



State of New Jersey

SITE REMEDIATION PROFESSIONAL LICENSING BOARD

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July 9, 2019

Board Determination and Offer of Settlement

By Certified and Regular Mail

David Pry
David Pry CPG, LLC
35 Charissa Court
Hewitt, NJ 07421

RE: In the matter of David Pry, LSRP #573686
SRPL Board Complaint 003-2019

Dear Mr. Pry:

This letter is to advise you that the New Jersey Site Remediation Professional Licensing Board (“Board”) has conducted an investigation into LSRP compliance with the requirements of N.J.A.C. 7:26I-6.8(c). This provision requires LSRPs to notify the person responsible for conducting the remediation and the Department of Environmental Protection (“Department”) in writing when in the LSRP’s 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.

Your clients are responsible for conducting remediation in compliance with mandatory timeframes. The Board has concluded that your failure to submit notifications to the Department in numerous instances in which your clients missed mandatory timeframes demonstrates that you failed to comply with N.J.A.C. 7:26I-6.8(c), and has prepared a complaint to this end, which is attached to this letter. The Board has summarized each missed timeframe that occurred after the date of December 1, 2018 for which you made no notification to the Department in Exhibit A, which is also attached to this letter. Should you have evidence that any information presented in Exhibit A is incorrect, please contact Executive Director Janine MacGregor and provide her with the pertinent evidence.

The Board finds that each of the violations presented in Exhibit A is a first violation of “medium” conduct and “low” severity as evaluated pursuant to the Board’s “Guidance to Determine Conduct and Severity of a Violation when Assessing Civil Administrative Penalties,”

and assesses a civil administrative penalty in the amount of \$250.00 for each of the 17 violations listed in Exhibit A, for a total civil administrative penalty of \$4,250.00. The Board is assessing the penalties below the range for a "medium-low" violation (\$500.00 - \$2,000.00) because the Board is factoring in the mitigating circumstance that there are multiple penalties for similar violations. Pursuant to the Guidance, the Board considers it appropriate to reduce the penalties due to this specific circumstance.

As a result of the foregoing, the Board intends to pursue formal disciplinary proceedings against you for the above referenced violations and penalty assessments. Notwithstanding that decision, the Board has determined that it will first offer you an opportunity to settle this matter in order to avoid continuation of these proceedings if you consent to the following terms:

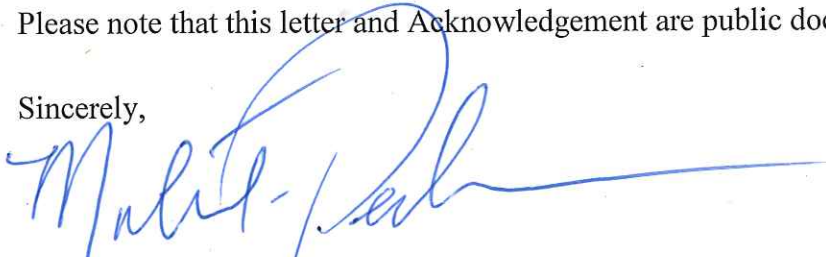
Agree to pay a civil administrative penalty in the amount of \$3,400.00, which is 80% of the total assessed civil administrative penalty of \$4,250.00. Payment should be by certified check or money order payable to "Treasurer, State of New Jersey," and mailed to Executive Director Janine MacGregor at the address above.

If we are unwilling or unable to settle this matter, the Board will pursue formal disciplinary proceedings for these violations pursuant to N.J.S.A. 58:10C-17.f. and you will be afforded an opportunity to request a hearing regarding this matter before the Office of Administrative Law. In that event, the Board, pursuant to N.J.S.A. 58:10C-17.f., may also enter an order assessing and requiring you to pay the costs for the investigation which led to the establishment of the violations, and its costs for successfully enforcing its penalty action against you. In addition, pursuant to N.J.S.A. 58:10C-17.e., any person who violates the Site Remediation Reform Act, or any rule, regulation or order of the Board, or who fails to pay a civil administrative penalty assessed by the Board, shall be subject, upon order of the Superior Court, to pay a civil penalty of not more than \$10,000.00 for the first violation and not more than \$20,000.00 for every subsequent violation.

