



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WASTE ENFORCEMENT, PESTICIDES & RELEASE PREVENTION
BUREAU OF HAZARDOUS WASTE COMPLIANCE & ENFORCEMENT

PHILIP D. MURPHY
Governor

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

P.O. BOX 420, MAIL CODE 09-03
TRENTON, NJ 08625-0420
TEL. (609) 943-3019
FAX (609) 292-3970

CERTIFIED MAIL/RRR
7003 2260 0001 3058 8386

May 17, 2019

Mr. Gabriel Campoverde
KEILA TRANSPORT LLC
84 Oraton Street
Newark, NJ 07104

**RE: ADMINISTRATIVE ORDER AND NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT
KEILA TRANSPORT LLC
309 HOUSES CORNER ROAD
SPARTA, NJ 0787
EA ID #: PEA180003 - U2844**

Dear Mr. Campoverde:

Enclosed for service upon you is an Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") issued by the Department pursuant to the provisions of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq. The Department may be available to meet informally with the principals of the case to discuss the enclosed enforcement action. Please contact Mr. Ron Feehan of my staff within 30 days upon receipt of this AONOCAPA to arrange for such a meeting or with any questions at (609) 292-3853. Should such a meeting be requested and granted, be advised this does not affect the time frame within which you may request an administrative hearing under the NOTICE OF RIGHT TO A HEARING provision in the enclosed document.

Sincerely,

Michael R. Hastry, Director
Division of Waste Enforcement, Pesticides and
Release Prevention

Enclosure



State of New Jersey

PHIL MURPHY
Governor

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SHEILA OLIVER
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IN THE MATTER OF

KEILA TRANSPORT LLC

**GABRIEL CAMPOVERDE, individually
and as Owner of KEILA TRANSPORT
LLC**

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ADMINISTRATIVE ORDER

AND

**NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT**

EA ID # PEA180003 - U2844

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter "AONOCAPA") is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "NJDEP" or the "Department") by N.J.S.A. 13:1D-1 et seq., and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and the Solid Waste Utility Control Act N.J.S.A. 48:13A-1 et seq., and duly delegated to the Director, Division of Waste Enforcement, Pesticides, and Release Prevention, pursuant to N.J.S.A. 13:1B-4. This notice shall be effective upon receipt by Respondents or someone on the Respondent's behalf authorized to accept service.

FINDINGS

1. KEILA TRANSPORT LLC (KEILA) operates a trucking business with an office address of 84 Oraton Street, Newark, New Jersey 07104. KEILA is owned by GABRIEL CAMPOVERDE (100% equity). KEILA TRANSPORT LLC holds USDOT Registration 2578230 and identifies that it owns thirteen (13) trucks. Hereinafter, KEILA TRANSPORT LLC and GABRIEL CAMPOVERDE shall be referred to as "Respondents."
2. Based upon information and belief, Respondents also own and operate the business at a secondary location identified as 309 Houses Corner Road, Sparta Township, Sussex County, New Jersey.
3. Respondents are associated with another trucking business known as Sinai Trucking, LLC (Sinai), whose Registered Agent and Member, Angel A Bravo-Gomez is also identified as Manager of KEILA. Sinai also lists 84 Oraton Street, Newark, New Jersey as a business address and also maintains a business presence at 309 Houses Corner Road, Sparta Township, Sussex County, New Jersey. Sinai and its Principals are noticed in a separate AONOCAPA issued by the Department.

4. Per N.J.A.C. 7:26-1.4, solid waste construction and demolition debris (solid waste type 13C) is described as follows: "Construction and demolition waste" means waste building material and rubble resulting from construction, remodeling, repair, and demolition operations on houses, commercial buildings, pavements and other structures. The following materials may be found in construction and demolition waste: treated and untreated wood scrap; tree parts, tree stumps and brush; concrete, asphalt, bricks, blocks and other masonry; plaster and wallboard; roofing materials; corrugated cardboard and miscellaneous paper; ferrous and non-ferrous metal; non-asbestos building insulation; plastic scrap; dirt; carpets and padding; glass (window and door); and other miscellaneous materials; but shall not include other solid waste types.
5. Pursuant to N.J.A.C. 7:26-1.4, a "Solid waste facility" means any system, site, equipment or building which is utilized for the storage, collection, processing, transfer, transportation, separation, recycling, recovering or disposal of solid waste.
6. Pursuant to N.J.A.C. 7:26- 2.8(f), no person shall begin construction or operation of a SWF without obtaining a SWF Permit.
7. Pursuant to N.J.A.C. 7:26H-1.4, "Engaged in the business of solid waste" means obligating oneself, through a contract or some other means, to provide collection, transportation, treatment, storage or disposal of solid waste in the State of New Jersey, including employment of a licensed hauler, including a subsidiary, to do the actual collection, transportation, treatment, storage or disposal.
8. As the result of investigations conducted from 02/28/18 through 09/10/18, the Department has determined that Respondents accepted over 50,000 cubic yards of waste construction and demolition debris at their property at 309 Houses Corner Road, Sparta, New Jersey, and was operating this location as a storage and transfer site for waste construction and demolition debris. Specific materials observed consisted of mixed soil, concrete wood, tile and plastic sheeting wastes, brick, block and asphalt. In addition, Respondents arranged for waste loads from this location and possibly other locations unknown, to be transported to, and deposited at a residential property at 12 Hillview Road, Fredon, New Jersey purportedly as 'clean fill' when in fact the material was solid waste.
9. As a result of the above investigations, the Department has determined that Respondents have violated the following requirements:
 - a) **Requirement:** Pursuant to N.J.A.C. 7:26-2.8(f), no person shall begin construction or operation of a solid waste facility without obtaining a SWF Permit unless exempt pursuant to N.J.A.C. 7:26-1.1, 1.7 or 1.8. [N.J.A.C. 7:26-2.8(f)]
Description of Non-Compliance: Respondents operated a solid waste facility at 309 Houses Corner Road, Sparta, New Jersey, without obtaining a SWF Permit.
 - b) **Requirements:**
Pursuant to N.J.A.C. 7:26-16.3(a), no person shall engage or continue to engage in the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste in this State without a license, or without complying with all the provisions of N.J.S.A. 13:1E-126 et seq.

