



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

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**STATE BOARD SUSPENDS LICENSE
OF HAZARDOUS WASTE SITE CLEANUP PROFESSIONAL**

BOSTON – Daniel G. Jaffe, whose office is located in Somerville, has entered into a consent agreement with the Massachusetts Board of Registration of Hazardous Waste Site Cleanup Professionals to resolve pending disciplinary charges. As part of this consent agreement, Mr. Jaffe’s license to practice as a Hazardous Waste Site Cleanup Professional will be suspended for 15 months and he will be required to complete certain continuing education courses.

Hazardous Waste Site Cleanup Professionals, who are also known as “Licensed Site Professionals” or “LSPs,” are licensed by the Board to oversee the assessment and cleanup of property in Massachusetts that has become contaminated with oil, gasoline, or other hazardous materials. Property owners and others who are legally responsible for the contamination hire LSPs. In the course of doing their oversight work, LSPs and their clients must submit written reports to the Massachusetts Department of Environmental Protection (MassDEP). MassDEP and any member of the public may file a complaint with the Board alleging that an LSP did not meet state requirements or professional standards in conducting assessment and cleanup activities at contaminated sites.

The disciplinary charges pending against Mr. Jaffe asserted that he had violated the Board’s rules of professional conduct during the period 2001 through 2006 at sites located in Newton, Acton, Watertown and Lawrence.

The charges filed against Mr. Jaffe originated from a complaint filed with the Board by MassDEP. After investigating the complaint, the Board filed formal charges asserting that Mr. Jaffe failed to adequately address potential risks to human health.

In Newton, Mr. Jaffe performed work at a commercial property located at 714-726 Beacon Street where chlorinated solvents had been detected in groundwater in 1997. One unit on the property had been a dry cleaner from approximately 1963 to 1975. When Mr. Jaffe became

involved with the property in 2001, this unit was vacant. A risk assessment report prepared in 2001 indicated that risks to occupants from contamination in indoor air would be present in the unit if occupied. The Board determined that despite directions from MassDEP to re-evaluate the risks to indoor air after a new commercial tenant moved into the unit and despite the fact contaminant levels in indoor air in the unit began to rise, Mr. Jaffe failed to adequately assess potential risk to the occupants.

In Acton, Mr. Jaffe performed work at a property located at 930 Main Street occupied by a manufacturer of pre-fabricated wooden structures. In 2003, he filed a report with MassDEP stating that no significant risk remained on the property from a former fuel oil release, and that no substantial hazard remained from a separate release of wood preservative. The Board determined that Mr. Jaffe failed to collect sufficient data and information from the site to adequately demonstrate the lack of risk. Among the issues raised by the Board was Mr. Jaffe's failure to monitor the public water supply well located on the property for all site-related contaminants. In addition, the Board determined that Mr. Jaffe failed to inform his client of reporting requirements related to contamination detected in the water supply well.

In Watertown, Mr. Jaffe performed work at an auto body repair shop located at 414 Main Street. In 2004, he filed a report with MassDEP stating that no significant risk remained on the property from a petroleum release from former underground storage tanks. The Board determined that Mr. Jaffe failed to collect sufficient data and information from the site to adequately demonstrate the lack of risk. Among the issues raised by the Board was that Mr. Jaffe failed to collect any soil or groundwater data in the vicinity of one of the former tanks that he stated was a potential source.

In Lawrence, Mr. Jaffe performed work at 0 Farley Street. The property had been used as a motor freight station and a medical waste incinerator facility. Underground storage tanks used to hold gasoline, diesel and No. 2 fuel oil were present on the property from 1938 until at least 1991. In a 2005 report to MassDEP, Mr. Jaffe stated that an adjacent property was the source of petroleum contamination found in soil and groundwater on the Farley Street property. The Board determined that Mr. Jaffe had not adequately evaluated potential on-site sources for the petroleum. For example, he failed to discuss former tanks that had been located on the portion of the property where the impacted soil and groundwater were found.

The consent agreement resolves all pending charges. While Mr. Jaffe did not admit to any wrongdoing, he agreed to the suspension of his license and waived his right to an appeal.

Robert Luhrs, a member of the Board, stated: "By suspending Mr. Jaffe's license, the Board is protecting the public and the environment, and upholding the Board's standards of professional conduct."

The Board works to maintain high standards of practice by LSPs 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 waste site cleanup program can be found at the Board's Web site at <http://www.mass.gov/lsp> or by calling 617-556-1091.

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