



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

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PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on October 15, 2015

Approved on November 19, 2015

Prepared by: Beverly Coles-Roby

Meeting Location: MassDEP Boston
One Winter Street
Boston, MA 02108

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting on August 13, 2015
3. Active Case List

1. Call to Order: Chairman Benjamin Ericson called the meeting to order at approximately 2:01 p.m. Massachusetts Department of Environmental Protection Commissioner Martin Suuberg was present. The Board members in attendance were Robert Rein, Debra Listernick, David Austin, Farooq Siddique, Gail Batchelder, and Kathleen Campbell. Board members Kirk Franklin, James Smith and John Guswa were absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present was Wendy Rundle, Executive Director of the LSP Association ("LSPA"), Wes Stimpson of WES Associates, and Lawrence Feldman of GZA GeoEnvironmental Inc.

2. Previous Minutes: The draft minutes of the meeting held on August 13, 2015, were approved as amended.

3. Old Business

Status of Complaint Review Teams & Active Case Table

At Mr. Ericson's request, the Complaint Review Teams ("CRT") reported on progress made since the August meeting. Ms. Coles-Roby gave the reports on the status of each case as reflected in the Active Discipline Case List.

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Ms. Coles-Roby stated that the Final Decision in 05C-07 will be discussed in the Quasi-Judicial Session today. She went on to detail the Scheduling Order dated October 5, 2015, set by Presiding Officer Timothy Jones in 08C-03. First, she informed the Board that all exhibits set out in the Board's Pre-Hearing Statement were turned over to the Respondent LSP. Next, she explained that she has begun interviewing witnesses and preparing them for trial which is set for August 3-4, 2016. The parties also continue to discuss settlement. The LSP has countered saying he will accept a private censure. The status of 10C-01 continues to follow the Tracking Order set by the Superior Court. Ms. Coles-Roby indicated that the CRTs in 11C-04 and 12C-01 plan to schedule interviews of the LSPs before the end of 2015. Finally, she explained that the CRT Report in 13C-01 will be presented during today's Quasi-Judicial Session.

- 4. New Business:** Chairman, Benjamin Ericson amended the meeting agenda to allow Commissioner Suuberg to address the Board. Commissioner Suuberg said that he was happy for the opportunity to speak to the Board. He assured Board members that they could reach out to him and that he is interested in connecting with all of MassDEP's stakeholders. He stated that he is aware of vacancies on the Board. He also told the Board that he plans to backfill the LSP Board General Counsel position. He went on to state that MassDEP has had to backfill 33 positions that were critical to some programs assigned to the regional offices. He noted that another big ticket item is who his designee for LSP Board chairperson will be. He indicated that it has been great having Mr. Ericson in the role of chairperson, but he will need to transition him out, given his current responsibilities as MassDEP General Counsel. He said that he has a few candidates in mind. Commissioner Suuberg hopes to make real progress on that front in the next month, but he will need a few more months on that. With respect to Governor Baker's Executive Order 562, Commissioner Suuberg informed the Board that he has identified eighteen sets of regulations for amendment, and there are other regulations that need work. He plans to involve the stakeholders in the process. He will follow up on matters important to the Board, and he plans to attend more meetings in the future.
- 5. Future Meetings: December 17, 2015.**
- 6. Adjournment:** The meeting was adjourned at approximately 1:48 p.m.