

Hiring a Licensed Site Professional

If contamination has been found on your property, you will need to hire a Licensed Site Professional (LSP) to determine if cleanup work is required. The process for hiring an LSP is very similar to the process you would use to hire any professional who provides a service to you.

The Massachusetts Department of Environmental Protection (MassDEP) has prepared this guide for home and small business owners to answer some of the questions that you may have about LSPs and their role in the cleanup process. It also suggests some things to consider when hiring an LSP.

What is an LSP?

An LSP is an environmental scientist or engineer experienced in the cleanup of oil and hazardous material contamination. The LSP's job is to work with you to develop and execute a scope of work that will satisfy the state requirements to address contaminated property (these requirements are set forth in Massachusetts General Law c. 21E and the Massachusetts Contingency Plan (MCP)).

LSPs are licensed by the state Board of Registration of Hazardous Waste Site Cleanup Professionals (usually referred to as the "LSP Board"), based upon education, experience, and passing an examination on applicable regulations and relevant technical issues. They are required to maintain their licenses by taking numerous educational courses on the evolving regulations and related technical practice issues.

The LSP Board establishes professional standards that LSPs must meet to remain licensed. These standards address technical ability, decision-making experience, and ethical practice. The LSP Board disciplines LSPs whose work does not meet appropriate standards of care.

What will the LSP do?

Your LSP will gather and evaluate information about the contamination on your property. He or she will then recommend a course of action for meeting state requirements. This recommendation will be presented in the form of a written proposal and contract to undertake the work. These proposals do not require MassDEP approval, so

work can begin promptly. Once the cleanup is complete, your LSP will submit a final Opinion to MassDEP stating that your property meets the requirements of the MCP.

Opinions may be provided only by an LSP. Environmental scientists or engineers not licensed by the LSP Board may not provide Opinions. They may, however, perform work upon which the Opinion is based.

Does MassDEP get involved?

Although most evaluations and cleanups are performed without direct involvement of MassDEP, there are a few exceptions. MassDEP may respond to environmental emergencies (such as an oil spill), and may also provide oversight or require its approval of response actions during key stages of assessment and cleanup at any site, if conditions warrant. Your LSP will be able to identify such properties.

In addition, MassDEP audits a percentage of all cleanups to demonstrate that the work completed meets the state requirements.

How do I benefit from using an LSP?

Your LSP will guide you through the process. He or she will advise you on state regulatory requirements and recommend actions that are appropriate for your specific situation.

Also, since there is little direct MassDEP involvement, your property can be evaluated and cleaned up, if necessary, as quickly as possible. In general, a faster cleanup will cost you less money. One reason for this is that MassDEP's

regulations have built-in incentives: the faster work is completed, the less you pay in annual MassDEP fees. Your LSP can advise you on the least expensive way to fulfill state requirements.

Hiring an LSP

The following are some suggestions for hiring an LSP:

- Obtain a current list of LSPs from the LSP Board (see telephone number below).
- Evaluate more than one LSP. Obtain a written scope of work and cost estimate from several LSPs, asking for the following information:
 1. State regulatory requirements applicable to your situation;
 2. Actions being proposed to meet those requirements;
 3. The proposed schedule for completing work;
 4. Deadlines and fees that may be imposed by MassDEP; and
 5. The cost of all LSP and related services.
- Ask for and check references. Contact the LSP Board and ask if any complaints resulting in discipline have been filed against the LSPs you are considering.
- Compare the experience and costs of all LSPs.
- Do not base your selection strictly on costs - a more experienced LSP may cost you less in the long run.

The Contract

When you hire an LSP, it is a good idea to obtain a written contract describing the work to be done and specifying all costs. Keep in mind, however, that this contract will provide only an **estimate** of the necessary work and costs, as it is based on the information that is available at the time of the estimate. Once work begins, your LSP may find that the problem is more or less extensive than originally believed. Require your LSP to discuss any project changes with you before proceeding with work.

The contract with your LSP should include all of the following:

- Clear cleanup objectives;
- Specific actions that will be taken to address contamination;
- A proposed schedule for completing work; and
- A budget, specifying:
 1. Fixed costs, either as a lump sum or as unit prices for each item; and

2. Items to be charged (e.g., laboratory work, equipment and materials, labor hours).
- How changes in the project will be handled.

Neither MassDEP nor the LSP Board has authority over the fees charged by LSPs. Be sure that the contract is clear about the fees that you may be charged.

Changing LSPs

It is possible to change LSPs after work has begun. Once an LSP provides an Opinion to MassDEP, he or she is considered your "LSP-of-Record". If you change LSPs after an Opinion has been filed, your LSP-of-Record is responsible for notifying MassDEP within 21 days.

For more information...

Department of Environmental Protection:

Visit <http://www.mass.gov/dep/cleanup>

LSP Board: For a list of LSPs, information about licensing requirements, disciplinary history and procedures for filing a complaint call 617-556-1091 or visit <http://mass.gov/lsp>