

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

309 CMR 3.00: LICENSING OF LICENSED SITE PROFESSIONALS

Section

- 3.01: Licensing of Licensed Site Professionals
- 3.02: Qualifications for Eligibility to Take Licensing Examination
- 3.03: Application for Licensure
- 3.04: Examination
- 3.05: License Denial
- 3.06: License Renewal
- 3.07: Right to Adjudicatory Hearing
- 3.08: Waiver of Right to Adjudicatory Hearing
- 3.09: Continuing Education Requirements
- Appendix A
- Appendix B

3.01: Licensing of Licensed Site Professionals

Applicants for licensure must provide such information and demonstration as the Board deems reasonably necessary to enable the Board to determine that applicants meet the qualifications in 309 CMR 3.02 and must achieve a passing score on an examination conducted by the Board in accordance with 309 CMR 3.04.

3.02: Qualifications for Eligibility to Take Licensing Examination

Applicants must demonstrate that they meet the following requirements for the Board to determine that they are eligible to take the licensing examination:

(1) Minimum Education Requirements. Applicants for licensure shall meet the requirements of one of the following tracks:

- (a) Standard Track. Applicant has earned a baccalaureate, masters or doctorate degree from a recognized educational institution in one of the curricula listed in 309 CMR 3.00: *Appendix A*, or in a curriculum found to be equivalent by the Board.
- (b) Alternate Track. Applicant has earned at least a high school diploma, but does not meet the requirements for the Standard Track.

(2) Minimum Experience Requirements. Each applicant shall demonstrate to the Board's satisfaction that he or she meets the requirements for total professional experience and relevant professional experience, determined separately for each position. Qualifying total professional experience and relevant professional experience must be work of a professional grade and character performed for a minimum average of 20 hours per week that indicates the applicant is competent to render waste site cleanup activity opinions. Total professional experience or relevant professional experience performed for less than a minimum average of 20 hours per week will be applied toward the satisfaction of 309 CMR 3.02(2) on a *pro rata* basis.

- (a) Standard Track applicants must have eight years of total professional experience, five years of which are relevant professional experience. At least three years of the relevant professional experience must have occurred within five years prior to submission of an application for licensure.
- (b) Alternate Track applicants must have 14 years of total professional experience, seven years of which are relevant professional experience. At least three years of the relevant professional experience must have occurred within five years prior to submission of an application for licensure.
- (c) Work performed during a period of full-time undergraduate study at an educational institution is considered part of the educational program and is not considered acceptable professional experience; provided, however, that the Board may accept work performed for periods of at least two and one half consecutive months per calendar year when not enrolled as a full-time student, during, or incidental to, undergraduate education as total professional experience if the applicant did not receive college credits for that work.

(3) Good Moral Character. Applicants shall demonstrate that they possess good moral character.

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

3.02: continued

(4) Credits. Applicants who have earned degrees from recognized educational institutions in addition to those required to meet the minimum educational requirements set forth in 309 CMR 3.02 may request that the Board credit some or all of that additional education toward the requirements for total professional experience in accordance with the following:

- (a) in the case of an applicant seeking a license via the Standard Track, one year credit for each master's degree, and two years credit for a doctorate degree, if the degrees are from a recognized educational institution in one of the curricula listed in Appendix A or in a curriculum found to be equivalent by the Board; or
- (b) in the case of an applicant seeking a license via the Alternate Track, one year credit for each associate's degree, and two years credit for a baccalaureate or higher degree.

The Board will grant to an applicant up to two years maximum credit for additional education.

3.03: Application for Licensure

(1) Filing Procedure. An individual desiring to be licensed as a licensed site professional shall fully complete a current application form approved by the Board and file such completed form, together with the application fee. Incomplete applications, and applications which are not legible, are not typed, are not completed according to the instructions, or are not accompanied by the requisite fee, may be denied by the Board if the applicant fails to correct deficiencies in the application in a timely manner. The application form may require the applicant to submit, or cause to be submitted, references and information related to the applicant's moral character, employment history, education, experience, and any other information deemed appropriate by the Board. At any stage during the review of an application, the Board may require an applicant to provide additional information pertaining to his or her application.

(2) Documentary Evidence of Education. The applicant shall submit original transcripts or other documentation issued by the educational institution(s) from which the applicant earned the degree needed to demonstrate the minimum education requirement for licensure. The Board will retain the original documentation. The Board, at its discretion, may require the applicant to furnish additional documentation pertaining to his or her application.

