

DISPOSITION

The Site Remediation Professional Licensing Board (“Board”) reviewed the allegations in the complaint and decided to dismiss the complaint without further investigation because the complaint did not allege, and the Board preliminary investigation did not identify, any potential violations of the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) (“SRRA”) or any rule, regulation or order adopted or issued pursuant thereto.

ISSUE

This complaint was received from a homeowner who was contacted by the Subject of the Complaint (“Subject”) in a mass mailing to 15 residents regarding potential contamination of their private potable water wells by a leaking septic system. The letter from the Subject was sent on November 30, 2020, at which time he was an LSRP. His license has since expired.

The basis of the complaint is the Complainant’s objection to the Subject notifying him and neighboring residents that their wells are or may be contaminated by a leaking residential septic system.

The Complainant stated that “unless it is under the purview of a New Jersey LSRP to be policing septic system and wells in residential neighborhoods, [the Subject] acted outside of the scope of the Site Remediation Reform Act and his license. Furthermore, there was no data or other information to suggest that any serious problem existed with wells in the neighborhood.”

INVESTIGATION

The Professional Conduct Committee appointed a Complaint Review Team to review the complaint and conduct a preliminary investigation to identify if there were any potential violations of the SRRA or any rule, regulation or order adopted or issued pursuant thereto which the Complainant had not identified. The Complaint Review Team reviewed the material presented by the Complainant and information in the Department database. In addition, the Complaint Review Team followed up on a call to the DEP Hotline that the Subject made regarding this contamination in October 2020. According to the DEP record, the “caller wishes to report an IEC of bacterial contamination to a water supply ... Caller alleges a series of septic systems and drinking wells have malfunctioned in the area causing well contamination to approximately 15 households/0 businesses in the area. Substances include ‘total coliform’ and ‘parvob19’ (no measurements given). ... Reporting party would like a case manager assigned.”

Contamination of ground water with sewage due to malfunctioning individual subsurface sewage waste disposal systems (septic systems) described in the Subject's November 30, 2020 letter and October 2020 call to the Hotline is not an Immediate Environmental Concern ("IEC") under the SRRA and applicable regulations. The Subject's call to the Hotline was referred to the Bureau of Safe Drinking Water, which referred it to the County Health Department.

FINDINGS

The Board made the determination to dismiss the complaint without further investigation since the facts stated in the complaint do not constitute a violation of the SRRA or any rule, regulation, or order adopted or issued pursuant thereto over which the Board has jurisdiction.