



Association

LSP Association -- NEWS

Happy New Year



MEETING OF THE MEMBERSHIP OF THE LSP ASSOCIATION

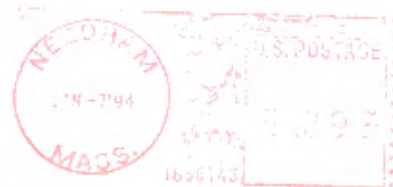
TUESDAY -- JANUARY 18TH, 1994, FROM 5:00 P.M. TO 7:00 P.M.

AT THE DAYS INN, GROVE STREET & RTE 128, NEWTON, MA



P.O. Box 382, Dover, MA

Meeting
Jan 18th
5:00 P.M.
Newton



Mr. Larry Feldman
GZA GeoEnvironmental, Inc.
320 Needham Street
Newton, MA 02164

About the LSPA

The mission of the *LSP Association* is to promote sound business and technical practices of member LSP's. To accomplish this mission, the LSP Association will represent its membership concerning the standards of practice, the role, and the responsibilities of the LSP, and will serve as an education, information, and communication resource.

Membership Meetings

The next meeting of the LSP Association will be January 18, 1994 (5-7 PM) at the Newton Days Inn on Grove Street at Route 128. The subject of the meeting is exploration of the LSP Standard of Care.

Publication Information

The "LSP Association -- NEWS" is a newsletter of the LSP Association, Inc., published periodically to provide information to the members of the organization relative to events and circumstances of interest to the profession. This issue has been published by Jeff Hardin and was edited by Gail Batchelder, Nancy Roberts, Larry Feldman, and Jeff Hardin.

Anyone interested in contributing to or constructively criticizing the publication should contact the Newsletter Committee c/o Larry Feldman (617-630-6207). Letters to the editor are encouraged and published as space permits.

Contents of interest

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- DEP Regulations Review
- Meet the Board of Registration
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MEMBERS ONLY

Starting with our next issue, the Newsletter will be distributed only to members and associate members of the LSPA. For those who have not renewed your membership or are still considering joining, an application is attached. Join today, avoid the February rush!

DEP Regulations Review -

In our last issue we reviewed the status to date of several proposed changes to the MCP, and several of the supporting policies. There have been a few developments since, and we have attempted to review them here. The supplemental MCP regulations have been published and are available at the State House bookstore.

Potentially Productive Aquifers: The list of communities with population densities greater than 4,400 persons per square mile has been published in preliminary form and is available from DEP. The MA-GIS maps for population density are reportedly available.

Interim Soils Policy Update: There are new drafts out and about but nothing final on the revision to the Virgin Petroleum Policy (WSC-400-89). The DEP is hoping to have an interim policy out in mid-January with the final policy to be published in the spring. Current discussion centers on the used oil provisions, the treatment of lead, and the inadequacy of the PID for soil headspace analysis.

John Carrigan of DEP clarified his previous statement that soils with total lead concentrations of >100 ppm should be tested for TCLP lead based on the rule of thumb of 20:1 for the ratio of total concentration compared to TCLP results. According to Mr. Carrigan, that position is based on the federal requirements. The LSP should use professional judgment to decide whether there is a need to conduct the testing discussed. Tested or not, the generator is potentially at risk to both the state and U.S. EPA if TCLP soils are disposed of improperly.

HEY GANG! IT'S TIME TO MEET THE LSP BOARD

The composition of the LSP Board (more officially, "the Board of Registration of Hazardous Waste Site Cleanup Professionals") is set by statute. The eleven positions on the Board (and the current Board members) include the DEP Commissioner, three representatives of environmental organizations (Gretchen Latowsky, Rob Sargeant, and Judy Shope), a representative of labor (Sue Shepard), an LSP from the petroleum industry (Wayne Johnson), an LSP from industry (John Seferiadis), three other LSP's (Deborah Gevalt, Lee Lyman, and Bill Rizzo), and a hydrologist (Larry Feldman). It should be noted that current board members who are "LSP" appointees and have not applied for the LSP license will have to be replaced by new appointments.

The Board's functions include the licensing of LSPs and the conduct of disciplinary actions when an LSP violates of the LSP regulations.

So, who are these individuals, anyway? In future issues of the LSPA News we will present individual profiles of the current LSP Board members.

Board of Registration News

Ileen Gladstone

At its December 14th meeting, the Board approved 16 additional LSP applicants, bringing the total number of LSP's to 303. The Board estimates that new applications will be processed in approximately six weeks.

The examination committee is evaluating proposals from three firms to prepare and administer the LSP exam. A recommendation for the selection of a consultant is expected in January.

To date, there have been nine requests for adjudicatory hearings appealing the denial of applications. A proposal is on the table to conduct hearings under the Division of Administrative Law Appeal (DALA).

