

## Connie Valenti

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**From:** Robin Greenwald  
**Sent:** Monday, August 2, 2021 3:17 PM  
**To:** Connie Valenti  
**Cc:** Tom Bocko  
**Subject:** 40 Russo Pl  
**Attachments:** 40 Russo Pl DEP info on line violations.pdf

Connie,

I found the attached information on the DEP website. I called and left a voicemail with my email as directed and hope to find out more.

The attached information indicates that previous violations are still pending and mention an "LOI appeal which is pending in OAL and ADR".

Ray Sullivan and Steve Warner may want to see the attached.

Robin

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Township of Berkeley Heights  
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**Violations at the ANCO ENVIRONMENTAL SERVICES INC Site - ID Number: 577444  
discovered between 1/2/2014 and 8/2/2021**

Aug 02, 2021 02:46

**NOTE:** The information contained in this report will be limited to the date each program began using the Department's integrated database, NJEMS. The programs began using the system for this information as follows: Air - 10/1998; Hazardous Waste - 1/2000; Water Quality - 7/2000; Water Supply (limited information for Safe Drinking Water and Water Allocation) - 7/2000; Lab Certification (limited information) - 7/2000; Right To Know - 11/2000; TCPA - 12/2001; Land Use 12/2001; DPCC - 1/2002; Solid Waste - 1/2002 and Pesticides - 4/2002; Site Remediation - 3/2003 and Radiation (limited information) - 7/2006. For complete information prior to these dates, please submit an official OPRA request form to the Department. If printing this report, select landscape orientation.

**Disclaimer:** All listed violations have been included in Effective enforcement actions. This report lists alleged violations based on facts and information known to the Department at the time the violation information was determined. Errors or omissions in the factual basis for any violation may result in a future change in classification as a violation when such information becomes known. Persons cited for violations may contest the Department's enforcement action or penalty assessment. The resultant final decision may uphold, negate or modify the original violation findings or penalty.

<b>Program Description:</b>	Land Use	<b>Program Interest Type:</b>	COASTAL AND LAND I
<b>Program Interest Name:</b>	ANCO ENVIRONMENTAL SERVICES INC		
<b>Location Address:</b>	40 RUSSO PLACE		
<b>Activity Number:</b>	PEA 190001	<b>Program Interest ID:</b>	2001-16-0004.1
<b>Document Type:</b>	NOV		
<b>Responsible Organization:</b>	40 RUSSO PLACE LLC		

Description of Non-compliance	Discovery Activity Number	Discovery Date	Violated Citation	Violation Status	Compliance Due Date	Compliance Achieved Date	Severity	MMR	Related Inspection	Related Enf Actions
The performance of unauthorized regulated activities within a regulated area without the required permit authorization. The regulated activities include the unauthorized placement of a 48" diameter corrugated pipe within approximately 440 linear feet a tributary of the Robbins Avenue Branch. The piping has impacted approximately 146.7 cubic yards of the channel/floodway associated with said tributary.	INV 190001	2/6/19	[N.J.A.C. 7:13-2.1 (a)]	Pending					Inspection Info	Enforcement Actions Info
the unauthorized placement of material within State open waters. More specifically, the activity involves the unauthorized placement of a 48" diameter corrugated pipe within approximately 440 linear feet a tributary of the Robbins Avenue Branch.	INV 190001	2/6/19	[N.J.A.C. 7:7A- 2.1(a)]	Pending	5/12/19				Inspection Info	Enforcement Actions Info

Inspection Summary Report for ANCO ENVIRONMENTAL SERVICES INC - Activity  
Number INV 190001

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Disclaimer: Only final inspection reports are listed in this report. Inspections for which a report has not been finalized by the Department will not appear in this report. Also, inspections which yield violations but where the inspected entity has not yet been notified of the violation are not listed in this report. For inspections indicating Out of Compliance, this means that violations were observed during the inspection, based on facts and information known to the Department at the time of the inspection. Errors or omissions in the factual basis for any violation may result in a future change in classification as a violation when such information becomes known.

