00-17-1 (5/76) Formerly GA-4

Lya Star NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

	TRANSMIT	IAL SLIP	ζ,
0	Earl Barcomb, Albany, SWM		
ROM	Morris Bruckman, Region #1-700		DATE 10/9/81
! :	ORDER ON CONSENT FILE NO. 1-0885		
	COPY OF SAME ATTACHED.		
FOR	ACTION AS INDICATED:		
	Please Handle	Comments	
	Prepare Reply	Signature	
	Prepare Reply for	File	
	Signature	Return to me	
XXX	☆ Information		
	Approval		

RESPONDENT PAID 500 FINE 8/17/81

STATE OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Alleged Violation of Part 360.3 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, by

STAR SAND & GRAVEL CORP.

ORDER ON CONSENT

FILE NO. 1-0885

(Suffolk County) Respondent

WHEREAS, Part 360.3 of Title 6 of the Official Compilation of Codes, Rules and Rdgulations of the State of New York provides for the timely submission of a complete, approved application to operate a solid waste management facility; and

WHEREAS, this Department has documented an instance of Respondent operating a solid waste landfill without a Permit on February 9, 1981; and

WHEREAS, an incomplete application was forwarded to this office on November 14, 1978 and a request to complete this application was ignored; and not fully lomplied with; and

'WHEREAS, Respondent has waived its right to a public hearing in this matter in the manner provided by law, and having consented to the entering and issuing of this Order, agrees to be bound by the terms and conditions contained herein;

NOW, having considered this matter and being duly advised, it is

ORDERED, that with respect to the aforesaid violation, there is hereby imposed upon Respondent, a penalty in the sum of Five Hundred (\$500) Dollars, to be made payable to this Department upon execution of this Order; and it is further

ORDERED, that Respondent shall strictly adhere to the terms and conditions outlined in Schedule A, the Compliance Schedule attached hereto and made a part hereof; and it is further

ORDERED, that the provisions, terms and conditions of this Order shall be deemed to bind Respondent, its successors and assigns and all persons, firms and corporations acting under or for it, including, but not limited to those who may carry on any or all of the operations now being conducted by Respondent, whether at the present location or at any other in this State; and it is further

ORDERED, that in those instances in which the Respondent desires that any of the provisions, terms or conditions of this Order be changed, it shall make written application, setting forth the grounds for the relief sought, to the Commissioner, c/o Joan B. Scherb, Regional Attorney, Building 40, State University of New York, Stony Brook, New York 11794; and it is further

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ORDERED, that any change in this Order shall not be made or become effective, except as specifically set forth by written order of the Commissioner, such written order being made either upon written application of the Respondent, or upon the Commissioner's own findings.

Dated: Albany, New York

1981

ROBERT F. FLACKE Commissioner of Environmental Conservation

Regional Director

To: Star Sand & Gravel Corp.

36 Landview Drive

Dix Hills, New York 11746 Att: Mr. T. Gesuale, Pres.

CONSENT BY RESPONDENT

Respondent acknowledges the authority and jurisdiction of the Commissioner of Environmental Conservation of the State of New York to issue the foregoing Order, waives public hearing or other proceedings in this matter, accepts the terms and conditions set forth in the Order and consents to the issuance thereof.

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On the 17th day of AUGUST 1981, before me personally came THOMAS GESUALE to me known, who being duly sworn, deposed and said that he resides at 36 LANDVIEW DRIVE, DIX HILLS, N.X. THOMAS GESUALE that he is the PRESIDENT of Respondent Corporation, and that he signed his name for and on behalf of said corporation with full authority so to do.

SCHEDULE A

Compliance Schedule for

STAR SAND & GRAVEL CORP.

Immediately,

Respondent shall submit request information to complete application.

Within 35 days of Mr. Bruckman's letter to Respondent,

Respondent shall satisfactorily complete the requirements for obtaining a permit.