

Protection ("DEP" or "Department"), by way of Verified Complaint against Jersey Recycling Services, LLC; Bradley Sirkin, individually; Fillit Corporation D/B/A Fillit Sand and Gravel; the Estate of Angelo Campo; James Campo, as Executor of the Estate of Angelo Campo; Grupo Mundial Balboa Internacional S.A.; Messengers of Peace Development Corporation; James W. Adkins, individually (collectively, "Defendants") says:

STATEMENT OF THE CASE

1. This action is brought pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. ("SWMA"), the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. ("WPCA"), the Freshwater Wetlands Protection Act N.J.S.A. 13:9B-1 et seq. ("FWPA"), the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq. ("FHACA"), the Tidelands Act, N.J.S.A. 12:3-1 et seq., the Waterfront Development Act, N.J.S.A. 12:5-1 et seq. ("WDA"), for the assessment of civil penalties as may be authorized by each statute and to compel the removal of illegal solid waste located at 213 Route 73 South, Block 156, Lots 2, 2.01, 3.01, 4.01, 5.01, and 6.01, Borough of Palmyra, Burlington County, New Jersey ("the Site"), and for the restoration of disturbed wetlands, wetland transition areas, riparian zones, flood hazard areas, and compensation for the unauthorized filling and occupation of state tidelands.

2. This action also seeks enforcement of four Final Orders the Department issued to defendants Fillit Sand and Gravel and Angelo Campo relating to violations of the SWMA, and such other relief as the court deems appropriate.
3. The site consists of over 100 acres of waterfront property that lies on the Pennsauken Creek and Palmyra Cove along the banks of the Delaware River. The landscape is home to natural wetlands which serve to protect drinking water supplies and provide protection from flood and storm damage. Many fish and wildlife species, including migrating birds, endangered species such as the American Bald Eagle, and commercially and recreationally important wildlife, rely on wetlands for critical habitat.
4. Defendants Angelo Campo and Fillit Corporation began operating a mulch recycling facility at the site beginning in 1999. Between 2007 and 2009, Angelo Campo and Fillit Corporation were responsible for multiple environmental violations relating to stockpiling mulch in excess of the amount allowed by the SWMA. Between 2012 and 2014, Fillit Corporation leased the site to Jersey Recycling and Bradley Sirkin. Jersey Recycling and Bradley Sirkin continued the cycle of environmental violations by operating over-capacity for the mulch operation and by illegally accepting and stockpiling other forms of solid waste, such as painted and

treated wood, piles of concrete, contaminated soil and other wastes without authorization. The Defendants also destroyed vegetation along the banks of the Pennsauken Creek, and over 6 acres of State-owned tidelands had been filled without authorization. When Jersey Recycling and Bradley Sirkin abandoned the site in 2014 shortly after the death of Angelo Campo, they left behind enormous amounts of solid waste that they had stockpiled over the years, as well as impaired wetlands, wetland transition areas, flood hazard areas, and the riparian zone.

5. Communities like Palmyra, New Jersey are too often exposed to a disproportionate amount of pollution and other environmental hazards as compared with wealthier communities. To improve the economic and environmental well-being of its citizens, Palmyra has prioritized this area for revitalization. Unfortunately, the Defendants corrupt recycling practices and the improper disposal of contaminated soil and debris continue to thwart redevelopment of this area by Palmyra. The State now seeks to hold the Defendants named herein responsible for their unauthorized and environmentally unsound activities.

PARTIES

6. The Department is a principal department of the State of New Jersey with offices at 401 East State Street in Trenton, New

Jersey. The Department administers programs and enforces laws and regulations to conserve the natural resources of the State, to promote environmental protection, and to prevent pollution of the environment of the State. N.J.S.A. 13:1D-9.

7. Defendant Fillit Corporation is a business incorporated in New Jersey on July 24, 1981, Corp. No. 0100145482. On information and belief, Fillit Corporation also does business as Fillit Sand and Gravel. Fillit Corporation owns the site at 213 Route 73 South, Palmyra, NJ 08065, its principal place of business, and operated a mulch recycling facility at the site between 1999 and 2012. For the purposes of this Complaint, Fillit Corporation and Fillit Sand and Gravel will hereinafter be referred to as "Fillit."
8. Defendant Estate of Angelo Campo (hereinafter "Campo Estate") is the principal owner and operator of Fillit. Angelo Campo was the corporate official responsible for directing operations of Fillit until his death in August 2014. His last known residence was 118 Creek Road, Lumberton, NJ 08048.
9. Defendant James Campo is the son of Defendant Angelo Campo and the current executor of the Campo Estate and heir and successor in interest of Angelo Campo. James Campo currently resides at 101 Asbury Road, Egg Harbor, NJ 08234.

