



State of New Jersey

SITE REMEDIATION PROFESSIONAL LICENSING BOARD

401 East State Street  
P.O. Box 420 – Mail Code 401-06  
Trenton, NJ 08625-0420  
Tel: 609-292-1250 – Fax: 609-777-1914  
www.nj.gov/lsrpboard

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November 6, 2020

**Board Determination and Offer of Settlement**

By Certified and Regular Mail

William Dunnell  
Viridian Environmental Consultants  
PO Box 3009  
Upper Montclair, NJ 07043-3009

RE: In the matter of LSRP William Dunnell, LSRP #581762  
SRPL Board Complaint 010-2017

Dear Mr. Dunnell:

This letter is to advise you that the Board considered the complaint received against you on October 3, 2017 regarding your remediation work at PI 017628.

Board Determination

The Board has determined that you violated N.J.A.C. 7:26I-6.3(a) for failure to review or conduct a comprehensive Preliminary Assessment and identify all the Areas of Concern on the Case Inventory Document prior to submitting the Remedial Investigation Report.

Penalties

The Board assessed the violation as Medium-Low, because you should have known that a Preliminary Assessment was required for an ISRA site and to support your claim that there was an offsite source of contamination. However, the Board does not find that there was actual or potential impact to the environment or public health. The Board therefore assesses the penalty at \$1,000.00, which is below the midpoint of the range for a Medium-Low penalty (\$500.00 - \$2,000.00) because you took actions which the Board considers to be mitigating factors; specifically, you demonstrated extensive knowledge of the Site; responded promptly to the Department's directions to attempt to locate a prior Preliminary Assessment if one existed through multiple Department file reviews; and in a timely manner addressed the most significant

threats to public health and safety through vapor intrusion investigation and ground water sampling.

#### Offer of Settlement

As a result of the foregoing, the Board will pursue formal disciplinary proceedings against you for the violation enumerated above to assess the above referenced penalty for this violation. Notwithstanding this decision, the Board has determined that it will first offer you an opportunity to settle this violation 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, which is 80% of the civil administrative penalty of \$1,000.00 the Board intends to assess in formal disciplinary proceedings. 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 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. 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 violation, 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 Acceptance of Board Offer of Settlement and return it along with payment to the Board within thirty-five (35) days following your receipt of this Board Determination and Offer of Settlement. 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 document. 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 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

Cc: Steven Senior, Esq.



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

I, William Dunnell, hereby acknowledge that I have reviewed the attached November 6, 2020 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 violation addressed in the November 6, 2020 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.

Notwithstanding my decision to settle this matter, I do not admit any liability or wrongful act in connection with this matter. Neither this Acknowledgement nor any payment of penalty shall in any way be construed as an admission of any finding, 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: \_\_\_\_\_

12/11/20



William Dunnell, LSRP #581762