Activity Number: INV 190001

Inspection Type: Incident Investigation

Program Interest ID: 2001-16-0004.1

Inspection Start Date: 2/6/19

End Date: 2/6/19

Lead Investigator: Sumba, David

Program Interest Name: ANCO ENVIRONMENTAL SERVICES INC

Address: 40 RUSSO PLACE

Berkeley Heights Twp

NJ

07922

County: Union - Berkeley Heights Twp

Block(s) and Lot(s): Block 1901 Lot 40

**Comments:**

A scheduled site meeting was coordinated with the above listed individuals. The site serves a garage and storage/staging facility for Anco Environmental Inc, a UST contractor whose office is located at different property on the opposite side of Russo Place. The site is a 1.46 acre parcel that is situated near the middle of Berkeley Heights Twp, approx 1/2 mile southeast from the downtown center. Cloudy wx conditions noted during the inspection w/a temp estimated near 40F.

The matter is the subject of an LOI appeal which is pending in OAL and ADR. The appeal involves a watercourse that was piped for 440 LF between the 2002 and 2007 aeriels. In the appeal, the property owner/applicant - Anco Environmental is contesting DLUR's determination that a regulated SOW exists along the NW property line.

According to Mr. Annis (President of Anco Environmental), a 48" diameter plastic corrugated pipe was installed w/in the subject watercourse. The watercourse in question is a tributary of the Robbins Avenue Branch. The impact associated w/the unauthorized piping is estimated at 440' L X 3' (Avg W) = 1,320 ft<sup>2</sup> X 3' (Avg Z) = 3,960 ft<sup>3</sup>/27 = 146.7 yds<sup>3</sup>.

Mr. Annis has indicated a willingness to settle the DLUR appeal and enter into an ACO w/CLUE to address the SOW violation. Therefore, I recommend the issuance of an NOV for the unauthorized piping as a matter of formality prior to the ACO.

Subject Item: LFOW 0 - FWV Open water/waters of the State regulated activities

Requirement Description	Compliance Status	Compliance Comments	Grace Days	Non Minor Reason	Requirement Source
a person proposing to discharge dredged or fill material into State open waters shall apply to the Department for a Statewide general permit authorization or an Individual open water fill permit. [N.J.A.C. 7:7A-2.1(a)]	Out of Compliance	the unauthorized placement of material within State open waters. More specifically, the activity involves the unauthorized placement of a 48" diameter corrugated pipe within approximately 440 linear feet a tributary of the Robbins Avenue Branch.			Rules

Subject Item: LSRA 0 - SE-regulated activities

Requirement Description	Compliance Status	Compliance Comments	Grace Days	Non Minor Reason	Requirement Source
<p>No person shall engage in a regulated activity in a regulated area without a flood hazard area permit as required by this chapter, or a coastal permit as required by N.J.A.C. 7:7 and 7:7E. [N.J.A.C. 7:13-2.1(a)]</p>	<p>Out of Compliance</p>	<p>The performance of unauthorized regulated activities within a regulated area without the required permit authorization. The regulated activities include the unauthorized placement of a 48" diameter corrugated pipe within approximately 440 linear feet a tributary of the Robbins Avenue Branch. The piping has impacted approximately 146.7 cubic yards of the channel/floodway associated with said tributary.</p>			<p>Rules</p>





**Violations at the BARKER BUS CO Site - ID Number: 50496 discovered between 5/3/2000 and 8/3/2021**

Aug 03, 2021 05:23

**NOTE:** The information contained in this report will be limited to the date each program began using the Department's integrated database, NJEMS. The programs began using the system for this information as follows: Air - 10/1998; Hazardous Waste - 1/2000; Water Quality - 7/2000; Water Supply (limited information for Safe Drinking Water and Water Allocation) - 7/2000; Lab Certification (limited information) - 7/2000; Right To Know - 11/2000; TCPA - 12/2001; Land Use 12/2001; DPCC - 1/2002; Solid Waste - 1/2002; Site Remediation - 4/2002; Site Remediation - 3/2003 and Radiation (limited information) - 7/2006. For complete information prior to these dates, please submit an official OPRA request form to the Department. If printing this report, select landscape orientation.

