At its December 3, 2018 and January 7, 2019 meetings, the Site Remediation Professional Licensing Board (Board) approved “Revision 1” to replace its original recommended changes to the Site Remediation Reform Act, which were dated May 7, 2018. The approved revision provided below is based on input from Senator Smith during a July 24, 2018 conference call and transmitted to the Board, and from participants in various stakeholder sessions.

**Issue 1: Notification of Discharge During Due Diligence.** Currently, some entities responsible for conducting remediation are “contracting away” responsibility to notify the Person Responsible for Conducting Remediation (PRCR) or department of a discharge. For example, a non-responsible party investigates a property and discovers a discharge, however, the property owner has written into the contract that the non-responsible party or other third party is to not inform the property owner of any discovered discharge. This practice is contrary to the intent of SRRA and could hinder protection of public health and safety and the environment, cause confusion to the public, the department, and the Board, and could enable a person to avoid remediation obligations.

**Recommendation:**
- Changes to the Brownfields and Contaminated Site Remediation Act (Brownfield Act) and the Spill Compensation and Control Act (Spill Act) to require persons conducting all appropriate inquiry to notify property owners if a discharge is identified.

**Brownfield Act Change (Proposed):**
C.58:10B-1.3. Remediation of discharge of hazardous substance; requirements
   d. (2) The provisions of this section shall not apply to any person who: (a) does not own a contaminated site, (b) conducts a preliminary assessment or site investigation of the contaminated site for the purpose of conducting all appropriate inquiry into the previous ownership and uses of the property as provided in section 8 of P.L.1976, c.141 (C.58:10-23.11g), and (c) has not discharged a hazardous substance at the site or is not in any way responsible for a hazardous substance discharged at the site pursuant to section 8 of P.L.1976, c.141 (C.58:10-23.11g). If the person who is the subject of this paragraph discovers a discharge as part of conducting all appropriate inquiry, the person is required to notify the owner of the property of the discharge. The owner of the property is then required to notify the department of the discharge in accordance with section 6 of P.L.1976, c.141 (C.58:10-23.11e).

**Spill Act Change (Proposed):**
C.58:10-23.11e. Person responsible for discharge; notice to department
   a. Any person who may be subject to liability for a discharge which occurred prior to or after the effective date of the act of which this act is amendatory shall immediately notify the department. Failure to so notify shall make persons liable to the penalty provisions of section 22 of this act.
b. Any person who conducts all appropriate inquiry into the previous ownership and uses of a property, and determines that a hazardous substance has been discharged, is required to: (i) notify the person who owns the real property of the discharge; and (ii) provide all information regarding the investigation to the person who owns the real property. The person who owns the real property shall comply with a. above.

**Issue 2: Only LSRPs may perform remediation (and requirement to share information).** The Brownfield Act states that a person who initiates remediation must hire an LSRP to perform the remediation, unless retained to conduct “all appropriate inquiry” (pursuant to N.J.S.A. 58:10B-1.3d(2)). The Brownfield Act does not say explicitly, however, that only LSRPs can perform remediation. The Board’s position and understood intent of SRRA is that all remediation must be performed or overseen by an LSRP as described in 16h, and that the LSRP must notify the department that he has been retained so that he is subject to all remediation requirements and department inspection and review of submitted documents. (Non-LSRPs may perform certain remediation (i.e., PA, SI), when conducting all appropriate inquiry for parties meeting the conditions defined in BCSRA 1.3d(2).) The position stated above was implicit, but not explicit or evident in the current language in SRRA, therefore the following recommendation and changes are suggested for clarification of the Board’s understanding.

