



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

MINUTES
of
BOARD MEETING
Held on September 11, 2014
[Approved: October 16, 2014]

Meeting Location: Massachusetts Department of Environmental Protection
Central Regional Office
627 Main Street
Worcester, MA

Prepared by: L. Read

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of Meeting held on July 10, 2014
 3. Renewal Dockets #1, #2, and #3
 4. Electronic Mail from Andrew Donoghue dated July 10, 2014
 5. Draft article about Advisory Opinions
 6. List of Action Items
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1. **Call to Order:** Benjamin Ericson called the meeting to order at approximately 3:20 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, Kirk Franklin, Debra Listernick, Farooq Siddique, and James Smith. Board members absent were John Guswa and Robert Rein. Staff members present were Beverly Coles-Roby, Lori Williamson, and Lynn Read. Also present were Wendy Rundle, Executive Director of the LSP Association (LSPA); and Wesley Stimpson of WES Associates.
 2. **Announcements:** There were no announcements.
 3. **Agenda:** The Board members present agreed to follow the draft agenda.
 4. **Minutes of Meeting Held on July 10, 2014:** The members present reviewed the draft minutes of the meeting of the Board held on July 10, 2014. A correction was made. **A motion was made and seconded to approve the July 10, 2014 minutes as amended. The motion passed, with Ms. Campbell and Ms Listernick abstaining.**

5. **Regulations Committee:** Ms. Coles-Roby reported that she and Ms. Listernick made progress in drafting proposed changes to Section 7.00 of the Board’s regulations, and they **will report on their work at the next meeting of the Board.** She said **Ms. Read will work with Mr. Ericson and Ms. Batchelder on the Application regulations, and on the Waiver regulation.**

6. **A-B. Decisions Regarding Licensing of Applicants:** Dr. Batchelder reported that the members of Application Review Panel (“ARP”) #261 who were present decided to **postpone their meeting until Dr. Guswa could be present.** Members discussed that this postponement would not harm the applicant, because a new exam is being developed, therefore no LSP exam would be offered until after the next Board meeting.

7. **License Renewal Applications:**

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

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

	LSP #	First	Middle	Last
1	9845	MD	Farooq	Siddique
2	4695	David	J	Foss
3	9663	Elliot	I	Steinberg
4	7610	Kevin	J	Kavanaugh
5	2887	Justin	L	Mosquera
6	1799	Philip	E	Warner
8	8237	Douglas	G	Larson
9	5463	Richard	J	Wozmak
10	9004	Dr. Robert	S	Palermo
11	1939	Peter	M	Grivers
12	9463	Jonathan	Alan	Aisner
13	9658	Gary	M	Garfield
14	1111	Wayne	C	Perry
15	5800	Thomas	J	Stevenson
16	9096	Kathleen	C	Creighton
17	8494	M	Margaret	Hanley
18	7407	Christopher	L	Hagger
19	2647	David	E	Leone
20	5428	John	P	Jemsek

	LSP #	First	Middle	Last
21	9256	Lawrence	M	Hogan
22	6421	Stephen	J	Graham
23	9789	Keith	E	Johnson
24	9623	John	R	Kastrinos
25	9360	James	J	Decoulos
26	7072	William	F	Sarro
27	4018	Carl		Shapiro
28	2527	Thomas	J	Nunno

Renewal Docket #2

Renewal Date: April 30, 2014

New Renewal Date: April 30, 2017

Completed requirements within 90-day extension:

	LSP #	First	Middle	Last
1	2152	Alan	D	Hanscom

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

Renewal Docket #3

Renewal Date: July 30, 2014

New Renewal Date: October 28, 2014

Have requested a 90-day extension:

	LSP #	LSP Name
1	4058	Alton Day Stone
2	9325	Jeffrey R Caputi
3	3370	Thomas A Jordan
4	2154	Lisa J Campe
5	8059	William F. Simons
6	6572	Peter J. Zeeb
7	3656	Kerry Robert Tull
8	2891	Timothy A. Toomey
9	8614	Todd Piskovitz
10	9865	William C. Beyer
11	4334	Janet Keating-Connolly
12	5573	Marco D. Boscardin

13	4280	John Kubiczki
14	9894	Beverly Auxford-Paiva
15	7747	Richard J. Sarnelli

A motion was made and seconded to grant the LSPs on Renewal Docket #3 a 90-day extension. The motion was approved unanimously.

B. Other Renewal-related Matters. The staff reported that one waiver request was received, see item 7.C below, and there were no other renewal-related matters.

