

INVALIDATION OF RAOs

- The following three RAOs have been invalidated by the Department. In all three instances, the LSRP who issued the RAO did not pass the licensing exam, and was not able to make necessary corrections before s/he lost his/her temporary license.
 - No. 1
 - RAO was issued for a regulated UST system on January 13, 2013
 - LSRP lost his/her license on February 6, 2013 (failed permanent licensing examination for third time)
 - 8,000 gal gasoline tank was removed
 - Report indicated that tank was pitted and corroded
 - Large amount of contaminated soil (7,600 tons) was removed
 - Soil contamination clearly triggered ground water investigation in accordance with N.J.A.C. 7:26E-3.5
 - Ground water investigation was not conducted
 - Because a ground water investigation was not conducted there is no support for the conclusion that the remediation is protective of public health and the environment
 - No. 2
 - RAO issued on January 22, 2013 for underground storage tank
 - LSRP lost his/her license on February 28, 2013 (did not pass permanent licensing examination)
 - RAO contends that pentachlorophenol found in ground water is from an off-site source
 - Contamination levels from a purportedly upgradient well were significantly lower than on-site levels
 - In addition, ground water flow direction was questionable since ground water levels used to determine flow direction were not taken on the same day
 - A PA/SI was not conducted in accordance with N.J.A.C. 7:26E-3.1 through 3.3 to show that pentachlorophenol was not from an on-site source
 - Based on these conclusions the pentachlorophenol contamination in ground water was not delineated, and therefore there is insufficient support for the conclusion that the remediation is protective of public health and the environment
 - No. 3
 - RAO was issued in July 2012 but apparently had administrative deficiencies that were not corrected until January 24, 2013
 - RAO was for both soil and ground water for an underground storage tank
 - LSRP lost his/her license on February 6, 2013 (failed permanent licensing examination for third time)
 - Soil was removed in 1999 but there was no information on soil sampling that was done at that time and there were no details on soil removal for a 550 gal waste oil tank removed in 2000
 - Ground water contamination was found in a temporary well in 2005, permanent well was installed and sampled a few times until it met standard
 - There was no attempt to delineate ground water and no determination was made determining the direction of ground water flow
 - It was therefore not possible to determine if there is ground water contamination present and whether it has potential to impact receptors
 - For these reasons there is no support for the conclusion that the remediation is protective of public health and the environment