**Recommendation:**
- Clarify the definition of “remediation” to indicate that any investigative, cleanup or response work or activities are considered remediation.
- To avoid confusion and a perceived difference between being “hired” and “retained”, define the term retained and use it consistently throughout SRRA. Change “hire” to “retain” in 14a, and change “hired” and “responsible” to “retained” in 16i and 16k. (NOTE these changes also appear under Issues 4 (14.a) and Issue 3 (16.k), but only the part related to “retained” is included below).
- Add a new provision to SRRA Section 11, 11a, that a person who is not an LSRP may not perform remediation unless it is managed by an LSRP.
- Add a new provision to SRRA Section 11, 11c, that if a person is not an LSRP and he is performing remediation without the oversight of an LSRP, he is “acting” as an LSRP.
- Add new provisions to 16. Addition of 16aa below would prohibit an LSRP from directing remediation work to non-LSRPs (unless the LSRP is overseeing), and 16.bb would prohibit LSRPs from participating in remediation while not retained as an LSRP to do so.
- LSRP’s complain that other LSRPs do not share information, and there is no provision to do so in SRRA. Add language to state that LSRPs shall cooperate in sharing information. (Not directly related to issues above, but includes the word “retain” so presented herein.)

**SRRA Language Change (Proposed):**

Section 2 of P.L.2009, c.60 (C.58:10C-2) is amended to read as follows:

C.58:10C-2. Definitions relative to site remediation

As used in sections 1 through 29 of P.L.2009, c.60 (C.58:10C-1 et seq.):

"Remediation" or "remediate" means [all necessary] any action[s] to investigate [and] clean up or respond to any known, suspected, or threatened discharge of contaminants, including, but not limited to[as necessary] the preliminary assessment, site investigation, remedial investigation, and remedial action, or any
portion thereof, provided, however, that "remediation" or "remediate" shall not include the payment of compensation for damage to, or loss of, natural resources.

“Retained” means hired, individually or through a firm or other person, to perform, manage or supervise remediation or to periodically review and evaluate the remediation performed by other persons, whether or not the department has been notified of the retention.

Section 14.a of P.L.2009, c.60 (C.58:10C-14.a) is amended to read as follows:
C.58:10C-14. Certification of documents [by site remediation professional]
a. For any site for which a licensed site remediation professional is required to be [hired] retained pursuant to the provisions of section 30 of P.L.2009, c.60 (C.58:10B-1.3), the person…

Section 16 of P.L.2009, c.60 (C.58:10C-16) is amended to read as follows:
   i. A licensed site remediation professional shall exercise independent professional judgment, comply with the requirements and procedures set forth in the provisions of P.L.2009, c.60 (C.58:10C-1 et al[seq.]), 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 he is [responsible] retained…

   k. If a licensed site remediation professional obtains specific knowledge that a previously unreported discharge has occurred in any location on a [contaminated] site or property [for which he is responsible] at which he is performing remediation, the licensed site remediation professional shall: (1) immediately notify in writing the person responsible for conducting the remediation who retained the licensed site remediation professional of the existence of the discharge and of that person's duty to notify the department of the condition; and (2) immediately notify the department of the discharge…

Section 11 of P.L.2009, c.60 (C.58:10C-11) is amended to read as follows:
C. 58:10C-11. License required for site remediation professional
   a. Except as provided in N.J.S.A. 58:10B-1.3.d, a person who is not a licensed site remediation professional shall not perform remediation unless that remediation is managed, supervised, or periodically reviewed and evaluated by a licensed site remediation professional.

   b. No person shall be, act as, advertise as, or hold himself out to be, or represent himself as being, a licensed site remediation professional unless that person has been issued a valid license pursuant to P.L.2009, c.60 (C.58:10C-1 et al.).

   c. Except as provided in N.J.S.A. 58:10B-1.3.d, a person is acting as a licensed site remediation professional in violation of this section if the person is not a licensed site remediation professional and the person performs any remediation that is not managed, supervised, or periodically reviewed and evaluated by a licensed site remediation professional.

