

Compliance Tip of the Month

Dates Posted: June 8, 2017 through TBD

Compliance Tip:

Every three years following issuance of her/his license, an LSP must demonstrate that s/he has earned a minimum of 48 continuing education credits. Of these, at least 12 of the 48 credits must be earned at LSP Board-approved "DEP Course(s)".

No fewer than 8 credits must be from LSP Board-approved courses classified as "Regulatory." The balance of the 48 required credits may be earned by attending any LSP Board-approved course, conference, or conference workshop.

309 CMR 3.09(3)(a) and (b)

Three things to remember:

1. Some "DEP Courses" are also "Regulatory."
2. But not all "Regulatory" courses are also "DEP Course(s)."
3. If a course is classified as a "DEP Course" and a "Regulatory" course (listed as "*DEP Course*" *Regulatory* or *DEP/Regulatory*), it can be applied toward both the 12-credit "DEP Course" requirement and the 8-credit "Regulatory" requirement.

Dates Posted: May 11, 2017 through June 7, 2017

Compliance Tip:

Remediation waste contaminated with waste oil that isn't otherwise a hazardous waste, including [remedial wastewater](#), [soil](#), debris, and sediment that contains used or unused waste oil, does not need to be managed as MA-01 hazardous waste if managed under the MCP's remediation waste requirements at 310 CMR 40.0030, and shipped to a facility permitted to receive these materials. (See [310 CMR 30.252](#))

For [petroleum contaminated soils](#), the MassDEP policy goal is to avoid disposal. Note that asphalt batching facilities operate under Class A recycling permits and are technically recycling rather than disposal facilities.

Dates Posted: April 6, 2017 through May 10, 2017

Compliance Tip:

How does one apply Reportable Concentrations and Method 1 Standards when they are equal to the site Oil and Hazardous Materials (OHM) concentrations?

If the concentration of OHM is equal to the Reportable Concentration it is deemed a reportable condition. (310 CMR 40.0360(1): "A release indicated by the measurement of oil and/or hazardous material in soil and/or groundwater requires notification to the Department...if the measured concentration of one or more listed substances in 310 CMR 40.1600 in any soil or groundwater sample is **equal to or greater than** the media and category-specific Reportable Concentration value....")

If the concentration of OHM is equal to the Method 1 Standard it is considered to represent a condition of no significant risk. (310 CMR 40.0973(7): "A condition of no significant risk of harm to health, public welfare and the environment exists if no Exposure Point Concentration **is greater than** the applicable MCP Method 1 Soil or Groundwater Standard.")



Dates Posted: March 14, 2017 through April 5, 2017

Compliance Tip:

“Greener Cleanup evaluations” or considerations are not only called out in the MCP under Phase III (Detailed Evaluation Criteria for selecting a comprehensive remedy at 310 CMR 40.0858[4][c]), but also under Response Action Performance Standard (RAPS) at 310 CMR 40.0191(3)(e).

Therefore, Greener Cleanup practices should be considered in all MCP Phases, except during time critical responses (e.g., “2-hour” and “72-hour” reportable conditions). MassDEP provides assistance in the [Greener Cleanups Guidance, WSC #14 – 150](#) (October 2014).

Dates Posted: February 9, 2017 through March 13, 2017

Compliance Tip:

When to check the “orders, permits, and approvals” box in the “Required Attachment and Submittals Section” of a BWSC transmittal form?

LSPs should check this box only if the response actions covered by the transmittal are based on a site-specific Administrative Consent Order, Notice of Audit Findings, Interim Deadline, MassDEP-approved Order of Conditions, or similar written order issued by MassDEP or EPA to the PRP. Refer to “Form Questions” section [here](#).

Dates Posted: January 12, 2017 through February 8, 2017

Compliance Tip:

An LSP can sign a MassDEP Materials Shipping Record (MSR), and if the LSP has another credential such as a P.E. or P.G., the LSP can stamp the form with that other credential subject to its rules. However, an LSP cannot use the LSP seal on an MSR form. According to LSP Board [Advisory Ruling 98-01](#), an LSP “must not use his or her seal when signing other documents,” meaning documents other than formal waste site cleanup activity opinions.

Dates Posted: November 16, 2016 through January 11, 2017

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Dates Posted: September 15, 2016 through November 15, 2016

Compliance Tip:

MassDEP audits often flag a particular problem at Temporary Solution sites: a failure to include an updated Substantial Hazard Evaluation in the 5-year Periodic Review. This re-evaluation is necessary because the Substantial Hazard Evaluation, by definition, has a 5-year shelf life (see 310 CMR 40.0956(1)(b)).