



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 – Mark A. Germano has entered into a consent agreement with the Massachusetts Board of Registration of Hazardous Waste Site Cleanup Professionals to resolve disciplinary charges that were pending against him. As part of this consent agreement, Mr. Germano’s license to practice as a Hazardous Waste Site Cleanup Professional will be suspended for eight months and he will also 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. Germano asserted that he had violated the Board’s rules of professional conduct while providing professional services during the period 2004 through 2006 at sites located in East Boston and Westwood.

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

In East Boston, Mr. Germano performed work at a property on Porter Street that had been used as a dry cleaner since 1991. Prior to his engagement in June 2004, chlorinated solvents had been detected in groundwater on the property, and an investigation was conducted to determine the extent of the contamination and whether it had migrated to adjacent properties. In 2002, MassDEP required the property owner to conduct indoor air sampling at a residential apartment located adjacent to the dry cleaner to determine whether the contamination had entered the air inside the residence at levels that posed a risk to the tenants. The property owner did not conduct the air sampling before selling the property in January 2004. The new owner hired Mr. Germano in June 2004 to complete any required assessment and cleanup activities. Shortly after he was hired, Mr. Germano stated in a report he filed with MassDEP that he assumed MassDEP no longer required that the indoor air at the adjacent residence be sampled. The Board found that this assumption was unfounded and that Mr. Germano knew or should have known that the indoor air sampling was still required. After Mr. Germano's 2004 report was filed, MassDEP ordered the property owner to sample the air in the residence.

In Westwood, Mr. Germano performed work at a commercial property located on High Street where dry cleaning businesses had been tenants since 1945. In November 1992, chlorinated solvents were detected on the property. Mr. Germano began performing work on the property in 1999. In April 2005, Mr. Germano filed a report with MassDEP that stated the contamination on the High Street property did not pose a risk to the air inside two nearby residential homes. After the report was filed, MassDEP required further evaluation of the indoor air conditions at the residences. In 2006, Mr. Germano filed a report with MassDEP stating that there was no significant risk to indoor air within the residences. MassDEP and the Board determined that Mr. Germano's assumptions about the risk at the residence were not sufficiently conservative. MassDEP required that additional measures be taken to ensure no significant risk was posed to the indoor air inside the homes.

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

Debra Stake, a member of the Board, stated: "By suspending Mr. Germano'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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