

Outreach Plan

Board of Registration of Hazardous Waste Site Cleanup Regulation Amendments

Secretariat Lead: EEA

Agency & Lead Contact: Board of Registration of Hazardous Waste Site Cleanup Professionals (often referred to as “the LSP Board”); Terry Wood, LSP Board Executive Director

Initiative Title/Type: Proposed regulation

Anticipated Implementation Start Date: Anticipate proposing the amendments for public comment in Winter to Spring 2025.

Anticipated Implementation End Date: N/A

MassDEP Outreach Plan Lead: Terry Wood

Table of Contents

[General Overview](#)

[Approvals](#)

[Stakeholder/Legislative Strategy](#)

[Press Strategy](#)

[Sound Bites/Key Points](#)

[Talking Points](#)

[Q & A](#)

General Overview

The proposed amendments in this package include:

- Changes to the continuing education credit requirements for Hazardous Waste Site Cleanup Professionals (often referred to as “LSPs”) including reducing from 48 to 36 the number of credits needed for an LSPs to renew their licenses every three years and reducing the required number of credits in MassDEP courses from 12 to 9;
- Simplifying the categories of credits needed to renew;
- Allowing credits earned outside a renewal period to count toward an LSP’s next renewal in some situations;
- Changes to the requirements for continuing education courses to reflect that many courses are now offered online;
- New requirements for course providers to maintain attendance records and other documentation regarding internet courses for a minimum of five years;

- A new process for the Board to audit course providers and organizations sponsoring courses to ensure they are following Board standards;
- Edits to reflect that the Board now accepts electronic submissions and payments and issues many notices electronically; and
- Other technical edits to remove outdated language and clarify existing requirements.

These regulations are non-controversial and thereby should be eligible for 10- day presumptive approval.

Statutory and Regulatory Background

The Board was established in 1993, pursuant to G.L. c. 21A, §§19 through 19J, to license Hazardous Waste Site Cleanup Professionals (often referred to as “LSPs”) to manage and/or oversee assessment and cleanup work at contaminated sites. Also in 1993, the Massachusetts Department of Environmental Protection (“MassDEP”) implemented the 21E program through a set of regulations known as the Massachusetts Contingency Plan or “MCP.” The MCP lays out the state’s rules for conducting cleanups of contaminated sites and requires people responsible for cleanups to hire an LSP to manage and/or oversee the required assessment and cleanup work. Prior to implementation of the LSP licensing program in 1993, those who conducted work at hazardous waste sites had to receive MassDEP’s approval of each phase of the work or a waiver of the approval requirement. DEP was unable to handle all of these requests, and backlogs developed. By licensing LSPs and allowing them to oversee work at sites, many government-related obstacles to prompt voluntary cleanups were eliminated. LSPs are scientists or engineers experienced in the assessment and cleanup of oil, gasoline, and hazardous material contamination.

The Board, whose members are appointed by the Governor, licenses LSPs to manage cleanups and provide formal, written opinions that cleanup work meets the requirements of the MCP. The Board oversees the licensing of LSPs by establishing application requirements, creates and administers a licensing examination, and sets requirements for LSPs to take continuing education courses in order to renew their licenses every three years. The Board has also established rules of professional conduct LSPs must follow, investigates complaints against LSPs and disciplines LSPs for violations of the Board’s regulations.

Pre-Proposal Stakeholder Process

The Board’s regulations were last amended in 2005. Since approximately 2012, the Board has discussed potential amendments. Over the years, the LSP Board has received and considered proposed regulatory changes submitted by the LSP Professional Association as well as from individual LSPs.

Approvals

Proposed regulations must be approved by EEA and A&F.

Stakeholder/Legislative Strategy

Date	Actions of the Day	Stakeholder Name/E-mail/Phone	Lead
TBD	email	LSP Board Stakeholder lists	Terry Wood

The email would use the email to announce the proposed and final amendments and would utilize language from other public documents (hearing notice, response to comments, etc.)

Press Strategy

No press strategy is recommended at the proposal stage.

Sound Bites/Key Points

- The LSP Board will accept formal public comment on the proposed regulations until [DATE].
- The proposed regulations consider all stakeholder input received in the pre-proposal stakeholder process.

Talking Points

- The Board is aware that LSPs have found acquiring forty-eight (48) total hours of required continuing education credits and twelve (12) credits in MassDEP courses every three years to be challenging and believes the proposed thirty-six (36) total and nine (9) MassDEP credits are sufficient to allow LSPs to stay current with technical and regulatory updates relevant to the LSP profession.
- Reducing the required total number of continuing education credits to thirty-six (36) every three years would also match the number of continuing education credits needed to renew (i.e., effectively 12 credits per year) for both the Connecticut Licensed Environmental Professional Program and the New Jersey Licensed Site Remedial Professional Program, the two state programs similar to the Massachusetts LSP program.
- The Board believes simplifying the categories of credits needed to renew will make the LSP renewal process simpler without altering the requirement for LSPs to stay current regarding the technical advancements and regulatory changes that impact their practice.
- The Board believes allowing some credits earned outside a renewal period toward an LSP's next renewal will incentivize LSPs to take courses of interest to them when they are offered.
- The Board's proposed edits regarding online continuing education courses are intended to allow LSPs to count credits earned in online courses while ensuring LSPs are present and engaged during such courses.

Q&A

While the proposed amendments are fairly straightforward, the Board will develop a Q&A if the Board deems one would be effective in responding to questions received from stakeholders or the public.