The Board also had limited discussions regarding other entities requiring LSP opinions. For example, the 21J Board is considering requiring an LSP opinion. It is expected that there will be continued discussion on the donning of the "LSP vs. non-LSP" hats. (*Editor's note: the LSPA is monitoring the 21J Board activities and will be designating a spot in the newsletter for future comments.*)

RUSH TO JUDGMENT II

In the last issue of this newsletter, we commented on an article in the LSP Reporter which seemed to set a standard of care for LSPs signing Bills of Lading. In a letter of response to the editors of the LSPA News, David Hatem, Chairman of the Board of Editors of the LSP Reporter, made it clear that it was not the intent of the Reporter to set such a standard, but rather to present what was *advisable* for an LSP in that situation.

We appreciate David's continuing concern for the liability of LSPs and related professionals, and we look forward to future issues of the Reporter.

21J Board Activities

The 21J Board meeting scheduled for the 22nd of December was cancelled and will be rescheduled in January. No date was available at press time. We will provide updates in this newsletter.

"Questions and Answers" Vol. 2?

To our knowledge there has not been a sequel to the first edition of the "Questions and Answers" from the DEP hotline. Based on the questions submitted by our office, and the responses thereto, Vol. 2 should make interesting reading.

In one situation three separate calls were made to the hotline by the LSP, the owner's attorney, and the tenant. The three calls resulted in three distinctly

different answers. A follow-up call generated a fourth response. The moral of the story is that you should gather as much data as possible, and use sound judgment. The difficulties of the implementation of the new system appear to be equally shared by LSP's and DEP.

In the spirit of cooperation and assistance, Jim Colman has issued a letter to LSP's discussing the agency's recent experience and providing some "compliance assistance" suggestions. This kind of interaction should prove fruitful for the LSP's and the DEP in the long run.

The letter, which, by now, should have been received by all LSP's, included discussion of IRA's, LRA's, RAM's, and some general notes on procedures. Also included were a copy of "MCP Questions and Answers", Vol 1 and a discussion of revisions to the Wetlands Protection Act Regulations (310 CMR 10.00).

Computerized Forms

DEP plans to have various BWSC forms available on disk soon. We have a prototype for review and it appears to work reasonably well in WordPerfect 6.0 for Windows. Watch for developments in the RAO forms first. These may be available on the DEP Bulletin Board in the not so distant future.

Appointment of New LSPA Directors

The LSPA Board of Directors has reluctantly accepted the resignation from the Board of Larry Feldman, Deborah Gevalt, and John Seferiadis. The resignations stem from the need to eliminate the perception of a potential conflict of interest arising from the concurrent membership on the Board of Registration.

These three founding Board Members have contributed greatly to the development of this organization, but we are confident that they will continue to impact our growth.

To fill the vacancies the Board has appointed three new Directors to serve until the elections are held this spring. The new Directors are Dot McGlinicy, Kevin O'Rielly, and Wes Stimpson. All have been active on LSPA committees since the beginning, and their presence on the Board will be an asset to the LSPA.

The first task of the reconfigured Board will be to approve the by-laws for the LSPA so election plans can unfold. The board will then take up the long range planning process recommended by the Steering Committee and the budget being developed by the Finance Committee. It promises to be a busy winter.

Standard of Care Meetings

Last month's membership meeting presented the position of the legal community relative to the LSP "Standard of Care." That elusive criterion to which your actions will be compared if you should run into legal difficulties. Gregor McGregor, Esq. and Chip Nylen, Esq. ably fielded questions from the audience and generated some exciting discussion.

The next LSPA meeting on the 18th of January, will field the position of your peers in relation to this issue. Next month's newsletter will present a discussion of the topics covered and the "Standard of Care" situation as it unfolds.

Schedule of Meetings

Tuesday, Jan 18, 1994
Newton - Standard of Practice

Thursday, Feb 10, 1994
Marlborough - Regulatory Update

Tuesday, Mar 15, 1994
Newton, AUL's

Thursday, Apr 14, 1994
Marlborough - Asset Protection

Tuesday, May 10, 1994
Newton - Audits

Committee Reports



Nominating
Gerry Benson -- 508-797-3014

The nominating committee is preparing a slate of members for election to the Board of Directors by the membership in the spring of 1994. It is anticipated that the Board of Directors will be made up of the President, Treasurer, Clerk, and five directors at large. The immediate past president will round out the Board to nine.

The Association by-laws are currently being finalized and it is anticipated that the nine member board will be specified. The recommendation of the Nominating Committee is that the Directors be elected by the membership in staggered terms of two years each. This would mean that four Directors would be elected each year. The officers would then be elected each year by and from the Board of Directors. There is some disagreement on this point and more discussion is needed.

The nominating committee will have the responsibility of preparing a ballot of candidates for election to the board. They will include nominations from within the committee and, in addition, the general membership may nominate candidates by submitting a petition with 10 LSP Association Full Member signatures.