10. Defendant James W. Adkins is the president and CEO of Defendant Grupo Mundial Balboa International S.A. ("Grupo Mundial") and the president and CEO of Defendant Messengers of Peace Development Corporation (hereinafter "Messengers of Peace"). He currently resides at 342 Yale Avenue, Hillside, NJ 07205. Upon information and belief, James Adkins purchased 100% of the shares of Fillit Corporation in August 2014 on behalf of Defendant Grupo Mundial. Upon information and belief, James Adkins is the corporate official responsible for representing and making decisions on behalf of Messengers of Peace Development Corporation.
11. Defendant Grupo Mundial is a Panama Corporation with a principal place of business in Panama City, Panama. On information and belief, the company became the sole shareholder of Fillit after the death of Angelo Campo in August 2014 and is successor in interest of the corporation's operations.
12. Defendant Messengers of Peace is a New Jersey Corporation with last known address of 20 Promenade Place, Voorhees, NJ 08043. Upon information and belief, Messengers of Peace was involved with Angelo Campo in efforts to redevelop the site between approximately 2008 and 2010, and was assessed Site Remediation Program Cost fees of \$21,365.81 that it never paid.

13. Defendant Jersey Recycling Services, LLC (hereinafter "Jersey Recycling") is a business incorporated in New Jersey in April 2012, Corp. No. 0600386294. Jersey Recycling leased the site and operated a mulch recycling facility between 2012 and 2014. Jersey Recycling is no longer in business and no longer maintains a principal place of business. The registered agent for the business is Corporate Creations Network Inc., 12 Christopher Way #200, Eatontown, NJ 07724.
14. Defendant Bradley Sirkin is the corporate official responsible for directing operations of Jersey Recycling between 2012 and 2014. He is currently inmate #37679-004 incarcerated at the Jessup Federal Corrections Institute, 2600 Highway 31 South, Jessup, Georgia 31599.

STATEMENT OF FACTS

15. Fillit is the owner of real property located at 213 Route 73 South, Block 156, Lots 2, 2.01, 3.01, 4.01, 5.01, and 6.01, Borough of Palmyra, Burlington County, New Jersey. In 1999, Fillit began operating a facility on the site that composted leaf matter and processed tree parts and brush into mulch.
16. Angelo Campo owned and operated Fillit between 1999, when the corporation was created, until his death in 2014. Angelo Campo was a responsible corporate official of Fillit within the meaning of N.J.A.C. 7:26-1.4, N.J.S.A. 58:10A-3(1), N.J.S.A. 13:9B-3, and N.J.S.A. 58:16A-51(g).

17. Between January 30, 2007 and August 17, 2009, the Department issued Fillit and Angelo Campo four separate Administrative Orders and Notices of Civil Administrative Penalty Assessments ("AONOCAPAs") for violations relating to stockpiling solid waste in excess of the amounts the SWMA allows without a permit. Neither Fillit nor Angelo Campo requested administrative hearings on the AONOCAPAs, and by operation of law they became Final Orders of the Department.
18. Fillit and Angelo Campo failed to take the remedial measures required by the four AONOCAPAs and failed to pay the civil administrative penalties assessed therein.
19. On January 6, 2011, the Department entered into a Settlement Agreement, NEA100001-131975, to resolve the outstanding compliance issues and civil administrative penalties relating to the four Final Orders. Certification of Candice McLaughlin ("McLaughlin Cert."), EXHIBIT A. The Settlement Agreement required Fillit and Angelo Campo to bring the mulching and composting facility into compliance and to operate in compliance with all applicable regulations and permits. Pursuant to the Settlement Agreement, Angelo Campo and Fillit agreed to pay a civil administrative penalty of \$11,015 to the State in ten monthly payments of \$1,000 and an eleventh monthly payment of \$1,015, beginning 30 days after execution of the Settlement Agreement. The Settlement Agreement

provided that if Fillit or Angelo Campo failed to make the required payments, the full penalty amount of \$20,000, along with costs and interest, would immediately become due and owing.

20. Fillit and Angelo Campo paid a total of \$8,000 toward the Settlement Agreement before discontinuing scheduled payments. Pursuant to the Settlement Agreement, the full penalty amount (\$20,000) less the amount paid (\$8,000), along with costs and interest, is now due and owing.
21. On August 7, 2014, Angelo Campo died. His son, James Campo, is a beneficiary of the estate and was named executor of the estate. On August 21, 2014, the Last Will and Testament of Angelo Campo was probated in the Surrogate's Court in Burlington County, New Jersey. James Campo, in his role as executor, exercised control over Angelo Campo's remaining assets, including Fillit and the Site.
22. In November 2014, upon information and belief, James Campo, as executor of the Estate of Angelo Campo, entered into a contract for the sale of all 1,000 shares of stock in Fillit to Defendant Grupo Mundial, by and through Defendant James W. Adkins. McLaughlin Cert., EXHIBIT B. James Campo continues to have operational control of the Site.
23. James W. Adkins lists himself as the President and CEO of Defendant Messengers of Peace. Id., EXHIBIT C. Upon

information and belief, Defendant Messengers of Peace was involved in efforts to redevelop the site between approximately 2008 and 2010. Messengers of Peace and James W. Adkins were assessed Site Remediation Program Cost fees by the Department of \$21,365.81 that were never paid. Id., EXHIBIT D.