C. Petition for Waiver. Ms. Coles-Roby reported that Andrew Donoghue requested an additional extension to renew his license, beyond the 90-day extension that the Board granted to him on May 15, 2014, to enable him to obtain one more MassDEP continuing education credit. She said the LSP’s electronic mail stated that after he submitted his application for 90-day extension, MassDEP has not offered any continuing education courses that he has not already taken, and space in the MassDEP courses was limited, because the venues were small. Members present asked how many MassDEP credits had been offered since April 30, 2014, and Ms. Rundle noted that two sessions of the “Overview of the MCP Amendments” course were offered during that time. Members also discussed that there had been ample opportunity to obtain MassDEP credits in the last three years and thus they could not set a precedent by granting this request. **A motion was made and seconded to deny the request. The motion passed unanimously.**

8. Other Licensing-Related Matters:

A. New Panel Assignments and Scheduling. Mr. Smith recused himself and left the room. **The following Board members were assigned to Application Review Panel #262: Mr. Austin, Ms. Campbell, and Ms. Listernick.** Mr. Smith returned and rejoined the meeting. **The following Board members were assigned to Application Review Panel #263: Mr. Siddique, Mr. Franklin, and Ms. Listernick.**

Ms. Coles-Roby said that seven (7) LSPs did not pay their renewal fees after she sent reminder letters by certified mail and called each of them. She said the lapse of their licenses will be posted on the Board’s website.

B. Appeals Status Report. The staff reported there were no pending appeals of any denials by the Board of license applications.

C. Inactive Status Report. The staff reported the following LSPs are 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 551 as of September 4, 2014.

9. Examinations:

- A. Dates of Next Exam:** Ms. Coles-Roby said that the dates of the next exam have not been decided while the Board continues to work on the new exam based on the amendments to the MCP. After discussion, **the members present instructed the staff to post on the Board's website that the Board will offer the new exam no later than the Spring of 2015.**

- B. Exam Committee:** Ms. Coles-Roby said the original schedule for developing the exam was to meet with a psychometrician in September 2014, and hold cut-score workshops in October 2014 and November 2014, so that the new exam could be offered on November 19, 2014. She said she might have a psychometrician under contract soon, and the available funds for the contract were raised from \$8,599.00 to \$15,000.00. Ms. Coles-Roby said the psychometrician estimates she can do the work for an estimated \$12,000 to \$15,000, and might not need to conduct a beta test. She said this psychometrician is located in Utah, and she would do the work by telephone or videoconference. She said there is a backup psychometrician in New Jersey.

Ms. Coles-Roby said the Exam Committee has drafted questions in nine subject areas, and they still need questions in Site Assessment, Remediation, and Statutes and Regulations. She said the Committee will be ready to work with the psychometrician after its meeting on September 25, 2014. She thanked the Committee for their hard work and attendance at the meetings.

- C. Exam Challenge:** Exam challenges were not discussed.

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:

- a. Sponsor: NEWMOA
Course Title: *DNAPL Investigation & Remediation: The Evolving State-of-Practice*
Credits Requested: 5.5 Technical credits
Date and Location: September 17, 2014 Danielson, CT, September 18, 2014, Westford, MA
Committee Recommendation: **Approve**

- b. Sponsor: AEHS Foundation
Course Title: 30th Annual International Conference on Soils, Sediments, Water, & Energy
Credits Requested: 0.5 Technical Credit per hour attendance at platform presentations, and 1 Technical Credit per hour attendance at workshops
Date & Location: UMass Amherst
Committee Recommendation: **Approve for ½ hour per hour attendance at platform presentations, and 1 Technical Credit per hour attendance at workshops 1, 3, 5, 6, 7, 8, 9, 10; deny workshop #2; and workshop #4 was previously approved as Course #1505.**

- c. Sponsor: ARCADIS
Course Title: Monitored Natural Attenuation Training
Credits Requested: 5.5 Technical credits
Date and Location: Online Course
Committee Recommendation: **Approve for 5.5 Credits**

- d. Sponsor: ARCADIS
Course Title: Air Sparging & Soil Vapor Extraction
Credits Requested: 5.5 Technical credits
Date and Location: Online Course
Committee Recommendation: **Approve for 5.5 Credits**

- e. Sponsor: NGWA
Course Title: The New MODFLOW Course: Theory and Hands-On Applications (#258)
Credits Requested: 31 Technical Credits, 33 Technical Credits for extended version
Date and Location: June 16-19, 2014 Las Vegas, NV
Committee Recommendation: **Approve for 31 Technical Credits or 33 Technical Credits for extended version, as Course #1270a.**

- f. Sponsor: Cherrytree Group
Course Title: Obtaining a Brownfields: Why You May Be Closer Than You Think
Credits Requested: 2 Technical credits
Date and Location: October 14, 2014, Springfield, 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.

