

SRPL Board Complaint No. 006-2025

DISPOSITION:

Based on its investigation and findings, the Site Remediation Professional Licensing Board (“SRPL 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.) or the SRPL Board Rules (N.J.A.C. 7:26I) alleged in the complaint and referenced below.

ISSUE:

This complaint was brought by the former owner of the subject Site (“Owner 1” or “Complainant”) against the LSRP (“Subject LSRP”) for the current owner (“Owner 2”) of the Site on February 5, 2025. The Complainant alleges that the Subject LSRP failed to comply with regulations and regulatory guidance, violated the SRPL Board Rules and lacked professional competency and independent professional judgment. The conclusions in the Subject LSRP’s 2022 Preliminary Assessment Report and Remedial Action Outcome-Area of Concern are at issue in this complaint. The relief requested by the Complainant is that the Subject LSRP withdraw the 2022 Remedial Action Outcome and conduct additional investigation of the Area of Concern for which the Remedial Action Outcome was issued.

INVESTIGATION:

The Professional Conduct Committee of the SRPL Board appointed a Complaint Review Team (“CRT”) to investigate the allegations and response. The CRT reviewed the complaint and the Subject LSRP’s response, submitted on May 23, 2025. The CRT met with the Complainant’s attorneys and their LSRP on July 24, 2025 and the Subject LSRP on August 1, 2025.

The subject Site is an irregularly shaped, commercial parcel improved with a one-story 19,638 square-foot building, a front parking area and a rear delivery area. The surrounding area was historically (pre-1960) part of a large manufacturing complex spanning multiple city blocks, where remedial and redevelopment activities are ongoing under separate program interest numbers.

Prior to 1960, the Site primarily served as a parking lot with two storage buildings associated with the historic manufacturing facility. From 1960 to 2000, dry cleaning operations were conducted under a single owner (“Owner 1”). The current owner (“Owner 2”) purchased the property in December 2017. Owner 1 remains responsible for contamination from historic dry cleaning operations, while Owner 2 is liable for any new discharges, including those related to pre-1960 activities.

The initial Site Investigation (“SI”) activities were conducted at the Site by various environmental consultants as part of potential purchaser due diligence during the pending sale of the subject property in 2001. Since 2001, remedial investigations revealed PCE and TCE in the soil, soil gas, indoor air and groundwater at the Site and surrounding area. A Soil Vapor Extraction (SVE) system was installed and operated on the Site from 2010-2013 and the PCE and TCE impacts to the soil,

soil gas and indoor air were significantly reduced during this time. The system was dismantled and removed from the Site in March 2018.

Groundwater sampling conducted by Owner 1 in August 2017 revealed PCE in groundwater which Owner 1 concluded was migrating onto the Site from an off-site and unknown source. Owner 1 reported the PCE as an unknown, off-site source to the NJDEP Spill Hotline on February 2, 2019. The incident report indicates PCE in groundwater at MW-4 (located in the northern portion of the Site). As a result of this new area of concern, the requirement for a Preliminary Assessment Report was triggered. Owner 1 submitted a Preliminary Assessment/Site Investigation/Remedial Investigation Report to the NJDEP on May 1, 2019.

Owner 1 also concluded that the TCE found in groundwater and soil in the southeastern portion of the Site originates from an unknown source other than the former dry-cleaning operations, based on their assertion that TCE was not a discharge that occurred during the time Owner 1 owned the Site. The TCE discovered in the southeastern portion of the Site was reported as an unknown source and separate release to the NJDEP Spill Hotline on September 23, 2019. In an email dated October 21, 2020 to the NJDEP, Owner 1's LSRP provided lines of evidence to support the conclusion that TCE was a separate discharge not related to the dry cleaner operations. This conclusion placed responsibility on Owner 2 (current owner) to investigate the TCE contamination in the southeastern portion of the Site.

As a result of Owner 1's conclusion that the TCE did not originate from the dry cleaning operations, Owner 2's LSRP (Subject LSRP) conducted a Preliminary Assessment to determine if any historic site operations had the potential to have resulted in a release of TCE within the Site for which Owner 2 would be responsible. A Preliminary Assessment Report was completed February 22, 2022 by Owner 2's LSRP (Subject LSRP) and a Remedial Action Outcome – Area of Concern was issued for historic operations (pre-1960) at the Site. The Preliminary Assessment Report concluded that “no other historic operations or Areas of Concern are present which could reasonably be expected to have resulted in a release of TCE or other CVOCs to environmental media at the site.”

FINDINGS:

After reviewing the complaint, the Subject LSRP's response to the complaint, the interviews with the Complainant and the Subject LSRP, and review of documents and correspondence, the SRPL Board concluded that the Subject LSRP's actions did not violate the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) or SRPL Board Rules (N.J.A.C. 7:26I). The SRPL Board finds that the subject LSRP adequately investigated the Site and reviewed the historic documents and analytical data, used independent professional judgment adequately, and appropriately documented the basis for the conclusions. There is no evidence that the Subject LSRP failed to review any pertinent documents or data in forming the conclusions set forth in the 2022 Preliminary Assessment Report and Remedial Action Outcome – Area of Concern. Therefore, the SRPL Board finds the subject LSRP's conduct in the preparation of the 2022 Preliminary Assessment Report and issuance of the

Remedial Action Outcome – Area of Concern did not violate the Site Remediation Reform Act or SRPL Board Rules alleged in the complaint and referenced above.