

SRPL Board Complaint 008-2020

DISPOSITION:

On May 4, 2020, the Site Remediation Professional Licensing Board ("Board") voted to dismiss the complaint because the facts alleged, even if true, and they were not disputed, failed to state a violation of the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) and provided no grounds for investigation.

COMPLAINT ISSUES:

Complaint 008-2020 was received by the Board on February 4, 2020. The complaint centered around allegations of the Complainant, who was the person responsible for conducting remediation, that the LSRP who was the subject of the complaint quit without notifying him.

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 LSRP that was the subject of the complaint had been remediating the site, a gasoline service station, for the person responsible for conducting remediation. The LSRP stated that problems began when the Complainant's son got involved. The LSRP stated that the Complainant's son was very rude and accusatory as to ongoing remediation. Problems came to a head on February 11, 2019 when the Complainant's son called the LSRP and, according to the LSRP, was verbally abusive. On February 11, 2019 at 11:12 am the LSRP sent an email to the person responsible for conducting remediation and explained what had happened and requested that the person responsible contact him if he would like to talk further. On that same day, at 5:50 pm, the Complainant's son sent an email to the LSRP which informed him that he was fired and directed him not to respond to the email.

On February 12, 2019 the LSRP sent a notification of dismissal to the Department.

The LSRP acknowledged that he did not send a notification directly to the person responsible for conducting the remediation. The LSRP's reasoning was that since that person and the son were both overseeing the remediation, under these circumstances and due to the fact that the LSRP had been fired, he did not feel it was necessary to notify these individuals that he was dismissed. Furthermore, the email telling the LSRP he was fired also directed him not to respond to the email.

The Complainant acknowledged being aware of the emails, but felt that the LSRP should not have “quit” because he had already done a lot of the work and because the LSRP quit he had to hire someone new.

FINDING:

The Board dismissed this complaint because the facts alleged, even if true, and they were not disputed, failed to state a violation of the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.), provided no grounds for investigation, and ultimately did not support a finding of a violation of N.J.A.C. 7:26I-6.5¹. The person responsible for conducting remediation and his son were both involved in communications with the LSRP. The son fired the LSRP and told him not to respond. In this circumstance, it was appropriate for the LSRP to consider that all parties were aware that the LSRP was dismissed and that another communication to the person responsible for conducting remediation should not be attempted.

¹ 7:26I-6.5 Notification of retention and release

(b) When an LSRP decides to terminate his or her position as the LSRP responsible for the remediation of a contaminated site prior to issuing an RAO, the LSRP shall, within 15 days after terminating his or her position:

1. Communicate this directly in writing to the person responsible for conducting the remediation;
and

2. Submit a Notification of Dismissal as found on the Department website at www.nj.gov/dep/srp/srra/forms.