If you elect to settle this matter, you must sign the attached Acknowledgement and return it to the Board within thirty-five (35) days following your receipt of this letter. Here, and throughout this document, the beginning date to calculate this 35-day time period is the date of delivery as indicated on the return receipt of this letter. If the Board receives no response from you within thirty-five (35) days, the Board's settlement offer shall be considered withdrawn and the Board will pursue formal disciplinary proceedings.

Should you have any questions concerning this letter or the Acknowledgement, you may contact Executive Director Janine MacGregor at 609-984-3424 or seek the advice of your legal counsel. Please note that this letter and Acknowledgement are public documents.

Sincerely,



Mark J. Pedersen, Chairperson
Site Remediation Professional Licensing Board

Enc: Acknowledgement
Exhibit A
Complaint 003-2019

ACKNOWLEDGEMENT

I, David Pry, hereby acknowledge that I have reviewed the attached July 9, 2019 letter and the settlement offer of the Board set forth therein ("Letter").

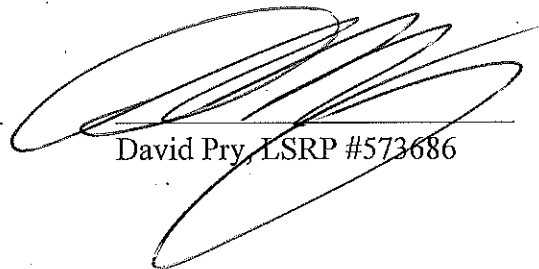
I acknowledge the conduct which has been charged. I accept the settlement offer of the Board and agree to the following to settle the matters addressed in the Letter:

Immediate payment of a civil administrative penalty of \$3,400.00.

I am aware that by signing this Acknowledgement I am waiving any rights I may have to an administrative hearing in this matter. I am aware that the findings of the Board in connection with this matter are a matter of public record and that this Letter and this Acknowledgement are public documents.

Dated: _____

7/17/19



David Pry, LSRP #573686

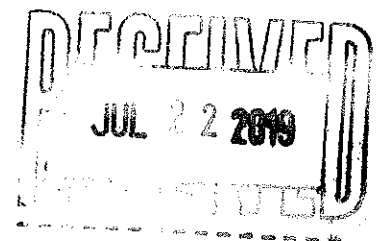


EXHIBIT A

The Board finds that LSRP David Pry violated N.J.A.C. 7:26I-6.8(c) by failing to notify the Department of Environmental Protection in writing when one or more applicable mandatory or expedited site-specific timeframes referenced in N.J.A.C. 7:26C-3 that occurred after December 1, 2018 were not met. In each of the following cases, the submission status for the key document indicated is “past due, outstanding” and there is no record of notification to the Department of this missed timeframe:

1. PI 007769 – LSR120001 - Remedial Investigation to be Completed due date March 1, 2019.
2. PI 015128 – LSR110001 - Remedial Investigation to be Completed due date March 1, 2019.
3. PI 020545 – LSR170001 - Initial Receptor Evaluation due date January 19, 2019.
4. PI 020545 – LSR170001 - Site Investigation Report due date January 19, 2019.
5. PI 020545 – LSR170001 - Site Investigation Report due date May 3, 2019.
6. PI 022191 – LSR120001 - Remedial Investigation to be Completed due date March 1, 2019.
7. PI 023002 – LSR170001 - LNAPL Free Product RI and IRM Report due date January 31, 2019.
8. PI 024181 – LSR120001 - Remedial Investigation to be Completed due date March 1, 2019.
9. PI 031956 – LSR170001 - Initial Receptor Evaluation due date April 16, 2019.
10. PI 032858 – LSR100001 - Remedial Investigation to be Completed due date March 1, 2019.
11. PI 033595 – LSR130001- Remedial Investigation to be Completed due date March 1, 2019.
12. PI 493865 – LSR130001 - Remedial Investigation to be Completed due date March 1, 2019.

13. PI G000003113 – LSR180001 - Initial Receptor Evaluation due date April 21, 2019.
14. PI G000003113 – LSR180001 - Preliminary Assessment Report due date April 21, 2019.
15. PI G000003113 – LSR180001 - Site Investigation Report due date April 21, 2019.
16. PI G000042203 – LSR100001 - Remedial Investigation to be Completed due date March 1, 2019.
17. PI G000063020 – LSR120001 - Remedial Investigation to be Completed due date March 1, 2019.