

May 9, 2017

The Honorable Anne M. Gobi, Senate Chair
The Honorable Gailanne M. Cariddi, House Chair
Joint Committee on Environment, Natural Resources, and Agriculture
State House
Boston, MA 02133

Subject: ENRA Committee 5/9 Oversight Hearing

Dear Chairwoman Gobi, Chairwoman Cariddi, and Members of the Committee:

Thank you for the opportunity to speak at today's Oversight Hearing of the Joint Committee on Environment, Natural Resources, and Agriculture. We are pleased to be invited to share information about the role of Licensed Site Professionals (LSPs) at landfills and solid waste facilities in the Commonwealth.

The LSP Association

The LSP Association (LSPA) is the non-profit association for Licensed Site Professionals (LSPs) and related practitioners. LSPs are the scientists, engineers, and public health specialists licensed by the Commonwealth to work on behalf of property owners, operators, and other involved parties to oversee the assessment and cleanup of oil and hazardous materials released to the environment. Through education and information, we work to help our nearly 800 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 Role and Expertise of LSPs

LSPs are professionals who have demonstrated an expertise in hazardous waste site cleanup decision making; this requires that they have a depth of understanding of the management of groundwater and soil - contaminated or not. The LSP's role is to direct the assessment, characterization, and, to the extent necessary, the cleanup process in a manner consistent with the requirements of the Massachusetts Contingency Plan (MCP – 310 CMR 40.0000) and other relevant regulations and laws. The MCP

delineates a risk-based, phased process for bringing sites into compliance. In doing so, the LSP renders professional opinions at specific phases of the process; these are referred to as LSP Opinions.

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."*

LSPs work in a variety of circumstances. Mostly, LSPs work for and are paid by a property owner or project proponent. LSPs may also represent and be paid for oversight services by a municipality in which a site is located. LSPs may also work with residents or groups in a site neighborhood. Regardless of their client, LSPs occupy a unique position: between their client and that client's interests and the laws and regulations of the Commonwealth of Massachusetts. If an LSP does not uphold the ethical standards of the position as well as abide by appropriate laws and regulations, they can be disciplined or lose their license.

In the 24 years since the creation of the LSP program, the financial industry, realtors, environmental groups, attorneys, and local and state government have all come to rely upon the "LSP Opinion" because they know that these opinions are based in science and will stand the test of law.

The Role of LSPs at Landfills and Solid Waste Facilities

There is much overlap between the role and expertise that LSPs bring to their work at hazardous waste sites and what they bring to their work at landfills and solid waste facilities –whether on behalf of the facility, the municipality, or a group of private citizens. Provided below is a list of the functions and tasks that LSPs are hired to perform at such facilities:

- Acting as third party inspectors for operation and maintenance, this includes identifying operational areas needing improvement or not meeting regulations, and conducting waste ban inspections to ensure that certain materials and items are not included for disposal;
- Assessing and characterizing releases of chemicals and potential contaminants;
- Developing groundwater and soil sampling plans to identify and provide data about releases;
- Developing soil management plans for contaminated and uncontaminated soil;
- Overseeing the remediation of contamination emanating from landfills;
- Conducting the management of wastes generated during remediation; and
- Conducting oversight of landfill closures and post-closure care.

All of these activities are conducted in accordance with state laws and regulations for the protection of public health, safety, welfare and the environment, primarily 310 CMR 16.00 Site Assignment Regulations and 310 CMR 19.000 Solid Waste Management Regulations, as well as local laws and regulations.

Although it is not the MCP program for which LSPs are licensed, the programs are similar in many respects. LSPs are well qualified to perform the abovementioned tasks to ensure that landfills and solid waste facilities are well managed and protective of public health, safety, welfare, and the environment. The LSPA would be pleased to continue to explore additional ways in which LSPs can lend their expertise at these facilities.

We appreciate the opportunity to provide this information about our work and, at your request, are happy to provide additional information.

Sincerely,



Michael A. Penzo, CPG, PG, LSP
President



Wendy Rundle
Executive Director