



State of New Jersey

SITE REMEDIATION PROFESSIONAL LICENSING BOARD

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Trenton, NJ 08625-0420
Tel: 609-984-3424 – Fax: 609-777-1914
www.nj.gov/lspbboard

March 9, 2022

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Governor

SHEILA Y. OLIVER
Lt. Governor

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Board Determination and Offer of Settlement

By Email

John Vanderslice
JEC, LLC
993 Atlantic Avenue
Manasquan, NJ 08736

RE: In the matter of LSRP John Vanderslice, LSRP #587341
SRPL Board Complaint 011-2021

Dear Mr. Vanderslice:

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 011-2021, initiated by the New Jersey Department of Environmental Protection based on the remediation work you conducted at PI 009839.

Board Determination

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

1. Violation of N.J.A.C. 7:26I-6.3(a): An LSRP shall know and apply the applicable statutes, rules, regulations, and appropriate technical guidance concerning the remediation of contaminated sites including, but not limited to, the remediation requirements set forth at N.J.S.A. 58:10C-14.c.

The Board’s finding of violation is based on the fact that you failed to conduct a vapor intrusion investigation which indicated you did not comply with the Technical Requirements for Site Remediation at N.J.A.C. 7:26E. You assumed that due to the use of the building you were not required to conduct a vapor intrusion investigation. However, the Technical Requirements concerning this specific situation are explained in the Vapor Intrusion Technical Guidance. You

were correct that indoor air sampling was not required, but soil gas sampling, preferably via sub slab sampling, was required. If samples were found to indicate the potential for a complete pathway, the status of the indoor air would be "indeterminate" and recorded in the remediation documents (See Vapor Intrusion Technical Guidance dated January 2018 Section 3.5.2.)

2. Violation of 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 judgment 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.

The Board's finding of violation is based on the fact that you withdrew the Remedial Investigation Report in August 2018, so the Remedial Investigation Report mandatory timeframe of March 1, 2019 was not met. You stated in an email to the Department that you would complete sub slab sampling by January 2019, but you did not. Therefore, you should have notified the Person Responsible for Conducting Remediation and the Department that a mandatory timeframe would not be met.

Penalties

The Board finds that the violation of N.J.A.C. 7:26I-6.3(a) 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 of \$1,250.00 for this violation.

The Board finds that a penalty of \$250.00 for the violation of N.J.A.C. 7:26I-6.8(c) is in line with other penalties the Board has assessed for violations of this provision, and intends to assess a civil administrative penalty of \$250.00 for this violation.

The total penalty the Board intends to assess is \$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:

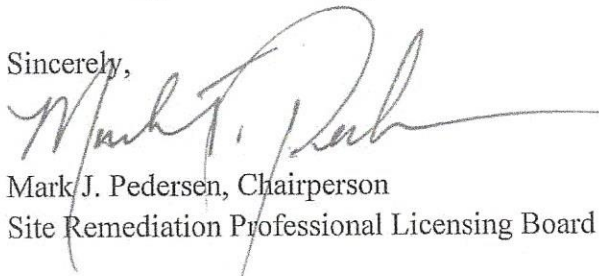
Agree to pay a civil administrative penalty in the amount of \$1,200.00. Payment should be by certified check or money order payable to "Treasurer, State of New Jersey," and mailed to Dana Haymes at the address above.

If we are unwilling or unable to settle this matter, the Board will pursue formal disciplinary proceedings for 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 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, John Vanderslice, hereby acknowledge that I have reviewed the attached March 9, 2022 Board Determination and Offer of Settlement and the settlement offer of the Board set forth therein.

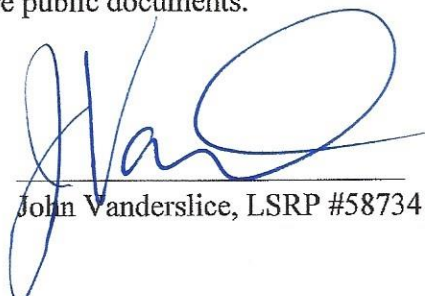
I acknowledge the conduct which has been charged. I accept the settlement offer of the Board and agree to the following to settle the violations addressed in the March 9, 2022 Board Determination and Offer of Settlement pursuant to the following terms:

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.

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: 4-9-2022



John Vanderslice, LSRP #587341