



COMMONWEALTH OF MASSACHUSETTS  
**Board of Registration**  
**of**  
**Hazardous Waste Site Cleanup Professionals**  
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**CONTINUING EDUCATION COMMITTEE**  
Minutes of Meeting on April 17, 2014  
Approved on May 17, 2014

**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 April 17, 2014
3. Memorandum prepared by John Guswa "Course Approval Process Follow-Up"
  - a. **Call to Order:** Committee Chairman John Guswa called the meeting to order at approximately 12:32 p.m. Also present were Ben Ericson, David Austin, Jamie Smith, Kathy Campbell, Debra Listernick, Robert Rein, Kirk Franklin, and Farooq Siddique. Gail Batchelder was absent. Staff members present were Beverly Coles-Roby, Lori Williamson, and Lynn Read. Also present were Wendy Rundle, Executive Director of the Licensed Site Professional Association (LSPA) who arrived at 12:40 p.m., Wes Stimpson of WES Associates, Susan Fessenden, of MassDEP, Phillip Peterson of EnviroBusiness Inc., Lauren Konetzny, of Coler & Colantonio who arrived at 12:40 p.m., and Matt Hackman of Matthew E. Hackman, P.E., CHMM, who arrived at 1:00 p.m.
  - b. **Announcements:** There were no announcements.
  - c. **Previous Minutes:** The draft minutes of the meeting held on March 20, 2014, were approved with minor corrections. The minutes were approved as amended.
4. **Old Business:**

**Alternative Learning Format Committee**

Ms. Coles-Roby reported that members of the Alternative Learning Format Committee, formerly the Internet Courses Committee, are researching the regulations and policies of neighboring jurisdictions and will meet before the next Continuing Education Committee meeting.

### **Course Approval Process**

The Committee members addressed the question of when a continuing education provider needs to notify the Board when the course subject matter remains the same as past offerings but there is a different instructor. Mr. Guswa indicated that there is a presumptive approval in such cases, and the provider does not need to seek Committee approval. Ms. Rundle told the Committee that the LSPA will in any event, notify LSP Board staff when it offers a course with the same description and instructor. Mr. Smith stated that this was the process that the Committee had been following. Mr. Guswa thought that maybe “presumptive” was wrong in cases where the instructor was different. He told the Committee that going forward, such courses will not be assigned a new course number, but the instructor will require approval at a Board meeting. He added that in instances where the course topic is the same, but the instructor, date, time, and location of the offering is different, the provider should notify LSP Board staff which will add the course to the Committee’s agenda. Mr. Ericson noted that the process needs clarity to determine if action should be taken. Mr. Guswa said that with respect to in-house training the Committee has asked and received all information each and every time. Ms. Listernick told the Committee that the LSP staff should be notified of differences, and they should be listed on the agenda under announcements. Mr. Guswa stated that for any course that is re-offered the provider should notify the LSP Board staff, and this applies to any provider. Mr. Ericson indicated that it is not really “presumptive approval” if the Board is going to review the course then decide. Ms. Coles-Roby noted that 309 CMR 3.09(6)(c) reads as follows: “(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.” Ms. Fessenden asserted that in the past she would send a proposal to LSP Board staff; she then received a “Provisional Approval” form. Mr. Rein wondered what would happen if the instructor gets sick the day before a course takes place.

### **Course Categories**

Mr. Hackman said that the forms issued for MassDEP courses were changed to say only “Regulatory” rather than “MassDEP Regulatory.” He went on to say that as a result, LSPs questioned whether they would get credit for the MassDEP Regulatory courses that they took. Ms. Rundle commented that LSPs are concerned about their renewals because of the confusion surrounding “Regulatory credits versus “MassDEP Regulatory” credits. She also stated that this is an issue because MassDEP credits are difficult to attain. Ms. Fessenden questioned who signs off on the bottom page of the Attendance Certification Forms. In the past, she said, the line was left blank and completed by the course provider. Mr. Guswa stated that MassDEP courses can be Regulatory so he did not understand the email discussion. Mr. Smith asserted that the Attendance Certification Forms should return to the “MassDEP Regulatory” designation. Ms. Fessenden indicated that she would work with the LSPA on courses that MassDEP and the LSPA jointly sponsor.

## 5. New Business

### Course Approval Requests:

- a. NEWMOA: Vermont Vapor Intrusion Updates Workshop (5.5 Technical credits May 13, 2014, Pavilion 109 State Street, Montpelier, VT). **Recommend Approval as Course No. 1479.**
- b. MassDEP: PCE and TCE Toxicity and Risk-Based Value Updates (1 MassDEP Regulatory credit April 10, 2014, Westin Hotel, Waltham MA). **Recommend Approval.**
- c. NACSETAC: NRDA II: Translating Ecological Injury to Compensation (8 Technical credits June 10-11, 2014, University of Massachusetts, Amherst, MA). **Recommend Denial. Course fails to focus on the Massachusetts Contingency Plan Subpart L, 310 CMR 40.1200, which sets forth procedures for recovery of Response Action Costs.**
- d. LSPA: Who's Paying For This Cleanup? Insurance Issues at 21E Sites (1 Regulatory credit May 8, 2014, Westborough, MA). **Recommend Approval.**

7. **Future Meetings:** The next meeting will take place before the LSP Board Meeting on May 15, 2014.

8. **Adjournment:** The meeting was adjourned at approximately 2:11 p.m.