

Chronology of MGL c.21E, the MCP, and the LSPA

November 1980 *Management for Site Investigations: The Preliminary Site Assessment. Part A: Confirmed Hazardous Waste Sites and Part B: Sites Requiring Further Investigation*, released by the Massachusetts Department of Environmental Quality Engineering, Division of Hazardous Waste.

December 1980 Federal Superfund Law enacted (Comprehensive Environmental Response, Compensation, and Liability Act of 1980 – also known as CERCLA).

1980



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1983



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1986



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March 1983 Enactment of *Massachusetts General Law Chapter 21E, The Massachusetts Oil and Hazardous Material Release Prevention and Response Act*. The priority lien provision of the law gets the attention of the real estate lending community, and the business of environmental site assessments is born.

1986 An initiative mandating the cleanup of hazardous waste sites sponsored by the Massachusetts Public Interest Research Group (MassPIRG), became the most popular initiative in the Commonwealth's history up to that time, garnering 73 percent approval. Question #4 on the ballot asked for a vote on a proposed law that "would require the state Department of Environmental Quality Engineering (DEQE) to search for sites in the Commonwealth where oil or hazardous materials have been disposed of and to take all steps necessary to clean up those sites within specified time limits." Question #4 also required DEQE (now MassDEP) to list 1,000 hazardous waste disposal sites each year.

October 1988 Over five years after the enactment of MGL c.21E, the first regulations to implement the legislation are published. These regulations - the Massachusetts Contingency Plan (MCP) - are modeled on the federal National Contingency Plan, and set forth a rigid command-and-control process for moving disposal sites from discovery through assessment and remediation.

1988-1989 Despite the addition of a “waiver of approvals” provision to the MCP, the program is soon gridlocked, unable to keep pace with the burgeoning real estate market during the Massachusetts Miracle. As increasing numbers of real estate transactions spawn increasing numbers of environmental site assessments, which in turn result in the discovery of increasing numbers of hazardous waste sites, it becomes clear that MassDEP simply does not have the resources to move these thousands of hazardous waste disposal sites through the regulatory process at an expeditious pace.

1988



1990



1992



January 1990 Frustrated by the long lead times now necessary to address hazardous waste sites, a group of environmental attorneys and consultants, working under the aegis of the Ad Hoc Subcommittee on the MCP of the Hazardous Waste Committee of the Boston Bar Association’s Environment Section, produce a document entitled *Removing Current Obstacles to Waste Site Cleanup: Proposed Changes to the Massachusetts Contingency Plan (MCP)*. MassDEP, which recognizes the need to expedite the assessment and cleanup of hazardous waste sites, is amenable to considering substantial changes to the regulatory scheme. A multi-party stakeholder “Study Committee” is formed to consider new approaches to hazardous waste site cleanup in Massachusetts.

1992 Massachusetts General Law Chapter 21E is substantially amended to privatize the MCP program, providing that those parties responsible for cleaning up contamination would hire Licensed Site Professionals (LSPs) to oversee most cleanups (with limited MassDEP oversight) to ensure compliance with the MCP. This allowed MassDEP to focus its resources on key stages of assessment and cleanup at specific sites as conditions warranted.

History & Successes of the LSPA

1992 The Board of Registration of Hazardous Waste Site Cleanup Professionals (the LSP Board) is established by the enactment of MGL c.21, Sec. 19-19J. The eleven members of the first LSP Board include:

- Three representatives of environmental organizations (Gretchen Latowsky, Rob Sargeant and Judy Shope)
- A labor representative (Sue Shepard)
- An LSP from the petroleum industry (Wayne Johnson)
- An LSP from industry (John Seferiadis)
- Three other LSPs (Deborah Gevalt, Lee Lyman, and Bill Rizzo)
- A hydrogeologist (Larry Feldman)
- A chairperson designated by the MassDEP commissioner (Jim Colman)

November 1992 While at a HazWAC meeting in New Orleans, a handful of environmental consultants (John Balco, Joe Engels, Larry Feldman, Deborah Gevalt, and Rick Hughto) meet at the Café du Monde to discuss the need for an association for the newly-created profession of LSP. The concept of the LSPA is born at this meeting.

1992



1993

January 1993 The initial organizational meeting of the LSPA is held at the Newton Marriott, Newton, MA.

March 1993 The LSPA is formally incorporated as the professional association of LSPs and other environmental professionals who oversee the assessment and remediation of properties contaminated by hazardous waste in the Commonwealth.

The first LSPA Board is comprised of Rick Hughto - President, Jeff Hardin - Treasurer, Joe Engels - Clerk, John Balco, Larry Feldman, Deborah Gevalt, Joel Loitherstein, and John Seferiadis.

May 1993 The LSP Board promulgates its initial regulations (309 CMR).

July 1993 The "new" MCP, for implementing the new MGL Chapter 21E, is submitted to the Secretary of State.

September 1993 The LSPA holds meetings with members to prepare for the October 1 "opening day" of the new MCP.

October 1, 1993 New MCP regulations, pertaining to the 1992 Chapter 21E amendments, go into effect.

October 1993 LSPA's first Annual Dinner Meeting held.

December 1993 John Seferiadis, Deborah Gevalt, and Larry Feldman must resign from the LSPA Board in order to join the LSP Board of Registration. Dot McGlincy, Wes Stimpson, and Kevin O'Reilly replace them on the LSPA Board.

December 1993 The total number of LSPs with temporary licenses reaches 303; these LSPs were provisionally designated and will be formally licensed once an exam is in place and they successfully pass it.

July 1994 The LSP Board of Registration recommends technical advisors to work with a consultant on the first LSP exam; advisors included John Fitzgerald, Dick Chalpin, Wes Stimpson, Richard Hughto, David Burmaster, Joel Loitherstein, Larry Feldman, Lee Lyman, and Deborah Gevalt.

>>> ... 1994 >>> ... 1995 >>> ... 2003 >>> ... 2006

November 18, 1995 After several postponements, the LSP Board offers its first LSP exam.

October 2003 The LSPA celebrates its 10th anniversary dinner.

June 2006 The LSP Association Scholarship Fund is formally incorporated as a 501(c) (3) corporation, separate from the LSPA.



2013 **October**
The LSPA celebrates its 20th anniversary dinner.