Section 16 of P.L.2009, c.60 (C.58:10C-16) is amended to read as follows:
   aa. Except as provided in N.J.S.A. 58:10B-1.3.d, a licensed site remediation professional shall not facilitate, aid, assist or cooperate with any person in retaining or arranging for the retention of any person who is not
a licensed site remediation professional to perform remediation unless the remediation is managed, supervised, or periodically reviewed and evaluated by a licensed site remediation professional retained for that purpose, and the department has been notified of the retention.

bb. Except as provided in N.J.S.A. 58:10B-1.3.d, a licensed site remediation professional shall not supervise, perform, engage or participate in remediation as defined in N.J.S.A. 58:10C-2 unless (1) the licensed site remediation professional has been retained by a person responsible for conducting the remediation as a licensed site remediation professional and the Department has been notified of such retention; or (2) the remediation is being managed, supervised or performed by another licensed site remediation professional retained by the person responsible for conducting the remediation, and the Department has been notified of the latter licensed site remediation professional’s retention.

Section 16 of SRRA P.L.2009, c.60 (C.58:10C-16) is amended to read as follows:

f. A licensed site remediation professional may complete any phase of remediation based on remediation work performed under the supervision of another licensed site remediation professional, provided that the licensed site remediation professional: (1) reviews all available documentation on which he relies; (2) conducts a site visit to observe current conditions and to verify the status of as much of the work as is reasonably observable; and (3) concludes, in the exercise of independent professional judgment, that there is sufficient information upon which to complete any additional phase of remediation and prepare workplans and reports related thereto. Licensed site remediation professionals, retained by any person contemporaneously with or sequentially to any other licensed site remediation professional on the site, shall cooperate to share information and data concerning the site with each other.

Issue 3: Clarify notification requirements for IECs (and other discharges). The LSRP’s highest priority is the protection of public health, safety and the environment. However, LSRPs at a site sometimes neglect to report a discharge identified at another area of a site or property if they are not retained for that area. SRRA should clearly state that the LSRP must notify the department if he identifies an IEC or discharge at any site, or at part of a site he is not working on.

Recommendation:
- Modification of definition of immediate environmental concern in Section 2 to clarify requirement that LSRP report an immediate environmental concern wherever encountered.
- Amend requirement in 16j that LSRP inform in writing, if known to the LSRP, the person responsible for conducting remediation to report immediate environmental concern to department.
- Amend requirement in 16k to clarify that LSRP to report even if not retained for site/contaminated site where immediate environmental concern or discharge is located.
- Clarify (in 16k) that discharge notification requirements apply to the “site”, by adding “in any location on a site or property”, even if the discharge is located on a different part of the site than that for which the LSRP is retained (i.e., LSRP retained for tank sees a discharge at drum storage pad – LSRP shall report the discharge at drum storage pad). Also add “previously unreported” so that LSRP is not in violation if discharge has already been reported. (Similar change was made to “site” in 16i).
Currently Section 14 includes responsibilities of both LSRPs and persons responsible for conducting remediation, while Section 16 is mostly focused on LSRPs. Change 14a and 14b to focus on the certification and notification requirements of the persons responsible for conducting remediation. Move existing references to LSRP certification from 14a and 14b to 16h and 16i, the LSRP code of conduct.

**SRRA Language Change (Proposed):**

**Section 2 of P.L.2009, c.60 (C.58:10C-2) is amended to read as follows:**

“Immediate environmental concern” means a condition [at a contaminated site] where there is: (1) confirmed contamination in a well used for potable purposes at concentrations at or above the groundwater remediation standards; (2) confirmed contamination that has migrated into an occupied or confined space producing a toxic or harmful atmosphere resulting in an unacceptable human health exposure, or producing an oxygen-deficient atmosphere, or resulting in demonstrated physical damage to essential underground services; (3) confirmed contamination at the site of a nature that either dermal contact, ingestion, or inhalation of the contamination could result in an acute human health exposure; or (4) any other condition that poses an immediate threat to the environment or to the public health and safety.