24. In or around March 2012, Fillit leased the site to Jersey Recycling and Bradley Sirkin for the purpose of operating a leaf and tree and soil recycling facility on the site. Bradley Sirkin is a responsible corporate official of Fillit within the meaning of the SWMA, the WPCA, the FWPA, and the FHACA.
25. On August 14, 2013, Solid Waste Compliance and Enforcement ("C&E") Senior Environmental Specialist Mike Lee inspected the Site in response to a complaint the Department received regarding illegal disposal of solid waste. Certification of Mike Lee, ("Lee Cert."), ¶ 3. A facility can accept up to 10,000 cubic yards of tree branches, tree limbs, tree trunks, brush, and wood chips without prior approval by the Department. Jersey Recycling and Bradley Sirkin did not have a Solid Waste Facility Permit. Id. at ¶ 5. Mr. Lee measured the total volume of leaves and brush on site to be 15,133 cubic yards, including 3,517 cubic yards of mulch that the Department suspected was infested with the Japanese pine

beetle. Id. at ¶ 6, 9. Mr. Lee also observed large mixed stockpiles of painted and chemically treated wood, unpainted and non-chemically treated wood, brush, tree parts, stumps concrete and asphalt, which Defendants did not have a permit to store. Id. at ¶ 7. Mr. Lee also observed a bulldozer landfilling large pieces of concrete. Lee determined that in the area where the bulldozer was operating, the land area had been elevated approximately 10 feet above the existing grade. Id. at ¶ 10.

26. On August 14, 2013, Solid Waste C&E issued Jersey Recycling Services and Bradley Sirkin a Notice of Violation ("NOV") for engaging in the disposal of solid waste without having a Solid Waste Facility Permit and/or Recycling Center Approval. Id. at ¶ 11.

27. On August 29, 2013, the Bureau of Coastal and Land Use Compliance and Enforcement (Land Use C&E) and the Bureau of Water Compliance and Enforcement (Water C&E) conducted a joint inspection of the site. Bradley Sirkin was present during the inspection and identified himself as the Managing Director for Jersey Recycling. Certification of Michael Palmquist ("Palmquist Cert."), ¶ 5. Land Use C&E Environmental Specialist Michael Palmquist observed the destruction of vegetation and the placement of fill material within approximately 17,500 square feet of the riparian zone

along the Pennsauken Creek and the destruction of vegetation and the placement of fill material within approximately 3,000 square feet of a freshwater wetland transition area, all of which constituted violations of the FWPA and the FHACA. Id. at ¶ 5. Mr. Palmquist issued Jersey Recycling and Bradley Sirkin a Field Notice of Violation ("FNOV") for the riparian zone violations. Palmquist Cert., EXHIBIT 2.

28. During the August 29, 2013 inspection, Water C&E Environmental Specialist Eileen Kull observed evidence of leachate leaving the site boundaries in several locations directly adjacent to the Pennsauken Creek and Palmyra Cove. Certification of Eileen Kull ("Kull Cert."), ¶ 4. Water C&E issued Jersey Recycling Services and Bradley Sirkin a FNOV for failure to contain leachate within the site boundaries in accordance with the WPCA, and directed Jersey Recycling Services and Bradley Sirkin to submit a written plan for corrective action to Water C&E within 30 days. Kull Cert., EXHIBIT 1.

29. On September 13, 2013, Michael Palmquist conducted a follow-up inspection to determine compliance with the August 29, 2013 FNOV. During the inspection, Mr. Palmquist observed some restoration work underway within the riparian zone and freshwater wetland disturbance areas identified during the August 29, 2013 site visit. Although Jersey Recycling and

Bradley Sirkin took initial steps toward corrective action, they failed to fully restore the disturbed area or obtain a permit for the disturbances. Palmquist Cert., ¶ 6.

30. On October 9, 2013, Eileen Kull conducted a follow-up inspection of the site. Ms. Kull observed additional areas where there was evidence that leachate had left the site boundaries. Kull Cert., ¶ 7. She noted several additional areas of concern, including evidence of runoff from a large hill of suspected contaminated soil and evidence of runoff from a diesel fuel containment area toward Palmyra Cove and a nearby pond. Ms. Kull also noted a lack of a tracking pad or ability to prevent pollutants from leaving the site and evidence of several breaches in the unestablished embankment surrounding the site where leachate had entered the nearby waterways. Id.

