



State of New Jersey

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

P.O. BOX 420, MAIL CODE 09-01
TRENTON NJ 08625-0420
TEL. (609) 292-6305
FAX. (609) 292-4539

PHILIP D. MURPHY
Governor

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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May 17, 2019

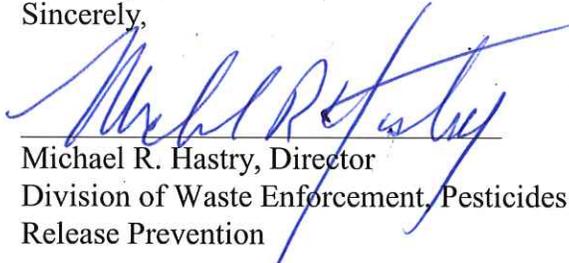
Mr. Angel A. Bravo-Gomez, Owner
Mr. Anthony Gomez, President
Sinai Trucking LLC
698-706 Frelinghuysen Avenue
Newark City, NJ 07069

**RE: ADMINISTRATIVE ORDER AND NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT
SINAI TRUCKING LLC et al.
698 706 FRELINGHUYSEN AVENUE
NEWARK CITY, NJ 07069
EA ID #: PEA180001 - U2598**

Dear Messrs. Bravo-Gomez and Gomez:

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 Ms. Gina Lugo, Supervisor of my staff at 609-203-3732 within 30 days upon receipt of this AONOCAPA to arrange for such a meeting or with any questions. 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

PHILIP D. MURPHY
Governor

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IN THE MATTER OF

SINAI TRUCKING LLC

ANGEL A. BRAVO-GOMEZ,
Individually
and as owner of SINAI TRUCKING LLC

ANTHONY GOMEZ, Individually and
as President of SINAI TRUCKING LLC

ADMINISTRATIVE ORDER
AND
NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT

EA ID # PEA180001 - U2598

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., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., 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 AONOCAPA is effective upon receipt by Sinai Trucking LLC, Angel A. Bravo-Gomez or Anthony Gomez, hereinafter referred to as Respondents, or upon receipt by someone on the Respondents' behalf authorized to accept service. Each Respondent to this Order is jointly and severally liable.

FINDINGS

- 1. Sinai Trucking LLC ('Sinai') operates as a contract hauler with its principal place of business located at 698-706 Frelinghuysen Avenue, Block 3782 and Lot 102, Newark City, Essex County, New Jersey. This facility is identified by the Department as Program Interest # U2598.
2. As per filings on record with the New Jersey State Division of Commercial Recording, Angel A. Bravo-Gomez is listed as the owner and Registered Agent of Sinai while Anthony Gomez is listed as the President.

3. Sinai Trucking LLC, Angel A. Bravo-Gomez and Anthony Gomez shall hereinafter be referred to as 'Respondents'.
4. Respondents are associated with another trucking business known as Keila Transport, LLC (KEILA), of which Angel A Bravo-Gomez is listed as Manager. KEILA also lists 84 Oraton Street, Newark, New Jersey as a business address and also owns and maintains a business presence at 309 Houses Corner Road, Sparta Township, Sussex County, New Jersey. KEILA and its Principal are noticed in a separate AONOCAPA issued by the Department.
5. 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.
6. Pursuant to N.J.A.C. 7:26-1.4, a "solid waste facility" (SWF) 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.
7. 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.
8. As a result of an investigation conducted on July 23, 2018 at 309 Houses Corner Road, Sparta, New Jersey, the Department observed that Respondents had accepted over 50,000 cubic yards of waste construction and demolition debris 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.
9. Subsequent investigation determined that Respondents transported wastes from this location and possibly other locations unknown, to various residential properties identified below who contracted with Respondents to provide 'clean fill' when in fact the material was solid waste.
 - a) 12 Hillview Road, Block 604, Lot 2 in Fredon, New Jersey
 - b) 11 Glen Terrace, in Fredon, New Jersey
 - c) 12 Pollara Lane in Montague, New Jersey
 - d) 24 River Road in Montague, New Jersey
 - e) 11 Alpine Road in Lafayette, New Jersey

10. Interviews with the homeowners and on-site observations confirmed that despite their expectation of receipt of clean fill material, the materials deposited were solid wastes and depending on the location, consisting of mixed soil, concrete, brick, asphalt millings, wood, tile, asphalt millings, plastic sheeting, re-bar and sewer treatment tank residue.
11. 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 SWF without obtaining a SWF Permit unless exempt pursuant to N.J.A.C. 7:26-1.1, 1.7 or 1.8.
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.

Pursuant to N.J.A.C. 7:26- 3.2(a), no person shall engage or continue to engage in the transportation of solid waste in this State without first obtaining an approved registration statement from the Department.

Description of Non-Compliance: Respondents engaged in the business of solid waste transportation, storage, transfer and disposal in this State on numerous occasions delivering wastes to the unpermitted solid waste facility and delivering wastes to the various residences identified above without the required License, Certificate of Public Convenience and Necessity and an approved registration statement.
- c) **Requirement:** Pursuant to N.J.A.C. 7:26- 3.4(b), all collected solid waste shall be properly deposited at an approved facility in accordance with N.J.A.C. 7:26-1 and 2.
Description of Non-Compliance: Respondents improperly deposited solid wastes at the unpermitted solid waste facility and at the various residences identified above.
12. 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- 3.2(a), N.J.A.C. 7:26- 3.4(b), N.J.A.C. 7:26-16.3(a), and N.J.A.C. 7:26H- 1.6(a).

13. 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.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

14. 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 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

15. 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 in the amount of **\$527,500**. The Department's rationale for the civil

administrative penalty is set forth in the enclosed Penalty Assessment Worksheets and incorporated herein.

16. 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.
17. 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.
18. Pursuant to N.J.S.A. 52:14B-1 et seq., and N.J.S.A. 13:1E-9(e), each 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.
19. 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.
20. 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.
21. 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

22. This AONOCAPA is binding on 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.
23. 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

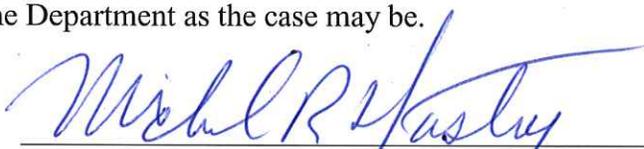
police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.

24. This AONOCAPA is issued only for the violation(s) 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.
25. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve Respondents of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
26. 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.
27. 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.
28. 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.
29. 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".
30. 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.

31. 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.
32. 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.
33. 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