**Section 16 of P.L.2009, c.60 (C.58:10C-16) is amended to read as follows:**

j. If a licensed site remediation professional identifies a condition [at a contaminated site] that in his independent professional judgment is an immediate environmental concern, then the licensed site remediation professional shall: (1) immediately verbally advise and notify in writing the person responsible for conducting the remediation, if known, of that person's duty to notify the department of the condition; and (2) immediately notify the department of the condition by calling the department's telephone hotline.

k. If a licensed site remediation professional obtains specific knowledge that a previously unreported discharge has occurred in any location on a [contaminated site or property] for which he is responsible at which he is performing remediation, the licensed site remediation professional shall: (1) immediately notify in writing the person responsible for conducting the remediation who retained the licensed site remediation professional of the existence of the discharge and of that person's duty to notify the department of the condition; and (2) immediately notify the department of the discharge by calling the department's telephone hotline. [The person responsible for conducting the remediation shall also be responsible for notifying the department of the existence of the discharge.] The provisions of this subsection shall not apply to a discharge that may be a result of the existence of historic fill material.

**Section 16 of SRRA P.L.2009, c.60 (C.58:10C-16) is amended to read as follows:**

h. A licensed site remediation professional shall [not] certify that the remediation was performed in compliance with the requirements of P.L.2009, c.60 (C.58:10C-1 et seq.), and that [any document submitted to the department unless] the licensed site remediation professional has managed, supervised or performed the work that is the basis of the submission, or has periodically reviewed and evaluated the work performed by other persons that forms the basis for the information in the submission, or has completed the work of another licensed site remediation professional and has concluded such work is reliable pursuant to subsection f. of this section. A licensed site remediation professional shall not make any false statement, representation, or certification in any form, document or information submitted to the board or the department.
site remediation professional shall certify electronic submissions made to the department concerning the remediation of a site. A licensed site remediation professional shall certify that the information in the submission and all attached documents is true, accurate, and complete. A licensed site remediation professional shall certify that no other person is authorized or able to use any password, encryption method, or electronic signature provided to a licensed site remediation professional by the board or the department.

i. A licensed site remediation professional shall exercise independent professional judgment, comply with the requirements and procedures set forth in the provisions of P.L.2009, c.60 (C.58:10C-1 et seq.), 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 he is responsible retained that is in possession of the owner of the property, or that is otherwise available, and identify and obtain whatever additional data and other information as the licensed site remediation professional deems necessary. A licensed site remediation professional shall disclose and explain in any document submitted to the department any facts, data, information, qualifications, or limitations known by the licensed site remediation professional that are not supportive of the conclusions reached in the document.

Section 14 of P.L.2009, c.60 (C.58:10C-14a) is amended to read as follows:

Section 14 of P.L.2009, c.60 (C.58:10C-14a) is amended to read as follows:

C.58:10C-14. Certification of documents; reporting discharges; remediation requirements [by site remediation professional]

a. For any site for which a licensed site remediation professional is required to be retained pursuant to the provisions of section 30 of P.L.2009, c.60 (C.58:10B-1.3), the person responsible for conducting the remediation shall certify that the remediation described in any document submitted to the department was performed in compliance with the requirements of P.L. 2009, c. 60 (C.58:10C-1 et seq.). The person responsible for conducting the remediation shall certify that the information in the submission and all attached documents is true, accurate, and complete. All documents submitted to the department concerning the remediation of the contaminated site. The licensed site remediation professional shall certify that the work was performed, the licensed site remediation professional managed, supervised, or performed the work that is the basis of the submission, and that the work and the submitted documents are consistent with all applicable remediation requirements adopted by the department.

b. A licensed site remediation professional shall certify electronic submissions made to the department concerning the remediation of a contaminated site. The licensed site remediation professional shall attest that no other person is authorized or able to use any password, encryption method, or electronic signature provided to the licensed site remediation professional by the board or the department. In addition to discharge notification requirements of all applicable statutes, and any rules and regulation promulgated thereunder, any person who obtains specific knowledge that a previously unreported discharge has occurred in any location on a site shall immediately notify the department of the discharge by calling the department’s telephone hotline.

