



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: 609-984-3424 – Fax: 609-777-1914
www.nj.gov/lsrcboard

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June 12, 2023

Board Determination and Offer of Settlement

By Email

Peter Sorge
Verdantas
57 Fourth Street
Somerville. NJ 08876

RE: In the matter of LSRP Peter Sorge, License 624376
SRPL Board Complaint 014-2021

Dear Mr. Sorge:

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 014-2021, initiated by the New Jersey Department of Environmental Protection Site Remediation Program (“Department”) based on the remediation work you conducted at PI 002242.

Board Determination

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

N.J.A.C. 7:26I-6.3(a) for not applying the appropriate regulations and technical guidance concerning the remediation of contaminated sites; specifically, the Technical Requirements for Site Remediation (N.J.A.C. 7:26E-5.1 through 5.6 as required by N.J.A.C. 7:26E-5.7(b)).

While the complaint incorrectly indicates that “free product” was identified, the Board’s finding of violation is based on the fact that you did not submit a report that adequately discussed all the information identified or collected pursuant to N.J.A.C. 7:26I-5.1 through 5.6 pursuant to N.J.A.C. 7:26E-5.7(b). Specifically, on a site where LNAPL had previously been identified and reported to the Department, field notes depicting poor water quality, including sheen during a

round of sampling, was not discussed in the text of the Remedial Action Report submitted to the Department on December 7, 2020 and Remedial Action Permit application submitted to the Department on November 30, 2020.

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. The Board is assessing a penalty at the low end of the range for a Category II violation (\$500.00-\$5,000.00) due to mitigating circumstances; specifically, you documented decreasing trends which indicated Monitored Natural Attenuation was an appropriate remedy, you withdrew the permit application as requested within 7 days of being notified of this issue by the Department, you cooperated fully with the Department and on multiple occasions requested a technical consultation with the Department, which were all denied, and you cooperated with the Board's investigation of this matter.

Offer of Settlement

As a result of the foregoing, the Board will pursue formal disciplinary proceedings against you for the above referenced violation 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 \$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 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. 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,

A handwritten signature in black ink, appearing to read "Paul Stofa".

Paul Stofa, Chairperson
Site Remediation Professional Licensing Board

Enc: Acknowledgement

ACKNOWLEDGEMENT and ACCEPTANCE OF BOARD OFFER OF SETTLEMENT

I, Peter Sorge, hereby acknowledge that I have reviewed the attached June 12, 2023 Board Determination and Offer of Settlement and the settlement offer of the Board set forth therein.

I accept the settlement offer of the Board and agree to settle this matter pursuant to the following terms:

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

Notwithstanding my decision to settle this matter, I do not admit any liability or wrongful act in connection with this matter. Neither this acknowledgment nor any payment of penalty shall in any way be construed as an admission of any findings, wrongdoing, liability or violation of law or regulation. 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: _____

July 6, 2023

Peter Sorge, LSRP #624376

