

The LSP Board also regulates the professional services provided by LSPs. It has adopted **Rules of Professional Conduct** that all LSPs must meet. The LSP Board investigates complaints that LSPs have failed to follow these rules.

WHAT ARE SOME OF THE IMPORTANT RULES OF PROFESSIONAL CONDUCT THAT LSPS MUST MEET?

The Massachusetts Waste Site Cleanup Program has been designed to safeguard public health and the environment. DEP's standards for cleanups provide flexibility to tailor response actions to the needs of a particular site. The LSP Board requires LSPs to follow DEP's requirements for assessing and cleaning up a site and to exercise independent professional judgment in doing so. In addition, the LSP Board requires that LSP's provide services with reasonable care and diligence, applying the knowledge and skill expected of LSPs.

WHAT HAPPENS WHEN LSPs VIOLATE THE BOARD'S PROFESSIONAL CONDUCT RULES?

If the LSP Board receives a complaint about an LSP and determines that the LSP has violated one or more of its Rules of Professional Conduct, the Board can discipline the LSP. The forms of discipline include censure, suspension of license, and, in cases of serious violations, revocation of license.

WHO CAN FILE COMPLAINTS AGAINST LSPs?

Anyone can file a complaint, including property owners and tenants who retain LSPs, abutters, citizen groups, public officials, DEP staff, even other LSPs. To file a complaint, all one needs to do is to fill out a short **Complaint Form** obtained from the LSP Board by calling (617) 556-1145.

The Board considers all complaints that LSPs have performed in a manner that violates the standard of care or any of the other Rules of Professional Conduct. However, the LSP Board does not have jurisdiction to resolve disputes between LSPs and their clients about fees.

FOR MORE INFORMATION . . .

LSP Board:

- List of LSPs (617) 556-1091
- To file a Complaint (617) 556-1145
- LSPs' disciplinary records (617)292-5814
- E-mail address: LSP.Board@state.ma.us

Web site: www.state.ma.us/lsp

- General information about the LSP Board
- List of LSPs
- Disciplinary actions taken
- LSP Board's Rules of Professional Conduct

Department of Environmental Protection:

MCP Helpline (21E program info)

- (617) 338-2255 (from area code 617 and outside Massachusetts)
- (800) 462-0444 (from area codes 781, 508, 978, and 413)

Web site: www.state.ma.us/dep/bwsc

- Massachusetts Contingency Plan
- Other waste site cleanup publications
- Sites List
- Brownfields information

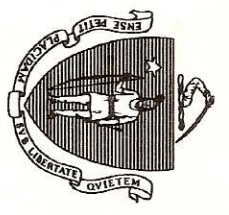
This information is available in alternate format upon request by contacting the LSP Board's ADA Coordinator, 10th floor, One Winter Street, Boston 02108.

Commonwealth of Massachusetts

Argeo Paul Cellucci, *Governor*
Jane Swift, *Lt. Governor*

Executive Office of Environmental Affairs

Bob Durand, *Secretary*
Allan Fierce, *Executive Director, LSP Board*

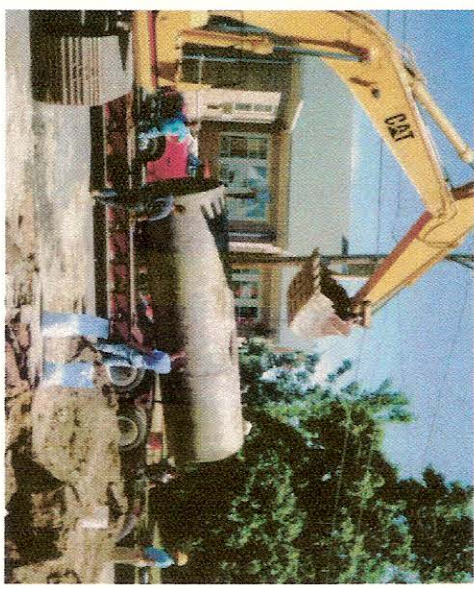


GUIDE TO

LICENSED SITE PROFESSIONALS

AND

THE LSP BOARD



prepared by:

**The Massachusetts Board of Registration
of
Hazardous Waste Site Cleanup
Professionals**

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PURPOSE OF THIS PAMPHLET

This pamphlet has been prepared to help you better understand the role that **Licensed Site Professionals** (LSPs) and the **LSP Board** play in the state's waste site cleanup program (the "21E program"). You may find this pamphlet useful if:

- you need to hire an LSP to oversee an assessment or cleanup at your property;
- your property abuts or is near a contaminated site where cleanup activities are being overseen by an LSP; or
- you are a local official in a city or town in which waste sites are located.