31. On November 8, 2013, Water C&E issued Jersey Recycling and Bradley Sirkin a NOV for the violations found during the October 9, 2013 inspection. Id., ¶ 8. The NOV directed Jersey Recycling and Bradley Sirkin to install a tracking pad at the entrance and exit of the site, to minimize contact of source materials with stormwater, to submit to DEP a revised Soil Erosion and Sedimentation Plan, and to submit a Request for Authorization ("RFA") under existing permit number NJ0088323 for stormwater discharges. The NOV also directed

Jersey Recycling and Bradley Sirkin to submit an application for an individual New Jersey Pollutant Discharge Elimination System ("NJPDDES") discharge permit. Kull Cert., EXHIBIT 2.

32. On November 26, 2013, Ms. Kull conducted a follow-up investigation of the site and found progress toward site stabilization and runoff controls adjacent to the Pennsauken Creek, but identified several areas where stormwater was still leaving the site. Kull Cert., ¶ 9.
33. On December 5, 2013, Michael Palmquist of Land Use C&E used Geographic Information System (GIS) to compare verified jurisdictional wetlands boundaries by georeferencing the approved wetlands map and comparing it to aerial photography of the site. Mr. Palmquist thereafter determined that the Defendants had cleared vegetation and placed fill within freshwater wetlands and wetlands transition areas. Palmquist Cert., ¶ 7. Based on historical data, the Department also determined that large areas of the Site that are now land were formerly tidal and had consisted of large water areas and meandering creeks. Palmquist Cert., EXHIBIT 5. Using the GIS overlays, Palmquist estimated that approximately 6.2 acres of tideland was now filled area. Id. More than half of the entire Site is located within 500 feet of the mean high water line and is therefore subject to upland waterfront development jurisdiction, pursuant to the WDA and N.J.A.C.

- 7:7-2.4(a)(3)(ii)(1). Id. Palmquist conducted a site visit on December 5, 2013, confirming fill within these wetlands, tidelands, and waterfront areas. Palmquist Cert., ¶ 7.
34. On December 11, 2013, the Department met with Bradley Sirkin in an effort to globally address the various ongoing noncompliance issues at the Site. The Department made specific recommendations about how to bring the Site into compliance. Following the meeting, the Department sent a letter to Jersey Recycling highlighting action items and best management practices that should be implemented at the Site. Palmquist Cert., ¶ 8; Kull Cert., ¶ 11, 12.
35. An inspection of the Site on May 21, 2014 determined that Jersey Recycling and Bradley Sirkin still had not implemented the Department's recommendations. Water C&E therefore issued the property owner Fillit a NOV for discharging industrial stormwater to the surface waters of the state without a valid NJPDES permit, in violation of N.J.A.C. 7:14A-24.7(a). Kull Cert., EXHIBIT 3. The NOV directed Fillit to apply for a permit and to implement best management practices to minimize contact of source materials with stormwater. Kull Cert., ¶ 13.
36. On May 30, 2014, Land Use C&E issued a NOV to Angelo Campo, Fillit, Bradley Sirkin, and Jersey Recycling for the unauthorized disturbances and the placement of fill material

within freshwater wetlands, freshwater wetland transition areas, tidal areas, the flood hazard area of the Pennsauken Creek, and in the upland waterfront development area. Palmquist Cert., ¶ 9, EXHIBIT 9.

37. On August 19, 2014, Water C&E conducted an inspection of the Site. Eileen Kull observed areas of runoff from mulch piles, a violation of N.J.A.C. 7:14A -2.1(d) because of their proximity to the neighboring waterways, and the lack of a vegetation buffer in between the mulch piles and the waterways. Kull issued a FNOV directing the Defendants to cease stormwater discharges without a valid permit and to install and repair the vegetated berms. Kull Cert., ¶ 15.
38. On September 8, 2014, the Department received a letter from Warren Carr, attorney for Angelo Campo, informing the Department that Angelo Campo died on August 7, 2014 and that Jersey Recycling had been evicted from the Site. Id., ¶ 16.
39. Jersey Recycling and Bradley Sirkin subsequently vacated the Site without having complied with the NOVs or completing corrective action by removing the solid waste or resolving the wetlands, tidelands, water pollution, or flood hazard violations. On February 7, 2017 and November 2, 2018, the Department conducted inspections to observe the current conditions at the Site. The Department determined that unauthorized solid waste, including concrete, brick, asphalt

and metals remains on the site, and that the existing wetlands, tidelands, flood hazard area, and water pollution violations remain unresolved. The inspection also revealed unauthorized stockpiles of asphalt mill tailings at the site. Palmquist Cert., ¶ 10, 11.

COUNT 1

FAILURE OF FILLIT CORPORATION AND THE ESTATE OF ANGELO CAMPO TO
COMPLY WITH DEPARTMENT FINAL ORDERS.