Pursuant to N.J.A.C. 7:26H-1.6(a), no person shall engage in the business of solid waste collection or solid waste disposal as defined by N.J.S.A. 48:13A-3 unless such person is the holder of a certificate of public convenience and necessity issued by the Department. Description of Non-Compliance: By operating an unpermitted solid waste facility and arranging for the transport and deposition of solid wastes, Respondents engaged in the business of solid waste transportation, storage, transfer and disposal in this State without the required License and Certificate of Public Convenience and Necessity.

10. Based on the facts set forth in these FINDINGS, the Department has determined that Respondents have violated the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., and the regulations promulgated pursuant thereto, specifically, N.J.A.C. 7:26-2.8(f), N.J.A.C. 7:26-16.3(a), and N.J.A.C. 7:26H-1.6(a).
11. The Department is currently investigating additional instances of potential illegal waste deposition and transportation related to the Respondents and reserves the right to amend this AONOCAPA, including assessment of additional penalties, upon substantiation of these investigations.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

12. Respondents shall comply with the following:
 - a. Immediately cease any and all solid waste facility operations in New Jersey and remove all solid wastes to an approved facility.
 - b. Immediately cease any and all solid waste transportation operations in New Jersey.
 - c. Immediately cease depositing or arranging for the deposition any and all solid waste materials at any locations that are not approved solid waste facilities.
 - d. Immediately cease to engage in the business of solid waste collection and disposal in the state of New Jersey as defined by N.J.S.A 48 3A-3.
 - e. Immediately cease to collect, transport, treat, store, transfer or dispose of solid waste in the State of New Jersey without obtaining a License and complying with all requirements of N.J.A.C. 7:26-16A.1.
 - f. Within thirty (30) days upon receipt of this Order, submit a list of all sites to which Respondents actively transported fill material and/or arranged to have fill material transported to a site.
 - g. Within thirty (30) days upon receipt of this Order, submit a Corrective Action Plan to be approved by the Department to remove and legally dispose of all solid wastes illegally deposited in this State.
 - h. Upon receipt of the Department's written approval of the Corrective Action Plan noted above, complete such plan in accordance with the terms of said approval.

- i. Notwithstanding submission of the above Corrective Action Plan, Respondents shall remove all improperly deposited solid wastes at any and all locations in this State within sixty (60) days upon receipt of this Order.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT
AND
NOTICE OF RIGHT TO A HEARING

13. Pursuant to N.J.S.A. 13:1E-9e and N.J.S.A. 14:13A-12(b), and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against Respondents jointly and severally in the amount of **\$185,000.00**. The Department's rationale for the civil administrative penalty is set forth in the enclosed PENALTY ASSESSMENT WORKSHEETS and incorporated herein.
14. Pursuant to N.J.S.A. 13:1E-1 et seq. the Department may, in addition to any other civil administrative penalty assessed, include as a civil administrative penalty the economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with, the requirements of the Act.
15. Pursuant to N.J.S.A. 48:13-A-1 et seq., should the Department determine a solid waste collector has charged excessive rates, the Department can order the collector to pay a refund to all affected customers.
16. Pursuant to N.J.S.A. 52:14B-1 et seq., and N.J.S.A. 13:1E-9(e), each listed Respondent is entitled to request a hearing. Each Respondent shall, in requesting a hearing, complete and submit the enclosed ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM along with all required information. Submittal or granting of a hearing request does not automatically stay the terms or effect of this AONOCAPA.
17. If no request for a hearing is received within twenty (20) calendar days following receipt of this AONOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable. Where multiple respondents are listed, each individual respondent must submit a hearing request pursuant to the above paragraph or be listed specifically in a joint hearing request. In the event that a listed Respondent fails to request a hearing in accordance with the above, this AONOCAPA shall become a Final Order with respect to that Respondent.
18. If a timely request for a hearing is received, payment of the penalty is due when Respondents receive a notice of the denial of the request, or, if the hearing request is granted, when Respondents withdraw the request or abandon the hearing, or, if the hearing is conducted, when Respondents receive a final decision from the Commissioner in this matter.

19. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

GENERAL PROVISIONS

20. This AONOCAPA is binding on the Respondents, their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
21. No obligations imposed by this AONOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.
22. This AONOCAPA is issued only for the violations identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AONOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.
23. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve the Respondents of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
24. Pursuant to N.J.S.A. 13:1E-9e, NJDEP is authorized to assess a civil administrative penalty of not more than \$50,000 for each violation, and each day during which the violation continues shall constitute an additional, separate and distinct offense.
25. Pursuant to N.J.S.A. 13:1E-9f, any person who violates the provisions of N.J.S.A. 13:1E-1 et seq. or any code, rule, or regulation promulgated pursuant thereto shall be liable to a penalty of not more than \$50,000 per day to be collected in a civil action, and any person who violates an Administrative Order issued pursuant to N.J.S.A. 13:1E-9c, including this Administrative Order, or a Court Order issued pursuant to N.J.S.A. 13:1E-9d, or who fails to pay a civil administrative penalty assessed pursuant to N.J.S.A. 13:1E-9e in full after it is due is subject upon order of a court to a civil penalty not to exceed \$100,000 per day of such violations. Each day during which the violation continues constitutes an additional, separate and distinct offense.

26. Pursuant to N.J.S.A. 13:1E-12, the Department, after hearing may revoke or suspend the registration issued to any person engaged in solid waste collection or solid waste disposal, including hazardous waste collection or disposal, upon a finding that such a person has violated any provision of the Solid Waste Management Act, or any rule, regulation, or Administrative Order, or has violated any provision of the laws related to pollution of the waters, air or land surfaces of the State; or has refused or failed to comply with any lawful order of the Department.
27. Pursuant to N.J.S.A. 13:1E-134(a) and N.J.S.A. 52:14B-1 et seq., the Department may revoke a solid or hazardous waste license based upon an accumulation of refusals or failures to comply with the Solid Waste Management Act, or any code, rule, regulation or Administrative Order which may constitute "unreliability".
28. Pursuant to N.J.S.A. 48:13A-12(b), any person who shall violate any provisions of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., or the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7 et seq., or any rule, regulation or Administrative Order adopted or issued pursuant thereto, including an interdistrict, intradistrict or interstate waste flow order, or who shall engage in the solid waste collection or solid waste disposal business without having been issued a Certificate of Public Convenience and Necessity, shall be liable to a penalty of not more than \$10,000 for a first offense, not more than \$25,000 for a second offense and not more than \$50,000 for a third and every subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.
29. Notice is further given that, pursuant to N.J.S.A. 48:13A-12(c), whenever it shall appear to the Department, a municipality, local board of health, or county health department, as the case may be, that any person has violated, intends to violate, or will violate any provision of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., or the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7.1 et seq., or any rule, regulation or Administrative Order adopted or issued pursuant thereto, the Department, the municipality, local board of health or county health department may institute a civil action in the Superior Court for injunctive relief and for such order relief as may be appropriate in the circumstances and the court may proceed in any action in a summary manner.
30. Notice is further given that, pursuant to the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., specifically N.J.S.A. 48:13A-12(a), any person or officer or agent thereof who shall knowingly violate any of the provisions of this Act or aid or advise in such violation, or who, as principal, manager, director, agent, servant, or employee knowingly does any act comprising a part of such violation, is guilty of a crime of the fourth degree and shall be punished by imprisonment for not more than 18 months or by a fine of not more than \$50,000, or both; and if a corporation by a fine of not more than \$100,000. Each day during which the violation continues constitutes an additional, separate and distinct offense.

31. Notice is further given that, pursuant to N.J.S.A. 48:13A-9, the Department shall revoke or suspend the Certificate of Public Convenience and Necessity issued to any person engaged in the solid waste collection or disposal business upon a finding that such person has violated any provision of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., or the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7.1 et seq., or any rule, regulation or Administrative Order adopted or issued pursuant thereto; or has violated any provision of any laws related to pollution of the air, water or lands of this State; or has refused or failed to comply with any lawful order of the Department; or has had its registration revoked by the Department; or has been denied approval of a license under the provisions of N.J.S.A. 13:1E-126 et seq., or has had its license revoked by the Department as the case may be.

DATE: 5/17/19



Michael R. Hastry, Director
Division of Waste Enforcement, Pesticides and
Release Prevention