

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

The Audit Committee referred this complaint to the Professional Conduct Committee based on the failure of the LSRP to make the notification required by N.J.A.C. 7:26I-6.8(c)¹ in two instances. Specifically, the LSRP failed to make the required notification that the Mandatory Timeframe date of February 28, 2020 for a Remedial Action Report would be missed in one case, and that the Mandatory Timeframe date of January 31, 2021 for a Remedial Action Report would be missed in another case.

INVESTIGATION

The Audit Committee referred this matter to the Professional Conduct Committee of the Board. The Complaint Review Team appointed by the Professional Conduct Committee reviewed the LSRP’s response to the complaint, interviewed the subject LSRP and Department representatives, and reviewed documents and correspondence in the Department’s database. Through the investigation, it was determined that in one of the cases the timeframe was updated, so the timeframe was not missed. It was determined that the other case was involved in pending litigation which includes timeframe issues.

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, the violation did not occur in one case because the timeframe was not missed. In the other case, the Board decided that in this particular instance, because timeframes were disputed due to matters that are involved in litigation, it was not appropriate to find the LSRP in violation of N.J.A.C. 7:26I-6.8(c).

¹ An LSRP shall notify the person responsible for conducting the remediation and the Department, in writing, on the appropriate form provided by the Department, when in his or her independent professional judgment based on site history any one or more applicable mandatory or expedited site-specific timeframes referenced at N.J.A.C. 7:26C-3 is unlikely to be met.