



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

**MINUTES**  
of  
**BOARD MEETING**  
**Held on June 16, 2016**  
[Approved: August 17, 2016]

Meeting Location: Massachusetts Department of Environmental Protection  
Southeast Regional Office  
20 Riverside Drive  
Lakeville, MA 02347

Prepared by: L. Williamson

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

1. Agenda
  2. Draft Minutes of Meeting held on May 19, 2016
  3. Renewal Docket #1
  4. List of Action Items for LSP Board
  5. Notice of Claim for Adjudicatory Proceeding, Request for Additional Information, and Decision For License Application No. 7850
1. **Call to Order:** Maria Pinaud called the meeting to order at approximately 1:30 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 Lisa Alexander, Deborah Marshall, Jennifer Wharff, and John Handrahan, of MassDEP; 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 May 19, 2016:** The members present reviewed the draft minutes of the meeting of the Board held on May 19, 2016. Ms. Pinaud made a correction to the "Announcements" section. **A motion was made and seconded to approve the May 19, 2016 minutes as amended. The motion passed unanimously.**
  5. **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>
7250	Daniel P. Gorman/Golder Associates, Inc.	280	A
6450	Adam N. Roy/Nobis Engineering, Inc.	280	D

Ms. Pinaud asked the ARP to briefly describe the reasons for their recommendations. Ms. Coles-Roby reported that Daniel Gorman was a re-application, and the panel recommended approving his application. Ms. Listernick stated that Mr. Gorman has continued to work on complex projects that represent Relevant Professional Experience (RPE) since his original application was approved. Ms. Coles-Roby stated that the panel recommended the application submitted by Adam Roy be denied because the required RPE was not demonstrated.

**A motion was made and seconded to accept the recommendations from Application Review Panel #280 that the application submitted by Mr. Gorman be approved and that he be found eligible to take the exam and the application submitted by Mr. Roy be denied. The motion was approved unanimously.**

**6. License Renewal Applications:**

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

**Renewal Docket #1**  
**Renewal Date: April 30, 2016**  
**New Renewal Date: April 30, 2019**  
 Has completed all requirements for renewal:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	4410	Peter		Richards

**A motion was made and seconded to renew the license of the LSP on Renewal Docket #1 for the three-year period ending on the date indicated. 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 # 281: Mr. Siddique, Ms. Campbell, and Dr. Batchelder.

**B. Appeals Status Report:** Ms. Coles-Roby reported that a Notice of Claim for Adjudicatory Proceedings and a Request for Information was received by the Board

from Applicant No. 7850 on June 6, 2016. The Board requested that the Application Review Panel members summarize their reasons for recommending denial. Ms. Listernick stated that the panel felt the applicant had four years of RPE in his current position, but that his previous position entailed being a team leader and not the primary decision maker for the overall project. She stated the panel determined that the applicant needed additional RPE. Ms. Pinaud questioned whether giving the applicant the opportunity to resubmit his application would be helpful. Ms. Listernick stated that the applicant would still need an additional four to five months of RPE in order to meet the regulatory requirement. Mr. Siddique stated that the description of project tasks provided by the applicant's references did not support the applicant's claim of being the primary decision maker. Mr. Rein asked if the Board could give the applicant the option of resubmitting references. Ms. Listernick stated that his references corroborated that he was doing mostly field work. Dr. Batchelder suggested that the full Board review the application prior to scheduling a hearing. Mr. Franklin suggested that the staff inform the applicant that the full Board will be looking at his application and will get back to him once the review is complete. Mr. Austin asked if the applicant has the option to resubmit. Ms. Pinaud stated that he could be given that opportunity after the full Board reviews the original application. Ms. Coles-Roby stated that she will forward the application to the Board members, and once the Board discusses it at the August meeting, she will inform the applicant of his options.

**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
7613	July 22, 2015	Inactive	Warren	Robert
9921	September 1, 2014	Inactive	DelMarco	David
9451	February 12, 2016	Inactive	Zirbel	Martha
8501	January 22, 2015	Inactive	Taliadouros	Kleo

**D. Total Number of Active LSPs:** As reported in the Agenda, the total number of Active LSPs was 531 as of June 8, 2016.