(3) Review of Applications. The Board will consider each application separately. The Board will review each application, including the evidence of education and other required documentation, to determine the completeness of the application and the eligibility of the applicant for examination. In reviewing each application, the Board may also obtain information about the applicant from the Department, current and former employers, supervisors, and others. For total professional experience and relevant professional experience, the Board will review each position separately to determine if each position meets the requirements of total professional experience or relevant professional experience.

(4) Interviews. The Board, in its discretion, may require an applicant to appear for a personal interview for the purpose of answering questions pertaining to an application. However, the Board is under no obligation to require or hold such an interview. If an applicant twice fails to appear for a personal interview scheduled with the Board, the application shall be denied and the applicant shall be deemed ineligible to take an examination until a subsequent application is approved, unless the Board finds that such failure to appear was due to circumstances reasonably beyond the applicant's control.

(5) Notification of Applicants. Each applicant deemed eligible for examination by the Board will be notified promptly of the location(s) where the examination will be held, the materials he or she is permitted to bring to the examination, and other necessary information. Each applicant found ineligible for examination by the Board will promptly be sent a written decision explaining the reasons the Board has found the applicant ineligible. An individual whose application is denied may be barred from reapplying for a period of not more than five years.

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

3.03: continued

(6) Reapplication. Each applicant found ineligible to take an examination may reapply at any time, unless the Board has barred the individual from reapplying for a period of not more than five years. Applicants who reapply within six months of the date the Board issued its notice of the denial of a prior application may utilize the references submitted with the prior application. Applicants who reapply need not submit transcripts or other educational documentation that were previously submitted. An application fee and a new set of application forms must be submitted with each reapplication.

3.04: Examination

(1) Frequency and Scheduling. The Board shall administer a licensing examination at least once per year. Examinations shall be held at places and times set by the Board or its designee as directed by the Board.

(2) Examination Format/Content. Examinations shall be comprised of multiple choice questions and shall test the applicant's overall regulatory understanding and overall technical understanding. Overall technical understanding means an understanding of basic concepts and methods in those scientific and technical fields related to assessment, containment and removal actions sufficient to render competent waste site cleanup activity opinions. Overall regulatory understanding means an understanding of 309 CMR, 310 CMR 40.0000, and related written policies and other environmental regulations sufficient to render competent waste site cleanup activity opinions.

(3) Initial Eligibility. An applicant may not take an examination unless he or she has been deemed eligible for the examination pursuant to 309 CMR 3.03.

(4) Examination Fee. An applicant may take an examination only if the applicable examination fee established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B, and published in 801 CMR 4.00 has been paid. Payment shall be made in full by check or money order payable to the Commonwealth of Massachusetts or to the Board's designated examination contractor, as specified by the Board. The examination fee is non-refundable, except in the following circumstances: An applicant whose failure to appear for the examination is found by the Board to be due to circumstances beyond his or her reasonable control shall receive a refund or may request that his or her application be held open until he or she can take a subsequent examination that occurs within two years of the date the Board voted to approve the applicant's written application.

(5) Examination Procedures and Rules.

(a) The Board will require each examinee to present some form of identification containing a photograph of the applicant. The examinee may present:

1. a current motor vehicle operator's license or other government-issued identification document;
2. a passport; or
3. any other form of official identification that has been approved by the Board at the applicant's request prior to the examination.

(b) Unless the Board specifically permits examinees to bring equipment and materials to a given examination, examinees shall not be allowed to bring any books, notes, memoranda, scratch paper, computers or other equipment or materials into the examination room with the following exceptions:

1. Examinees may bring and utilize non-programmable calculators.
2. Examinees with disabilities shall be permitted to bring and utilize other equipment and/or materials when the use of said equipment and/or materials is either required by law or specifically permitted by the Board at the request of the examinees.

(c) The following examination rules shall be in effect during the examination, and violation of any rule shall be considered grounds for disqualification of the applicant:

1. Examinees shall not copy examination questions or make notes relative thereto.
2. Examinees shall not discuss the examination with anyone other than a proctor.

