

SRPL Board Complaint 002-2020

DISPOSITION:

On May 4, 2020 the Site Remediation Professional Licensing Board (“Board”) voted to dismiss the complaint without a finding in regard to a violation of the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.), as the facts alleged in the complaint, even if true, were contractual in nature and the Board does not have authority under N.J.S.A. 58:10C-17(a)1 to pursue disciplinary action in contractual matters.

COMPLAINT ISSUES:

Complaint 002-2020 was received by the Board on September 19, 2019. The Complainant, the person responsible for conducting the remediation for the site, a gasoline station in an urban area, brought this complaint against the LSRP retained to remediate the site. The Complainant alleged that the LSRP’s charges were excessive, the LSRP did not provide documents, sampling results or work product to the Complainant, and the LSRP was not investigating properties that could have caused the contamination but instead was investigating properties that could not have caused the contamination.

INVESTIGATION:

Board staff contacted both the Complainant and the LSRP that was the subject of the complaint to find out more about the facts.

The Complainant stated that the LSRP was charging more money and taking more time to do the proposed work than was stated in the proposal. The Complainant also alleged that he had not gotten reports or sampling results that he paid for. He felt that the LSRP was doing work that did not need to be done.

According to the LSRP that was the subject of the complaint, he had been conducting work that needed to be done to complete the remedial investigation. He had been trying to explain the process to the Complainant, but he felt that the Complainant did not understand. The Complainant was not paying invoices and the LSRP’s company would not release work product before invoices were paid. Ultimately, the company put a lien on the Complainant’s property to get their bills paid. The LSRP dismissed himself as the LSRP from this case when he realized that his working relationship with the Complainant had reached a point where it was no longer functional.

The LSRP that took over for the subject of the complaint was also contacted. He stated that he did receive all the information that he requested from the subject of the

complaint, and he has been proceeding with the remedial investigation in accordance with an Administrative Consent Order.

Board staff also contacted an employee of the Department of Environmental Protection that was familiar with the site, the LSRP that was the subject of the complaint and the Complainant. The employee stated that in his opinion the LSRP was conducting an appropriate and thorough ground water delineation and was following technical requirements in doing so.

FINDING:

This complaint alleges violations of the contractual agreement between the Complainant and the subject of the complaint. The facts alleged in the complaint, even if true, do not support a claim that the LSRP may have violated the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) or any rule, regulation or order adopted or issued pursuant thereto, or knowingly made any false statement, representation or certification in any document or information submitted to the Board or the Department of Environmental Protection. The Board does not have authority under N.J.S.A. 58:10C-17(a)1 to pursue disciplinary action against an LSRP regarding contractual issues, consequently the complaint was dismissed.