



State of New Jersey  
SITE REMEDIATION PROFESSIONAL LICENSING BOARD

401 East State Street  
P.O. Box 420 – Mail Code 401-06  
Trenton, NJ 08625-0420  
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PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

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Ira Whitman

**IN THE MATTER OF** : **SETTLEMENT AGREEMENT**  
**JAMES MACK** : **RE: NOTICE OF CIVIL**  
**LSRP #576435** : **ADMINISTRATIVE**  
: **PENALTY ASSESSMENT**

This Settlement Agreement (“Agreement”) is made between the Site Remediation Professional Licensing Board (“Board”) and James Mack (collectively, the “Parties”) and shall be effective upon the date of the last signature set forth below (“Effective Date”).

FINDINGS

1. On July 25, 2012, the Board issued license #576435 to Mr. Mack to practice as a licensed site remediation professional.
2. On January 15, 2015, L.A. Piccirillo, Inc. retained Mr. Mack as the licensed site remediation professional to remediate the L.A. Piccirillo, Inc. site, which is located at 10-12 Richards Street, Newark, Essex County, New Jersey (“the Site”). The New Jersey Department of Environmental Protection has identified the Site with Program Interest Number 026207.
3. On December 17, 2015, the Department filed a complaint with the Board regarding Mr. Mack’s remediation of the Site.
4. On April 21, 2016, Mr. Mack submitted to the Board a response to the Department’s complaint.

5. The Board investigated the complaint and at its meeting on October 17, 2016, found that Mr. Mack violated the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq.; specifically, N.J.S.A. 58:10C-16.a., N.J.S.A. 58:10C-16.i. and N.J.S.A. 58:10C-16.b. and assessed penalties against him of \$5,000.00, \$1,000.00 and \$1,000.00, respectively, for said violations.
6. On May 1, 2018, the Board issued a Notice of Civil Administrative Penalty Assessment (“Notice”) to Mr. Mack pursuant to N.J.S.A. 58:10C-17.f. for the above referenced violations.
7. On May 24, 2018, Mr. Mack filed a written request for an administrative hearing. The request for an administrative hearing indicated a willingness to negotiate a settlement with the Board.
8. On May 31, 2018, the Board granted Mr. Mack’s request for an administrative hearing.
9. Pending the hearing, the Parties have negotiated in good faith and reached an agreement to amicably settle the penalties assessed against Mr. Mack in the Notice of Civil Administrative Penalty Assessment on the terms and conditions set forth in this Settlement Agreement, as follows:

The \$7,000.00 penalty assessed under the Notice for the violations of the provisions of the SRRA is hereby reduced to \$2,000.00 as follows:

- a. The violation of N.J.S.A. 58:10C-16.a. noted in paragraph 28 of the Notice and the associated \$5,000.00 penalty are withdrawn. Although the findings that Mr. Mack did not adequately delineate ground water and investigate potential vapor intrusion are unchanged, the Board reexamined the justification and support for his line of reasoning throughout the remediation at the Site and determined that no violation of N.J.S.A. 58:10C-16.a. occurred;
- b. The violation of N.J.S.A. 58:10C-16i. noted in paragraph 28 of the Notice and the associated \$1,000.00 penalty are unchanged; and
- c. The violation of N.J.S.A. 58:10C-16.b. noted in paragraph 28 of the Notice and the associated \$1,000.00 penalty are unchanged.

## SETTLEMENT

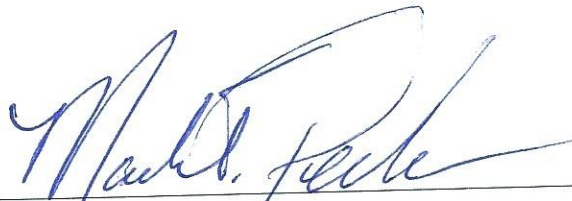
10. NOW, THEREFORE, in consideration of the foregoing, and in order to amicably resolve this matter without trial or adjudication, and intending to be bound hereby, the Parties agree to settle the Notice of Civil Administrative Penalty Assessment and the issues raised in Mr. Mack's request for an administrative hearing.
11. Within 35 days of receipt of this document, Mr. Mack shall pay the sum of \$2,000.00 by check payable to the Treasurer, State of New Jersey as full satisfaction of the penalties assessed in the Notice of Civil Administrative Penalty Assessment. Mr. Mack shall mail or otherwise deliver the payment to:

Janine MacGregor, Executive Director  
Site Remediation Professional Licensing Board  
c/o New Jersey Department of Environmental Protection  
Site Remediation and Waste Management Program  
Office of the Assistant Commissioner  
P.O. Box 420  
Mail Code 401-06  
401 East State Street  
Trenton, N.J. 08625-0420
12. No modifications or waiver of this Agreement shall be valid except by written amendment to this Agreement duly executed by the Parties.
13. This Agreement shall be governed and interpreted under the laws of the State of New Jersey.
14. This Agreement represents the entire integrated agreement between the Parties concerning resolution of the Notice of Civil Administrative Penalty Assessment and the issues raised in Mr. Mack's request for an administrative hearing, and supersedes all prior negotiations, representations or agreements, either written or oral, unless otherwise specifically provided herein. Upon execution of this Settlement Agreement, Mr. Mack's request for an adjudicatory hearing shall be considered withdrawn with prejudice.
15. This Agreement may be signed and dated in counterparts, each of which shall be an original, and such counterparts shall together be one and the same Agreement.

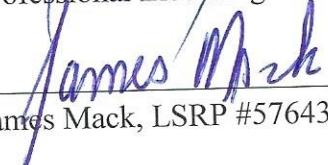


16. By entering into this Agreement, Mr. Mack acknowledges the conduct but does not admit to any fault or liability.

DATE: 4-30-19

  
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Mark J. Pedersen, Chairperson  
New Jersey Site Remediation  
Professional Licensing Board

DATE: 6/26/19

  
\_\_\_\_\_  
James Mack, LSRP #576435