



State of New Jersey

SITE REMEDIATION PROFESSIONAL LICENSING BOARD

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January 6, 2022

**Board Determination and Offer of Settlement**

By Email

Robert Oestreich, PE, LSRP  
Applied Service Corp.  
PO Box 445  
38 Old Beaver Run Road  
Lafayette, NJ 07848

RE: In the matter of Robert Oestreich, LSRP License #573685  
SRPL Board Complaint 006-2021

Dear Mr. Oestreich:

This letter is to advise you that the New Jersey Site Remediation Professional Licensing Board (“Board”) has reviewed information concerning your conduct in connection with Complaint 006-2021, based on the remediation work you conducted at PI 252253.

Board Determination

The Board has determined that you violated the following provisions of the New Jersey Site Remediation Professional Licensing Board Rules.

**1. N.J.A.C. 7:26I-6.8(c)**

**An LSRP shall notify the person responsible for conducting the remediation and the Department in writing when in his or her professional judgement 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.**

You should have notified the Person Responsible for Conducting Remediation that the March 1, 2017 Remedial Investigation Mandatory Time Frame would not be met. While meeting the Mandatory Time Frame is the obligation of the Person Responsible for Conducting Remediation, your responsibility as an LSRP is to ensure the Person Responsible for Conducting Remediation is aware of their remedial obligations. The Board is compelled to enforce this provision in this instance since you allowed the remediation to lapse for an extended period and have not produced evidence that you made an effort to contact the Person Responsible for Conducting Remediation to inform them of the remediation timeframe. This resulted in additional costs to the Person Responsible for Conducting Remediation, including the penalty of \$12,500.00.

**2. N.J.A.C. 7:26I-6.18(b)**

**An LSRP shall inform a client of:**

- 1. Each regulatory, mandatory, and expedited site-specific timeframe that the LSRP can reasonably ascertain for each contaminated site for which the client has hired the LSRP;**
- 2. The dates by which each component of the remediation shall be completed in order to meet the timeframes in (b)1 above; and**
- 3. The penalties and consequences set forth in applicable statutes and regulations, if the timeframes in (b)1 above are not met.**

The Person Responsible for Conducting Remediation demonstrated that they were not aware of timeframes, the work that needed to be done to meet the timeframes or potential penalties. You did not provide evidence that you had informed the Person Responsible for Conducting Remediation of these matters. You were out of touch with the Person Responsible for Conducting Remediation for an extended period of time while the timeframes approached, and your negligence in communication was at least partly responsible for additional costs to the Person Responsible for Conducting Remediation including the penalty of \$12,500.00.

Penalties

For violation of N.J.A.C. 7:26I-6.8(c) the Board assesses the violation as low conduct because it was not intentional, and low severity as this action did not impact public health or the environment. The assessed penalty is \$500.00 which is the midpoint of the range of \$0.00 to \$1,000.00 for a low-low penalty.

For violation of N.J.A.C. 7:26I-6.18(b) the Board assesses the violation as low conduct because it was not intentional, and low severity as this action did not impact public health or the environment. The assessed penalty is \$500.00 which is above the midpoint of the range of \$500.00 to \$2,000.00 for a medium-low penalty. The penalty is the midpoint of the range of \$0.00 to \$1,000.00 for a low-low penalty.

Total Penalty is \$1,000.00.

### Offer of Settlement

As a result of the foregoing, the Board will pursue formal disciplinary proceedings against you for the above referenced violations to assess the above referenced penalties for these violations. Notwithstanding this decision, the Board has determined that it will first offer you an opportunity to settle these violations before instituting formal disciplinary proceedings if you consent to the following terms:

Agree to pay a civil administrative penalty in the amount of \$800.00. Payment should be by certified check or money order payable to "Treasurer, State of New Jersey," and mailed to Janine MacGregor, Executive Director at the address above.

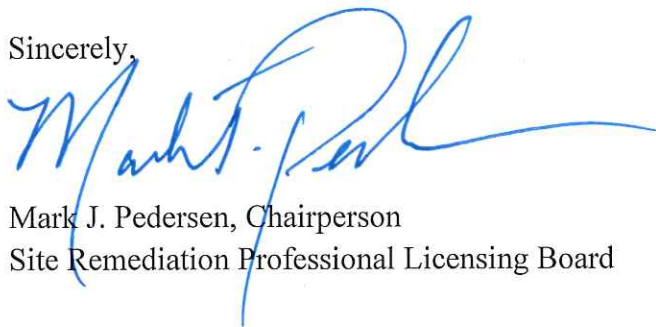
If we are unwilling or unable to settle this matter, the Board will pursue formal disciplinary proceedings for these violations pursuant to N.J.S.A. 58:10C-17.f. to assess the above referenced penalties and you will be afforded an opportunity to request a hearing regarding this matter at that time. In 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. The Board reserves its right to amend its findings and conclusions based on further review or investigation if this matter is not settled.

If you elect to settle this matter, you must sign the attached Acknowledgement and Acceptance of Board Offer of Settlement and return it along with payment to the Board within thirty (30) days following your receipt of this Board Determination and Offer of Settlement. Here, and throughout this document, the beginning date to calculate this 30-day time period is the date of email delivery.

If the Board receives no response from you within thirty (30) 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 Board Determination and Offer of Settlement or the Acknowledgement and Acceptance of Board Offer of Settlement, you may contact Executive Director Janine MacGregor at 609-984-3424 or [SRPLBoardContact@dep.nj.gov](mailto:SRPLBoardContact@dep.nj.gov) or seek the advice of your legal counsel. This Board Determination and Offer of Settlement does not constitute a formal enforcement order, a final agency action or a final legal determination that may be appealed or contested. Please note that the Board Determination and Offer of Settlement and this Acknowledgement and Acceptance of Board Offer of Settlement are public documents.

Sincerely,



Mark J. Pedersen, Chairperson  
Site Remediation Professional Licensing Board

Enc: Acknowledgement

**ACKNOWLEDGEMENT and ACCEPTANCE OF BOARD OFFER OF SETTLEMENT**

I, Robert Oestreich, hereby acknowledge that I have reviewed the attached January 6, 2022 Board Determination and Offer of Settlement and the settlement offer of the Board set forth therein.

I acknowledge the conduct which has been charged. I accept the settlement offer of the Board and agree to the following to settle the violations addressed in the January 6, 2022 Board Determination and Offer of Settlement pursuant to the following terms:

Immediate payment of a civil administrative penalty of \$800.00.

I acknowledge that if I fail to perform any of the foregoing settlement terms the Board may terminate or enforce this settlement agreement upon 30 days prior written notice to me.

I am aware that by signing this Acknowledgement and Acceptance of Board Offer of Settlement I have entered into a binding settlement agreement, and I am waiving any rights I may have to an administrative hearing for the matters addressed in the Board Determination and Offer of Settlement and this Acknowledgement and Acceptance of Board Offer of Settlement. I am aware that the findings of the Board in connection with this matter are a matter of public record and that this Board Determination and Offer of Settlement and this Acknowledgement and Acceptance of Board Offer of Settlement are public documents.

Dated: 1/19/2022



Robert Oestreich, LSRP License #573685