

CONTINUING EDUCATION MEETING MINUTES



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

ONE WINTER STREET, 3rd Floor
BOSTON, MA 02108

CONTINUING EDUCATION COMMITTEE

Minutes of Meeting on January 16, 2019

Approved on February 27, 2019

Prepared by: Beverly Coles-Roby, Esq.

Meeting Location:

MassDEP SERO
20 Riverside Drive
Lakeville, MA 02347

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting on November 28, 2018
 1. **Call to Order:** Co-chairperson David Austin called the meeting to order at 12:30 p.m. The Board members in attendance were, Maria Pinaud, Debra Listernick, Marc J. Richards, Gregg McBride, Kirk Franklin, Dr. Gail Batchelder, and James N. Smith. Kathleen Campbell arrived at 12:38 p.m. Board member Farooq Siddique was absent. Staff members present were Beverly Coles-Roby, and Richard Friend. Wendy Rundle, Executive Director of the LSP Association ("LSPA") and Wes Stimpson of WES Associates were also present.
 2. **Previous Minutes:** The draft minutes of the meeting held on November 28, 2018, were approved as written.
 3. **Old Business:** None

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4. New Business:

A. Course Approval Requests:

1. APEX: Course GSCI 121 *The Dynamic Earth*, (8 to 12 Technical Credits, January 22–May 19, 2019, Central Connecticut State University, 223 Copernicus Hall New Britain, CT) **Recommend Approval 8 Technical credits.**
2. Battelle: *Tenth Annual Conference on the Remediation and Management of Contaminated Sediments*, (1/2 Technical credit per hour attendance at conference and 1 Technical credit per hour attendance at workshops, February 11-14, 2019, New Orleans, LA) **Recommend Approval Course No. 1651, 1 Technical credit per hour of attendance at conference; 1 Technical credit per hour of attendance at workshops. Multi-Tool Approach to Stakeholder Engagement: Using Social Methodology to Strengthen Your Relationship with the Public, Recommend Denial.**
3. LSPA: *Hands on 2D and 3D Environmental Data Visualization*, (4 Technical credits, date and location to be determined) (Previously Approved Course No. 1454, *2D and 3D Environmental Data Visualization*) **Recommend Approval Course No. 1652.**
4. MassDEP: *Proposed MCP Amendments* (1.5 DEP Regulatory credits, March 19, 2019, 7:00 p.m.-8:30 p.m. Westborough, MA) **Recommend Approval.**
5. MassDEP: *Telemetry on Active Exposure Pathway Mitigation Measures: A Look at Related Audit Findings and Challenges for LSPs and MassDEP* (1 DEP Regulatory credit, February 12, 2019, 7:00 p.m.-8:00 p.m. Woburn Hilton, Woburn, MA) **Recommend Approval.**
6. LSPA: *How Building Science and Performance Impact Vapor Intrusion* (1 Technical credit, January 16, 2019, 7:00 p.m.-8:00 p.m. Taunton Holiday Inn, Taunton, MA) **Recommend Approval.**

B. Course Announcements:

1. LSPA: *The New MCP for Everyone: A Practical Understanding of the Massachusetts Contingency Plan* (4.5 Regulatory credits, February 27, 2019, 3:00 p.m.–8:00 p.m. Crowne Plaza, Natick, MA) (Course No. 1515) **Recommend Reapproval.**

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2. LSPA: Method 3 Risk Characterization: A Short Course for LSP (6 Technical credits, June 4, 2019, 8:30 a.m.-3:30 p.m. Holiday Inn, Taunton, MA) (Course No. 1494)

With respect to Course A1, The Dynamic Earth Managing Construction in Contaminated Areas, Mr. Richards stated that he has no problem with approval. However, he said, his issue is that the LSP is looking for eight to twelve credits for courses that include “streams and flooding.” Mr. Friend commented that provider does not take attendance. Mr. Smith indicated that the course fit the criteria of a college course as defined in the Board’s regulations. Mr. Franklin suggested that the course be approved on the condition that the LSP achieve a passing grade. Dr. Batchelder asked what the passing grade was here because in undergraduate courses it is a “D,” but graduate courses require students to achieve a “B.” The request was approved for eight hours of technical credit.

Mr. Austin said that there was not enough information about course A2, Tenth Annual Conference on the Remediation and Management of Contaminated Sediments. Dr. Batchelder told the Committee that the provider does not take attendance at each session. Ms. Listernick noted that the course is held each year. Mr. Friend said that some of the courses had been approved before, others were completely new courses. Dr. Batchelder said that the Committee had approved such courses and conferences before, and she was comfortable with the technical content. Mr. Austin said that he had no issue with being consistent with what the Committee approved last year. Mr. Franklin said that the Committee should use the same protocol as was used last year.

Course A3, Hands on 2D and 3D Environmental Data Visualization, Mr. Austin said differs from 2D and 3D Environmental Data Visualization because the attendees will use computers during the training. Accordingly, the course was assigned a new number designation.

The Committee voted to recommend approval of Proposed MCP Amendments and Telemetry on Active Exposure Pathway Mitigation Measures: A Look at Related Audit Findings and Challenges for LSPs, Courses A4 and A5 respectively submitted by from MassDEP.

Ms. Pinaud indicated that she did not have a problem with course No. A6, How Building Science and Performance Impact Vapor Intrusion. She said that she had reviewed the faculty biographies and thought that they were qualified and have expertise in their fields. She also said that the LSP under discussion has a limited role as moderator of the panel. Ms. Coles-Roby noted that the LSP has not one but two prosecutions against him pending before the Board. She went on to state that the Board’s Final Order was approved by the non-recused Board members. She added that the Board had voted to suspend the LSP’s license for one year and required thirty-two additional hours of Continuing Education credits in the areas of hydrogeology; conceptual site modeling; remediation of non-aqueous phase liquid; and risk characterization. She also said that in the second matter the Board voted on August 15, 2018 to issue an Order to Show Cause. Mr. Austin said that he was a member of the LSPA panel that put the course together, and he sat through numerous discussions putting the course together. Ms. Coles-Roby said in that case Mr. Austin should abstain from voting to approve the course. She informed the

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Committee that the LSP telephoned her in November 2018, but they failed to connect. She reported the call to the Board at its November 28, 2018 meeting. She went on to say that the LSP phoned again in January 2019 asking whether the Board had issued a Final Decision in 05C-07. She responded that nothing had been finalized. She reported that the LSP then asked whether the Board would consider putting off the imposition of any discipline because he was participating in a panel discussion. Ms. Coles-Roby said that she told the LSP she could not give him legal advice, but he could file a motion with the Board. She also told the LSP that she would oppose any such motion. Ms. Rundle said that she had no knowledge of their conversation. Ms. Listernick raised the Board's regulation at 309 CMR 3.09(6) which requires submittals by providers to be made two months before the scheduled course offering. Course A6 is taking place tonight, Ms. Coles-Roby said. She added that this puts pressure on Board members to review documents at the last minute. Ms. Rundle stated that she submitted the course on January 2, 2019. She went on to say that if the course is not approved LSPA staff will refund the money. She also apologized for any inconvenience. The Committee voted to recommend approval of the course for one technical credit. Mr. Austin abstained from voting on the course.

Course B1, *The New MCP for Everyone: A Practical Understanding of the Massachusetts Contingency Plan* was re-approved due to a change in instructors.

5. Future Meetings: March 20, 2019--MassDEP CERO

6. Adjournment: The meeting was adjourned at approximately 1:04 p.m.