



State of New Jersey
SITE REMEDIATION PROFESSIONAL LICENSING BOARD

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June 7, 2022

Board Determination and Offer of Settlement

By Email

Robert Lippencott, Ph.D., LSRP
TRC Environmental Corp.
41 Spring Street, Suite 102
New Providence, NJ 07974

RE: In the matter of LSRP Robert Lippencott, LSRP #587674
SRPL Board Complaint 008-2021

Dear Dr. Lippencott,

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 Complaint 008-2021, initiated by Complainant based on the remediation work you conducted at PI 022830

Board Determination

The Board has determined that you violated the following provision of the Site Remediation Professional Licensing Board Rules:

1. Violation of N.J.A.C. 7:26I-6.8(e): An LSRP shall disclose and explain in any document submitted to the Department any facts, data, information, qualifications, or limitations the LSRP knows that do not support the conclusions reached in the document.

The Board’s finding of violation is based on the fact that on September 28, 2020 you submitted a Remedial Action Report to the Department that describes Recycled Asphalt Pavement on the site and explains that the current owner and operator intends to use the Recycled Asphalt Pavement on-site for reclamation and redevelopment. The Remedial Action Report does not mention that the current owner and operator objected to the plan as described in the Remedial Action Report. The fact that the current owner and operator did not intend to follow through with the plan as

described in the Remedial Action Report was a qualification or limitation that did not support the conclusions in the Remedial Action Report, and as LSRP you should have disclosed and explained the current owner and operator's position and intentions in the Remedial Action Report pursuant to N.J.A.C. 7:26I-6.8(e).

Penalties

The Board finds that the violation of N.J.A.C. 7:26I-6.3(a) is a Category II violation pursuant to the document "Using Categories of Misconduct and Applying Board Discretion to Assess a Civil Administrative Penalty When Finding a Violation" approved by the Board on February 7, 2022, and intends to assess a civil administrative penalty of \$750.00 for this violation.

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 \$600.00. Payment should be by certified check or money order payable to "Treasurer, State of New Jersey," and mailed to Dana Haymes at the address above.

If we are unwilling or unable to settle this matter, the Board will pursue formal disciplinary proceedings for this violation pursuant to N.J.S.A. 58:10C-17.f. to assess the above referenced penalty 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 delivery of this document. 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 Dana Haymes at 609-984-3424 or 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 Lippencott, hereby acknowledge that I have reviewed SRPL Board Complaint 008-2021, its attached exhibits and the attached June 7, 2022 Board Determination and Offer of Settlement (“BDOS”) and the settlement offer of the Site Remediation Professional Licensing Board (“Board”) set forth therein.

I acknowledge the conduct which has been charged in the BDOS. I accept the settlement offer of the Board and agree to the following to settle the violations addressed in the BDOS pursuant to the following terms:

Immediate payment of a civil administrative penalty of \$600.00.

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.

Notwithstanding my decision to settle this matter, neither this Acknowledgement and Acceptance of Board Offer of Settlement nor any acceptance or payment of penalty shall be construed as an acceptance of any finding of the Board, nor any admission of wrongdoing, liability or violation of law or regulation.

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: October 12, 2022

Robert Lippencott, LSRP #587674