

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
BOARD OF REGISTRATION OF
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

In the Matter of:)
)
)

James J. Decoulos,)
Respondent)
_____)

Docket No.: LSP-10AP-01

**AFFIDAVIT OF JAMES J. DECOULOS IN RESPONSE TO A REQUEST FOR A
STATUS REPORT ON PUBLIC RECORD REQUESTS**

My name is James J. Decoulos and the following facts are true to the best of my knowledge, information and belief.

1. I filed public record requests to Cynthia Baran and John Fitzgerald, employees of the Massachusetts Department of Environmental Protection (“MassDEP”), pursuant to the Massachusetts Public Records Law, G. L. c. 66, § 10, and the Public Records Access Regulations, 950 CMR 32.00, *et seq.* on September 1, 2010.

2. After several weeks of attempting to coordinate my review of Ms. Baran’s records with the keeper-of-the-records for her office, I refined my request on September 27th as follows:

I request all email communications, telephone notes or meeting notes by or between DEP representatives Cynthia Baran and Jonathan Hobill regarding the Eagle Gas Site at 131 Main Street in Carver.

3. I conducted a public records review at Ms. Baran’s office on October 19, 2010 and I scanned every document in the file that Irene Lavoie, the keeper-of-the-records, made available to me.

4. There are additional documents I requested from Ms. Baran which were not made available for my review.

5. The records I reviewed on October 19th did not include emails that Ms. Baran sent to me on the following dates regarding the Eagle Gas Site at 131 Main Street in Carver: March 12, 2004; March 30, 2004; April 7, 2004; April 23, 2004; May 20, 2004; July 9, 2004; July 15, 2004; November 26, 2004 and February 3, 2005.

6. The records I reviewed on October 19th did not include any emails I would have expected that Ms. Baran or Mr. Hobill would have sent to Hazardous Waste Site Cleanup Professionals or Licensed Site Professionals (“LSPs”) Theodore J. Kaegael or David C. Bennett, who represented Richard Nantais, a responsible party who caused a release of gasoline at the Eagle Gas Site in 1997.

7. The records I reviewed on October 19th did not include any emails I would have expected that Ms. Baran or Mr. Hobill would have sent to LSP Daniel W. Felten, who represented Eagle Gas, Inc. after my work at the Eagle Gas Site was completed in July of 2005.

8. The records I reviewed on October 19th did not include any emails I would have expected that Ms. Baran and Mr. Hobill would have sent between themselves prior to March 30, 2004.

9. The records I reviewed on October 19th did not include any emails I would have expected that Ms. Baran and Mr. Hobill would have sent between themselves after November 17, 2005.

10. The records I reviewed on October 19th did not include any telephone notes or meeting notes that I would have expected that Ms. Baran and Mr. Hobill would have generated for the Eagle Gas Site.

11. My records request to Mr. Fitzgerald on September 1, 2010 sought “All notes and internal MassDEP communication John Fitzgerald has generated or received related in any way to the work of the LNAPL Workgroup.”

12. On November 1, 2010, in response to my records request to Mr. Fitzgerald, I received electronic files in an email from Kathleen Delaplain, an attorney with the Office of General Counsel of MassDEP.

13. I replied to Ms. Delaplain’s email on November 2nd that the information she provided did “not include any notes or communications generated from Mr. Fitzgerald. Please let me know as soon as possible if you can provide this information.”

14. I have not received a response from Ms. Delaplain on the email reply I sent to her on November 2nd.

Signed under the pains and penalties of perjury this 3rd day of November, 2010.

A handwritten signature in black ink, appearing to read "James J. Decoulos", written in a cursive style.

James J. Decoulos