**Disclaimer:** All listed violations have been included in Effective enforcement actions. This report lists alleged violations based on facts and information known to the Department at the time the violation information was determined. Errors or omissions in the factual basis for any violation may result in a future change in classification as a violation when such information becomes known. Persons cited for violations may contest the Department's enforcement action or penalty assessment. The resultant final decision may uphold, negate or modify the original violation findings or penalty.

<b>Program Description:</b>	Hazardous Waste	<b>Program Interest Type:</b>	SRP-PI
<b>Program Interest Name:</b>	40 RUSSO PLACE	<b>Activity Number:</b>	PEA 110001
<b>Location Address:</b>	40 RUSSO PL	<b>Document Type:</b>	AO Delivery Ban/Cease Use
<b>Responsible Organization:</b>	ANNIS FUEL OIL SERVICES INC	<b>Program Interest ID:</b>	013149

Description of Non-compliance	Discovery Activity Number	Discovery Date	Violated Citation	Violation Status	Compliance Due Date	Compliance Achieved Date	Severity	MMR	Related Inspection	Related Enforcement Actions
A person or business firm introduced hazardous substances into an UST system which is known to be or suspected to be leaking or discharging hazardous substances.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-3.9 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure of the owner and operator to maintain evidence of financial assurance.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-15.1 (b)]	Pending	5/15/13				Inspection Info	Enforcement Actions Info
Failure of the Owner/Operator to maintain records.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-6.7 (f)]	Pending	4/22/13				Inspection Info	Enforcement Actions Info
Failure of the Owner/Operator to perform an acceptable method of release detection monitoring for the tanks and/or underground piping.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-6.1 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure to have Financial Responsibility Assurance Mechanism as required.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-15.2 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure to make the Registration Certificate available.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-2.6 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure to properly register all regulated tanks with the Department.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-2.1 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure to provide overflow prevention for all tanks. (List tanks without overflow protection)	SCI 110001	7/7/11	[N.J.A.C. 7:14B-4.1 (a)3ii]	Pending	4/15/13				Inspection Info	Enforcement Actions Info

Description of Non-compliance	Discovery Activity Number	Discovery Date	Violated Citation	Violation Status	Compliance Due Date	Compliance Achieved Date	Severity	MMR	Related Inspection	Related Enf Actions
Fill Ports are not marked according to the API code #1637.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-5.8]	Pending	5/15/13				Inspection Info	Enforcement Actions Info
Not all of the in-service steel tanks have corrosion protection.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-4.1 (a)1]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Release Response Plan not available for the inspection.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-5.5 (b)]	Pending	5/15/13				Inspection Info	Enforcement Actions Info
Spill Catchment Basins (Spill Buckets) are not at each fill pipe.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-4.1 (a)3]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
The Owner/Operator is not inspecting and cleaning all STP, dispenser and piping sumps, spill buckets and catchment basins every thirty (30) days.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-5.1 (d)]	Pending	4/30/13				Inspection Info	Enforcement Actions Info
The Owner/Operator is using regulated tanks without a valid registration certificate issued by the Department.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-2.1 (c)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info

Activity Number: PEA 120001  
Document Type: NOV  
Responsible Organization: ANNIS FUEL OIL SERVICES INC