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

3.04: continued

3. Examinees shall not read or copy the answers of any other examinee and shall not permit their own answers to be read or copied.
  4. Examinees shall not remove copies of the examination from the examination room before, during or after the examination.
  5. Upon completing the examination, examinees shall not leave the examination room with anything except those items they brought into the room. All notes, scratch paper, and calculation sheets must be turned in to the proctors along with the examination and answer sheets.
- (6) Passing Score. Each time the examination is administered, the Board will establish the passing score. The Board shall establish that score based on its determination of the score that should be obtained by an individual who has the level of technical and regulatory knowledge that would reasonably be expected by an otherwise qualified applicant with five years of relevant professional experience.
- (7) Examination Results. The examinations shall be graded by the Board or its designees. The results of the examination shall be mailed to each applicant. Examination papers will not be returned to the applicant.
- (8) Exam Review and Challenges. Each applicant who takes an exam but does not pass will be given an opportunity to review the questions he or she answered incorrectly. The Board's exam contractor may charge the applicant a fee approved by the Board for facilitating this review. Each applicant who does not pass may also challenge one or more exam questions for which his or her answer was marked incorrect. Each challenge must be submitted in writing at the time of the review session or within ten days thereafter and must state all the reasons why the answer marked by the applicant is the best answer or, alternatively, why the answer marked is equally correct along with the nominal correct answer. The Board's exam contractor may charge the applicant an additional fee approved by the Board for each challenge filed. All challenges will be reviewed by a group of technical advisors selected by the Board.
- (9) Reapplication for Examination. Applicants who fail to achieve a passing score on the examination may take a subsequent examination subject to the following procedures.
- (a) Upon receipt by the Board of the following items, an applicant shall be allowed to take a subsequent examination that is scheduled to occur on a date not less than 90 days after the applicant last took an examination and not more than two years after the date the Board voted to approve that applicant's written application:
    1. a letter stating the applicant's intention to take the subsequent examination; and
    2. the examination fee described in 309 CMR 3.04(4).
  - (b) Applicants who seek to take a subsequent examination that is scheduled for a date that is greater than two years after the date the Board last voted to approve that applicant's written application must reapply to be deemed eligible to take the examination by submitting the following:
    1. a limited licensure application in a form approved by the Board; and
    2. the full application fee described in 309 CMR 2.08.
    3. Each of these applicants must meet the eligibility requirements existing at that time for initial applicants. Each shall demonstrate in the limited licensure application that at least three years of his or her relevant professional experience occurred within five years prior to submission of the limited licensure application.

3.05: License Denial

The Board will deny a license to an applicant who fails to meet any of the requirements for licensing set forth in 309 CMR 3.00. The Board will inform the applicant in writing of the reason(s) why he or she was denied a license.

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

3.06: License Renewal

(1) A licensed site professional must renew his or her license every three years to maintain his or her license. Each license issued by the Board shall expire at the close of business on the expiration date assigned on the date of issuance unless it is renewed or extended by the Board. The initial expiration date assigned shall be the 30<sup>th</sup> of the month of January, April, July, or October three years from the date of issuance, whichever of said dates is or occurs soonest after three years from the date of issuance. As of June 30, 2002, the next license expiration date for each LSP whose existing license expiration date does not fall on a 30<sup>th</sup> of January, April, July, or October shall be extended to the 30<sup>th</sup> of January, April, July, or October, whichever date occurs soonest after each LSP's existing license expiration date.

(2) To apply to renew a license, a licensed site professional shall:

- (a) submit for approval to the Board prior to the date of expiration of his or her license a completed renewal application form setting forth such information as the Board may direct, including whether the licensee has since his or her last LSP license renewal been disciplined by other professional licensing or professional certifying authorities and, if so, an explanation of the circumstances;
- (b) include with such application form a check or money order made payable to the Commonwealth of Massachusetts in the full amount of the non-refundable license renewal processing fee established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B, and published in 801 CMR 4.00; and
- (c) demonstrate to the Board's satisfaction that he or she has fulfilled the continuing education requirements set forth in 309 CMR 3.09 or obtained a waiver of those requirements in accordance with 309 CMR 2.12.

(3) A licensed site professional whose license has been suspended shall be subject to the following additional license renewal requirements:

- (a) If the licensee's license expiration date has not been reached when the suspension period ends, the license expiration date does not change. The license renewal requirements remain as described in 309 CMR 3.06(2), except that the Board may, when issuing the suspension, require the licensee to obtain additional continuing education credits as a condition of license renewal.
- (b) If the licensee's license expiration date would be reached before the suspension period ends, the license expiration date shall be extended to the end of the suspension period. The LSP must renew his or her license as a condition of having his or her license reinstated at the end of the suspension period. The Board shall not reinstate the license unless and until the licensee's license has been renewed. The license renewal requirements remain as described in 309 CMR 3.06(2), with the following exceptions:
  1. The Board may, when issuing the suspension, require the licensee to obtain additional continuing education credits as a condition of license renewal;
  2. For each full year that the suspension extends beyond the LSP's nominal renewal date, the minimum number of credits required in each credit category shall be increased automatically by  $\frac{1}{3}$  of the number specified in 309 CMR 3.09(3);
  3. If the LSP renews his or her license and it is reinstated, the LSP's next license expiration date shall be the 30<sup>th</sup> of January, April, July, or October three years thereafter, whichever of said dates occurs soonest after three years from the date the license was reinstated; and
  4. If the LSP fails to renew his or her license within 90 days after the date the term of suspension was scheduled to end, his or her license shall lapse and may not be renewed thereafter. In such instances, the individual may reapply in the manner specified in 309 CMR 3.06(4)(b).

