



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

MINUTES
of
BOARD MEETING
Held on February 18, 2016
[Approved: March 17, 2016]

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 January 21, 2016
 3. Renewal Dockets #1, #2, #3, and #4
 4. List of Action Items for LSP Board
 5. Public Meeting Ground Rules
 6. Petition for Waiver, dated February 5, 2016
 7. Executive Order 562 Regulation Review Checklist
-
1. **Call to Order:** Maria Pinaud called the meeting to order at approximately 2:03 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, Kirk Franklin, John Guswa, Debra Listernick, Robert Rein, Farooq Siddique, and James Smith. No Board members were absent. 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 David Del Marco (LSP).
 2. **Announcements:** Ms. Pinaud reported that she had distributed Public Meeting Guidelines to the Board members, which are based on Robert's Rules of Order. She stated that she prepared the document as an aid in being more efficient in chairing the meetings.
 3. **Agenda:** Mr. Rein observed that the "Decisions Regarding the Licensing of Applicants" was missing from this month's Agenda. The Board members agreed to add it to the Agenda.
 4. **Minutes of Meeting Held on January 21, 2016:** The members present reviewed the draft minutes of the meeting of the Board held on January 21, 2016. **A motion was made and seconded to approve the January 21, 2016 minutes as written. The**

motion passed, with Dr. Guswa and Mr. Siddique abstaining.

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

ID #	Applicant Name/Company Name	ARP #	REC.
3651	Geoffrey A. Brown/ENPRO Services, Inc.	276	A
6603	Vincent W. Spada/Kleinfelder	276	T

Ms. Coles-Roby reported that the panel recommended approving Geoffrey Brown’s application. Mr. Austin stated that the panel felt Mr. Brown’s application was well written, his education was good, and he had a lot of work experience, including a large amount of MCP projects over the years.

Ms. Coles-Roby reported that the panel recommended tabling Vincent Spada’s application. Mr. Austin stated the panel would like for Mr. Spada to review the Board’s guidance document on Limited Applications, and resubmit his application following those guidelines. Mr. Smith stated that Mr. Spada’s application did not demonstrate three years of relevant professional experience during the last five years.

A motion was made and seconded to accept the recommendation from Application Review Panel #276 that the application submitted by Mr. Brown be approved and that he be found eligible to take the exam, and the application submitted by Mr. Spada be tabled until additional information is received. The motion was approved unanimously.

ID #	Applicant Name/Company Name	ARP #	REC.
3532	Angela V. Boyd/Environmental Strategies & Management	277	A
4312	Thomas A. Campbell/Partner Engineering & Sciences, Inc.	277	A

Ms. Coles-Roby reported that the panel recommended approving Angela Boyd’s application. She stated that Ms. Boyd followed the Alternate Track, which requires fourteen years of total professional experience and seven years of relevant professional experience. She reported that Ms. Boyd’s application demonstrated fifteen years of total professional experience and eight years of relevant professional experience. Ms. Coles-Roby stated that the panel felt Ms. Boyd had a good cross section of work including assessment, remediation, and risk characterization.

Ms. Coles-Roby reported that the panel recommended approving Thomas Campbell’s application. She stated Mr. Campbell’s application demonstrated twenty years of total professional experience and twelve years of relevant professional experience. She stated that many of his projects were outside of Massachusetts but were consistent with MCP-type work. Mr. Rein stated that many of Mr. Campbell’s projects were complex sites

and, for the majority, he worked as a contractor for the federal government, including EPA and the Navy.

A motion was made and seconded to accept the recommendation from Application Review Panel #277 that the applications submitted by Ms. Boyd and Mr. Campbell be approved and that they be found eligible to take the exam. The motion was approved unanimously.