**8. Examinations:**

**A. Exam Committee Report:** Ms. Coles-Roby informed the Board that the staff has scheduled July 13, 2016 and July 20, 2016 as tentative dates for the exam offerings. She stated that, including the applicant approved today, there are approximately thirteen individuals in the queue. Ms. Coles-Roby stated that those applicants whose eligibility runs in 2016 will be given first priority. She reported that one individual's eligibility is expiring on July 10, 2016, and the Board may be receiving a petition for waiver from that individual. Dr. Batchelder suggested that the Board make a motion to grant that individual an extension now, so he may be eligible to take the exam in July. **A motion was made and seconded to grant Eric LaMontagne an extension of eligibility to July 30, 2016. The motion was approved unanimously.**

**B. Exam Challenges:** Ms. Coles-Roby reported that two sets of exam challenges were forwarded to the DEP expert (John Fitzgerald) and then to Dr. Guswa and Mr. Siddique. Dr. Guswa reported that, of the eight questions challenged, Mr. Fitzgerald recommended denying six, had no recommendation on one, and recommended approving one. Dr. Guswa stated that he and Mr. Siddique reviewed the challenges and Mr. Fitzgerald's comments, and recommend denying seven and approving one. Dr. Guswa stated that the recommended approval is due to the keyed response being incorrect and needing to be fixed. Mr. Siddique questioned whether the Exam Committee should check all the questions to make sure all the answers were correctly entered into the key. Dr. Batchelder suggested that when the Committee goes through the second exam, they should also check the keyed answers. Ms. Rundle asked if the question was related to an MCP citation. Dr. Guswa responded that the question involved a mathematical calculation. Ms. Coles-Roby stated that out of all the individuals who have taken the exam thus far, no one has not passed by only one question, and this one question will not be the difference of passing or failing for anyone. Dr. Guswa reported that the Exam Challenge Committee is now current with all exam challenges.

**C. Next Exam:** July 13, 2016 and July 20, 2016

**9. Continuing Education Committee Report:**

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

- a. MassDEP: *Ensuring Approval and Acceptance of Contaminated Soil* (1 DEP Regulatory credit and 0.5 non-DEP Technical credit, June 22, 2016, Springfield and Chicopee, MA).  
Committee Recommendation: **Approve**
- b. GeoPractical: *Introduction to Arsenic in New England Soil and Groundwater* (8 Technical credits, September 23, 2016, Devens, MA).  
Committee Recommendation: **Approve**

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

**C. 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.

11. **Personnel, Budget, and Fees:** Ms. Coles-Roby reported that the interviews for the General Counsel position are being pushed back because one of the interview panel members has been ill.
12. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby stated that she drafted a letter to go to EEA for the recommended candidate for the open environmental slot. She stated that she expects the package for the new candidate and the one re-appointment to go out next week.
13. **Other Business:**
  - A. **Action Items List:** Ms. Coles-Roby reported that she called the Governor's office about House Bill 4188, and has not gotten a response yet. She stated that a letter is being drafted on House Bill 695 but is not ready for review yet. She stated that she has a meeting scheduled on June 24, 2016 with Victoria Phillips (MassDEP) regarding the exam software.
  - B. **309 CMR 3.09 Continuing Education Regulations- Proposed Amendments:** No report was made.
  - C. **House Bill 695- *An Act Establishing a Department of Environmental Protection Appeals Board:*** No report was made.
  - D. **House Bill 4188- *An Act Relative to State Oversight of Professional Licensing Boards:*** See 13A above.
14. **Future Meetings:** The Board members determined the schedule of meetings for the next fiscal year to be as follows:
  - August 17, 2016- NERO
  - September 21, 2016- Boston
  - October 19, 2016- CERO
  - November 16, 2016- WERO
  - December 21, 2016- SERO
  - January 18, 2017- NERO
  - February 15, 2017- Boston
  - March 15, 2017- CERO
  - April 19, 2017- WERO
  - May 17, 2017- SERO
  - June 21, 2017- NERO
15. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous vote, the Board meeting was adjourned at approximately 2:20 p.m.