ms. Konetzny, and Mr. Landry all ask the Board to reconsider its decision to postpone the administration of the licensing examination until the Exam Committee has issued a new exam based on the MCP amendments. Mr. Ericson said the MCP

amendments received final approval, and they will be published on about April 25, 2014. He said some of the amendments will become effective immediately, e.g., new Reportable Concentrations, and new requirements for Tier Classification, but most will become effective on June 20, 2014. Ms. Coles-Roby said that the Exam Committee expects to finish creating the new exam in about November, 2014, and the committee recommended that applicants not be licensed as LSPs by taking the current exam, which is based on the version of the MCP that will be superseded when the amendments become effective June 20, 2014. She said a psychometrician has not yet been engaged, so the committee is on a tight schedule for finalizing the new exam. The members present discussed that postponing the exam affects applicants' ability to obtain the LSP license and the career advancement that depends on obtaining the license, and the Board might not be able to offer the exam in November, and therefore might not meet its regulatory requirement to offer the exam at least once per year. Ms. Coles-Roby reported that about 12 applicants have requested to take the next exam administration. Members discussed that a majority of the questions are on technical subjects and not regulatory requirements; offering the existing versions of the exam in May-June 2014 would test applicants primarily on the version of the exam then in effect, because most amendments will not go into effect until June 20, 2014; and the queue for the exam will only get longer between now and November-December 2014.

Members also discussed that some of the MCP amendments are in effect, therefore, if the current exam were given in May-June 2014, some questions would be based on superseded regulations; the amendments as a whole make structural changes to the MCP that will be important for LSPs to understand; a senior MassDEP staff member is opposed to the Board offering the current exam; and the amendments to the MCP will become effective almost immediately after a May-June administration of the exam. The members discussed that there are three versions of the current exam, and the Exam Committee found that, if questions about all the MCP amendments were eliminated, only one version of the exam could be offered; and such an exam would not be validly weighted among subject areas. Mr. Stimpson said that such an exam would not test applicants on the endpoints of the MCP process, which will be amended effective June 20, 2014. Ms. Campbell left the discussion at about 3:40 p.m., and returned at approximately 3:46 p.m. Ms. Coles-Roby asked whether offering an exam that did not take the amendments into account might provide LSPs with a defense to disciplinary actions, and the members present discussed placing a disclaimer on the exam. **A motion was made and seconded to offer the current exam in May and June, 2014. This motion was approved unanimously. A second motion was made and seconded that the exam to be offered in May and June 2014 should include all three current versions of the exam. The motion was approved by vote of five (Campbell, Guswa, Listernick, Rein, and Siddique), to three (Ericson, Austin, and Smith). The members present instructed the staff to withdraw the announcement on the Board's website that the LSP exam will not be offered in May-June 2014, and replace it with an announcement that the exam will be offered in May-June 2014 based on the 2008 version of the MCP.**

- C. **Exam Challenge:** Ms. Coles-Roby reported that the subcommittee addressing exam challenges has not yet received information requested from MassDEP.

10. **Continuing Education Committee Report:**

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

- a. NEWMOA: *Vermont Vapor Intrusion Updates Workshop* (5.5 Technical credits May 13, 2014, Pavilion 109 State Street, Montpelier, VT).  
Committee Recommendation: **Approve under old Course No. 1479.**
- b. MassDEP: *PCE and TCE Toxicity and Risk-Based Value Updates* (1 Regulatory credit April 10, 2014, Westin Hotel, Waltham, MA).  
Committee Recommendation: **Approve**
- c. NACSETAC: *NRDA II: Translating Ecological Injury to Compensation* (8 Technical credits June 10-11, 2014, University of Massachusetts, Amherst, MA).  
Committee Recommendation: **Deny because course fails to focus on Massachusetts Contingency Plan Subpart L, 310 CMR 40.1200, which sets forth procedures for recovery of Response Action Costs.**
- d. LSPA: *Who's Paying for this Cleanup?* (one (1) hour Regulatory credit, May 8, 2014, Doubletree Hotel, 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:** 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:** There was no discussion.

13. **Other Business**

- A. **LSPA News Topic:** There was no discussion of a topic for the LSPA Newsletter.
- B. **Action Items List:** The members present said the Action Items List was helpful. **Ms. Coles-Roby said as to the Board's website, if any Board members do not want their biographical information on the Board's website, they should let her know.**

**C. Open Meeting Law Decision:** Mr. Ericson said the Office of the Attorney General decided that the Board violated the Open Meeting Law by not making a timely response to Allen Wyman's request for executive session minutes, but the violation has been cured by producing the minutes requested. He said that the Attorney General took the position that the 30-day deadline for producing minutes is absolute, even if a longer response period was compelled for other reasons. Board members asked Mr. Ericson whether the whole Board was found to have violated the Open Meeting Law, given that the Board voted in June, 2013, to release the minutes that Mr. Wyman later requested, and the Board members had no control over the actions taken to comply with the request. Mr. Ericson said the decision found the Board in violation. Ms. Coles-Roby said that all of Mr. Wyman's complaints against the Board for violations of the Open Meeting and Public Records laws are now resolved.

**16. Future Meetings:** The Board's next meeting will be May 15, 2014, in the Northeast Regional Office of MassDEP, and another meeting is planned on June 19, 2014, at the MassDEP Southeast Regional Office.

**17. Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 4:22 p.m.