



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

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CONTINUING EDUCATION COMMITTEE

Minutes of Meeting on November 19, 2015

Approved on January 21, 2016

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 October 15, 2015
3. Course List
 - a. **Call to Order:** Dr. John Guswa called the meeting to order at approximately 12:30 p.m. The Board members in attendance were Benjamin Ericson, Debra Listerneck, David Austin, Farooq Siddique, James Smith, Kathleen Campbell, and Robert Rein. Dr. Gail Batchelder arrived at 12:24 p.m. Board member Kirk Franklin was absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present was Wendy Rundle, Executive Director of the Licensed Site Professional Association (“LSPA”), Wes Stimpson of WES Associates, William Alpine of Environmental Compliance Services Inc., and Rebecca Woolley of MassDEP.
 - b. **Previous Minutes:** The draft minutes of the meeting held on October 15, 2015, were approved as amended. James Smith and Dr. Guswa abstained from voting to approve the minutes.
4. **Old Business:** None
5. **New Business**
 - A. **Course Approval Requests:**
 1. McLane Environmental, LLC: Rapid Design and Analysis of Groundwater Remediation Systems (7 Technical credits, date and location to be determined)

Recommend Approval.

2. Environmental Business Council of New England: *EBC Site Remediation Program: Brownfields Massachusetts Update* (3 Technical credits, October 20, 2015, Boston, MA) **Recommend Approval.**
3. GeoPractical: *Introduction to Measuring and Interpreting Fluxes Between Groundwater and Surface Water* (8 Technical credits, April 22, 2016, Amherst, MA) **Recommend Approval.**
4. Remediation Workshop.com: *Remediation Workshop* (4 Technical credits, November 4, 2015, Waltham, MA) **Recommend Approval.**
5. LSPA: *GW-1 Challenges* (1 Technical credit, January 14, 2016, Westborough, MA) **Recommend Approval.**
6. ECS/NISTM: *Legal Challenges Affecting the Role of the Licensed Site Professional and Licensed Environmental Professional at Massachusetts and Connecticut Underground Storage Tank (UST) Sites* (2 Technical credits, December 3, 2015, Worcester, MA) **Recommend Approval.**
7. ECS/NISTM: *A Licensed Site Professional and Licensed Environmental Professionals Guide for Understanding and Applying the EPA's Office of Underground Storage Tanks (UST) Federal Rule Changes in Massachusetts & Connecticut* (1 Technical credit, December 3, 2015, Worcester, MA) **Recommend Denial.**
8. LSPA: *Update on the Board of Registration of Hazardous Waste Site Cleanup Professionals* (1.5 DEP-Regulatory credits, February 9, 2016, Westborough, MA) **Recommend Approval.**
9. LSPA: *Method 3 Ecological Risk Assessment* (4 Technical credits, Winter-Spring 2016, Location to be determined) **Recommend Approval.**

B. Announcements:

- LSPA offered a repeat of Course #1281, *Statistical Applications for LSPs* on November 3, 2015 at the Holiday Inn, Taunton, MA (8 Technical credits)
- LSPA is offering a repeat of Course #1468a, *Preparing Conclusive MCP Phase Reports* on December 15, 2015 at CEC/Civil & Environmental Consultants, Raynham, MA (6 Technical credits)

With regard to Course No. A(5), *GW-1 Challenges* Ms. Listernick abstained from voting.