(4) If a licensed site professional whose license is not suspended fails to renew his or her license in accordance with 309 CMR 3.06(2), his or her license shall lapse at the close of business on the date of expiration of his or her license. A person whose license has lapsed and not been renewed by the Board shall not act as, advertise as, hold himself or herself out to be, or represent himself or herself as being, a licensed site professional. A person whose license has lapsed may re-obtain a license to practice in the following manner:

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

3.06: continued

(a) A person whose license has lapsed may renew his or her license at any time during the following year by meeting all the renewal requirements set forth in 309 CMR 3.06(2), including the payment of the applicable license renewal processing fee. A license that is renewed during the year after it has lapsed shall run for three years from the 30<sup>th</sup> of January, April, July, or October, whichever date is or occurs soonest after the date the Board approves the license renewal.

(b) A person who fails to renew his or her license within one year of the date of expiration of his or her license may thereafter reapply by submitting the following:

1. a limited licensure application in a form approved by the Board, and
2. the full application fee described in 309 CMR 2.08.

If the application is approved, the applicant must pay a full examination fee and pass a licensing examination within the following two years to obtain a full license, and he or she may not act as, advertise as, hold himself or herself out to be, or represent himself or herself as being, a licensed site professional until he or she has passed an examination.

(5) Notwithstanding 309 CMR 3.06(4), if at the time he or she must submit a renewal application form a licensed site professional has obtained all but 12 or fewer of the continuing education credits required to renew his or her license, the licensed site professional may apply to the Board for a 90-day extension of his or her license expiration date for the purpose of obtaining the additional required continuing education credits.

(a) To apply for this 90-day extension, a licensed site professional must do both of the following prior to the date of expiration of his or her license:

1. submit a completed renewal application form demonstrating that the licensed site professional has earned all but 12 or fewer of the continuing education credits required to renew his or her license, and
2. remit the required applicable license renewal processing fee.

(b) After verifying that the licensed site professional has earned all but 12 or fewer of the continuing education credits needed to renew the license and that the license renewal processing fee has been paid, the Board will notify the licensed site professional that the 90-day extension has been allowed and how to submit documentation of the additional required credits once obtained. At the time the licensed site professional submits documentation of having earned the additional required credits, he or she must again pay a license renewal processing fee. A license that is renewed during the 90-day extension period shall be assigned the expiration date that would have been assigned if the applicant had renewed his or her license without requesting a 90-day extension.

(c) Only one extension will be granted to each LSP at the end of each three-year licensure period.

(d) If a licensed site professional who has been granted a 90-day extension fails to earn the additional required credits or fails to submit documentation thereof by the end of the extension period, his or her license shall lapse at the close of business on the last day of the extension period, and the late renewal and reapplication provisions of 309 CMR 3.06(4) shall apply; provided however, the one-year period for renewing his or her license without reapplying shall be deemed to have commenced on the original license expiration date and not at the end of the 90-day extension period.

(e) No portion of the credits for a continuing education course required to fulfill the requirements of one renewal period may be carried over into the subsequent renewal period.

(6) Notwithstanding 309 CMR 3.06(4), a licensed site professional who has submitted to the Board prior to the expiration of his or her license either a complete license renewal application or a complete application for a 90-day extension, has enclosed the required documentation demonstrating that he or she has fulfilled the applicable continuing education requirements, and has paid the proper renewal processing fee may continue to render waste site cleanup activity opinions until either:

- (a) the Board renews his or her license; or
- (b) the Board notifies such LSP that his or her application for license renewal or for a 90-day extension does not conform with the requirements set forth in 309 CMR 3.06 or, if a licensed site professional has a right to and requests an adjudicatory hearing, until the date the Board issues a final decision pursuant to that request.

