



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

**MINUTES**  
**of**  
**BOARD MEETING**  
**Held on February 13, 2024**  
[Approved: March 12, 2024]

Meeting Location: **Online via ZOOM**

Prepared by: Jared J. Muggeo, Esq.

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

1. Board Meeting Agenda
2. Draft Board Meeting Minutes regarding January 9, 2024 meeting
3. New Application Docket #1
4. Renewal Dockets #1, #2, #3, #4 dated February 13, 2024

1. **Call to Order:** Terry Wood, the Board's Executive Director, called the meeting to order at 12:45 p.m.

Board members present via ZOOM: David Austin, Gail Batchelder, Gregg McBride, Kirk Franklin, Patrick Herron, James Smith, Craig Ellis and Paul McKinlay. Board members absent: Kathleen Campbell. Staff members present via ZOOM: Terry Wood, Matthew Lyne, Notoshia Dix and Jared Muggeo. Staff member present via ZOOM: Chris Borges. Also present via ZOOM: Kent Walker-LSP Applicant, Charles Young-LSP and LSPA President, Diane Baxter of MassDEP and LSP, Lori McCarthy-LSP, Crista Trapp-LSPA Clerk & Director, Wendy Rundle-LSPA Executive Director, Kristi Lefebvre-LSPA Communications Manager, and Michelle Zelch-LSPA Program & Events Manager.

2. **Announcements:** Ms. Wood announced that Millie Garcia-Serrano officially resigned as Board Chair on February 8, 2024, and she thanked Ms. Garcia-Serrano for her many years of service to the LSP Board.
3. **Agenda:** The Board members agreed to follow the agenda as written.
4. **Minutes:** Review of draft minutes of meeting held on January 9, 2024.

The draft meeting minutes from the January 9, 2024 meeting were approved without changes by roll call vote.

**5. Decisions Regarding Licensing of Applicants:**

**A. Actions on the Consent Agenda Regarding Licensure**

The staff presented the following Application Docket:

**Recused Members: None**

<b>ID #</b>	<b>Applicant Name/Company Name</b>	<b>ARP #</b>	<b>REC.</b>
<b>8350</b>	<b>Kent Walker</b>	<b>337</b>	<b>A</b>
<b>4434</b>	<b>Patrick Malone, GeoEngineers USA, PC</b>	<b>337</b>	<b>A</b>

The ARP members (Craig Ellis, Kirk Franklin, and David Austin) indicated that Mr. Walker had a solid background, had progressed from project manager to senior project manager, and had solid references. The ARP members stated that Mr. Malone is well qualified with good MCP experience, has also dealt with TSCA and RCRA, and had good project writeups indicating he had sufficient RPE. A motion was made and seconded to accept the recommendation that the applicants from ARP 337 be approved and found eligible to take the exam. The motion passed unanimously by roll call vote.

**6. License Renewals:**

**A. Renewal Application Dockets**

**Renewal Docket No. 1**  
**Date: February 13, 2024**  
**Renewal Date: January 30, 2024**  
**New Expiration Date: January 30, 2027**  
 Has completed all requirements for renewal:

	<b>LSP Number</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	1978	David	G	Billo
2	8131	Brian	E	Kortz
3	2509	Amy	A	Roth
4	4832	Timothy	J	Warr
5	6466	Lewis	S	Streeter
6	6450	Adam	N	Roy

Minutes of LSP Board Meeting, February 13, 2024

7	4435	Jessica	M	Yeager
8	1976	Hayden	S	Solomon
9	2075	Timothy	F	Condon
10	2570	Stuart	S	Manley
11	9155	Diane	M	Baxter
12	8953	Maryann	H	Sapanara
13	2397	Jesse	M	Freeman
14	7669	Donna	H	Pallister

A motion to approve was made and seconded to renew the licenses of the LSPs on Renewal Docket #1. The motion was approved unanimously by roll call vote.

**Renewal Docket No. 2**  
**Date: February 13, 2024**  
**Renewal Date: October 30, 2023**  
**New Expiration Date: October 30, 2026**  
 Has completed all requirements for renewal:

	<b>LSP Number</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	8904	David	B	Sherman
2	3452	Michael	J	Derosa

A motion to approve was made and seconded to renew the licenses of the LSPs on Renewal Docket #2. The motion was approved unanimously by roll call vote.