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With regard to Course No. A(6), Legal Challenges Affecting the Role of the Licensed Site Professional and Licensed Environmental Professional at Massachusetts and Connecticut Underground Storage Tank (UST) Sites Mr. Austin asked if the course was one hour of Continuing Education units. Dr. Guswa said that the provider wants two technical credits, 2 hours and 15 minutes not including any break. He also said asked how much of the course was for LEPs (Connecticut) and how much was devoted to LSPs' (Massachusetts) work. Mr. Alpine answered that the provider could make the course more generic and not necessarily divided by state because the issues are very similar in both states. Dr Guswa wanted to know whether the course has examples that are transferable to both states. Mr. Siddique said that the Massachusetts Contingency Plan ("MCP") does not have any legal issues except complying with it. Dr. Guswa wanted to know whether the destination was a UST site. Ms. Campbell asserted that it was not about release. Mr. Alpine asserted that it is about a release at a UST site and about the cleanup. Mr. Siddique wanted information about which aspect of cleanup the course emphasized. Mr. Alpine responded that the course focused on the duty to the client in rendering an opinion. Mr. Siddique wondered what the subject matter had to do with the MCP. Mr. Ericson thought that Mr. Siddique raised a good question. He went on to explain that in the past courses about things similar he felt that it was good for the LSP to know. But, he was concerned that the course was outside what an LSP needed to know. He posed the question: "Is this course relevant enough?" Ms. Listernick added that insurance claims have been part of the subject matter of past courses. Mr. Smith raised the question of whether this course would help an LSP improve his practice. Mr. Alpine said that they could remove LEP from the title. Dr. Guswa announced that the title would be amended. The Committee voted to recommend approval.

In the discussion of Course No. A(9), ECS/NISTM: A Licensed Site Professional and Licensed Environmental Professionals Guide for Understanding and Applying the EPA's Office of Underground Storage Tanks (UST) Federal Rule Changes in Massachusetts & Connecticut, Mr. Ericson wanted to know how much of the course concerned releases. Ms. Smith wanted to know the history of approvals of courses that covered federal rules. Dr. Batchelder said that the federal regulations are important and had been included in the past in courses that addressed PCPs and wetlands courses. Mr. Austin thought that it was geared toward the operator or owner of a UST. Mr. Ericson also said that the course is not explicitly about releases where you have tanks/. Mr. Alpine told the Committee that release detection as well as release prevention and their causes and effects are valuable to a LSP. Mr. Ericson noted that what the Committee discussed in other courses like this was whether it was within the LSP's area of expertise. He commented that he did not know enough about the federal rules to know if it was relevant to Massachusetts LSPs. Dr. Batchelder stated that it is relevant to professional liability. Mr. Austin moved to deny approval with the opportunity for the provider to revamp the course. The motion was seconded and passed.

With regard to Course No. A(8), Update on the Board of Registration of Hazardous Waste Site Cleanup Professionals Dr. Guswa announced that the Board decided last month that the course was a good thing. Dr. Batchelder and Ms. Coles-Roby indicated

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that they would participate. The course will focus on how the Board's disciplinary procedure functions.

There was some discussion of Course No. A(9), Method 3 Ecological Risk Assessment, which was approved for 4 Technical credits.

Dr. Guswa read the announcements. Ms. Coles-Roby asked the Board to enforce the regulatory time set for submission for approval of courses because of the hardship it causes on both Board staff and the Board itself when courses are submitted late. The Committee agreed that submissions for approval must be made no later than 14 days before a scheduled Board meeting. Ms. Coles-Roby indicated that she would draft a notice to that effect that would be posted on the Board's website.

The Board discussed a Petition for Waiver from an LSP who sought full credit for a course but failed to attend the full time allotted due to traffic. Ms. Listernick described denial in a similar petition that was interrupted by a snowstorm. Mr. Siddique thought that one must always allow extra time for such circumstances. The Petition was denied.

Ms. Williamson raised questions asked by the AEHS Foundation concerning the 31st Annual International Conference on Soils, Sediments, Water, & Energy (1 Technical credit/hour for workshops and ½ Technical credit/hour for conference, October 19-22, 2015, Amherst, MA) that was approved in August 2015. Two of the approved workshops ended early: one was 25 minutes short; and the other ended 20 minutes before schedule. Ms. Williamson reported that the provider did not issue attendance forms. Consequently, she informed the provider that its failure to meet the approved timelines constituted a substantial change so the matter had to return to the Board for a decision. Ms. Coles-Roby suggested that it is the job of the presenter to have questions and topics for discussion prepared to ensure that timelines are met. Mr. Siddique thought the Committee could not legally give attendees nearly one half hour credit for time not spent in the classroom. The courses were retroactively approved for 3 ½ and 2 ½ hours respectively.

The Committee briefly discussed the need for Board members and Ms. Williamson to occasionally audit courses.

6. Future Meetings: January 21, 2016.

7. Adjournment: The meeting was adjourned at approximately 1:32 p.m.