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

3.06: continued

(7) The Board in its discretion may renew a license provisionally or subject to such conditions as the Board deems appropriate.

3.07: Right to Adjudicatory Hearing

(1) An applicant determined by the Board to be ineligible for examination or for license renewal, or whose license has been renewed provisionally or subject to conditions by the Board, may request an adjudicatory hearing by filing a written Notice of Claim for Adjudicatory Proceeding. The Notice shall state clearly and concisely the facts that are grounds for the proceedings and the relief sought. The Notice shall be filed with the Board within 21 days from the date that the applicant receives notice of the Board's determination.

(2) A Notice shall be deemed to be filed with the Board as set forth herein:

- (a) If hand-delivered during regular business hours, it shall be deemed filed on the day delivered.
- (b) If hand-delivered during non-business hours, it shall be deemed filed on the next regular business day.
- (c) If mailed by placing in U.S. mail, it shall be deemed filed on the date so post-marked.
- (d) A delivery by a bonded delivery service shall be treated as a hand delivery.

3.08: Waiver of Right to Adjudicatory Hearing

An applicant will be deemed to have waived his or her right to an adjudicatory hearing unless the Board receives his or her written request for an adjudicatory hearing by the deadline set forth in 309 CMR 3.07.

3.09: Continuing Education Requirements

(1) Definitions. As used in 309 CMR 3.09, the following terms shall have the following meanings unless the context clearly indicates otherwise:

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

NON-TEXT PAGE



309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

3.09: continued

Approved Conference Workshop means a Board-approved workshop, short course, or similar training session that occurs at a conference approved by the Board.

Continuing Education means Board-approved courses of learning that are designed to further the professional competence of licensees. OSHA-required health and safety training courses shall not be considered acceptable for the purposes of meeting the continuing education requirements.

Continuing Education Credit and Credit each mean:

- (a) For Board-approved courses which are offered as part of a university or college curriculum, the units of continuing education that, pursuant to 309 CMR 3.09(8), are granted by the Board for each approved course completed by a licensee; and
- (b) For all other Board-approved courses, including Internet courses, the units of continuing education that are granted by the Board, generally on the basis of one credit for each hour of approved course instruction actually attended by a licensee.
- (c) For Board-approved conferences and conference workshops, the units of continuing education that, pursuant to 309 CMR 3.09(9), are earned by licensees by attending approved conferences and conference workshops.

Courses Offered as Part of a University or College Curriculum mean courses offered by an institution accredited to issue associates, bachelors and/or graduate degrees, provided that the course:

- (a) meets on a regular weekly schedule on a semester or quarterly basis, and
- (b) the course may be taken for a grade.

DEP Course means a continuing education course that meets the requirements of 309 CMR 3.09, is taught in whole or in substantial part by Department of Environmental Protection personnel, and for which the Department has demonstrated, to the Board's satisfaction, that the course subject matter is directly focused on regulatory and/or technical topics that are reasonably likely to maintain or enhance the ability of LSPs to perform, supervise and/or coordinate response actions (*i.e.*, assessments, containments and/or removals) in Massachusetts in compliance with applicable regulatory requirements. To be designated as a "DEP Course," a course must be taught in whole or in substantial part by Department personnel, must be proposed as a "DEP Course" by the Department, and must be approved as a "DEP Course" by the Board. The Board, in its discretion, may also classify as a "DEP Course" a course taught in whole or in substantial part by Board personnel.

Licensee(s) and LSP(s) each mean individuals holding an LSP license that is in full force and effect.

Regulatory means continuing education that is reasonably likely to maintain or enhance the licensee's ability to competently perform, supervise and/or coordinate response actions (*i.e.*, assessments, containments and/or removals) in Massachusetts in compliance with applicable regulatory requirements. The term contemplates only continuing education that is directly focused upon an understanding of, and compliance with, the panoply of legal and regulatory requirements applicable to the licensee's provision of professional services in Massachusetts.

Technical means continuing education that is reasonably likely to maintain or enhance the licensee's ability to competently perform, supervise and/or coordinate the scientific and/or technical components of response actions (*i.e.*, assessments, containments and/or removals) in Massachusetts. The term should not be narrowly construed so that it reaches only continuing education that is directly concerned with performing such activities; however, if the technical subject matter of the continuing education is more generally focused, it should at least be demonstrably relevant to the scientific and/or technical components of response actions at disposal sites in Massachusetts.

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

3.09: continued

(2) Basic Requirements.