**Renewal Docket No. 3**  
**Date: February 13, 2024**  
**Renewal Date: January 30, 2024**  
**New Expiration Date: April 30, 2024**  
Have requested a 90-Day extension:

	<b>LSP Number</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	2152	Alan	D	Hanscom
2	9463	Jonathan	A	Aisner
3	4521	Raymond	G	Ball

A motion to approve was made and seconded to renew the licenses of the LSPs on Renewal Docket #3. The motion was approved unanimously by roll call vote.

**Renewal Docket No. 4**  
**Date: February 13, 2024**  
**Renewal Date: January 30, 2023**  
**New Expiration Date: April 30, 2024**  
Has completed all requirements for renewal:

	<b>LSP Number</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	4208	Michael	S	Lotti

A motion to approve was made and seconded to renew the licenses of the LSPs on Renewal Docket #4. The motion was approved unanimously by roll call vote.

B. Interpretation of 309 CMR 3.09(2)(a).

Ms. Wood stated that this section of the regulations says that no person may apply continuing education credits earned during one license period toward another license period. The specific question the Board had previously asked the Board staff to research was whether the Board had ever discussed how this regulation would apply to credits earned by an LSP when the LSP's license had lapsed for failure to timely renew. Ms. Wood stated that review of the historical minutes of the Board indicated this issue has come up several times and that the Board had discussed how the regulation is unclear regarding its application to an LSP whose license has lapsed. She said the regulation could be interpreted conservatively to mean that an LSP who has not renewed his/her license is still in their prior renewal period and, therefore, any

credits earned during the lapsed period could not apply to the next renewal period. When this issue has come up in prior years, the Board has opted not to adopt this conservative interpretation, but instead to entertain waivers on a case-by-case basis to allow LSPs with lapsed licenses to apply credits earned during the lapsed period toward their next renewal. The Board had also discussed potentially amending this regulation in the past to clarify that LSPs with lapsed licenses could apply some credits earned during the lapsed period toward their next renewal. The Board had indicated they did not want to disincentivize LSPs from taking good courses that might come up, but would impose some cap on the number of credits (the Board had previously discussed a limit of 12 credits) so that an LSP would not take the majority of their required continuing education during a lapsed period but would rather spread the courses out over their next renewal period.

Ms. Wood stated that, since the regulation has not been amended, the Board could consider including amending it in the upcoming regulation package. Ms. Wood stated that the Board also previously discussed considering waivers on a case-by-case basis until the regulation was clarified, and that several examples exist where the Board granted waivers, and allowed credits earned during a lapse to count toward the next renewal.

Ms. Wood went on to say is that this question arose because an LSP had sent a question to the Board in the Spring of 2023 asking whether he could use credits earned during the lapsed period toward his next renewal. This LSP earned 16.5 credits earned during the lapse that were not needed to complete his prior renewal. Ms. Wood stated that in 2006 the Board had allowed an LSP to apply 14 credits earned during a lapse period toward their next renewal, and in 2008 had allowed another LSP to apply 24 credits earned during a lapse period. She stated that the Board was not bound by these prior waiver decisions but wanted the Board to be aware of these historical examples.

A motion was made and seconded to treat this LSP's question as a waiver request and to approve it. The motion was approved unanimously by roll call vote.

C. Renewal Status Report

Mr. Lyne reported that 35 LSPs are on the renewal roster, 33 LSPs have submitted renewal applications, 1 LSP requested Inactive Status, and 1 LSP will not renew.

D. Other renewal-related matters: None.

7. **Other Licensing Related Matters:**

- A. Scheduling of future ARPs – Jessica Englehart #6828 & Jennifer McKechnie #6805. Board members Patrick Herron, James Smith and Paul McKinlay were assigned

during the meeting.

