



COMMONWEALTH OF MASSACHUSETTS
**Board of Registration of
Hazardous Waste Site Cleanup Professionals**

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HAZARDOUS WASTE SITE CLEANUP PROFESSIONAL SURRENDERS LICENSE TO STATE BOARD

BOSTON –The Massachusetts Board of Registration of Hazardous Waste Site Cleanup Professionals has entered into a consent agreement with Thomas P. Luby to resolve disciplinary charges against him. Under the agreement, Mr. Luby has voluntarily surrendered his license to practice as a Hazardous Waste Site Cleanup Professional (Licensed Site Professional, or LSP) and has agreed to not reapply for licensure for at least one year.

The disciplinary charges against Mr. Luby stemmed from his work as an LSP on two contaminated sites, located in Concord and Worcester. The charges were initiated by a complaint from the Massachusetts Department of Environmental Protection (MassDEP) following audits of his work. The Board's investigation concluded that Mr. Luby's reports for these sites failed to meet MassDEP's requirements and the professional standards of LSPs.

At the Concord site, a commercial property on Church Street, contamination from previous dry-cleaning operations had affected indoor air quality. In a report to MassDEP, Mr. Luby stated that a depressurization system beneath the building's slab was effectively mitigating the contamination. However, MassDEP determined that his conclusion was flawed, requiring additional assessment and cleanup work. The Board agreed with MassDEP's assessment that Mr. Luby's report did not meet state standards.

At the Worcester site, a commercial property on Grove Street, gasoline contamination had been detected in soil and groundwater. In a report, Mr. Luby asserted that no significant risk remained on the property. However, MassDEP's review found that he had not adequately evaluated the potential for contamination to affect indoor air or migrate to an adjacent property. Additional assessment was required, and the Board again concurred with MassDEP's findings that Mr. Luby's report failed to meet regulatory requirements.

While appealing the Board's findings, Mr. Luby entered into an Administrative Consent Order in which he agreed to surrender his license effective December 31, 2024, and to not reapply for at least one year. This agreement resolves all pending charges.

“By entering into this agreement, the Board reinforces its commitment to protecting public health and the environment while maintaining the highest professional standards for LSPs,” said **James Smith, co-chair of the Board’s Professional Conduct Committee**.

LSPs are licensed by this state board to oversee the assessment and cleanup of property in Massachusetts that has become contaminated with oil, gasoline, or other hazardous materials. Chapter 21E of the General Laws requires that property owners and others who are legally responsible for such contamination must retain the services of an LSP to oversee work done to assess the nature and extent of the contamination and the risks it poses. If the site is found to pose a significant risk, an LSP must also oversee the cleanup required. In the course of assessing and cleaning up the contamination, LSPs and their clients must submit written reports to MassDEP demonstrating that MassDEP’s Chapter 21E regulations have been followed. These regulations are designed to protect public health and the environment from any significant risks posed by the contamination.

The Massachusetts Board of Registration of Hazardous Waste Site Cleanup Professionals works to maintain high standards of practice by LSPs. It protects public health, welfare, and the environment by establishing qualifications for licensure, administering a licensing exam, requiring that LSPs obtain continuing education, and investigating complaints against LSPs to ensure compliance with state laws, regulations, and the Board’s own rules of professional conduct. Any member of the public may file a complaint with the Board alleging that an LSP did not meet the state regulations or professional standards in conducting assessment and/or cleanup activities at a contaminated site.

For more information about the Board, a directory of licensed LSPs and details about Massachusetts’ Hazardous Waste Site Cleanup program, visit <http://www.mass.gov/lsp> or contact the Board directly.

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