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New Jersey Site Remediation Professional Licensing Board

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January 7, 2025

Board Determination and Offer of Settlement

By Email

Mark Annis
ANCO Environmental Services, Inc.
One Russo Place
Berkeley Heights, NJ 07922

RE: In the matter of Mark Annis, LSRP 668727
SRPL Board Complaint 003-2024

Dear Mr. Annis:

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 Complaint 003-2024 initiated by the New Jersey Department of Environmental Protection Contaminated Site Remediation and Redevelopment Program (“Department”) based on the remediation work you conducted at PI 001772. The Board found that you failed to make the notification as required by N.J.A.C. 7:26I-6.8(c). This provision requires LSRPs to notify the person responsible for conducting the remediation and the Department in writing when in the LSRP’s professional judgment based on site history any one or more applicable mandatory or expedited site-specific timeframes referenced in N.J.A.C. 7:26C-3 is unlikely to be met.

Board Determination

The Board has determined that you violated N.J.A.C. 7:26I-6.8(c) in one instance in which you failed to submit a notification to the Department for a missed mandatory timeframe. Specifically, you failed to notify the Department that the Remedial Action Mandatory Timeframe Date of February 28, 2024 would not be met.

Penalties

The Board finds that this violation is a Category 1 first violation pursuant to the Board's policy as set forth in the guidance document "Using Categories of Misconduct and Applying Board Discretion To Assess a Civil Administrative Penalty When Finding a Violation" and intends to assess a civil administrative penalty in the amount of \$250.00 for the violation. The Board's intended assessment is in accordance with the aforementioned guidance, which permits considering mitigating factors for calculating the amount of an administrative penalty.

Offer of Settlement

As a result of the foregoing, the Board will pursue formal disciplinary proceedings against you for the violation to assess the above referenced penalties for these violations. Notwithstanding this decision, the Board has determined that it will first offer you an opportunity to settle this violation before instituting formal disciplinary proceedings if you consent to the following terms:

Agree to pay a civil administrative penalty in the amount of \$200.00, which is 80% of the civil administrative penalty of \$250.00 the Board intends to assess in formal disciplinary proceedings. Payment to "Treasurer, State of New Jersey" shall be made by electronic payment, through arrangement with the SRPL Board.

If we are unwilling or unable to settle this matter, the Board will pursue formal disciplinary proceedings for this violation pursuant to N.J.S.A. 58:10C-17.f. to assess the above referenced penalties and you will be afforded an opportunity to request a hearing regarding this matter. 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. The Board reserves its right to amend its findings and conclusions based on further review or investigation if this matter is not settled.

If you elect to settle this matter, you must sign the attached Acknowledgement and Acceptance of Board Offer of Settlement and return it along with payment to the Board within thirty-five (35) days following your receipt of this Board Determination and Offer of Settlement. 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 document. 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 pursue formal disciplinary proceedings.

Should you have any questions concerning this Board Determination and Offer of Settlement or the Acknowledgement and Acceptance of Board Offer of Settlement, you may contact the SRPL Board at 609-984-3424 or SRPLBoardContact@dep.nj.gov or seek the advice of your legal counsel. This Board Determination and Offer of Settlement does not constitute a formal enforcement order, a final agency action or a final legal determination that may be appealed or contested. Please note that the Board Determination and Offer of Settlement and this Acknowledgement and Acceptance of Board Offer of Settlement are public documents.

Sincerely,

Joann Held

Joann Held, Vice-Chairperson
Site Remediation Professional Licensing Board

Enc: Acknowledgement
Exhibit A

ACKNOWLEDGEMENT and ACCEPTANCE OF BOARD OFFER OF SETTLEMENT

I, Mark Annis, hereby acknowledge that I have reviewed the attached January 7, 2025 Board Determination and Offer of Settlement and the settlement offer of the Board set forth therein.

I acknowledge the conduct which has been charged. I accept the settlement offer of the Board and agree to the following to settle the violation addressed in the January 7, 2025 Board Determination and Offer of Settlement pursuant to the following terms:

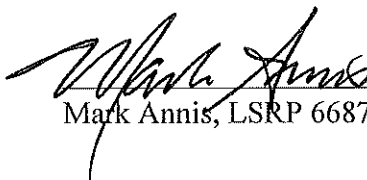
Immediate payment of a civil administrative penalty of \$200.00.

I acknowledge that if I fail to perform any of the foregoing settlement terms the Board may terminate or enforce this settlement agreement upon 30 days prior written notice to me.

I am aware that by signing this Acknowledgement and Acceptance of Board Offer of Settlement I have entered into a binding settlement agreement and I am waiving any rights I may have to an administrative hearing for the matters addressed in the Board Determination and Offer of Settlement and this Acknowledgement and Acceptance of Board Offer of Settlement. I am aware that the findings of the Board in connection with this matter are a matter of public record and that this Board Determination and Offer of Settlement and this Acknowledgement and Acceptance of Board Offer of Settlement are public documents.

Dated: _____

2/9/25



Mark Annis, LSRP 668727