**B. Inactive Status Report**

LSP Number	License Status Date	License Status	Last Name	First Name
7303	July 25, 2023	INACTIVE	Charron	Steve
7416	January 4, 2024	INACTIVE	Connolly	James

Ms. Dix reported that a total number of 2 LSPs are currently on Inactive Status

**C. Total Number of Active LSPs = 422 as of 2/13/2024**

**D. Annual Fees Report**

Ms. Dix reported that 293 LSPs have paid their 2024 annual fees. That breakdown is 4% (13) of the LSPs paid by check and 96% (280) of the LSPs paid online. A total of 30% (125) of the LSPs are still outstanding and reminders to pay that fee went out on 2/9 of this month. Ms. Dix also reported that, in regard to the 2023 annual fees, 6 LSPs did not pay their annual fee and, as a result, their licenses were suspended in October 2023. Five of these LSPs went into revoke status on January 18. The sixth LSP submitted a last-minute payment.

**E. Update re: ACCELA portal**

There are 19 LSPs who have still not set up an online account, but they still get emails sent to their email addresses on file. Continuing outreach efforts are by periodic emails.

**8. Examinations:**

**A. Dates of Next Exam – February 29, 2024, and March 1, 2024.**

Mr. Lyne reported the staff is planning on 10 examinees with 6 retakers and 4 new examinees. Due to lack of interest in the original 2/26 exam date, the dates were rescheduled to 2/29 and 3/1.

**B. Exam Subcommittee Report**

The Exam Subcommittee met on 1/24 and 2/7. The subcommittee is reviewing each existing exam question for needed edits due to new amendments to the MCP regulations. The subcommittee is also working on creating a fourth exam. The next meeting is on February 21.

**9. Continuing Education Committee Report:**

A. Report from Today's Committee Meeting:

David Austin reported that the Committee had met earlier in the day and had the following course recommendations to present to the full Board:

**Course Approval Requests**

- i. Midwest GeoSciences Group: *The Challenges & Strategies for Implementing Environmental Sequence Stratigraphy*, (3 On Demand Courses/3 Modules: Course 1: 2.5 Technical Credits, Course 2: 3 Technical Credits, Course 3: 2.5 Technical Credits. **Recommended Approval.**
- ii. LSPA: *Lessons Learned from MassDEP Notices of Audit Findings 2023: Risk Characterization & PFAS*, (1.5 Technical credits, Live Webinar February 13, 2024, 4:00 p.m. to 5:30 p.m., and future On Demand). **Recommended Approval.**
- iii. LSPA: *Three Technologies for Gathering Vapor Data and Case Studies*, (2 Technical credits, Live Webinar March 6, 2024, 11:00 a.m. to 1:00 p.m., and future On Demand). **Recommended Approval.**
- iv. NEWMOA: *Northeast Conference on the Science of PFAS: Public Health & the Environment*, (April 2, 2024, 9:00 a.m. to 5:15 p.m., 4 Technical credits; April 3, 2024, 8:30 a.m. to 5:00 p.m., 4.25 Technical credits; April 4, 2024, 8:30 a.m. to 5:00 p.m., 4.25 Technical credits, Marlborough, MA). **Recommended Approval.**

A motion to adopt the recommendations was made and seconded. The motion was approved unanimously by roll call vote.

**10. Professional Conduct Committee Report:**

A. Report from Today's Committee Meeting.

Since all the Board members present at this meeting were also present at the meeting of the Professional Conduct Committee held earlier in the day, the Board agreed to forego a Committee report.

- 11. Personnel, Budget, and Fees:** Ms. Wood reported there were no staff openings, and she had no information on the budget.

- 12. Status of Board Member Vacancies:** Current vacancies still consist of new Chairperson and non-LSP Environmental Protection slot. We had received an application by a non-LSP. Ms. Wood reported she was waiting for the next Board chair to be appointed before acting on that application.

13. **Other Business:**

A. Regulation Amendments Update.

Ms. Wood reported she had reviewed the redline strikeout document that was circulated to the Board several months ago and would prepare an amended version with her comments. After that, she suggested the regulations subcommittee be reconvened to finalize draft amendments for review and approval of the full Board.

14. **Future Meeting:** March 12, 2024 (Hybrid; in person at 100 Cambridge Street, Boston and remote via ZOOM)

15. Ms. Wood stated that the Board would be entering into Quasi-Judicial Session after the Board meeting and not returning to Public Session.

16. **Adjournment:** Meeting adjourned at 2 p.m.