

June 18, 2014

Senator Stephen M. Brewer, Co-Chair, Conference Committee
State House, Room 212
Boston, MA 02133

Representative Brian Dempsey, Co-Chair, Conference Committee
State House, Room 243
Boston, MA 02133

Re: Senate Budget Amendment No. 2160, Section 123I – Please add “Licensed Site Professional” to the amendment

Dear Senator Brewer and Representative Dempsey:

The LSP Association (LSPA) is the non-profit, professional society for Licensed Site Professionals (LSPs), the environmental consultants licensed by the Commonwealth to oversee the investigation and remediation of hazardous waste sites in Massachusetts, and for other professionals (attorneys, laboratory personnel, contractors, etc.) involved in these activities. Through education and information, we work to help our nearly 1,000 members achieve and maintain high standards of practice in overseeing the assessment and remediation of hazardous waste disposal sites. Our members work with their institutional, non-profit, government, and private clients to remediate contaminated sites, often in economically distressed areas, so these properties can be placed back into active and productive use.

The LSPA is contacting you regarding Senate Amendment No. 2160, SECTION 123I, dated May 23, 2014, which deals with management of soils from construction projects. Soil management is an important and complex issue that our members address on a regular basis, given that much of their work involves remediating sites slated for development or redevelopment. We are also actively involved with the Massachusetts Department of Environmental Protection (MassDEP) in seeking solutions to the Commonwealth’s soil disposal challenges, and so have a unique and practical perspective on current soil management issues.

The LSPA strongly urges the Committee to include LSPs in the language of SECTION 123I (b). The LSPA suggests that the section read as follows, with the inserted language highlighted:

*(b) Said vote shall commence after of an extensive review of a soil management plan prepared by a **Licensed Site Professional** or licensed professional engineer and filed for comment and approval with the local governmental unit that shall include, but shall not be not limited to, a detailed plan which addresses:*

LSPs are uniquely qualified to conduct the work referenced in SECTION 123I (b); indeed many licensed professional engineers who do this work are also LSPs. In fact, given that regulated soils are encountered on many construction sites, it is frequently the case that a Professional Engineer might seek out the unique experience of a Licensed Site Professional when preparing a Soil Management Plan.

LSPs, or Licensed Site Professionals, are scientists and engineers who have demonstrated an expertise in hazardous waste site cleanup decision making, which includes a depth of understanding of soil contamination, and management of soils – contaminated or not. To be licensed, an LSP must meet minimum education and relevant professional experience requirements and must pass a comprehensive exam. The LSP program is regulated by the Massachusetts Board of Registration of Hazardous Waste Site Cleanup Professionals (LSP Board). To maintain licensure, LSPs are required to attend LSP Board-approved continuing education courses and to maintain a code of professional conduct. Among other requirements of the LSP, the LSP Board regulations (309 CMR) state the following: *"A licensed site professional shall hold paramount public health, safety, welfare, and the environment in the performance of professional services."* Protection of the environment is not included in the regulations governing licensed engineers. (The LSP professional licensure was the first of its kind in the nation. Variations of the LSP program are being increasingly adopted in other states. Presently, there are approximately 550 licensed LSPs in Massachusetts).

Omitting LSPs from this amendment will unnecessarily limit the pool of possible licensed and experienced professionals with the credentials to do this work,

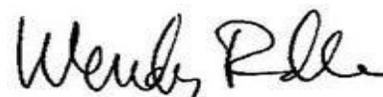
Please do not hesitate to contact us for more information on LSPs and the LSPA. Thank you for your serious consideration.

Sincerely,

LSP Association, Inc.



Matthew Hackman, P.E., CHMM, LSP
President



Wendy Rundle
Executive Director