



State of New Jersey
SITE REMEDIATION PROFESSIONAL LICENSING BOARD

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April 24, 2019

Board Determination and Offer of Settlement

By Certified and Regular Mail

Rohan Tadas, LSRP
303 Val Drive
Mt. Laurel, NJ 08054

RE: In the matter of LSRP Rohan Tadas, LSRP #575486
SRPL Board Complaint 006-2017

Dear Mr. Tadas:

This letter is to advise you that the New Jersey Site Remediation Professional Licensing Board (“Board”) has reviewed information concerning your professional conduct in connection with the above captioned matter.

You were hired to conduct remediation at the Borough of Highlands Department of Public Works Site (“Site”), which is located at 38 West North Street, Borough of Highlands, New Jersey. The New Jersey Department of Environmental Protection (“Department”) has designated this contaminated site as PI 595952.

On or about December 8, 2012, you reported a discharge of unknown quantities of “oil motor, gasoline, oil hydraulic” at the Site to the Department. On or about September 6, 2016, you submitted to the Department a Preliminary Assessment Report dated August 2016 (“2016 PAR”). In the 2016 PAR you list one area of concern as “former AST” and include a Case Inventory Document which lists one area of concern, described as “former gasoline AST at interior of garage, spill during Hurricane Sandy.” On or about September 22, 2016, you submitted to the Department a Response Action Outcome letter and form under your signature dated September 20, 2016 (“2016 RAO”). You noted in the Response Action Outcome Form that it was an “unrestricted RAO” for the “entire site.” The Department advised you to withdraw the 2016 PAR and 2016 RAO because the preliminary assessment was not complete as it did not identify all the areas of concern on the Site, and since all potential areas of concern were not investigated, the RAO was not protective. On March 30, 2017, you withdrew the 2016 PAR and 2016 RAO.

Upon review of the available information, the Board has determined that you violated the following provisions of the Site Remediation Reform Act and Board Rules:

1. N.J.S.A. 58:10C-16.b. and N.J.A.C. 7:26I-6.3(d) for failure to apply the knowledge and skill ordinarily exercised by LSRPs in good standing practicing in the State at the time the services are performed. Specifically;
 - a. You inappropriately prepared a preliminary assessment for the Site, when there was no requirement to conduct a preliminary assessment pursuant to N.J.A.C. 7:26E-3.1(b), as you were retained to conduct remediation specific only to the area of the spill reported as 12-12-08-0942-05;
 - b. The 2016 PAR that you prepared was deficient, in that it did not identify all potentially contaminated areas of concern at the Site, nor did it provide a written recommendation for each area of concern identified at the Site, as required by N.J.A.C. 7:26E-3.2(a)6; and
 - c. The 2016 RAO that you issued purported to address the entire Site, when you had not identified all potentially contaminated areas of concern on the Site through a preliminary assessment and had not ascertained that all contaminated soil and ground water on the entire Site had been remediated as required by N.J.A.C. 7:26C-6.2(g).

2. N.J.S.A. 58:10C-16.i. and N.J.A.C. 7:26I-6.8(a) and (d) for failure to exercise independent professional judgment, comply with the requirements and procedures set forth in the Site Remediation Reform Act and any rule, regulation, and order adopted or issued pursuant thereto, and make a good faith and reasonable effort to identify and obtain the relevant and material facts, data, reports and other information evidencing conditions at a contaminated site for which you were responsible. Specifically;
 - a. In your response to the complaint and interview with the Complaint Review Team, you stated that Publics Works employees initially told you there had been a catastrophic release of hazardous materials into the environment, and then later told you that there had been no discharge outside of a building. Faced with this contradictory information, you did not independently ascertain whether there had been a discharge of motor oil, gasoline or hydraulic oil to the soil on the Site;
 - b. You conducted a preliminary assessment even though one was not required by N.J.A.C. 7:26E-3.1(b), as you were retained to only address the reported spill, yet in proceeding to conduct the preliminary assessment, you did not follow the technical requirements by identifying all potentially contaminated areas of concern, as required by N.J.A.C. 7:26E-3.1; and
 - c. During your involvement with the Site you based the referenced decisions on

what you were told by others, without independent research or investigation to obtain data indicating the conditions at the Site.

