

Site Remediation Professional Licensing Board
Statement of Interpretation: Independent Professional Judgment
February 3, 2025

1.0 Intended Use of this Document

This document is intended to help the Licensed Site Remediation Professional (LSRP) comply with the requirements of the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq., (the “SRRA”) and any rule, regulation, or order adopted or issued pursuant thereto, including the Regulations of the New Jersey Site Remediation Professional Licensing Board, N.J.A.C. 7:26I-1 et seq., (the “Board Rules”), when exercising independent professional judgment during remediation.

2.0 Purpose

The purpose of this document is to clarify how the Board interprets “independent professional judgment,” elaborate on key elements of the applicable Board Rules, and provide guidance on the documentation needed to support the LSRP’s exercise of independent professional judgment.

3.0 What the Board Rules Say (N.J.A.C. 7:26I)

The Board Rules state at N.J.A.C. 7:26I-6.8 that during the exercise of independent professional judgment the LSRP shall:

1. Apply independent professional judgment to all actions during the entire course of the remediation;
2. Describe and document the LSRP’s decision-making;
3. Provide documentation of the scientific, technical, or other factors supporting his or her decision to vary from regulations or deviate from guidance when performing remediation;
4. Make decisions and conduct remediation free from outside influence that is not protective of public health and safety and the environment; and
5. Be responsible for the decisions he or she makes even when the LSRP considers information, advice, and opinions of others.

4.0 Independent Professional Judgment

“Independent professional judgment,” means the practice of applying the specialized knowledge, skill, education, training, and experience of an LSRP to the facts, data, reports, site history, and other information regarding the characterization of subsurface and environmental conditions at a site in order to make informed remediation decisions that comply with all applicable statutes, regulations, and requirements of the New Jersey Department of Environmental Protection (“Department”) and the Board. It is applied by

an LSRP to all decisions made during the entire course of the remediation and is also used when an LSRP determines it is appropriate to vary from the Technical Requirements for Site Remediation, N.J.A.C. 7:26E ("Technical Requirements"); propose or implement an alternative remediation standard or screening level; deviate from Department guidance; or when there is no specific requirement provided by the Technical Requirements and Department guidance is not appropriate or necessary.

The LSRP's independent professional judgment should be free from outside interests or influences that do not have the protection of public health and safety and the environment as the highest priority. Such influences include, but are not limited to, financial or personal interests, direct or indirect, of clients, persons responsible for conducting remediation ("PRCRs"), and any other persons, when those interests are not compatible with the LSRP's highest priority to protect public health and safety and the environment. An LSRP should inform the PRCR and other interested parties of the LSRP's obligations and requirements under applicable statutes and rules, including the appropriate application of independent professional judgment.

The concept of "independence" does not require an LSRP to make decisions in a vacuum. At N.J.A.C. 7:26I-6.3(e), the Board Rules state that an LSRP shall not provide professional services outside of his or her area of professional competence. However, that does not mean that the LSRP cannot or should not consider the opinions and advice of other site remediation and technical professionals, including Department staff. It means that after considering those other professionals' opinions and advice, the LSRP shall make his or her own decisions. When evaluating past decisions made by other LSRPs, site remediation professionals, experts, or Department staff, the LSRP should assess those decisions while considering current information, regulations and guidance. The LSRP is ultimately, and solely, responsible for the decisions and actions taken and should always hold as the highest priority the protection of public health and safety and the environment.

5.0 Documentation

Throughout the course of the remediation, the LSRP shall document the factors considered during the performance of the work and how those factors influenced decisions or actions. In the appropriate document prepared for submission to the Department, the LSRP shall include a discussion and evaluation of all applicable historic, existing and new information and data generated and provide a written narrative along with supporting documentation in support of the conclusions. These requirements are included as part of the reporting requirements set forth in the Technical Requirements and all other statutes and regulations regarding the remediation of contaminated sites. By providing clear and concise documentation supporting each decision made and action taken when exercising independent professional judgment, the LSRP can confidently certify all submissions as required by N.J.S.A. 58:10C-14.a.

6.0 Diverging from Technical Requirements, Standards, and Guidance

At times, an LSRP may exercise his or her independent professional judgment to determine that it is appropriate to vary from the Technical Requirements, to propose or

implement alternative remediation standards or screening levels, and/or to deviate from Department guidance. When taking any of these actions the LSRP shall follow applicable procedures in the Technical Requirements and clearly and sufficiently justify, document, and support his or her actions and decisions with data and other information in order to demonstrate that the remediation as conducted is protective of public health and safety and the environment.

See the following provisions for more information:

Varying from Technical Requirements

N.J.A.C. 7:26E-1.7

[N.J.A.C. 7:26E Technical Requirements for Site Remediation](#)

Deviating from Department guidance

N.J.A.C. 7:26E-1.5 and 1.6 and N.J.A.C. 7:26C-1.2

[N.J.A.C. 7:26E Technical Requirements for Site Remediation](#)

[N.J.A.C. 7:26C ARRCs](#)

Alternative remediation standards

N.J.A.C. 7:26D-8

[N.J.A.C. 7:26D Remediation Standards](#)