(a) Every three years following issuance of his or her license, each LSP shall demonstrate to the Board's satisfaction that he or she has earned a minimum of 48 continuing education credits. These credits can be earned only by attending Board-approved courses, conferences, or conference workshops. No person may apply continuing education credits earned during one license period toward another license period. However, applicants who have been approved to take the examination may take Board-approved courses and utilize the credits earned at their first license renewal. Subject to the attendance and other requirements set forth in 309 CMR 3.09, continuing education credits are considered to be earned at the completion of each Board-approved course or at the end of each Board-approved conference or conference workshop.

(b) All continuing education credits submitted by an LSP in fulfillment of the requirements of 309 CMR 3.09(2)(a) shall be earned by attending Board-approved courses, conferences, or conference workshops that are reasonably likely to maintain or enhance that LSP's ability to render competent professional services.

(c) An LSP may not repeat a course or conference workshop for credit during the same three-year license renewal period or during the following three-year license renewal period.

(3) Credit Minimums.

(a) The 48 continuing education credits earned every three years, as required in 309 CMR 3.09(2)(a), shall include not fewer than eight credits from Board-approved courses classified as Regulatory. In addition, at least 12 of the 48 credits must be earned at a Board-approved DEP Course or Courses. The balance of the 48 required credits may be earned by attending any Board-approved course, conference, or conference workshop.

(b) Credits earned by taking approved DEP Courses that are classified as Regulatory can be applied toward both the 12-credit DEP Course requirement and the eight-credit Regulatory requirement.

(c) Although, as described in 309 CMR 3.09(3)(b), certain credits may be applied simultaneously to both the DEP Course requirement and the Regulatory requirement, no credits may be applied more than once toward the overall 48-credit requirement.

(d) The continuing education requirements set forth in 309 CMR 3.09(3)(a) through (c) are summarized for convenience in the following table.

	<b>Minimum Number of Credits Required</b>
Total Credits	48
DEP Course(s)	12
Regulatory	8
Technical	no minimum requirement

(4) Board-required Courses. The Board may from time to time require all LSPs to take a specific course. The Board will allow such a course to be counted toward the requirements of 309 CMR 3.09(2) and (3).

(5) General Course Requirements. To be considered by the Board for approval as a continuing education course, the licensee or course provider must demonstrate that:

(a) adequate attendance records will be maintained;

(b) for courses not offered as part of a university or college curriculum, at least one contiguous hour of instruction time will be provided;

(c) the course will be taught by competent instructors knowledgeable in the subject matter to be presented; and

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

3.09: continued

(d) a written outline or syllabus will be followed.

(6) Requests for Approval of Continuing Education Courses.

(a) Either an LSP or the provider of a potentially qualifying course may seek Board approval for the course. The Board shall attempt to act upon a complete request within two months of receipt; however, the Board's failure to act within two months shall not constitute approval of the course. Requests for retroactive approval of continuing education courses (*i.e.*, courses already commenced or completed by the time the Board meets to review the requests for their approval) are disfavored but may be approved, at the Board's discretion, if the provider has maintained a record of attendance and the other requirements for course approval are met.

(b) A complete request for approval of a continuing education course must include the following information:

1. the date(s), time(s) and location(s) of the course, and the number of hours of continuing education credits requested;
2. a written course outline or syllabus;
3. a written statement describing the course and establishing its relevance to oil or hazardous materials assessment, containment or removal activities at disposal sites in Massachusetts;
4. the credentials of the instructors;
5. a statement that the sponsoring organization will maintain a record of attendance and will follow the course outline or syllabus;
6. the different credit options (if any) attending LSPs will have for earning continuing education credits;
7. for all courses, including conference workshops, a statement that the sponsoring organization will, at the completion of the course, conduct, and retain for the Board's inspection for a period of a year, an evaluation of the course and the course instructor(s) using, at a minimum, evaluations prepared confidentially by the course attendees and maintained in such a manner that the identity of each evaluator is not disclosed to the course instructor or provider; and
8. any other information which the Board requests of the licensee or course provider to demonstrate compliance with 309 CMR 3.09.

(c) Once a course has been approved by the Board, if there are any substantive changes in the course outline or syllabus, or a change of instructor(s), the course will require separate, additional Board approval before LSPs can be given continuing education credit for taking the revised course.

(d) In submitting a course for Board approval as continuing education, the licensee or course provider may suggest a division of the course into Regulatory and Technical components, and/or DEP Course and non-DEP Course components. Based on the information submitted, the Board may determine, in its discretion, whether to approve an allocation of continuing education credits based on the suggested division or decide upon a more appropriate allocation of credits.