Issue 4: No clear statement that LSRPs and other persons are in violation if they falsify information:

After investigating complaints against LSRPs and finding that an LSRP has made a false or inaccurate certification that work has been conducted in conformance with remediation requirements, the Board identified a need to clarify the certification requirement provisions in SRRA. The Board recommends
changes to certification requirements to state that the LSRP has the responsibility to certify all submissions are true, accurate and complete.

**Recommendation:**

- Add to 14a that person responsible for conducting remediation’s certification must indicate that the information in the submission and all attached documents in compliance with SRRA and is true, accurate, and complete. Add “form” to 14a(2) as it is the most common way information is transmitted to the department.
- Add a provision to 16h prohibiting LSRPs from making false statements or falsifying information during the remediation, to align with the existing authority given to the Board in 17a to take action against same.
- Currently Section 14 includes responsibilities of both LSRPs and persons responsible for conducting remediation (PRCRs); move existing references to LSRP certification from 14.a and 14.b to 16.h, the LSRP code of conduct. Changes to 14.a and 16.h are below, and the change for 14.b is presented in Issue 3 as that issue and the changes are more focused on discharge reporting.

**SRRA Language Change (Proposed):**

**Section 14 of P.L.2009, c.60 (C.58:10C-14a) is amended to read as follows:**

C.58:10C-14. Certification of documents [by site remediation professional]

a. For any site for which a licensed site remediation professional is required to be hired retained pursuant to the provisions of section 30 of P.L.2009, c.60 (C.58:10B-1.3), the person responsible for conducting the remediation shall certify that the remediation described in any document submitted to the department was performed in compliance with the requirements of P.L. 2009, c. 60 (C.58:10C-1 et seq.). The person responsible for conducting the remediation shall certify that the information in the submission and all attached documents is true, accurate, and complete. The licensed site remediation professional shall certify that the work was performed, the licensed site remediation professional managed, supervised, or performed the work that is the basis of the submission, and that the work and the submitted documents are consistent with all applicable remediation requirements adopted by the department.

**Section 16 of P.L. 2009, c. 60 (C.58:10C-16) is amended to read as follows:**

C.58:10C-16. Protection of public health, safety, environment highest priority

h. A licensed site remediation professional shall not certify that the remediation was performed in compliance with the requirements of P.L.2009, c.60 (C.58:10C-1 et seq.), and that any document submitted to the department unless the licensed site remediation professional has managed, supervised or performed the work that is the basis of the submission, or has periodically reviewed and evaluated the work performed by other persons that forms the basis for the information in the submission, or has completed the work of another licensed site remediation professional and has concluded such work is reliable pursuant to subsection f. of this section. A licensed site remediation professional shall not make any false statement, representation, or certification in any form, document or information submitted to the board or the department. A licensed site remediation professional shall certify electronic submissions made to the department concerning the remediation of a site. A licensed site remediation professional shall certify that the information in the submission and all attached documents is true, accurate, and complete. A licensed site remediation professional shall certify that the information in the submission and all attached documents is true, accurate, and complete.
professional shall certify that no other person is authorized or able to use any password, encryption method, or electronic signature provided to a licensed site remediation professional by the board or the department.

**Issue 5: Administrative violations clarification**

Need to clarify that remediation must be in compliance with all applicable statutes, rules and regulations, including administrative ones.

**SRRA Language Change (Proposed):**

Section 14c of P.L.2009, c.60 (C.58:10C-14c(2)) is amended to read as follows:

C.58:10C-14 Certification of documents; reporting discharges; remediation requirements [by site remediation professional]

c. The licensed site remediation professional shall employ the following remediation requirements in providing professional services for the remediation of contaminated sites:

(2) A licensed site remediation professional shall apply the following regulations:


(b) mandatory remediation timeframes and expedited site specific timeframes adopted by the department pursuant to section 28 of P.L.2009, c.60 (C.58:10C-28); [and]

(c) presumptive remedies adopted by the department pursuant to section 35 of P.L.1993, c.139 (C.58:10B-12)[.]; and

(d) all other applicable regulations concerning remediation adopted pursuant to law.