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. **A motion was made and seconded to accept the recommendation of the Committee that no further complaint should be opened in matter number 13C-03, and the motion passed unanimously. The members also acknowledged that Mr. Franklin volunteered to draft a response to the letter from the state legislators,** as discussed during the Professional Conduct meeting.
12. **Website Update:** Ms. Coles-Roby said she will draft Frequently Asked Questions about the Continuing Education program for posting on the Board's website. **Members asked whether a summary would be posted of the Administrative Consent Order in Complaint No. 08C-06 recently issued by the Board, and Ms. Coles-Roby said a summary will be posted. Ms. Coles-Roby asked the members to send her their comments on the draft article about advisory opinions that was included in the packet for today's meeting.**
13. **Personnel, Budget, and Fees:** Ms. Coles-Roby announced that all 557 of the Board's LSP files were up to date, and a new library of the Board's minutes had been created, thanks to Ms. Williamson's efforts.
14. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby reported that the status of the spaces on the Board was the same as it was in July, and two current Board members are requesting reappointment. Ms. Listernick asked if there was a candidate in the queue for the open position on the Board, and Ms. Coles-Roby said the position has remained open for so long that it would be good for **the Board to start collecting ideas again.** She said she talked with Ms. Rundle about recommendations for this slot, and Ms. Rundle said she would ask the LSPA for suggestions.
15. **Other Business**
 - A. **Action Items List:** The members acknowledged the list of Action Items.
 - B. **Legislative Matter:** As noted in item 11 above, this matter was discussed during the Professional Conduct meeting.
 - C. **Press Releases:** Ms. Read said that LSPs in disciplinary actions often object to the Board's practice of issuing a press release to announce its disciplinary orders. She said she briefly reviewed the websites of other licensing boards to observe whether the LSP Board's practice of posting press releases on its website indefinitely was similar to the practices of other agencies. She said she checked the websites of the Board of Registration in Medicine (BORIM), the Board of Bar Overseers (BBO), and several boards of registration overseen by the Massachusetts Division of Professional Licensure. She said the BBO and BORIM included press releases starting in 2010, as well as all disciplinary decisions, which identified licensees by name. She said the Real Estate Brokers Board and the Professional Engineers and Land Surveyors Board

included press releases dating back to 2005, and the Plumbers and Gas Fitters press releases dated back to 2007. Ms. Read said that the LSP Board maintains all press releases on its website, but its Summaries of Disciplinary Actions do not identify the LSPs by name. The members present discussed that, from this review, it appeared that the Board's practices are not significantly different from other boards and reasonably inform the public of disciplinary actions. The members present decided that no action need be taken.

D. Public Records Request: Ms. Coles-Roby reported that in July, the staff produced most of the documents requested in relation to Complaint 13C-03. She said the documents that were not yet produced related to the part of the investigation that was still ongoing. She said the staff was reviewing those documents to determine if the ongoing investigation would be harmed by their disclosure, and thus they might be exempt under the Public Records Law. She said the staff will finish that review and produce the remaining public records as soon as possible. Members discussed whether notes made by members of Screening Teams or Complaint Review Teams become public records automatically, or whether some notes might be exempt from disclosure under the Public Records Law if they were made for personal use and were not shared with anyone else.

E. Regional Hazardous Waste Site Professionals Meeting: Ms. Coles-Roby reported that she organized a conference call with the Executive Directors of the boards of registration for the Connecticut Licensed Environmental Professionals (LEPs) and the New Jersey Licensed Site Remediation Professionals (LSRPs). She said the directors exchanged valuable information, including that Connecticut will soon issue regulations on internet-based learning for continuing education credit. She said the Connecticut board has three active disciplinary cases out of 360 licensees, and the New Jersey board has four disciplinary cases out of 579 licensees. She said the Executive Directors would like to bring their board members together for a meeting.

14. Future Meetings: The Board's next meeting is tentatively planned for October 16, 2014, at the Northeast Regional Office of MassDEP in Wilmington, and future Board meeting dates will be announced soon.

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.