40. Plaintiff incorporates paragraphs 1 - 39 of this Verified Complaint as if fully set forth, herein.
41. On January 6, 2011, the Department entered into a Settlement Agreement, NEA100001-131975, with Fillit and Angelo to resolve violations of the SWMA.
42. The Settlement Agreement required Fillit and Angelo Campo to pay the State \$11,015 in civil administrative penalties in ten monthly payments of \$1,000, and an eleventh monthly payment of \$1,015, beginning 30 days after execution of the Settlement Agreement.
43. Under the Settlement Agreement, if Fillit and Angelo Campo failed to make the required payments, the underlying AONOCAPAs, EA ID Nos. PEA060002-131975, PEA070003-131975, PEA080004-131975, and PEA090002-131975, become Final Orders, and the total civil administrative penalties assessed of \$20,000 (minus any amounts already paid), along with costs

and interest calculated pursuant to R. 4:42, shall be immediately due and owing.

44. Fillit and Angelo Campo paid a total of \$8,000 toward the agreed-upon penalty in the Settlement Agreement. The remaining balance has not been paid.
45. By failing to make the required penalty payments, Fillit and Angelo Campo (and his heirs, successors and assigns) are in breach of the Settlement Agreement.
46. The combined amount of civil administrative penalties assessed in the four AONOCAPAs (\$20,000), less the amount paid (\$8,000), are due and owing, along with accrued interests and allowable costs.
47. The Settlement Agreement and AONOCAPAs also directed Fillit and Angelo Campo to complete corrective actions on the Site, including processing and/or removing all solid waste remaining on the site, including trees, tree parts, brush, and wood chips, and bringing the material to a recycling facility approved to accept such materials. Fillit and Angelo Campo have failed to comply with these requirements of the Settlement Agreement and AONOCAPAs.

WHEREFORE, Plaintiff demands judgment in its favor:

- a. Finding Fillit and the Estate of Angelo Campo (and their heirs, successors, and assigns) liable for failing to comply with the terms of the Settlement Agreement;

- b. Directing Fillit and the Estate of Angelo Campo (and their heirs, successors and assigns) to pay the balance of civil administrative penalties owed, plus accrued interest and allowable costs;
- c. Ordering Fillit and the Estate of Angelo Campo (and their heirs, successors and assigns) to submit to the Department, within 30 days, a plan to process and/or remove all solid waste remaining on the site and bring the material to a recycling or disposal facility approved to accept such materials;
- d. Ordering Fillit and the Estate of Angelo Campo (and their heirs, successors and assigns) to comply with the plan to remove all solid waste from the site within 30 days of the Department's approval of the plan;
- e. Assessing against Fillit and the Estate of Angelo Campo (and their heirs, successors and assigns) additional penalties and injunctive relief for violations not set forth in the Settlement Agreement;
- f. Awarding the Department costs and fees in this action;
and
- g. Awarding the Department any other relief this court deems appropriate.

COUNT 2

OPERATING AN ILLEGAL SOLID WASTE FACILITY IN VIOLATION OF

N.J.A.C. 7:26-2.8(e) and N.J.A.C. 7:26-2.8(f).

48. Plaintiff incorporates paragraphs 1 - 48 of this Verified Complaint as if fully set forth, herein.
49. The SWMA authorizes the court to proceed in a summary manner for injunctive and other relief for any violation of the SWMA or of any code, rule, regulation adopted, permit issued, or order issued pursuant thereto. N.J.S.A. 13:1E-9(d).
50. Regulations promulgated pursuant to the SWMA prohibit operation of a solid waste disposal facility and disposal of solid waste without first obtaining a Solid Waste Facility Permit from the Department. N.J.A.C. 7:26-2.8(e)-(f).
51. N.J.A.C. 7:26A-1.4(a)(3) sets forth a regulatory scheme whereby recycling tree branches, tree limbs, tree trunks, brush, and wood chips derived from tree parts is exempt from the requirement to obtain a general or limited approval if processed material does not exceed 7,500 cubic yards, unprocessed materials material does not exceed 7,500 cubic yards, and the material is not stored on site for more than one year.
52. Between January 30, 2007 and August 17, 2009, Fillit and Angelo Campo stockpiled more than 7,500 cubic yards of Class B solid waste, including leaves, trees, tree parts, brush,

and wood chips, and stored the material on the Site for more than one year.

53. After Fillit and Angelo Campo leased the Site to Jersey Recycling and Bradley Sirkin, the Site continued exceeding the regulatory capacity for Class B solid waste and began stockpiling Class C solid waste without Department authorization.

54. During an inspection on August 7, 2013 Department inspector Mike Lee observed a bulldozer engaged in landfilling operations, and observed large mixed stockpiles of wood, brush, leaves, tree parts, soil, concrete, and asphalt. Mr. Lee also determined that the volume of leaves or comingled leave and brush was 15,133 cubic yards, which exceed the limits for exemption under N.J.A.C. 7:26A-1.4(a)(3). Jersey Recycling did not have a permit or permit exemption to accept this material. As of the Department's most recent inspection of the site on November 2, 2018, Defendants have failed to remove the solid waste or otherwise take steps to bring the site into compliance.