(e) In selecting Board-approved courses for continuing education credit, each licensee must also consider the criterion of 309 CMR 3.09(2)(b) as it applies to that individual licensee. While the Board will not routinely investigate whether an otherwise approved course meets the requirements of 309 CMR 3.09(2)(b) for a given individual, the Board reserves the right to do so. If the Board finds that this criterion has not been met, the Board may, without waiving any other remedy available to it, deny a licensee all or a portion of the credit sought and may take any other appropriate action including, but not limited to, requiring the licensee to obtain additional continuing education credits in the subsequent license period.

(7) Attendance Requirements. For continuing education credit to be granted for attendance at Board-approved courses, the following attendance requirements must be met. These requirements are also summarized for convenience in the table in 309 CMR 3.00: *Appendix B*.

(a) To receive continuing education credit for attendance at an approved course that is more than four hours in length, the licensee must attend a minimum of 75% of the course; however, in no event may attendance be less than four hours. In the event that an LSP attends at least 75% but less than 100% of a course that is more than four hours in length, the LSP will receive credit on a *pro rata* basis.

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

3.09: continued

- (b) To receive continuing education credit for attendance at an approved course that is one to four hours in length, the licensee must attend 100% of the course to receive any credit.
- (c) The attendance requirements for conference workshops are set forth in 309 CMR 3.09(9)(d).
- (d) Course instructors who are licensees may receive continuing education credit for a course once if they either teach the entire course or teach part of the course and attend, subject to the attendance requirements noted in 309 CMR 3.09(7)(a), (b) and (c), the remainder of the course.

(8) Maximum Credit for University or College Courses. Courses offered as part of a university or college curriculum may be approved by the Board for credit equivalent to 70% of the total number of hours of classroom instruction if the course is taken for a grade and the licensee passes, or 50% of the total number of hours of classroom instruction if the course is not taken for a grade by the licensee. If an LSP takes the course for a score or grade, the LSP must pass the course in order to receive continuing education credit. In determining whether the LSP has passed the course, the score or grade assigned by the course provider will ordinarily govern. Those LSPs who are taking an approved university or college course for a grade are not subject to the attendance requirements set forth in the 309 CMR 3.09(7).

(9) Conferences.

- (a) LSPs may obtain credit on a one-for-two basis (*i.e.*, one credit for every two hours of attendance) for attending Board-approved conferences, and they may obtain credit on a one-for-one basis (*i.e.*, one credit for each hour of attendance) for attending approved conference workshops, subject to the requirements set forth below.
- (b) Prior to the conference, the sponsor must submit a request for approval to the Board enclosing the following:
  - 1. a full description of the conference, including a description and schedule for each of its sessions, workshops, short courses, and similar training sessions;
  - 2. the date, time, and location of the conference;
  - 3. a statement that the sponsor will comply with all the requirements set forth below in 309 CMR 3.09(9)(c) and 3.09(9)(e); and
  - 4. if the provider is seeking one-for-one credit for any workshops, short courses, or similar sessions, all the information required in 309 CMR 3.09(6) must be submitted for each such session. To be approved as an approved conference workshop, a workshop, short course, or similar training session must be at least two hours in length.
- (c) A sponsor must comply with the following verification requirements when conducting an approved conference:
  - 1. maintain a sign-in/sign-out log for each LSP to sign in and out each time he or she arrives at or leaves the conference premises;
  - 2. maintain a separate sign-in/sign-out log for each approved conference workshop; and
  - 3. check each LSP's photo I.D. and also enter the time of day next to the LSP's signature in the log on each occasion when an LSP signs a sign-in/sign-out log.
- (d) The attendance requirements for obtaining one-for-one credit at approved conference workshops are as follows:
  - 1. For approved conference workshops that are more than four hours in length, the LSP must attend at least 75% of the session; however, in no event may the attendance be less than four hours.
  - 2. For approved conference workshops that are at least one but no more than four hours in length, the LSP must attend 100% of the session.
  - 3. An LSP who attends an approved conference workshop but does not meet the foregoing attendance requirements shall obtain credit on a one-for-two basis based on the time attended.
  - 4. Instructors for approved conference workshops who are LSPs may receive one-for-one credit for the session once if they either teach the entire session or teach part of the session and attend, subject to the attendance requirements noted in 309 CMR 3.09(9)(d)1. through 3., the remainder of the session.
  - 5. These attendance requirements are also summarized for convenience in the table in 309 CMR 3.00: *Appendix B*.

