

DISPOSITION

The Site Remediation Professional Licensing Board (“Board”) reviewed the allegations in the complaint and decided to dismiss the complaint without further investigation because the complaint did not allege, and the Board preliminary investigation did not identify, any potential violations of 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.

ISSUE

The Complainant is the owner of a transmission service center who hired the LSRP that is the subject of the complaint (“Subject LSRP”) to conduct remediation of the property that he had recently purchased. The Complainant had retained other LSRPs previously and was in contact with the Department regarding the remediation. At the time the Subject LSRP was hired, according to the Department, the Complainant had agreed to sign an Administrative Consent Order, pay outstanding penalties and all overdue annual remediation fees, and remediate the site. However, the Complainant was not moving forward with any of these actions, and had not yet established a remediation funding source, which was overdue. The Complainant did not allege any violations of the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) (“SRRA”) or any rule, regulation or order adopted or issued pursuant thereto in the complaint. The Complainant simply submitted to the Board copies of emails between himself, the Subject LSRP and the Department, and invoices and proposals prepared by the Subject LSRP.

INVESTIGATION

The Professional Conduct Committee appointed a Complaint Review Team to review the complaint and conduct a preliminary investigation to identify if there were any potential violations of the SRRA or any rule, regulation or order adopted or issued pursuant thereto which the Complainant had not identified. The Complaint Review Team reviewed the material presented by the Complainant and information in the Department database. In addition, the Complaint Review Team contacted the Subject LSRP for further information regarding his services on the Site. The Subject LSRP stated that he only served as the retained LSRP from 7/8/20 to 9/21/20, during which time he conducted a project review and site visit, participated in several client meetings, submitted to the Department a Proposed Participation Plan and Remediation Cost Review, evaluated a remediation strategy, and conducted other miscellaneous tasks. He proposed additional sampling at the Site, but the scope of work was not authorized by the Complainant. The Subject LSRP stated that during the time he was retained the Complainant did not express any issues with his work; however, the Complainant was reluctant to authorize or proceed with any remediation. After providing a path forward proposal to the Complainant, the Complainant informed the Subject LSRP that he was going to retain another LSRP and directed

the Subject LSRP to dismiss himself. After dismissing himself, the Subject LSRP communicated with the Complainant regarding the need for him to pay open invoices, and ultimately the Subject LSRP filed a lien, which the Subject LSRP feels may have instigated the complaint.

FINDINGS

The Complaint Review Team recommended, and the Professional Conduct Committee and Board agreed, that the complaint be dismissed without further investigation, as the complaint did not allege any matters over which the Board has jurisdiction, nor, in reviewing the facts, did the Complaint Review Team identify any potential violations of 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.