Section 14d of P.L.2009, c.60 (C.58:10C-14d is amended to read as follows:

d. Upon completion of the remediation, the licensed site remediation professional shall issue a response action outcome to the person responsible for conducting the remediation when, [in the opinion of ] based on the independent professional judgment of the licensed site remediation professional, the site has been remediated [so that it is] in compliance with P.L.2009, c.60 (C.58:10C-1 et seq.) and all other applicable statutes, [rules and regulations], and is protective of public health and safety and the environment. The licensed site remediation professional shall file the response action outcome with the department when it is issued to the person responsible for conducting the remediation.

**Issue 6: Inconsistent Application of Independent Professional Judgment**: The Board has seen inconsistencies in the approach that LSRPs use to apply professional judgment, and in response, the Board has issued a Statement of Interpretation for the term “Independent Professional Judgment”. The Statement instructs LSRPs in following proper procedures throughout the remediation and when varying from rules or deviating from guidance, and also addresses instances where influence upon an LSRP from other parties is inappropriate and prohibited. Since it is an important principle throughout SRRA, the Board and DOL feel it is necessary to define what was intended in SRRA by the term “Independent Professional Judgment”.

Page 8 of 11
**Recommendation:**

- Add to Section 2 a definition of “Independent Professional Judgment” based on the Board’s Statement of Interpretation.
- Change “professional judgment” to “independent professional judgment” in 14c(4) and add “independent professional judgment” to 14d.

**SRRA Language Change (Proposed):**

**Section 2 of P.L.2009, c.60 (C.58:10C-2) is amended to read as follows:**

C.58:10C-2. Definitions relative to site remediation

As used in sections 1 through 29 of P.L.2009, c.60 (C.58:10C-1 et seq.):

"Independent professional judgement” means the application of the specialized knowledge, skill, education, training and experience of an LSRP to all of the information regarding contamination or environmental conditions at a site to make informed decisions throughout the entire course of the remediation, including determining whether it is appropriate to vary from the technical regulations, propose or implement an alternative remediation standard or screening level, or deviate from technical guidance. Independent Professional Judgment does not prohibit an LSRP from considering the opinions and advice of other site remediation professionals, including department staff, nor does it prohibit consideration of the goals and objectives of other interested parties. The LSRP is ultimately and solely responsible for each of his decisions and actions and may not use independent professional judgment to justify decisions or actions that do not comply with all applicable statutes, regulations, and requirements of the department and the Board or that do not hold as the highest priority the protection of public health and safety and the environment.

**Section 14 of P.L.2009, c.60 (C.58:10C-14) is amended to read as follows:**

C.58:10C-14. Certification of documents; reporting discharges; remediation requirements [by site remediation professional]

c. The licensed site remediation professional shall employ the following remediation requirements in providing professional services for the remediation of contaminated sites:

(4) When there is no specific requirement provided by the technical standards for site remediation adopted by the department, and guidelines issued by the department are not appropriate or necessary, in the independent professional judgment of the licensed site remediation professional…”

d. Upon completion of the remediation, the licensed site remediation professional shall issue a response action outcome to the person responsible for conducting the remediation when, [in the opinion] based on the independent professional judgment of the licensed site remediation professional, the site has been remediated [so that it is] in compliance with P.L.2009, c.60 (C.58:10C-1 et seq.) and all other applicable statutes, rules and regulations, and is protective of public health and safety and the environment…”

**Issue 7: Sustaining the Pool of LSRPs:** The Board proposes minor changes to qualifications for becoming an LSRP to (1) address Board concerns about declining number of future LSRPs and ensure the Board is not excluding otherwise qualified individuals based on degree type or family leave, and (2) identify and evaluate
candidate or existing LSRPs that may have charges against them related to moral turpitude that would preclude them from certain activities.

