

SRPL Board Complaint No. 007-2016

DISPOSITION

The Site Remediation Professional Licensing Board (“Board”) voted to dismiss the complaint because the facts alleged in the complaint, even if true, do not indicate that the LSRP that is the subjects of the complaint 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.

COMPLAINT ISSUES

Complaint 007-2016 was received by the Board on July 28, 2016. The complaint is directed against an LSRP. The complaint alleges that the LSRP is improperly overseeing asbestos removal activities that are occurring in conjunction with the demolition of numerous buildings on a remediation site, and consequently asbestos may be discharged to the environment.

INVESTIGATION

A representative of the Board spoke with the LSRP retained for the site. He stated that a company licensed to remove asbestos is in charge of asbestos removal on the site.

A representative of the Board spoke with Kurt Pizzolo of the New Jersey Department of Labor, Labor Standards and Safety Enforcement, Office of Asbestos Control and Licensing. He stated that he has been to this site over 20 times to inspect asbestos removal operations and has not issued any notices of violation. He provided four recent reports dated March 22, 2016, April 5, 2016, June 10, 2016 and June 22, 2016. Mr. Pizzolo stated that he has seen the videos and photographs submitted by the complainant, and agrees that they may indicate some practices that could be improved upon. However, those work practices are the responsibility of the licensed asbestos remover and are under his jurisdiction. He stated that he has not found evidence that asbestos is being discharged to the environment.

FINDINGS

The Board concluded that in the case of 007-2016 the activities that the complainant is complaining of are activities of asbestos removal from inside of a building. Therefore, unless there are discharges of asbestos to the lands of the State of New Jersey, of which there was no evidence, they are not activities that are the responsibility of the

LSRP, but of the company and personnel on-site that are licensed for asbestos removal.

The Board defers to the Department of Labor to ensure that asbestos removal activities are being conducted in compliance with appropriate regulations.

DETERMINATION OF THE BOARD

The Board voted to dismiss the complaint.