If you have additional questions that this pamphlet does not answer, please contact the LSP Board or the Massachusetts Department of Environmental Protection (DEP). Phone numbers, as well as E-mail and Web site addresses, are listed on the back of this pamphlet.

GENERAL INFORMATION

The Commonwealth of Massachusetts takes the dangers posed by spills and other releases of oil, gasoline, and other hazardous materials to the soil and groundwater very seriously.

Chapter 21E of the Massachusetts General Laws sets out the legal obligations of property owners and others responsible for the contamination to:

- report a chemical spill or release;
- assess the nature and extent of contamination;
- take speedy action to address hazards which pose a significant risk of harm; and
- clean up the contamination.

Those who may be legally responsible for a spill or release under Chapter 21E may obtain general information about their obligations from DEP. They also may also obtain advice about their specific legal obligations from an attorney who is knowledgeable about the 21E program.

HOW SITES GET CLEANED UP

The Massachusetts Department of Environmental Protection has implemented the 21E program through a set of regulations known as the Massachusetts Contingency Plan or "MCP." The MCP lays out the state's rules for conducting cleanups of contaminated sites. The MCP requires people who are responsible for cleanups to hire a **Licensed Site Professional** to manage and/or oversee the required assessment and cleanup work. Licensed Site Professionals are often referred to as "LSPs."

WHAT ARE LSPs AND WHAT DO THEY DO?

LSPs are scientists or engineers experienced in the assessment and cleanup of oil, gasoline, and hazardous material contamination. They are licensed by an independent state board to manage cleanups and provide formal, written opinions that cleanup work meets the requirements of the MCP.

Before the start of the LSP licensing program in 1993, those who conducted work at hazardous waste sites had to receive DEP's approval of each phase of the work or a waiver of the approval requirement. DEP was unable to handle all of these requests, and backlogs developed. By licensing LSPs and allowing them to oversee work at sites, many government-related obstacles to prompt voluntary cleanups have been eliminated.

An LSP is hired by a site owner or other potentially responsible party to oversee the assessment and cleanup activities required to address the contamination. The LSP collects data on conditions at the site, interprets this data, assesses the risks posed by the site to health, safety, public welfare, and the environment, and recommends and oversees necessary cleanup activities. In providing these services, the LSP is responsible for making sure that the formal, written opinions that he or she provides about response actions at a disposal site, and the activities that lead up to these opinions, are consistent with the requirements of the MCP.

At key stages in the cleanup process, these formal, written opinions describing the work that has been

completed must be sent to DEP. When a cleanup has been completed, the LSP provides a final opinion stating that the response actions have achieved an outcome that complies with the MCP and protects health, safety, public welfare, and the environment. Only an LSP can sign and stamp these formal opinions.

HOW TO FIND & HIRE AN LSP

Many environmental services firms have LSPs on staff. Other LSPs work independently and assist their clients in hiring all the needed environmental contractors. A complete list of all LSPs, their addresses and telephone numbers can be obtained on the World Wide Web at <http://www.state.ma.us/lsp> or by calling the LSP Board at (617) 556-1091. DEP's Regional Service Centers also have lists of all licensed LSPs.

- Anyone seeking to hire an LSP should do the following:
- Obtain written proposals from several LSPs.
 - Ask for and check references.
 - Contact the LSP Board and ask if any complaints have been filed against the LSPs who are being considered; if so, ask if any discipline was imposed.
 - Compare experience as well as cost. Do not base your selection on rates alone. A more experienced LSP may cost you less in the long run.
 - Obtain a written contract describing the work to be done and specifying all costs.

WHO LICENSES LSPs?

LSPs are licensed by the **Board of Registration of Hazardous Waste Site Cleanup Professionals**, commonly called the "LSP Board." Applicants must meet stringent education and experience standards set by the Board, and they must pass an examination that tests their technical and regulatory knowledge. The LSP Board also requires that LSPs take continuing education courses in order to maintain their licenses. These licensing and continuing education requirements, along with the LSP Board's ongoing disciplinary program, were designed to ensure that LSPs have the knowledge and experience to guide their clients properly through the assessment and cleanup process mandated by the state regulations.