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

3.09: continued

5. These attendance requirements are also summarized for convenience in the table in 309 CMR 3.00 *Appendix B*.
- (e) After an approved conference has concluded, a sponsor must comply with the following requirements for calculating and awarding continuing education credits to those LSPs who were in attendance:
1. Tally up separately the total number of hours each LSP attended:
    - a. approved conference workshops for which the LSP met the attendance requirements; and
    - b. the remainder of the conference, not counting time spent in approved conference workshops for which the LSP met the attendance requirements. In calculating these hours, the sponsor shall count only those hours between the time the LSP signed in and the time the LSP signed out. An LSP must sign both in and out to receive attendance hours.
  2. After tallying the hours, award each LSP who has attended the conference an LSP Board Continuing Education Certificate showing how many credits the LSP has earned, based on the rules for calculating credits set forth above.
- (10) Internet Courses. Notwithstanding the specific requirements set forth in 309 CMR 3.09(1) through (9), the Board may, at its discretion, approve for continuing education credit courses offered over the Internet. The Board may, as it sees fit and on a course-by-course basis, impose special requirements and/or conditions on Internet course providers and/or LSPs taking said courses.

APPENDIX A

STANDARD TRACK DEGREES

Degrees meeting the Standard Track curriculum requirement (309 CMR 3.02(1)(a)) include a bachelor's or advanced degree from an accredited college or university with a major or concentration in the following fields:

- Biochemistry
- Biology (including toxicology, microbiology, ecology, botany, zoology)
- Chemical Engineering
- Chemistry
- Civil Engineering
- Earth Science
- Environmental Engineering
- Environmental Sciences
- Epidemiology
- Forestry
- Geology
- Geotechnical Engineering
- Hazardous Waste Management
- Hydrogeology
- Hydrology
- Industrial Hygiene
- Medicine
- Physical Geography
- Public Health (if technical in nature)
- Risk Assessment
- Soil Science
- Water Resources
- Wetland Science

If the applicant's degree is not in a field listed above, the Board shall consider whether sufficient course work has been completed in one or more of the fields listed above. The applicant has the burden of proof; the Board shall base its decision in part on official transcripts.

309 CMR: BOARD OF REGISTRATION OF  
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

3.00: continued

APPENDIX B

MINIMUM LENGTH AND MINIMUM ATTENDANCE REQUIREMENTS  
FOR APPROVED COURSES

Pursuant to 309 CMR 3.09, the Board may approve four different types of courses for continuing education credit for LSPs: DEP Courses, other courses, conference workshops, and college/university courses.

To be approved by the Board for continuing education credit for LSPs, 309 CMR 3.09 requires that each of these courses must meet a certain minimum length requirement. Courses that do not meet the applicable minimum length requirement cannot be approved for any LSP continuing education credit. In addition, an LSP must satisfy specific minimum attendance requirements for each type of course in order to obtain any continuing education credit for that course.

Minimum course length and LSP attendance requirements are summarized in 309 CMR Appendix B: *TABLE A*. 309 CMR Appendix B: *TABLE A* is for convenience only; in the event of a discrepancy between the table and the provisions of 309 CMR 3.00, 309 CMR 3.00 will govern.

TABLE A.

Type of Course	Minimum Course Length	Minimum Attendance Requirements
DEP Course or other Course	one contiguous hour	<ul style="list-style-type: none"> <li>● For one to four-hour course: 100%</li> <li>● For course longer than four hours: four hours or 75% of the course, whichever is greater</li> </ul> [If attendance requirement is not met, LSP receives no credit.]
Approved Conference Workshop	one hour	<ul style="list-style-type: none"> <li>● For one to four-hour workshop: 100%</li> <li>● For workshop longer than four hours: four hours or 75% of the workshop, whichever is greater</li> </ul> [If attendance requirement is not met, LSP receives 1:2 credit.]
College/Univ. Course	Meets at least weekly for one quarter/term/semester	<ul style="list-style-type: none"> <li>● If taken for grade:           None</li> <li>● If not taken for grade:       75%</li> </ul>

If an LSP attends for the minimum portion required but less than 100% of the course, the LSP will receive continuing education credit on a *pro rata* basis. For example, if the LSP Board has approved an eight-hour DEP Course for eight “DEP Course” credits, an LSP who attends 7½ hours of the course will receive 7.5 credits.

REGULATORY AUTHORITY

309 CMR 3.00: M.G.L. c. 21A, §§ 16 and 19 through 19J.