55. WHEREFORE, Plaintiff demands judgment in its favor:

a. Finding Defendants in violation of the SWMA and N.J.A.C. 7:26-2.8(e)-(f) for engaging in the disposal of solid waste without a Solid Waste Facility Permit or an exemption from the permit requirement;

- b. Directing Defendants to submit to the Department, within 30 days, a plan to process and/or remove all solid waste remaining on the Site and bring the material to a recycling or disposal facility approved to accept such materials, as authorized by N.J.S.A. 13:1E-9(d);
- c. Directing Defendants to comply with the plan to remove all solid waste from the Site within 30 days of the Department's approval of the plan;
- d. Imposing upon Defendants civil penalties of up to \$50,000.00 per day for their repeated and ongoing failure to satisfy their statutory and regulatory obligations under the SWMA, as authorized by N.J.S.A. 13:1E-9(f);
- e. Awarding Plaintiffs the costs of investigation and inspection which led to the establishment of the violation, as authorized by N.J.S.A. 13:1E-9(d)(2);
- f. Awarding Plaintiffs any costs incurred by the State in removing, correcting or terminating the adverse effects upon water and air quality, as authorized by N.J.S.A. 13:1E-9(d)(3);
- g. Awarding Plaintiffs compensatory damages for any loss or destruction of wildlife, fish or aquatic life, as authorized by N.J.S.A. 13:1E-9(d)(4);

- h. Awarding Plaintiffs the reasonable costs of preparing and litigating the case as is authorized by the SWMA, as authorized by N.J.S.A. 13:1E-9(d)(2);
- i. Awarding Plaintiffs any other actual damages caused by Defendants' conduct.

COUNT 3

CAUSING UNPERMITTED INDUSTRIAL STORMWATER DISCHARGES IN VIOLATION OF N.J.A.C.7:14A-2.1(d) and N.J.A.C.7:14A-24.2(a)(2).

- 56. Plaintiff incorporates paragraphs 1 - 56 of this Verified Complaint as if fully set forth, herein.
- 57. The WPCA, N.J.S.A. 58:10A-1 et seq., grants the Department authority to regulate the discharge of pollutants to the surface and ground waters of the State in order to restore, enhance, and maintain the chemical, physical, and biological integrity of the waters of the State, protect public health and safety, protect potable water supplies, safeguard fish and aquatic life and scenic and ecological values, enhance the domestic, municipal, recreational, industrial, agricultural and other uses of water, and prevent, control, and abate water pollution. N.J.A.C. 7:14A-2.1.
- 58. N.J.A.C. 7:14A-24.2(a)(2) requires a NJPDES permit for discharges of stormwater associated with industrial activity from point or nonpoint sources.

59. N.J.A.C. 7:14A-2.1(d) prohibits discharges of any pollutant except in conformity with a valid NJPDES permit, unless specifically exempted.
60. Based upon inspections of the Site conducted on August 29, 2013, October 9, 2013, November 26, 2013, and August 19, 2014, the Department determined that Defendants were discharging industrial stormwater to surface waters of the State without a valid NJPDES permit.
61. To date, Defendants have not implemented stormwater control measures or obtained a valid NJPDES permit as directed in the Department's May 21, 2014 and August 19, 2014 NOV's.
62. WHEREFORE, Plaintiff demands judgment in its favor:
 - a. Finding Defendants in violation of the WPCA and N.J.A.C. 7:14A-2.1(d) for discharging pollutants without a valid NJPDES permit;
 - b. Directing Defendants to submit to the Department, within 30 days, a plan to install and repair vegetated berms to prevent stormwater discharges to surface waters and implement best management practices to minimize contact of source materials with stormwater, as authorized by N.J.S.A. 58:10A-10(c);
 - c. Directing Defendants to comply with the stormwater plan within 30 days of the Department's approval of the plan;
 - d. Directing Defendants to submit an application for an

individual NJPDES discharge permit;

- e. Imposing upon Defendants civil penalties of up to \$50,000.00 per day for their repeated and ongoing failure to satisfy their statutory and regulatory obligations under the WPCA, as authorized by N.J.S.A. 58:10A-10(e);
- f. Imposing upon Defendants penalties in the amount of any economic benefits accruing to the violator from a violation as authorized by N.J.S.A. 58:10A-10(c)(5);
- g. Awarding Plaintiffs the costs of inspection which led to the establishment of the violation, as authorized by N.J.S.A. 58:10A-10(c)(2);
- h. Awarding Plaintiffs any reasonable cost incurred by the State in removing, correcting or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants, as authorized by N.J.S.A. 58:10A-10(c)(3);
- i. Awarding Plaintiffs compensatory damages for any loss or destruction of wildlife, fish or aquatic life, as authorized by N.J.S.A. 58:10A-10(c)(4);
- j. Awarding Plaintiffs the reasonable costs of preparing and litigating the case as is authorized by the WPCA, as authorized by N.J.S.A. 58:10A-10(c)(2);

- k. Awarding Plaintiffs any other actual damages caused by Defendants' conduct.