**Recommendation:**

- Clarify (broaden) types of degrees to meet LSRP eligibility requirements as stated in Section 7.
- Allow for 3 years of NJ experience to occur within last 5 years (current language says 3 years had to be immediately prior to application) so as not to exclude family leave-takers.
- Allow applicant to show/propose alternative experience to satisfy eligibility.
- Add provision regarding moral turpitude/breach of trust, suspension or surrender of other licenses (to identify issues among candidate or existing LSRPs). Modifications made to moral turpitude section to add category related to sexual predator laws.

**SRRA Language Change (Proposed):**

**Section 7 of P.L.2009, c.60 (C.58:10C-7) is amended to read as follows:**

C 58:10C-7. Establishment of licensing program, requirements

d. An applicant for a site remediation professional license shall demonstrate to the board that the applicant:

(1) holds a bachelor's degree or higher in natural, chemical, or other related science, or an engineering degree, [in a discipline related to site remediation], from an accredited institution of higher education, [or has been issued a temporary license to remediate discharges from underground storage tanks only pursuant to subsection d. of section 13 of P.L.2009, c.60 (C.58:10C-13)] and meets the other requirements established in this subsection [and in subsection f. of this section];

(2) has eight years of full-time professional experience, as described in subsection e. of this section, in the field of site remediation, of which five years shall have occurred in New Jersey [immediately] within the five years prior to submission of the application;(3) has a minimum of 5,000 hours of relevant professional experience within the State over the five years immediately prior to submission of the application that is of a professional grade and character that indicates the applicant is competent to issue a response action outcome;

(6) has not been convicted of, or plead guilty to, an environmental crime, any similar or related criminal offense under federal or state law, or any crime involving fraud, breach of trust, theft by deception, forgery, or any offense that would qualify the person for registration pursuant to section 2 of P.L. 1994, c. 133 (C.2C:7-2) or an equivalent statute of another state or jurisdiction, or any other crime or offense of moral turpitude, or any similar or related offense under federal or state law. For the purposes of this section, a conviction or plea of guilty shall include a non vult, nolo contendere, no contest or finding of guilt by a judge or jury; and

(7) has not had a professional license or certification revoked by any state licensing board or any other professional licensing agency within the previous 10 years, or has not surrendered a professional license or certification in response to a disciplinary investigation within the previous 10 years.

**Issue 8: Clarify LSRPs must retain all records, and Remove Unnecessary Electronic Copy Requirements**
**Recommendation:**

- The suggested change requires records relating to any and all remediation to be maintained.
- Amend requirement for three electronic copies of all records to be only one electronic copy of all records. This is an unnecessary and irrelevant requirement.

**SRRA Language Change (Proposed):**

Section 20 of P.L.2009, c.60 (C.58:10C-20) is amended to read as follows:

C.58:10C-20. Maintenance of data, documents, information

A licensed site remediation professional shall maintain and preserve all data, documents and information concerning remediation [activities at each contaminated site] the licensed site remediation professional has worked on, including but not limited to, technical records and contractual documents, raw sampling and monitoring data, whether or not the data and information, including technical records and contractual documents, were developed by the licensed site remediation professional or the licensee's divisions, employees, agents, accountants, contractors, or attorneys, that relate in any way to the contamination at the site. [Three]One electronic [copies] copy of the records shall be submitted to the department at the time the response action outcome is filed with the department.

**Issue 9: Remove References to Former Temporary Licensing Program**

**Recommendation:**

- Delete references to Temporary License program. This is an outdated reference to an obsolete program.
- Remove from definitions in Section 2 of P.L. 2009, c.60 (C.58:10C-2) and delete Section 12 of P.L.2009, c.60 (C.58:10C-12) and Section 13 of P.L.2009, c.60 (C.58:10C-13) in their entirety.