

## **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 Professional Licensing Board Rules (N.J.A.C. 7:26I).

## **ISSUE**

The Complainant is the owner of a residential property who hired the LSRP that is the subject of the complaint (“Subject LSRP”) to remove a residential underground heating oil tank (“UHOT”). The Complainant stated that when they purchased the property they were given a permit from their city that indicated the UHOT was “abandoned properly.” However, upon uncovering the UHOT, it was found to contain residual heating oil. The Complainant alleges that the Subject LSRP’s company improperly conducted the removal of the UHOT and remediation of soil by not following the appropriate technical procedures, not following safety protocols, taking too much time to conduct the remediation and overcharging the Complainant.

## **INVESTIGATION**

The Professional Conduct Committee appointed a Complaint Review Team to conduct the investigation. The Complaint Review Team met with representatives of the Department that were familiar with this remediation to gain a better understanding of the facts. The Department representatives provided their observations of the site and their interactions with the Complainant and Subject LSRP.

The Complaint Review Team also sent questions to the Complainant and Subject LSRP and reviewed their responses. It became clear that the Complainant had hired the Subject LSRP to remove what was believed to be a clean, sand filled tank, for which the Complainant, when purchasing the property, was given a certificate signed by the City that the tank had been properly abandoned. The Complainant was unaware that the tank contained oil and was contaminating the site, and did not expect the time and expense that the remediation required.

## **FINDINGS**

The Complaint Review Team found, and the Professional Conduct Committee and Board agreed, that there is no evidence that the Subject LSRP violated the Site Remediation Professional Licensing Board Rules (N.J.A.C. 7:26I) in the conduct of the remediation. The Board notes that the Subject LSRP and his company should have taken more care in the handling of excavated soil, taken greater measures to isolate the soil from clean areas, and been more diligent in implementing safety measures. The Subject LSRP also should have been clearer in his

communications with the Complainant to better convey the scope and cost of the remediation. However, it is apparent that the Complainant's issues with the Subject LSRP may have arisen in part from the fact that they are not familiar with remediation work, how long it typically takes, how much it costs, and contingencies that can occur.