



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

**NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
BUREAU OF SOLID WASTE
COMPLIANCE AND ENFORCEMENT,**

Petitioner,

v.

BEDROC CONTRACTING, LLC.,

Respondent.

OAL DKT. NO. ECE-EA 01772-10

AGENCY DKT. NO. PEA080002-02967

Lisa M. Almeida, Deputy Attorney General, for petitioner (John J. Hoffman,
Acting Attorney General of New Jersey, attorney)

Jack Traina, Esq., for respondent (Traina & Traina, PC, attorneys)

Record Closed: May 9, 2012

Decided: September 8, 2014

BEFORE **CARIDAD F. RIGO**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

On November 5, 2008, the respondent, Red Rock Land Development, filed an administrative hearing request from an Administrative Order and Notice of Civil Administrative Penalty Assessment (AONOCAPA) issued by petitioner New Jersey Department of Environmental Protection (NJDEP) on or about March 17, 2009, alleging

that respondents violated Solid Waste Management Act, N.J.S.A. 13:1D-1 et seq., and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. NJDEP transmitted the hearing request to the Office of Administrative Law on February 24, 2010, to be heard as a contested matter.

On or about April 18, 2012, the New Jersey Department of Environmental Protection filed a Motion to Dismiss Hearing Request because Bedroc & Red had failed to respond or otherwise pursue their alleged claims.

Status conferences were held and at the request of the parties, the matter was scheduled for hearing for May 19, 2012, the matter was adjourned without date because there was no response from respondents.

I have concluded that there is just cause, under all the circumstances, to dismiss this petition with prejudice. I adopt by reference and incorporate hereto the Order of Dismissal of Hearing Request for Failure to Prosecute that the Deputy Attorney General submitted for my signature.

It is **ORDERED** that the matter be deemed dismissed with prejudice for failure to file an appearance and failure to prosecute the hearing requested.

I hereby **FILE** my initial decision with the **COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Environmental Protection does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.



September 8, 2014

DATE

CARIDAD F. RIGO, ALJ

Date Received at Agency:

September 8, 2014

Date Mailed to Parties:

Ir

attachment