6. License Renewal Applications:

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

Renewal Docket #1
Renewal Date: January 30, 2016
New Renewal Date: January 30, 2019
 Have completed all requirements for renewal:

	LSP #	First	Middle	Last
1	2692	Catherine	G	Johnson
2	7936	Joseph	L	Callahan
3	2443	Herbert	E	Woike
4	5843	Michael	S	Stiller
5	6812	Cole	E	Worthy
6	9819	Joel	S	Mooney
7	8211	Paul	R	Campagna
8	4108	Samuel	S	Macintire
9	3319	James	J	Collins
10	1254	Mark	A	Lovejoy
11	6232	Andrew	P	Lunn
12	3676	Anne Marie	C	Desmarais
13	6786	Todd	W	Nickerson

Renewal Docket #2
Renewal Date: January 30, 2016
New Renewal Date: April 29, 2016
 Have requested a 90-day extension:

	LSP #	First	Middle	Last
1	9290	Deborah	H	Gevalt
2	9642	Gregg	A	Demers
3	8559	Irwin		Silverstein

	LSP #	First	Middle	Last
4	2002	John	E	Harvey
5	5217	William	J	Gibbons
6	2039	Joseph	R	McLaughlin
7	2591	Leonard	V	Rappoli
8	7782	Richard	K	Eby
9	3432	Dawn	M	Riley-Baptista

Renewal Docket #3

Old Renewal Date: October 30, 2015

New Renewal Date: October 30, 2018

Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	4900	Christopher	D	Glod
2	8740	Richard	B	Learned
3	5166	Michael	C	Penney
4	1278	Jeffrey	A	Hamel

Renewal Docket #4

Old Renewal Date: January 30, 2014

New Renewal Date: January 30, 2019

LSP requested to be placed on Inactive status effective January 30, 2014.

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

	LSP #	First	Middle	Last
1	9099	David		Egan

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

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

B. Other Renewal-related Matters: None.

7. Other Licensing-Related Matters:

- A. New Panel Assignments and Scheduling:** The following Board members were assigned to Application Review Panel #278: Ms. Campbell, Ms. Pinaud, and Mr. Smith.
- B. Appeals Status Report:** There were no pending appeals of any denials by the Board of license applications.
- C. Annual Fee Invoices:** Ms. Coles-Roby reported that annual fees are due by March 1, 2016. She reported that as of February 17, 2016, 335 LSPs have paid their annual fees, and 210 have not. Ms. Coles-Roby stated that she urges all LSPs whose company pays their annual fees to ensure the payments are being sent in on time.
- D. Petition for Waiver:** Ms. Coles-Roby reported that on February 5, 2016 the Board received a Petition for Waiver from David Del Marco for an extension to the deadline for payment of his 2015 annual fee. She stated that Mr. Del Marco is present for today's meeting if the Board members have any questions they would like to ask him. Ms. Coles-Roby reported that the invoices for the 2015 annual fees were mailed out in December 2014 and the deadline for payment was March 1, 2015. On March 10, 2015 a notice was issued to Mr. Del Marco stating that his annual fee had not been received by the March 1, 2015 deadline and, if payment was not received by the close of business on July 10, 2015, his license would be suspended. On September 24, 2015 a letter was issued to Mr. Del Marco stating that his license was expired because the annual fee payment was not received by July 10, 2015. Mr. Del Marco provided a copy of the cancelled check for the annual fee, which was dated July 1, 2015. Ms. Coles-Roby stated that although Mr. Del Marco dated the check July 1, 2015, it was not received and cashed by the revenue department until July 27, 2015. Mr. Del Marco stated that he had requested to go on inactive status in 2014 in order to go to graduate school to pursue a master's degree in civil engineering. He stated that his funds are limited due to this, and he did mail the check once he realized his license would expire for nonpayment. Mr. Del Marco stated that he was asking the Board to extend the deadline for payment from July 10, 2015 to July 27, 2015 when the check was cashed. The Board members discussed the letters that were issued to Mr. Del Marco and the amount of time that he had to pay the fee. **A motion was made and seconded to grant Mr. Del Marco's waiver and change his status from expired to active. The motion passed, with Mr. Smith abstaining.**
- E. 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
7613	November 21, 2016	Inactive	Warren	Robert

- F. Total Number of Active LSPs:** As reported in the Agenda, the total number of Active LSPs was 544 as of February 10, 2016.

8. **Examinations:**

A. **Dates of Next Exam:** March 2016.

B. **Exam Committee:** Ms. Coles-Roby reported that Wes Stimpson, John Fitzgerald (MassDEP), and Dr. Batchelder had volunteered to work on the second exam. She stated that she had not yet received a signed contract back from the psychometrician. She reported that there is not much work to be done in order to complete the second exam.