COUNT 4

DISTURBANCE OF FRESHWATER WETLANDS WETLAND TRANSITION AREAS IN VIOLATION OF N.J.A.C. 7:7A-2.2(a) and N.J.A.C. 7:7A-2.6(a).

63. Plaintiff incorporates paragraphs 1 - 63 of this Verified Complaint as if fully set forth, herein.
64. The FWPA, N.J.S.A. 13:9B-1 et seq., declares that wetlands are an important natural resource in New Jersey because they protect and preserve drinking water supplies by serving to purify surface water and groundwater resources, provide a natural means of flood and storm damage protection and thereby prevent the loss of life and property through the absorption and storage of water during high runoff periods and the reduction of flood crests, retard soil erosion, provide essential breeding, spawning, nesting, and wintering habitats for a major portion of the State's fish and wildlife, including migrating birds, endangered species, and commercially and recreationally important wildlife, and that freshwater wetlands maintain a critical baseflow to surface waters through the gradual release of stored flood waters and groundwater, particularly during drought periods. N.J.S.A. 13:9B-2.

65. N.J.A.C. 7:7A-2.2(a)(1) requires a permit for the removal, excavation, disturbance or dredging of soil, sand, gravel, or aggregate material of any kind within a freshwater wetland. N.J.A.C. 7:7A-2.2(a)(3) requires a permit for or dumping, discharging or filling within a freshwater wetland. N.J.A.C. 7:7A-2.2(a)(6) requires a permit for the destruction of plant life which would alter the character of a freshwater wetland.
66. On August 29, 2013, Department inspectors observed the removal of vegetation and the placement of fill material within approximately 3,000 square feet of a freshwater wetland transition area.
67. On December 5, 2013, the Department confirmed that Defendants had cleared vegetation and placed fill within freshwater wetlands and additional wetlands transition areas without Department authorization or a valid permit.
68. On May 30, 2014, Land Use C&E issued a NOV to Angelo Campo, Fillit Corporation, Bradley Sirkin, and Jersey Recycling Services for the unauthorized disturbances and the placement of fill material within freshwater wetlands and freshwater wetland transition areas. The NOV required Defendants to submit to the Department either a plan to restore the wetlands to pre-disturbance conditions or an application for a freshwater wetlands permit.
69. As of the Department's last inspection of the site on November

2, 2018, Defendants have failed to comply with the NOV or restore the disturbed areas.

70. WHEREFORE, Plaintiff demands judgment in its favor:

- a. Finding Defendants in violation of the FWPA and N.J.A.C. 7:7A-2.2 for the removal, excavation, disturbance or dredging of soil, sand, gravel, or aggregate material within a freshwater wetland and the for destruction of plant life which would alter the character of a freshwater wetland;
- b. Directing Defendants to submit to the Department, within 30 days, a plan for the full restoration of freshwater wetlands and wetland transition areas to their pre-disturbance condition, as authorized by N.J.S.A. 13:9B-21(c);
- c. Directing Defendants to comply with the wetlands restoration plan within 30 days of the Department's approval of the plan;
- d. Imposing upon Defendants civil penalties of up to \$25,000.00 per day for their repeated and ongoing failure to satisfy their statutory and regulatory obligations under the FWPCA, as authorized by N.J.S.A. 13:9B-21(e);
- e. Awarding Plaintiffs the costs of inspection which led to the establishment of the violation, as authorized by

N.J.S.A. 13:9B-21(c)(2);

- f. Awarding Plaintiffs the reasonable costs incurred by the State in removing, correcting, or terminating the adverse effects upon the freshwater wetland or transition area resulting from any violation, as authorized by N.J.S.A. 13:9B-21(c)(3);
- g. Awarding Plaintiffs compensatory damages for any loss or destruction of wildlife, fish or aquatic life, as authorized by N.J.S.A. 13:9B-21(c)(4);
- h. Awarding Plaintiffs the reasonable costs of preparing and litigating the case as is authorized by the FWPA, as authorized by N.J.S.A. 13:9B-21(c)(2);
- i. Awarding Plaintiffs any other actual damages caused by Defendants' conduct.

COUNT 5

VIOLATIONS OF THE FLOOD HAZARD AREA CONTROL ACT FOR PENNSAUKEN CREEK AND ITS FLOOD HAZARD AREA, IN VIOLATION OF N.J.A.C. 7:13-

2.1(a).

