

QUESTIONS REGARDING CLIENT AND LSRP RELATIONSHIP/OBLIGATIONS

What do you do when there are differences between the LSRP's professional judgment and the client's opinion about what needs to be done?

- a. What are the LSRP's legal responsibilities (SRRRA, N.J.A.C. 58:10C-16l)
- b. What are the LSRP's responsibilities to the client

1.* **How much loyalty do you expect from your consultant who is also your LSRP? Do you anticipate favorable decisions when close calls arise in the remediation process?** For example the concrete slab on a former industrial site is all that is left of the former operation, Sanborn maps and other information indicate that chemical storage and processes occurred on portions of the slab but there is no visible, or other, evidence of a discharge nor is there any documentation of a prior discharge. You believe as the responsible party there is no reason to sample. The LSRP advises you that based on the use of the area for chemical storage, sampling is required. How do you expect that situation to be resolved? What do the LSRP's on the panel believe?

2. You are implementing a Remedial Investigation that is subject to the May, 2016 statutory timeframe and you are conducting perimeter sampling. The client has advised you that they want you to take all steps necessary to avoid having to sample on off site properties. Your most recent remedial investigation has identified exceedances of NJDEP Direct Contact Remediation Standards at several sampling locations within 10 feet of the property boundary. What are your options? Are there opportunities to apply professional judgment?

3* You are an LSRP. You are retained to work for a new property owner. There is an industrial tenant on the property that has operated on the site for many years. The former property owner had conducted a prior remediation and had determined that no further action was required and an RAO had been issued by an LSRP for the prior owner's closure of his operation on, and ownership of, the property. The tenant contaminated the property before and after the transaction. The current property owner, your client, asks you to file reports (notices of discharge) with DEP, attributing the discharge to its tenant but for alleged events prior to the closing date. What are your duties and responsibilities as an LSRP for the current property owner? What are the duties and responsibilities of the LSRP for the prior property owner for whom an RAO was approved? Does your opinion change after the three year audit period?

*Questions 1 and 3 taken from questions prepared by George Tyler, Esq.