

SRPL BOARD COMPLAINT NO. 001-2017

DISPOSITION OF THE COMPLAINT

The Site Remediation Professional Licensing Board (“Board”) issued to LSRP David Jones a Notice of Civil Administrative Penalty Assessment in the amount of \$1,000.00 for violation of N.J.A.C. 7:26C-6.2(a)3 by authority of N.J.S.A. 58:10C-17.a.(1)e. Mr. Jones paid the penalty in full on November 29, 2017. The Board considers this matter resolved, and LSRP Jones may continue to practice as an LSRP without any restrictions on his license.

COMPLAINT

This complaint was brought by the Audit Committee of the Board against LSRP David Jones (License 584527) for issuing five separate Remedial Action Outcomes (“RAOs”) that included certifications that full payment had been made of all fees and oversight costs, when that was not the case.

FINDINGS OF THE BOARD

The Board investigated the complaint and found the following violations of the Site Remediation Reform Act:

N.J.S.A. 58:10C-17.a.(1)(e) and N.J.A.C. 7:26C-6.2(a)3

N.J.S.A. 58:10C-17.a.(1)(e) provides:

“Whenever, on the basis of available information, the board finds that a person is in violation of P.L. 2009, c. 60 (C.58:10C-1 et al.), or any rule, regulation, or order adopted or issued pursuant thereto, ... the board may: [a]ssess a civil administrative penalty in accordance with subsection f. of this section.”

The Administrative Requirements for the Remediation of Contaminated Site, N.J.A.C. 7:26C-6.2(a)3 provides:

“The licensed site remediation professional shall issue a response action outcome to the person who has conducted the remediation: ... [a]fter the person responsible for conducting the remediation has paid to the Department all fees and oversight costs.”

The Board found that Mr. Jones failed to comply with N.J.A.C. 7:26C-6.2(a)3 because Mr. Jones issued five separate RAOs prior to the payment of all fees and oversight costs by the person responsible for conducting the remediation for each site. All fees and oversight costs were eventually paid by the person responsible for conducting the remediation for each site, and each RAO remains valid.

The Board assessed a civil administrative penalty in the amount of \$1,000.00 for this violation. The Board assessed the actions of the LSRP using the “Guidance to Determine Conduct and Severity of a Violation When Assessing Civil Administrative Penalties”, approved by the Board on May 2, 2016. The Board considered the violations together to be a “first” violation of “low” conduct and “low” seriousness, since the LSRP did not foresee any impact to the environment and public health by his actions, and in fact there were no environmental or public health impacts. A “low-low” first violation has a recommended penalty range of \$0-1,000.00. The Board assessed a \$500.00 fine for the violations together, but considered the fact that there were multiple instances of the violations to be an aggravating factor, so increased the total fine to \$1,000.00 to take into account the repetition of the violations over the course of almost three years.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

On September 27, 2017, the Board issued a Notice of Civil Administrative Penalty Assessment in the amount of \$1,000.00.

On November 29, 2017, Mr. Jones remitted to the Board a check in full payment of the \$1,000.00 penalty.