



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

ONE WINTER STREET, 3rd Floor  
BOSTON, MA 02108  
PHONE: 617-556-1091 FAX: 617-292-5872

**CONTINUING EDUCATION COMMITTEE**

Minutes of Meeting on February 19, 2015

Approved on March 19, 2015

**Prepared by:** Beverly Coles-Roby

**Meeting Location:** MassDEP CERO  
8 New Bond Street  
Worcester, MA 01606

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

1. Agenda
2. Draft Minutes of Meeting on January 15, 2015
3. Course List
  - a. **Call to Order:** Farooq Siddique called the meeting to order at approximately 12:40 p.m. The Board members in attendance were Robert Rein, James Smith, Deb Listernick, Ben Ericson, Kirk Franklin, and Kathleen Campbell. Board members David Austin and John Guswa were absent. Gail Batchelder arrived at approximately 12:43 p.m. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the Licensed Site Professional Association ("LSPA") and Wes Stimpson of WES Associates.
  - b. **Previous Minutes:** The draft minutes of the meeting held on January 15, 2015, were approved as written. Mr. Franklin abstained from voting to approve the minutes.
4. **Old Business:** None

5. New Business

A. Course Approval Requests:

1. MassDEP: *The Vapor Intrusion Issue and What We Have Learned: an Updated Perspective on Investigating the Pathway, Sampling Techniques and Effective Mitigation Measures* (4 DEP Regulatory credits and 4 Technical credits, April 2015 and Fall 2015, locations to be determined) **Recommend Approval.**
2. LSPA: *Ground Water to Surface Water Transitions- A Short Course for LSPs* (6 Technical credits, late Spring 2015, Tufts University, Medford, MA) **Recommend Approval.**
3. LSPA: *Surveying for Environmental Professionals* (6 Technical credits, late Spring 2015, location to be determined) **Recommend Approval.**
4. RemTEC: *RemTEC Summit 2015* (½ Technical credit per hour of attendance, March 2-4, 2015, Westminster, CO) **Recommend Approval.**

Mr. Ericson abstained from voting on the MassDEP sponsored course *The Vapor Intrusion Issue and What We Have Learned: an Updated Perspective on Investigating the Pathway, Sampling Techniques and Effective Mitigation Measures.*

B. Course Approval Request by Eric Henry, LSP:

University of Connecticut: *Field Methods in Hydrogeology* (12 Technical credits, January- May 2013, Storrs, CT) **Recommend Approval.**

Mr. Siddique commented that the presenter for *Field Methods in Hydrogeology* is well known to the Board. Mr. Smith added that he had no issue with the course because it follows the regulations. Mr. Ericson said that the Continuing Education Committee discussed this issue at the last meeting. Ms. Batchelder said that what the Board really needs to change the regulations. Ms. Listernick indicated that the regulations say that this course can be approved. Ms. Batchelder noted that it is discouraged and the Committee has to be careful when changing a policy midstream without changing the regulation along with it. She also expressed concern that the course occurred in 2013.

Mr. Ericson stated that he has no problem as long as this is recognized as an exception. He went on to say that we want to be helpful to LSPs in circumstances when the provider has not asked for credit. Additionally, he told the Committee that it might seem unfair to just slam the door on all such requests.

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Ms. Batchelder questioned why the requestor offered no “good cause” as to why the request was not made earlier. She reiterated her desire to see the regulation amended. Mr. Siddique said that the LSP could use the course for 2013 or whatever cycle it falls in.

Ms. Batchelder said that we are going to get a lot of these requests that are inconsistent with other jurisdictions. [LSPs] will send in their requests and hope that everything is ok. They won't see the need for approval when the word gets out that we are approving these courses we will have a ton of these [requests]. Ms. Listernick said that the section of the regulations that specifically addresses this issue indicates that it can be done. She announced that the regulations are different for courses and conferences. Also, Ms. Listernick was unsure about opening the floodgates. She did not think that there will be so many of these requests. Ms. Listernick announced that this is a university course. So, it can be approved for seventy-percent (70%). Ms. Batchelder stated that there is a body of evidence that people will submit these for approval.

