

Summary of SRPLB Complaint No. 005-2013

Disposition of the Complaint

Complaint 005-2013 was dismissed by the Board due to lack of merit.

Nature of the Complaint

Complaint 005-2013 originated as a dispute between two potentially responsible parties regarding the allocation of responsibility for remediating a discharge.

Synopsis

The complaint was brought by the owner of a dry cleaning establishment (hereinafter “complainant”). The previous owner of the dry cleaning establishment hired the LSRP to conduct remediation of contamination which was known to exist at the time of the purchase by the complainant. During the course of the remediation the LSRP identified contamination which he determined originated from a new discharge during the ownership of the complainant, which he reported to the NJDEP. Technical consultation with the NJDEP confirmed the LSRP’s opinion that the contamination originated from a separate discharge. The LSRP issued an RAO which was AOC specific to the original contamination. The RAO noted that known onsite contamination was not yet remediated and that the complainant was the responsible party for this contamination.

The complainant disputed the LSRP’s opinion that the contamination was from a separate discharge that occurred during his ownership, and that he was responsible for the remediation of the discharge.

Board’s Decision

The Board found that the complainant failed to allege facts which indicated that the LSRP had violated the provisions of 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 had knowingly made a false statement, representation, or certification in any documents or information submitted to the Board or the Department. While the potentially responsible parties may continue to dispute the source of the contamination and the responsibility for remediating it, a complaint to the Board is not the appropriate forum in which to resolve this dispute. Consequently, the Board dismissed the complaint.