

SRPL Board Complaint No. 009-2015

DISPOSITION

The Site Remediation Professional Licensing Board (“Board”) voted to dismiss the complaint because the facts alleged in the complaint, even if true, do not indicate that the LSRPs that are the subjects of the complaint violated the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) or any rule, regulation or order adopted or issued pursuant thereto, or knowingly made any false statement, representation or certification in any document or information submitted to the Board or the Department of Environmental Protection.

COMPLAINT ISSUES

Complaint 009-2015 was received by the Board on December 10, 2015. The complaint is directed against two LSRPs at a company, one of whom was retained by the complainant on June 19, 2015, and the other of whom was never retained by the complainant, but is a partner in the company. The complaint alleges various problems with respect to the removal of three 6000 or 8000 gallon underground storage tanks (“USTs”) in the summer of 2015.

INVESTIGATION

A representative of the Board spoke with the LSRP retained for the site. He stated that he did conduct sampling, and reported a discharge. As far as any problems with the UST removals, he was aware that there were some issues, but two persons certified in closure, one from his company and one from a company specializing in USTs, were in charge of the removal.

FINDINGS

The Board concluded that in the case of 009-2015, the activities that the complainant is complaining of are activities of closure, i.e. physical removal of the tank. Therefore, they were not activities that were the responsibility of the LSRP, but of the person(s) on-site who held the certifications. The LSRP is only responsible for activities pertaining to the site investigation – i.e. soil sampling, etc.

The Board referred this matter to the Department of Environmental Protection to investigate the conduct of the persons certified in closure.

DETERMINATION OF THE BOARD

The Board voted to dismiss the complaint.