



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

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**STATE BOARD SUSPENDS HAZARDOUS WASTE SITE CLEANUP  
PROFESSIONAL'S LICENSE PENDING OUTCOME OF DISCIPLINARY  
PROCEEDING**

BOSTON -- The Massachusetts Board of Registration of Hazardous Waste Site Cleanup Professionals (Board) has suspended the license of Theodore J. Kaegael, Jr., President of Kaegael Environmental, Inc., located in Fall River, pending the outcome of a disciplinary proceeding before the Board involving charges that Mr. Kaegael performed substandard work during the assessment and remediation of contaminated properties in Fall River, Weymouth, and Freetown.

The Board is an independent state licensing body that licenses private environmental professionals known as Licensed Site Professionals (LSPs). The Massachusetts Department of Environmental Protection (DEP) requires those who are legally responsible for cleaning up hazardous waste sites to hire an LSP to manage and/or oversee the required assessment and cleanup work.

The Board has instituted formal disciplinary proceedings against Mr. Kaegael after conducting an extensive investigation of a complaint filed by DEP alleging that Mr. Kaegael had not followed DEP's regulations during assessments and cleanups at a number of contaminated sites. DEP's regulations are designed to protect public health and the environment from the risks posed by such sites. As a result of that investigation, the Board determined that Mr. Kaegael failed to properly assess the full extent of contamination at four properties and did not sufficiently evaluate or eliminate the risks that the contamination presented to public health and the environment. Numerous serious violations were found at each site. The license suspension will remain in effect at least until the conclusion of the disciplinary proceeding, should Mr. Kaegael choose to file an appeal of the Board's determination.

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Among other things, the Board found that at two residential properties located at 254 Caroline Street and 261 Neptune Street in Fall River, Mr. Kaegael failed to properly evaluate whether indoor air at the residences had been affected by significantly high levels of chlorinated solvents (tetrachloroethene or PCE), vinyl chloride, and trichloroethene (TCE) detected in groundwater within 30 feet of the homes. Vinyl chloride is classified by the US Environmental Protection Agency (EPA) as a carcinogen, while PCE and TCE are classified by EPA as probable carcinogens. When volatile solvents contaminate groundwater in close proximity to residences, it is essential to evaluate the possibility that hazardous vapors from these solvents have migrated to the air inside the residences, putting the residents at risk. The Board also found that Mr. Kaegael failed to determine the full extent of contamination at the two residential properties and submitted false and misleading information to his client concerning the risks posed by contamination at the properties, knowing that the information would be forwarded to Fall River officials for the purpose of obtaining Certificates of Occupancy for the two residences.

With respect to the site at 800 Bridge Street in Weymouth, which is now part of Abigail Adams Park, Mr. Kaegael asserted in a report submitted to DEP during 2000, and in notices to the public, that the high concentrations of lead and polychlorinated biphenyls (PCBs) at the site were properly isolated by soil and asphalt barriers constructed on the property. In fact, the soil and asphalt barriers were not placed on the property until two years later in 2002. Thus, during that intervening period the public was left vulnerable to potential exposure to high levels of lead and PCBs in soil in an area where public access was not restricted.

At the Freetown site, located at and around 3 Sammy's Lane in the village of Assonet, Mr. Kaegael failed to adequately determine the extent of groundwater contamination at a site where a number of private water-supply wells were contaminated with gasoline constituents, including benzene and MTBE. Although most, but not all, of the residential properties with private water-supply wells in the area were subsequently supplied with municipal water, Mr. Kaegael failed to obtain and record a required Grant of Environmental Restriction. The Grant of Environmental Restriction, which would be recorded on each residential deed, would put all future property owners on notice that a number of private water supply wells were contaminated with MTBE, benzene, and other gasoline constituents and should not be used. Mr. Kaegael also failed to evaluate how the installation of municipal water at some residences, and the nearly simultaneous shutdown of a contaminated groundwater treatment system, would impact contaminant migration in the groundwater towards other nearby wells at properties without public water.

Debra Stake, co-chair of the Board's Professional Conduct Committee stated: "This Suspension Order serves as a reminder to LSPs that they must comply with DEP's hazardous waste site cleanup regulations and the Board's standards of professional conduct or face severe disciplinary action. The violations here were serious -- a failure to adequately determine indoor air risks at residential properties, a failure to ensure that a soil and asphalt barrier was put in place to prevent exposure to soil contaminated with lead and PCBs on the site of a future public park, and a failure to adequately determine the extent of gasoline contamination in a residential neighborhood with a number of private water supply wells."

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The Board 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. Additional information about the Board, a list of LSPs, and other information about the state's cleanup program for contaminated sites can be found at the Board's Web site at [www.mass.gov/lsp](http://www.mass.gov/lsp) or by calling one of the contacts listed above.

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