

LSPs do the Dirty Work

Progress comes in waves ...

By Larry Feldman

And, when it comes to the redevelopment of contaminated properties, the first wave to hit the Massachusetts shore came 25 years ago when the legislature replaced the state's haphazard approach to dealing with releases of hazardous materials with MGL c. 21E, formally known as the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act.

Subsequent major waves came in five-year increments, first in 1988 with the adoption of the original Massachusetts Contingency Plan (MCP) – the body of regulations that implements 21E – and then in 1993 with the promulgation of the new MCP, under which state-licensed engineers and scientists (Licensed Site Professionals, or LSPs) are authorized by the state to oversee the assessment and cleanup of contaminated properties.

In 2008, the LSP Association (LSPA), the thousand-member strong organization representing the state's LSPs, will mark this three-in-one anniversary and advance an agenda that will further facilitate continued progress on the redevelopment of contaminated properties. It is working with the state's regulatory, legal and development communities to further tweak the MCP and to generate support for policies that remove barriers to brownfields development.

Transforming a liability into an asset

For property owners and developers, the regulatory changes have been particularly important. The MCP facilitates the timely and effective cleanup of contaminated properties, thus restoring their value and making them working assets for their owners and the community.

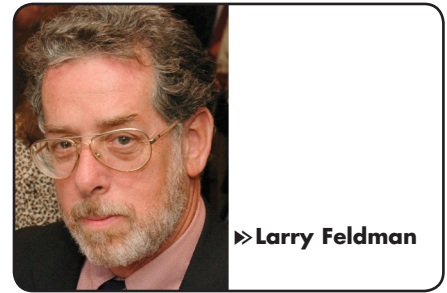
It's important to note that the adoption of the 1993 MCP has measurably improved the pace of hazardous waste site cleanups in Massachusetts. In the first 10 years of the program, from 1983 to 1993, only 630 sites were closed out; since the implementation of the LSP-managed program in 1993, more than 30,300 sites – ranging from small oil spills to large, multi-acre industrial sites with multiple contaminants – have been cleaned up and closed out of the state's system.

Moreover, every year since 2002 the number of clean-ups has exceeded the number of new sites reported to the state, no mean feat considering that approximately 1,800 sites are added to the system every year.

More on the agenda

As good as this track record is, there's still more to do. The LSPA supports an aggressive agenda that protects the health and safety of Massachusetts citizens while expediting the cleanup and reuse of blighted, contaminated properties. This year, the LSPA is:

- Making a push to secure legislative approval for a bill that requires homeowner insurance policies to cover releases from home heating oil systems. Despite the horror stories of lost homes and destroyed lives (and the fact that this bill will cost insurers and the state nothing), there has been strong resistance to passing the measure.
- Supporting continued capitalization of the state's Brownfields Redevelopment Fund and Access to Capital Program which provides low cost financing for the assessment and cleanup of impacted properties. The bottom line is that, in most cases, it costs more money to build on a dirty site than it does on a



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clean one. Financial incentives are critical.

- Promoting smart growth with an emphasis on reinvigorating inner city neighborhoods. The redevelopment of urban areas, which historically carried a disproportionately high burden of the state's industrial activity, is critical to smart growth and redevelopment of brownfields is an alternative to urban sprawl. The LSPA opposes legislation that creates a two-tiered regulatory system that imposes additional hurdles for developers interested in investing in, and revitalizing, inner-city communities.

At the same time, the LSPA continues its work with regulators, the legal community and developers to further refine brownfields development policies and programs. Another wave is ready to hit the shore. ■