

DISPOSITION

Based on its investigation and findings, the Site Remediation Professional Licensing Board (“Board”) voted to resolve the complaint with a finding that the subject of the complaint did not violate the provisions of the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) alleged in the complaint and referenced below.

ISSUE

In conducting the audit of the LSRP the Audit Committee found that the LSRP had failed to make the notification required by N.J.A.C. 7:26I-6.8(c) when he failed to notify the Department of Environmental Protection in writing when a mandatory timeframe referenced in N.J.A.C. 7:26C-3 that occurred after December 1, 2018 was not met. Specifically, there was no record that in a particular case the LSRP had notified the Department that the Remedial Investigation Report would not be submitted by the mandatory timeframe of November 7, 2019.

INVESTIGATION

The Audit Committee referred this matter to the Professional Conduct Committee of the Board. During the investigation the LSRP provided evidence that a Remedial Investigation Report had been submitted by the LSRP previously retained to conduct remediation. The Remedial Investigation Report was intended to cover two cases or “LSRs” within the project, but the Department rejected it for one of the cases, resulting in an open time frame for that case. The fact that the Remedial Investigation Report was rejected for one case, which still required submission of a report, was not conveyed to the Subject LSRP by the previously retained LSRP or made clear in the Department record.

FINDINGS

According to N.J.A.C. 7:26I-6.8(c): “an LSRP shall notify the person responsible for conducting the remediation and the Department in writing when in his or her professional judgment based on site history any one or more applicable mandatory or expedited site-specific timeframes referenced in N.J.A.C. 7:26C-3 is unlikely to be met.” In this case, site records indicated a Remedial Investigation Report had been submitted for two cases but did not clearly record that the report had been accepted for one case but not the other. The position of the LSRP was that no notification was therefore required because he believed that the remedial investigation was complete. Since the Board concurred that communication lapses had occurred which were not

the fault of the Subject LSRP, and the case record was incomplete, the Board found no violation in this matter.