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Governor

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Lt. Governor



New Jersey Site Remediation Professional Licensing Board

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October 8, 2025

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Board Determination and Offer of Settlement

By Email sshukaitis@preferredtank.com

Stephen Shukaitis
Preferred Environmental Services, LLC
177 Sargeant Avenue
Clifton, NJ 07013

RE: In the Matter of Stephen Shukaitis, LSRP 573780
SRPL Board Complaint 005-2025

Dear Mr. Shukaitis:

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 005-2025, initiated by the New Jersey Department of Environmental Protection based on the remediation work you conducted at PI 017453.

Board Determination

The Board has determined that you violated the following regulations:

1. N.J.A.C. 7:26I-6.3(a) which states, "an LSRP shall know and apply the applicable statutes, rules, regulations, and appropriate guidance concerning the remediation of contaminated sites." You violated this provision by failing to fully delineate the horizontal and vertical extent of all soil contamination that is associated with a site related area of concern in both the saturated and unsaturated soil, failing to delineate the horizontal and vertical extent of free product and residual product in both the saturated and unsaturated zones and failing to run contingency analysis when EPH exceeded the threshold of 1,000 mg/kg. Additionally, you failed to file a deed notice when remaining soil was expected to exceed residential direct contact standards, failed to obtain and comply with a remedial action permit for a restricted use or limited

restricted use remedial action and failed to provide the property owner's written agreement to record the deed notice.

2. N.J.A.C. 7:26I-6.3(d) which states "an LSRP shall exercise reasonable care and diligence, and shall apply the knowledge and skill ordinarily exercised by LSRPs in good standing practicing in the State at the time the services are performed." You violated this provision by submitting incomplete and contradictory reports which had missing tables, figures and attachments and presented unclear or absent sample data, did not disclose that the underground storage tank and soil had been removed by another party, and failed to correct the deficiencies identified by the Department as no response was provided to the Department's comments dated May 23, 2024.
3. N.J.A.C. 7:26I-6.5 which states "an LSRP retained by a person responsible for conducting the remediation shall submit an LSRP Notification of Retention or Dismissal through the Online Business Portal no later than 15 days after the person responsible for conducting the remediation retains the LSRP." You violated this provision by submitting a retention form on April 10, 2018 with a retention date of November 20, 2017. The UST closure activities were conducted following NJDEP approval via closure - Notice of Intent submitted on August 21, 2017. On August 21, 2017, you commenced closure activities associated with the UST and should have retained at this time.
4. N.J.A.C. 7:26I-6.24(d) which states, "an LSRP shall not knowingly make any false statement, representation, or certification in any document or information submitted to the Board or the Department." You violated this provision by falsely certifying and submitting the RIR and RAR without obtaining or submitting the property owner's written consent to record the deed notice. Specifically, the RIR states, "A Remedial Action Permit for soils is currently pending approval/authorization from the current property owner." This was not pending approval as there is no evidence that the property owner was agreeable to consenting to the deed notice. The RIR and RAR should not have been certified and submitted without the property owner's consent for the deed notice.

Penalties

The Board finds that the violations of N.J.A.C. 7:26I-6.3(a) and N.J.A.C. 7:26I-6.3(d) are Category 2 first violations 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" which specifies a penalty in the amount of \$1,500.00 for each of these violations. The Board finds that the violation of N.J.A.C. 7:26I-6.5 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" which specifies a penalty in the amount of \$500.00 for this violation. The Board finds that the violation of N.J.A.C. 7:26I-6.24(d) is a Category 3 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" which specifies a penalty in the amount of \$4,500.00 for this violation.

The Board acknowledges that this case presented numerous challenges and that you made a concerted effort to complete the remediation, including by agreeing to re-retain as LSRP at the site following discussion with the Board in 2023 to conduct further sampling in an effort to close out the case and cooperating with the CRT in the investigation of the complaint. Therefore, due to these mitigating circumstances, the Board will deduct \$500.00 from violations 6.3(a) and 6.3(d) and 6.24(d) for a total deduction of \$1,500.00. With these deductions, the total penalty amount is \$6,500.00. 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 above violations 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 these violations before instituting formal disciplinary proceedings if you consent to the following terms:

Agree to pay a civil administrative penalty in the amount of \$5,200.00, which is 80% of the civil administrative penalty of \$6,500.00 the Board intends to assess in formal disciplinary proceedings. Payment to "Treasurer, State of New Jersey" shall be made through arrangement with the SRPL Board.

If we are unwilling or unable to settle this matter, the Board will pursue formal disciplinary proceedings for these violations 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)

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Stephen Shukaitis
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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,

A handwritten signature in black ink, appearing to read "Paul Hauge", written in a cursive style.

Paul Hauge, Chairperson
Site Remediation Professional Licensing Board

Enc: Acknowledgement

ACKNOWLEDGEMENT and ACCEPTANCE OF BOARD OFFER OF SETTLEMENT

I, Stephen Shukaitis, hereby acknowledge that I have reviewed the attached October 8, 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 violations addressed in the October 8, 2025 Board Determination and Offer of Settlement pursuant to the following terms:

Immediate payment of a civil administrative penalty of \$5,200.00.

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: _____

10/22/25



Stephen Shukaitis, LSRP 573780