



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 – At the conclusion of a disciplinary proceeding, the Massachusetts Board of Registration of Hazardous Waste Site Cleanup Professionals has decided to suspend the license of Oliver C. Udemba for six months, commencing on January 5, 2009. Mr. Udemba is licensed by the Board as a Hazardous Waste Site Cleanup Professional.

Also known as “Licensed Site Professionals” or “LSPs,” Hazardous Waste Site Cleanup Professionals 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. 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.

This disciplinary action stems from Mr. Udemba’s work overseeing assessment and cleanup work at a town-owned property in Pelham, Mass., where creosote had been released to the soil from two 55-gallon drums during construction of a town building. Town personnel removed the soil contaminated by the creosote release by excavating surficial soil from an area approximately 20 feet by 20 feet and sending it off-site for proper disposal. The contamination did not reach the groundwater or migrate outside the initial release area.

For this site, Mr. Udemba expended 417 hours of professional services on oversight. In its decision, however, the Board concluded from all the evidence that this was in fact a relatively simple assessment and cleanup project that did not warrant anywhere near this much time by an LSP.

Specifically, the Board found that 417 hours of professional services at this site was multiple times the range of hours that an LSP would have expended if the LSP had acted with reasonable care and diligence. Moreover, Mr. Udemba’s failure to act with reasonable care and diligence, and apply the knowledge and skill ordinarily exercised by LSPs in good standing, violated the Board’s Rules of Professional Conduct.

In his defense, Mr. Udemba claimed he was justified in expending 417 hours on this cleanup due to: a) the need to address thoroughly all health and safety issues in order to forestall criticism about the cleanup that could arise from those who were opposing the town's construction of the building due to its cost, and b) the need to address security issues arising from the local opposition to the construction project.

The Board, however, found that even allowing a generous amount of time to address these issues, Mr. Udemba's 417 hours exceeded by multiples the range of hours such work would have taken an LSP acting with reasonable care and diligence and applying the knowledge and skill ordinarily exercised by LSPs in good standing. The Board reached this final decision after affording Mr. Udemba a full adjudicatory hearing before an administrative magistrate. Mr. Udemba has a right to appeal the Board's decision to Superior Court within 30 days.

Janine Commerford, Chair of the Board, stated: "In this case, the LSP failed to meet one of the Board's overarching disciplinary rules. This rule requires all LSPs, when they provide professional services, to act with reasonable care and diligence. By suspending Mr. Udemba's license for six months, the Board is acting to both protect the public and to uphold the Board's professional conduct standards."

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.

Additional information about the Board, a list of LSPs, and other information about the state's cleanup program for hazardous waste sites can be found at the Board's Web site at www.state.ma.us/lsp or by calling the number listed above.

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