The Board has assessed a civil administrative penalty of \$2,500.00 as follows:

1. For violation of N.J.S.A. 58:10C-16.b. and N.J.A.C. 7:26I-6.3(d): \$1,250.00
2. For violation of N.J.S.A. 58:10C-16.i. and N.J.A.C. 7:26I-6.8(a): \$1,250.00

As a result of the foregoing, the Board intends to pursue formal disciplinary proceedings against you for the above referenced violations and penalty assessment. Notwithstanding that decision, the Board has determined that it will first offer you an opportunity to settle this matter in order to avoid continuation of these proceedings if you consent to the following terms:

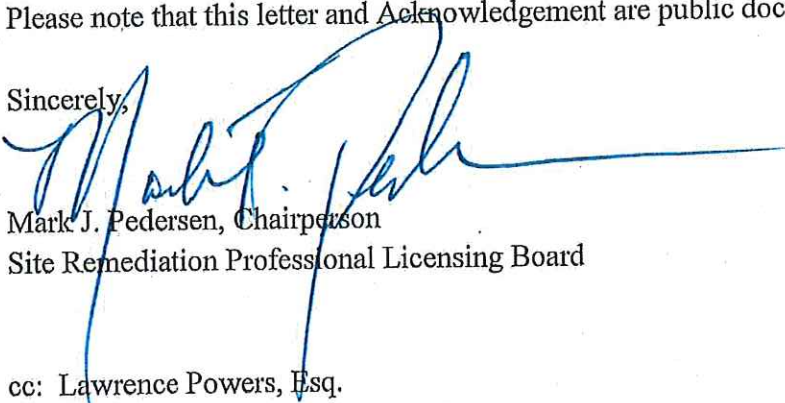
Agree to pay a civil administrative penalty in the amount of \$2,000.00, which is 80% of the assessed civil administrative penalty of \$2,500.00. Payment should be by certified check or money order payable to "Treasurer, State of New Jersey."

If we are unwilling or unable to settle this matter, the Board will pursue formal disciplinary proceedings pursuant to N.J.S.A. 58:10C-17.f. and you will be afforded an opportunity to request a hearing regarding this matter before the Office of Administrative Law. In that event, the Board, pursuant to N.J.S.A. 58:10C-17.f., may also enter an order assessing and requiring you to pay the costs for the investigation which led to the establishment of the violations, and its costs for successfully enforcing its penalty action against you. In addition, pursuant to N.J.S.A. 58:10C-17.e., any person who violates the Site Remediation Reform Act or any rule, regulation or order of the Board, or who fails to pay a civil administrative penalty assessed by the Board, shall be subject, upon order of the Superior Court, to pay a civil penalty of not more than \$10,000.00 for the first violation and not more than \$20,000.00 for every subsequent violation.

If you elect to settle this matter, you must sign the attached Acknowledgement and return it to the Board within thirty-five (35) days following your receipt of this letter. Here, and throughout this document, the beginning date to calculate this 35-day time period is the date of delivery as indicated on the return receipt of this letter. If the Board receives no response from you within thirty-five (35) days, the Board's settlement offer shall be considered withdrawn and the Board will initiate formal disciplinary proceedings before the Office of Administrative Law.

Should you have questions concerning this letter or the Acknowledgement, you may contact Executive Director Janine MacGregor at 609-984-3424 or seek the advice of your legal counsel. Please note that this letter and Acknowledgement are public documents.

Sincerely,



Mark J. Pedersen, Chairperson
Site Remediation Professional Licensing Board

cc: Lawrence Powers, Esq.

ACKNOWLEDGEMENT

I, Rohan Tadas, LSRP, hereby acknowledge that I have reviewed the attached April 24, 2019 letter and the settlement offer of the Board set forth therein ("Letter").

I acknowledge the conduct which has been charged. I accept the settlement offer of the Board and agree to the following to settle the matters addressed in the Letter:

Immediate payment of a civil penalty of \$2,000.00.

I am aware that by signing this Acknowledgement I am waiving any rights I may have to an administrative hearing in this matter. I am aware that the findings of the Board in connection with this matter are a matter of public record and that this Letter and this Acknowledgement are public documents.

Dated: _____

5/11/19



Rohan Tadas, LSRP #575486