

SRPL Board Complaint No. 010-2023

DISPOSITION

Based on its investigation and findings, the Site Remediation Professional Licensing Board (“Board”) voted to resolve the complaint with a finding that the subject of the complaint did not violate the provisions of the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) or the SRPL Board Rules (N.J.A.C. 7:26I) alleged in the complaint and referenced below.

ISSUE

A site owner complained that a Company was hired to remove a 550-gallon waste oil underground storage tank (“UST”) in 2018. The Company did not submit a Site Investigation Report to the New Jersey Department of Environmental Protection (“NJDEP”) within one year of removing the UST. The Complainant further alleged that the Company and the previous site owner refused to provide documentation to the Complainant’s Licensed Site Remediation Professional (LSRP), and that no LSRP was retained at the time of the tank removal.

The Company stated that it removed the UST and collected soil samples under the oversight of an LSRP. The Company claimed that they were supposed to have been paid by the new site owner to complete the Site Investigation Report but were not, and due to this non-payment they withheld providing documentation to the new site owner and their retained LSRP.

FINDINGS

The Board determined that the Company that is the subject of the complaint did not violate any provisions of the Site Remediation Reform Act or the rules governing LSRPs. The dispute between the parties was contractual in nature and outside the jurisdiction of the Board. The Board determined that an LSRP did oversee the remediation conducted by the Company, but did so inadequately, which prompted a new complaint against the LSRP that oversaw the remediation.

RELATED COMPLAINT

During the investigation, the Board decided to pursue a new complaint against the LSRP who oversaw the Company’s remediation activities at the site. That complaint resulted in findings of multiple violations, including failure to notify the New Jersey Department of Environmental Protection of retention, inadequate oversight of remediation activities, and failure to report a discharge.