

SRPL BOARD COMPLAINT NO. 008-2015

DISPOSITION OF THE COMPLAINT

The Site Remediation Professional Licensing Board (“Board”) issued to LSRP Andrew Robinson a Notice of Civil Administrative Penalty Assessment in the amount of \$1000.00 for violations of N.J.S.A. 58:10C-16.b. and N.J.S.A. 58:10C-17.a.(1)(e) and N.J.A.C. 7:26C-6.2(a)3. Mr. Robinson paid the penalty in full on April 7, 2017. The Board considers this matter resolved, and LSRP Robinson may continue to practice as an LSRP without any restrictions on his license.

COMPLAINT

This complaint was brought by the Department of Environmental Protection (“Department”) against LSRP Andrew Robinson (License 573644) for issuing a Remedial Action Outcome (“RAO”) on March 9, 2014 that included the notice that all monitoring wells were decommissioned when that was not the case, and that was issued prior to all fees being paid.

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-16.b.

“A licensed site remediation professional shall exercise reasonable care and diligence, and shall apply the knowledge and skill ordinarily exercised by licensed site remediation professionals in good standing practicing in the State at the time the services are performed.”

The Board found that Mr. Robinson failed to “exercise reasonable care and diligence, and ... apply the knowledge and skill ordinarily exercised by licensed site remediation professionals in good standing practicing in the State at the time the services are performed” because the March 9, 2014 RAO stated that all wells installed as part of the remediation were properly decommissioned when in fact they were not. Following receipt of the complaint Mr. Robinson promptly decommissioned the wells at his own expense.

The Board considered Mr. Robinson's decommissioning of the wells to be a mitigating factor, so assessed a civil administrative penalty in the amount of \$500.00 for this violation.

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. Robinson failed to comply with N.J.A.C. 7:26C-6.2(a)3 because Mr. Robinson issued the March 9, 2014 RAO before the person responsible for conducting the remediation paid all Department fees and oversight costs. At the time of the March 9, 2014 RAO, all outstanding Department fees and oversight costs were not paid by the person responsible for conducting the remediation.

The Board assessed a civil administrative penalty in the amount of \$500.00 for this violation.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

On February 21, 2017, the Board issued a Notice of Civil Administrative Penalty Assessment in the amount of \$1000.00.

On April 7, 2017, Mr. Robinson remitted to the Board a check in full payment of the \$1000.00 penalty.