Program Interest ID: 013149

Description of Non-compliance	Discovery Activity Number	Discovery Date	Violated Citation	Violation Status	Compliance Due Date	Compliance Achieved Date	Severity	MMR	Related Inspection	Related Enf Actions
A person or business firm introduced hazardous substances into an UST system which is known to be or suspected to be leaking or discharging hazardous substances.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-5.9 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure of the owner and operator to maintain evidence of financial assurance.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-15.1 (b)]	Pending	5/15/13				Inspection Info	Enforcement Actions Info
Failure of the Owner/Operator to maintain records.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-6.7 (b)]	Pending	4/22/13				Inspection Info	Enforcement Actions Info
Failure of the Owner/Operator to perform an acceptable method of release detection monitoring for the tanks and/or underground piping.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-6.1 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure to have Financial Responsibility Assurance Mechanism as required.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-15.2 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure to make the Registration Certificate available.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-2.6 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure to properly register all regulated tanks with the Department.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-2.1 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure to provide overflow prevention for all tanks. (List tanks without overflow protection)	SCI 110001	7/7/11	[N.J.A.C. 7:14B-4.1 (a)3H]	Pending	4/15/13				Inspection Info	Enforcement Actions Info

Description of Non-compliance	Discovery Activity Number	Discovery Date	Violated Citation	Violation Status	Compliance Due Date	Compliance Achieved Date	Severity	MMR	Related Inspection	Related Enf Actions
Fill Ports are not marked according to the API code #1637.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-5.8]	Pending	5/15/13				Inspection Info	Enforcement Actions Info
Not all of the in-service steel tanks have corrosion protection.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-4.1 (a)1]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Release Response Plan not available for the inspection.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-5.5 (b)]	Pending	5/15/13				Inspection Info	Enforcement Actions Info
Spill Catchment Basins (Spill Buckets) are not at each fill pipe.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-4.1 (a)3i]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
The Owner/Operator is not inspecting and cleaning all STP, dispenser and piping sumps, spill buckets and catchment basins every thirty (30) days.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-5.1 (d)]	Pending	4/30/13				Inspection Info	Enforcement Actions Info
The Owner/Operator is using regulated tanks without a valid registration certificate issued by the Department.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-2.1 (c)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info

Activity Number: PEA 120002  
Document Type: AONOCAPA  
Responsible Organization: ANNIS FUEL OIL SERVICES INC

Program Interest ID: 013149

Description of Non-compliance	Discovery Activity Number	Discovery Date	Violated Citation	Violation Status	Compliance Due Date	Compliance Achieved Date	Severity	MMR	Related Inspection	Related Enf Actions
A person or business firm introduced hazardous substances into an UST system which is known to be or suspected to be leaking or discharging hazardous substances.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-5.9 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure of the owner and operator to maintain evidence of financial assurance.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-15.1 (b)]	Pending	5/15/13				Inspection Info	Enforcement Actions Info
Failure of the Owner/Operator to maintain records.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-6.7 (f)]	Pending	4/22/13				Inspection Info	Enforcement Actions Info
Failure of the Owner/Operator to perform an acceptable method of release detection monitoring for the tanks and/or underground piping.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-6.1 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure to have Financial Responsibility Assurance Mechanism as required.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-15.2 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure to make the Registration Certificate available.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-2.6 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure to properly register all regulated tanks with the Department.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-2.1 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Failure to provide overflow prevention for all tanks. (List tanks without overflow protection)	SCI 110001	7/7/11	[N.J.A.C. 7:14B-4.1 (a)3ii]	Pending	4/15/13				Inspection Info	Enforcement Actions Info

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Not all of the in-service steel tanks have corrosion protection.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-4.1 (a)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
Release Response Plan not available for the inspection.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-5.5 (b)]	Pending	5/15/13				Inspection Info	Enforcement Actions Info
Spill Catchment Basins (Spill Buckets) are not at each fill pipe.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-4.1 (e)3]	Pending	4/15/13				Inspection Info	Enforcement Actions Info
The Owner/Operator is not inspecting and cleaning all STP, dispenser and piping sumps, spill buckets and catchment basins every thirty (30) days.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-5.1 (d)]	Pending	4/30/13				Inspection Info	Enforcement Actions Info
The Owner/Operator is using regulated tanks without a valid registration certificate issued by the Department.	SCI 110001	7/7/11	[N.J.A.C. 7:14B-2.1 (c)]	Pending	4/15/13				Inspection Info	Enforcement Actions Info

