



State of New Jersey
SITE REMEDIATION PROFESSIONAL LICENSING BOARD

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April 15, 2019

Board Determination and Offer of Settlement

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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By Certified and Regular Mail

Rohan Tadas, LSRP
303 Val Drive
Mount Laurel, NJ 08054

RE: In the matter of LSRP Rohan Tadas, LSRP #575486
SRPL Board Complaint 004-2017

Dear Mr. Tadas:

This letter is to advise you that the New Jersey Site Remediation Professional Licensing Board (“Board”) has reviewed information concerning your professional conduct in connection with the above captioned matter.

You were hired to conduct remediation at the Former Evansco Property located at 1247 Hainesport Mount Laurel Road, Mount Laurel Township, Burlington County, New Jersey. The New Jersey Department of Environmental Protection (“Department”) has designated this contaminated site as PI 518165.

Upon review of the available information regarding your work at this Site, the Board has determined that you are in violation of N.J.S.A. 58:10C-16.b. of the Site Remediation Reform Act and N.J.A.C. 7:26I-6.3(d) of the Regulations of the Board for failure to exercise reasonable care and diligence in the remediation of the Site.

Specifically, on or about April 5, 2013, you submitted to the Department a Preliminary Assessment Report that reported lead contamination in soil at Area of Concern 5 above applicable standards. On or about February 1, 2016, you submitted to the Department a Site Investigation/Remedial Action Report dated January 2016 (“January 2016 Report”) that reported soil sampling for lead in Area of Concern 5 in Table 1 as presented in the first column below. However, these results are inaccurate. The actual concentrations, as reported in a Test America Laboratories, Inc. analytical report dated January 15, 2015, and included in Appendix 5 to the January 2016 Report, are presented in the second column below:

January 2016 Report
(reported concentrations)

AOC 5-1: 53 mg/kg
AOC 5-2: 33 mg/kg
AOC 5-3: 15.5 mg/kg
AOC 5-4: 53.4 mg/kg

Test America Laboratories, Inc. January 2015 Report
(actual concentrations)

AOC 5-1: 532 mg/kg
AOC 5-2: 3,300 mg/kg
AOC 5-3: 115 mg/kg
AOC 5-4: 53.4 mg/kg

Your inaccurate reporting of the soil sampling results in the January 2016 Report led you to incorrectly determine that all compounds in Area of Concern 5 were below the applicable Department of Environmental Protection standards. The correct results for lead and the applicable standards are as follows:

AOC 5-1 – 532 mg/kg. Exceeds:
Residential Direct Contact Soil Remediation Standard (400 mg/kg)
Default Impact to Ground Water Soil Screening Level (90 mg/kg)

AOC 5-2 – 3,300 mg/kg. Exceeds:
Residential Direct Contact Soil Remediation Standard (400 mg/kg)
Non-Residential Direct Contact Soil Remediation Standard (800 mg/kg)
Default Impact to Ground Water Soil Screening Level (90 mg/kg)

AOC 5-3 – 115 mg/kg. Exceeds:
Default Impact to Ground Water Soil Screening Level (90 mg/kg)

AOC 5-4 – 53.4 mg/kg. No standard exceeded.

In summary, you were aware from the Preliminary Assessment that lead contaminated soil was present in Area of Concern 5, but without any remedial action being conducted to remove the lead contaminated soil, and based on the inaccurate conclusions of the January 2016 Report, you recommended no further remediation of Area of Concern 5 and issued an unrestricted use entire site Remedial Action Outcome in January 2016, although contamination remained on-site.

Pursuant to N.J.S.A. 58:1-C-17.f., the Board has assessed a civil administrative penalty of \$3,000.00 for violation of N.J.S.A. 58:10C-16.b. and N.J.A.C. 7:26I-6.3(d). This penalty was assessed using the Board's "Guidance to Determine Conduct and Severity of a Violation when Assessing Civil Administrative Penalties." The Board determined that this was a first violation of "medium" conduct and "medium" severity.

As a result of the foregoing, the Board intends to pursue formal disciplinary proceedings against you for the above referenced violations and penalty assessment. 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 \$2,400.00, which is 80% of the assessed civil administrative penalty of \$3,000.00. Payment should be by certified check or money order payable to "Treasurer, State of New Jersey."

If we are unwilling or unable to settle this matter, the Board will pursue formal disciplinary proceedings 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 before the Office of Administrative Law.

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

cc: Lawrence Powers, Esq.

ACKNOWLEDGEMENT

I, Rohan Tadas, LSRP, hereby acknowledge that I have reviewed the attached April 15, 2019 letter and the settlement offer of the SRPL 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 penalty of \$2,400.00.

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: 5/11/19



Rohan Tadas, LSRP #575486