

Summary of SRPLB Complaint No. 001-2013

Disposition of the Complaint

Complaint 001-2013 was dismissed by the Board with a notification letter regarding LSRP obligations to the LSRP.

Nature of the Complaint

Complaint 001-2013 originated from the audit of the LSRP. In the course of conducting the LSRP's audit, the Audit Review Team noted potential infractions of the rules requiring reporting of a new discharge and completion of a vapor intrusion investigation within the regulatory timeframe, which would be a violation of N.J.S.A. 58:10C-16 (b). Therefore, the Audit Review Team referred the matter to the Professional Conduct Committee of the Board for further investigation.

Synopsis

The LSRP was involved in the remediation of a site from which underground storage tanks were removed in 1997. At the time of the underground storage tank removal soil sampling was conducted and a report of a discharge was made to the NJDEP. Additional soil and groundwater sampling was conducted and reported to the NJDEP in 1998, 1999, 2005 and 2010. This additional sampling indicated volatile organic contaminants which were not originally found in 1997 and which the LSRP did not believe originated from the underground storage tanks. However, since the soil and groundwater sampling was reported to the NJDEP as part of the ongoing remediation, the Board determined that a new report of a discharge pursuant to N.J.S.A. 58:10C-16(k) and N.J.A.C. 7:1E-5.3 was not required in this specific circumstance. Therefore, the Board dismissed this part of the complaint.

The LSRP submitted a notification of retention as LSRP with respect to the remediation of the site on February 15, 2012, and submitted a receptor evaluation on February 24, 2012. The receptor evaluation stated that there was confirmed contamination above the vapor intrusion trigger levels as of October 11, 2010. As of the time of the investigation in the Fall of 2013, the vapor intrusion investigation had yet to be commenced. But, the Board dismissed this part of the complaint since the obligation to conduct a vapor intrusion investigation is that of the person responsible for conducting the remediation pursuant to N.J.A.C. 7:26E-1.15. However, the Board felt it was appropriate to write a letter to the LSRP, stating that "LSRPs must be vigilant in informing the person responsible for conducting the remediation of applicable timeframes, as well as the consequences and penalties set forth in the relevant statutes and regulations if the timeframes are not achieved".

Board's Decision

Complaint 001-2013 was dismissed by the Board following investigation and upon finding that the LSRP did not violate the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) or any regulation or order adopted or issued pursuant thereto, or knowingly make any false statement, representation or certification in any documents or information submitted to the Board or the Department.