Education

Dennis D'Amore -- 508-368-1802

There will be a meeting of the LSP Education Committee on Thursday, January 13 at 5:00 PM at the offices of Weston Geophysical Corp. in Westboro. The agenda for the meeting will include: 1) how the LSPA can assist the DEP with regulatory training are developing; 2) the development of an outline for technical training that the LSPA would like to offer to its membership; and 3) how the Education Committee can help the membership to prepare for the exam.



LSP Association -- 1994

*New Application or Renewal -- Please Check
 Application for Full Membership (LSP) _____
 Application for Associate Membership (non-LSP) _____*

Last Name:	First Name:	MI:
Occupation:		
Employed By:		
Street/P.O. Box/Suite		
City	State	Zip Code
Telephone: ()	FAX ()	
Mailing Address (if different):		
LSP Registration Number:		
Other Professional Registration(s):		
Professional Affiliation(s):		
Highest Degree Attained:		
Professional Discipline:		

PAYMENT OF DUES
 Enclose check made out to LSP Association, Inc. and return to:

LSP Association, Inc.
 P.O. Box 382
 Dover, MA 02030

*Dues for Full Membership (LSP) is \$90
 Dues for Associate Membership is \$50*

Date Received _____	Payment Received \$90 _____ \$50 _____
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Western

Gail Batchelder-203-747-6181

The Western Massachusetts Committee met on December 16, 1993, at Tighe & Bond, Inc. The first item of discussion was the submittal to the Board of a formal request that provisions for forming a Chapter be incorporated into the by-laws of the Association. Suggestions for the relationship between the Association and Chapters were offered. An interim management committee was established, with Evan Johnson as interim chairman, John Adams as Vice - Chairman and Kevin O'Reilly as Liaison to the Board.

This discussion was followed by a report on the December general membership meeting and a lively discussion of various aspects of the revised regulations. Future meetings will include discussion of a specific aspect of the new regulations.

The next meeting will review Subpart C, Notification Requirements, and will be held on January 24th, at the offices of Bulkley, Richardson & Gelinis, 1500 Main Street, Springfield. Members from all areas are welcome. The committee wishes to encourage participation from all interested parties and diverse interests to develop topics for discussion and help plan future activities. A \$5.00 food & beverage donation is requested to cover the cost. Please RSVP to Gail Batchelder (203) 747-6181 or Abby Kingman (413) 572-3255.

FINANCE

Jeff Hardin -- 617-449-6450

We have closed out the books on our first year of operation, and ended up fairly close to our anticipated position and we appear, at first glance, to be in excellent condition for the new year. Now we await the accountant's review.

The budget information requested from the committees is filtering in slowly. The budget for the new year is slowly taking shape and should be presented to the Board of Directors in January.

Membership

Ned Beyer -- 508-698-3605

The LSP Association continues to grow and the total number of 1993 members as of December 29th was 284. Only 143 of these have renewed so far. Don't forget! An application is enclosed. We hope that each member will set a goal to get one friend or associate to join the LSPA.

Regulations

John Sullivan -- 508-366-0560

The Regulations Committee met this past month, and identified tasks, action items, and responsible individuals for 1994. As previously agreed, the Committee elected new chairpersons for 1994. They are Nancy Roberts (508) 651-3401, and Wayne Perry of (617) 337-4253.

We are actively contacting the DEP in search of a response from the DEP concerning the issues that we presented to them in November.

The next committee meeting will be Thursday, January 6, 1994 from 5:00 P.M. to 7:00 P.M. at Beals & Thomas in Westborough, Massachusetts (John Sullivan 508-366-0560). The standard agenda will be a brief round table discussion of actual regulation questions that have come up in practice.



Newsletter
Larry Feldman
617-630-6207

This is the last issue of this newsletter which will be distributed to the full mailing list. Meeting announcements will be sent to all, but the newsletter will be available only to members and associate members. The holidays have curtailed our activities for this issue but we look forward to our first publication of the new year. If you want to help, call Jeff at 617-449-6450. If you have comments, call Larry at 617-630-6207 or 508-755-1700.



Insurance
Ron Richards -- 617-589-5499

The Insurance Committee's January 6, 1994 meeting has been postponed and will be rescheduled for later in the month. Please call Ron Richards for information.



Steering
T.J. Stevenson -- 617-924-1770

The Steering Committee is hard at work preparing for the annual strategic planning meeting. The final plans are yet to be announced, but the next meeting is tentatively scheduled for January 12th, at Hutchins & Wheeler in Boston.



Loss Prevention
Joe Engels -- 508-371-4000

The Loss Prevention Committee is ready to publish the "Information to Clients" document. Some quantity, yet to be determined, will be available free of charge to paid up members. Additional quantities may be ordered by members for a nominal fee.

The next project to be undertaken is model contract language for dealing with DEP audit potential.