9. **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. ISOTEC: *In Situ Remediation Technologies Workshop* (7 Technical credits, April 6, 2016, White Plains, NY and April 7, 2016, Rocky Hill, CT).
Committee Recommendation: **Approve**
- b. PeroxyChem LLC: *Design and Application of In Situ Remediation Technologies* (4 Technical credits, date and location to be determined).
Committee Recommendation: **Approve, subject to notification of date and location, for 5 Technical credits to reflect the 5 hours of instruction**
- c. NEWMOA: *Making Better Decisions: Real-time Data Collection and Interpretation* (5.5 Technical credits, March 22, 2016, Danielson, CT, March 23, 2016, Westford, MA, and March 24, 2016, Lebanon, NH).
Committee Recommendation: **Approve, and assign course number 1370a**
- d. Hartman Environmental Geoscience: *The Vapor Intrusion Risk Pathway: A Practical Guide* (14 Technical credits, April 5-6, 2016, West Lebanon, NH).
Committee Recommendation: **Approve**
- e. LSPA: X-Ray Fluorescence Analysis: *A Short Course for LSPs and Other Environmental Professionals* (6 Technical credits, May or June 2016, Medford, MA).
Committee Recommendation: **Approve**
- f. Rutgers University: *Glacial Deposits of New Jersey* (3 Technical credits, March 22, 2016, Oxford, NJ).
Committee Recommendation: **Deny, because the course subject matter does not meet the criteria specified in the definition of “Technical” continuing education, that it must be demonstrably relevant to the**

scientific and/or technical components of response actions at disposal sites in Massachusetts (309 CMR 3.09(1))

- g. LSPA: Case Closed! Navigating the MassDEP LNAPL Guidance Document (1 Technical credit, March 10, 2016, Westborough, MA)
Committee Recommendation: **Approve**

Course Re-Approval Requests:

- h. MassDEP: An Introduction on Risk Communication for LSPs (2 DEP Regulatory credits, May 10, 2016, Boston, MA and May 17, 2016, Worcester, MA) (Course #1545)
Committee Recommendation: **Re-Approve**
- i. LSPA: Emerging Contaminants (4 Technical credits, March 10, 2016, Westborough, MA)(Course #1536)
Committee Recommendation: **Re-Approve**

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

C. LSP Board Disciplinary Proceedings Workshop Debriefing: No report was made.

D. Other Business: None

- 10. **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 and there were no actions to be voted on.
- 11. **Personnel, Budget, and Fees:** Ms. Coles-Roby stated that she has started reviewing the resumes submitted for the General Counsel position and expects to be moving forward with the interview process within the next two weeks.
- 12. **Status of Board Member Replacements by Governor:** Ms. Pinaud started that the meeting with the commissioner had been cancelled and she has nothing new to report at this time. Mr. Stimpson questioned if there were any candidates being considered. Ms. Pinaud stated that there are two candidates who have expressed interest in the environmental slot, but no decisions have been made yet. Mr. Austin asked if one of those two individuals will be chosen to be sent up to the governor's office. Ms. Coles-Roby stated that they often send up multiple names because some do not make it beyond EOEEA's review. She also stated that she has one Board member's Request for Reappointment that she has been holding onto in order to send all the names up together. She stated she may just send up the request without waiting for the candidates for the open slot.

13. Other Business:

A. Legislative Matter: Ms. Pinaud stated that she has begun making edits to the letter but is still working on it. She stated she will hopefully have it ready for the next meeting.

B. Action Items List: The Board members agreed to send any comments on the draft List of Denied Courses to Ms. Williamson. Ms. Campbell stated that she would forward the redline strike out version of the proposed continuing education regulation revisions to the Board before the next meeting. Ms. Coles-Roby stated that she passed out information on the Adjudicatory Procedures last meeting and will go through them at the March meeting.

C. Regulations Committees: Ms. Coles-Roby reported that the Executive Order 562 regulation review needs to be completed and submitted to EOEEA. Ms. Pinaud stated that she would assist Ms. Coles-Roby in completing the forms, and then draft copies would be provided to the Board for review. Mr. Austin asked what the timeframe was for completion. Ms. Coles-Roby stated that the checklist was due by February 16, 2016; however, she has already inquired about an extension.

