



State of New Jersey

SITE REMEDIATION PROFESSIONAL LICENSING BOARD

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March 16, 2021

Board Determination and Offer of Settlement

By Certified and Regular Mail

Harold Blaine
Practical Environmental Solutions, LLC
11-13 Broad Street
Washington, NJ 07882

RE: In the matter of Harold Blaine, LSRP License #573634
SRPL Board Complaint 011-2015



Dear Mr. Blaine:

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. This letter replaces the letter previously sent to you dated August 18, 2020.

You were hired to conduct remediation at the Raceway Service Station Site ("Site"), which is located at 198 Ernston Road, Sayreville, New Jersey. The New Jersey Department of Environmental Protection ("Department") has designated the site as Program Interest number 004882.

On or about December 12, 2013 you submitted to the Department a "Remedial Action Outcome – Entire Site" ("December 2013 RAO"), which you amended on or about December 3, 2014. The Department invalidated the December 2013 RAO-E as amended for the following reasons, set forth in a Department letter dated October 23, 2018:

1. Failure to properly identify and evaluate past operations at the Site in accordance with N.J.A.C. 7:26E-3.1(c);
2. Failure to evaluate previously identified soil contamination containing components of gasoline in accordance with N.J.A.C. 7:26E-4.2; and
3. Incomplete determination of an offsite source of soil and ground water contamination as required by N.J.A.C. 7:26E-3.9 due to conflicting soil and

ground water data collected by Complainant Site that demonstrates no separate phase hydrocarbons exist in the soil or ground water between the Subject Site and the Complainant Site.

Board Determination

The Board has determined that you violated N.J.S.A. 58:10C-16.i. and N.J.A.C. 7:26I-6.8(a) for failure to comply with the requirements and procedures set forth in the Site Remediation Reform Act and any rule, regulation or order adopted or issued pursuant thereto, for the reasons stated above.

Penalties

The Board finds that the violation 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 intends to assess a civil administrative penalty in the amount of \$1,500.00.

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 \$1,200.00, which is 80% of the civil administrative penalty of \$1,500.00 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 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 twenty (20) days following your receipt of this Board Determination and Offer of Settlement. Here, and throughout this document, the beginning date to calculate this 20-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 twenty (20) 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 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, Harold Blaine, hereby acknowledge that I have reviewed the attached March 16, 2021 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 March 16, 2021 Board Determination and Offer of Settlement pursuant to the following terms:

Immediate payment of a civil administrative penalty of \$1,200.00.

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. Neither this Acknowledgement and Acceptance of Board Offer of Settlement nor any payment of penalty shall constitute an admission of liability, findings or conclusions of the Board, nor shall it be admissible in any proceeding except one to enforce the terms of settlement.

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: _____

4/12/21



Harold Blaine, LSRP License #573634