Mr. Smith said he wants an LSP to do exactly what this LSP did: lay out the reason why the course should be approved. He saw no reason to deny the request, because the LSP lays out what the regulation says. Mr. Rein agreed with Mr. Smith. Ms. Batchelder said that the Committee should make the point that it needs to do something about this publicly. She reiterated that it is a policy change. Mr. Siddique told the Committee that if all requirements of 309 CMR 3.09(6) are met, the course should be approved.

Mr. Ericson stated that we are sympathetic to the LSP. However, we may want to signal to people that we may discontinue the practice because we want providers to seek approval. He went on to say that this reflects what we talked about at the last meeting: making sure providers ask for permission beforehand.

Ms. Batchelder asserted that once a course is approved anyone can use it. The provider can say, “We did not get stuff in on time, but you can submit it on your own.” Mr. Smith noted that the LSP still has to pass the course. Mr. Ericson asked Ms. Batchelder whether she thought it might happen more often. Ms. Batchelder said that she did not see it as being that unlikely. Mr. Siddique said that the course should be assigned a number and entered into the LSP Course database. Ms. Williamson asked, “How will we know if someone else takes the course with a different instructor?” Ms. Coles-Roby added that there is no need for approval because the course was previously approved. The provider just notifies us and we announce it. Ms. Williamson told the Committee that it may prove confusing to add it to the database. Ms. Batchelder asked whether the courses could be labeled “A” or “B.” Mr. Ericson commented that the Committee could make its own determination as to the amount of credit. Ms. Batchelder said approval includes following: course content; schedule; instructors; and the requirement that attendance records be maintained.

Ms. Listernick said that in the last year we have had courses with different instructors or curriculum. In addressing Ms. Williamson's concern, Ms. Batchelder said that no one will know if a LSP submits a course with a different instructor although approved. Ms. Batchelder indicated that it would have to be added to the Approved Course list. Mr.

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Siddique recommended we add the date so that this particular course is noted. He said that we approve based on what is presented to us. Ms. Listernick said that in dealing with repeat courses, the burden is on the provider to show that a course is the same exact course. She asked why the same burden isn't placed on the LSP. She went on to say that the LSP has to do something pro-active to show the Board that this course is the same in the future. She felt that that this can work within the current structure because the regulations are pretty clear about what you need to approve. Ms. Batchelder said that an LSP will see that a course is already on the list and will say, "Yup, I'm good" To which Mr. Siddique replied that we need to put some sort of clarifier into this particular listing on the LSP Board's website.

### Announcements:

- LSPA is offering a repeat of Course No. 1212, Basic Principles of Groundwater Flow and Contaminant Migration on March 4, 2015 at the Westford Regency, Westford, MA (4 Technical credits)
- LSPA is offering a repeat of Course No. 1213, Site Assessment and Remediation Concepts on March 4, 2015 at the Westford Regency, Westford, MA (4 Technical credits)
- EPOC is offering Course #1522, Practical Applications of Petroleum Hydrocarbon Chemistry on May 14, 2015 in Hartford, CT (8 Technical credits)

Ms. Williamson offered two corrections to the Announcements: LSPA Course Nos. 1212, Basic Principles of Groundwater Flow and Contaminant Migration and 1213, Site Assessment and Remediation Concepts were rescheduled until March 17, 2015; and dates and locations were confirmed for the MassDEP Course Nos. 1253 Geothermal / GSHP Application Opportunities under the MCP - A Component or Repurposing of Greener Cleanup Remedies "Geothermal Applications" of May 5, 2015 in Westborough, MA and May 7, 2015 in Taunton MA.

- 7. Future Meetings:** The next meeting will take place before the LSP Board Meeting on **April 16, 2015 at MassDEP Boston.**
- 8. Adjournment:** The meeting was adjourned at approximately 1:21 p.m.