Ms. Rundle asked if the Board had a schedule for the regulation subcommittees. Ms. Coles-Roby responded that there is no schedule in place yet. Ms. Rundle stated that she would urge the Board to put together a schedule to move the process forward. Ms. Pinaud stated that as soon as a General Counsel is hired, the Board could commit to a timeline and reorganize the subcommittees. Mr. Austin stated that a large portion of the work can be done by the Board members. Ms. Pinaud stated that an attorney needs to be involved in the process. Mr. Austin stated that would delay the process by months as the new hire process is completed. Mr. Austin stated that he had previously asked for a roadmap for the regulatory revision process and a timeline and that the process keeps getting delayed. Ms. Coles-Roby stated that she will look up which Board members are assigned to each of the subcommittees, and let everyone know what section of the regulations they are responsible for. She stated that she will go through the regulatory promulgation process at the March meeting. Ms. Rundle stated that she thought the process used by Ms. Campbell for the continuing education regulations was very productive. Ms. Coles-Roby stated that the Board has had to prioritize its obligations, and other tasks, like creating the new exam, were more pressing. Mr. Austin stated that Board members who were on the exam committee may now have the time to work on one of the other subcommittees.

C. Public Records Requests: Ms. Coles-Roby stated that the Board has received two public records requests within the last few weeks. She stated the first one consisted of 499 pages which were turned over free of charge, and some documents were forwarded electronically. She stated the second request was filed with the Executive Office of Public Safety requesting their records; however, the Office of Public Safety forwarded the request to the Board. Ms. Coles-Roby stated that the majority of the communication she had with the trooper was telephone conversations and there are very few records. She stated she has turned over any email communications she had.

She reported that the subject emails she was receiving were to her personal email account, however, once she started receiving them at work, the State Police and the Attorney General's cyber crime unit got involved. She stated that they had initially thought it was spam; however, no one else in the agency was receiving them.

E. Open Meeting Law: Ms. Coles-Roby reminded the Board members to sign off on the last page of the document and return it to her.

F. Website Update: Ms. Coles-Roby stated that she posted the slides from the Board's Disciplinary Workshop on the website and also changed the date of the next exam to March. She stated there still are not many individuals waiting to take the exam and only a couple of sessions will be needed in March or April, and the exam will be offered again in July. Mr. Austin suggested that the website also indicate that the exam will be offered in July for any individuals who are thinking about applying. Mr. Stimpson asked if the Board would consider offering the first exam to those individuals who have not taken the exam yet. Ms. Listernick asked if anything would have to be done to offer exam #1 again. Ms. Coles-Roby responded that there is one question that may need to be modified, pending the outcome of today's quasi-judicial session. Mr. Siddique stated that an applicant would like to sit as many times as possible, and if you restrict it to only those who haven't taken the exam yet, the others may not be very happy. Ms. Coles-Roby stated that because the second exam is not ready yet, the Board does not have an exam to give to those who already took exam #1. Dr. Batchelder stated that the Board is only required to offer the exam once per year, and it has been offered more than that only as a courtesy. She stated that it was originally designed that way so that there wouldn't be too many opportunities within the two year window for applicants to take the exam numerous times. Mr. Smith stated that those waiting for the second exam had the chance to take exam #1 in July 2015 and would have the chance to take the second exam in July 2016, having at least two opportunities during their two year window. Dr. Guswa asked if the Board had always made sure that people did not take the same exact exam twice. Ms. Coles-Roby confirmed that the Board staff keeps track of which exams the applicant has taken so they are not offered the same one. **A motion was made and seconded to offer the exam to first time takers in March pending the outcome of today's quasi-judicial session. The motion passed, with Mr. Franklin abstaining.**

G. LSP Board Bulletin: Ms. Coles-Roby reported that the Bulletin will launch on March 1, 2016 and will contain announcements and reminders. Ms. Rundle asked if the LSPA could be added to the list of recipients. The Board members agreed to add the LSPA's email address to the list.

14. Next Meeting: The next meeting will be held on March 17, 2016 at MassDEP's Boston office.

15. Adjournment: A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 3:25 p.m.