- 71. Plaintiff incorporates paragraphs 1 - 71 of this Verified Complaint as if fully set forth, herein.
- 72. The FHACA, N.J.S.A. 58:16A-50 et seq., empowers the Department to delineate and mark flood hazard areas, adopt land use regulations for flood hazard areas, control stream encroachments, and coordinate effectively the development,

dissemination, and use of information on floods and flood damages that may be available.

73. N.J.A.C. 7:13-2.1(a) prohibits regulated activity in a regulated area without a flood hazard area permit. Regulated activity includes alteration of topography through excavation, grading and/or placement of fill and the clearing, cutting, and/or removal of vegetation in a riparian zone. Regulated areas include the riparian zone along waterways such as the Pennsauken Creek and flood hazard areas along waters with a drainage area of 50 acres or greater.
74. On August 29, 2013, the Department observed the removal of vegetation and the placement of fill material within approximately 17,500 square feet of the riparian zone along the Pennsauken Creek. Defendants did not have a permit for this activity, in violation of the FHACA.
75. On May 30, 2014, after conducting follow-up inspections of the Site, the Department issued a NOV to Angelo Campo, Fillit Corporation, Bradley Sirkin, and Jersey Recycling for the unauthorized disturbances and the placement of fill material within the flood hazard area of the Pennsauken Creek.
76. As of the Department's most recent inspection of the site on November 2, 2018, the Pennsauken Creek riparian zone disturbances have not been returned to their pre-disturbance condition and the fill material that was placed within the

floodway/flood hazard area still remains. Additionally, the Defendants have failed to obtain a permit from the Department.

77. WHEREFORE, Plaintiff demands judgment in its favor:

- a. Finding Defendants in violation of the FHACA and N.J.A.C. 7:13-2.1(a), for altering the topography and placing fill in the riparian zone along the Pennsauken Creek;
- b. Directing Defendants submit to the Department, within 30 days, a restoration plan for the full restoration of the flood hazard control area along the Pennsauken Creek to its pre-disturbance condition, as authorized by N.J.S.A. 58:16A-63(c);
- c. Directing Defendants to comply with the restoration plan within 30 days of the Department's approval of the plan;
- d. Imposing upon Defendants civil penalties of up to \$25,000.00 per day for their repeated and ongoing failure to satisfy their statutory and regulatory obligations under the FHACA, as authorized by N.J.S.A. 58:16A-63(e);
- e. Awarding Plaintiffs the costs of inspection which led to the establishment of the violation, as authorized by N.J.S.A. 58:16A-63(c)(2);
- f. Awarding Plaintiffs the reasonable costs of preparing and litigating the case as may be authorized by the

FHACA, as authorized by N.J.S.A. 58:16A-63(c)(2);

- g. Awarding Plaintiffs compensatory damages for any loss or destruction of natural resources, including but not limited to, wildlife, fish, aquatic life, habitat, plants, or historic or archeological resources, and for any other actual damages caused by a violation of the FHACA, as authorized by N.J.S.A. 58:16A-63(c)(4);
- h. Awarding Plaintiffs any other actual damages caused by Defendants' conduct.

COUNT 6

FAILURE TO OBTAIN A TIDELANDS GRANT, LEASE, OR LICENSE FOR 6.2

ACRES OF FILLED TIDELANDS, IN VIOLATION OF N.J.S.A. 12:3-5.

- 78. Plaintiff incorporates paragraphs 1 - 78 of this Verified Complaint as if fully set forth, herein.
- 79. The Tidelands Act establishes the rights of the State and riparian landowners in the lands beneath the waters along the Delaware River. N.J.S.A. 12:3-1. A Tidelands grant, lease, or license is required for the occupation or use of any State riparian land. N.J.S.A. 12:3-5.
- 80. On December 5, 2013, the Department determined that large areas of the Site that were formerly tidal and had consisted of large water areas and meandering creeks had been filled by the Defendants without authorization or compensation to the State. Using GIS overlays, Land Use C&E estimated that

approximately 6.2 acres of land that was formerly tidal were filled.

81. Based on historical data, the Department also determined that large areas of the Site that are now land were formerly tidal and had consisted of large water areas and meandering creeks.

82. On May 30, 2014, the Department issued a NOV to Angelo Campo, Fillit, Bradley Sirkin, and Jersey Recycling for the placement of fill material within State tidelands in the areas that were once open waters of the Pennsauken Creek without a Tidelands grant, lease, or license. As of the date of filing this Complaint, Defendants have not sought a Tidelands grant, lease, or license, and as of November 2, 2018, the fill has not been removed from the approximately 6.2 acres of tidelands.

83. WHEREFORE, Plaintiff demands judgment in its favor:

a. Finding Defendants in violation the Tidelands Act, N.J.S.A. 12:3-5, for placing fill within State tidelands in the areas that were once open waters of the Pennsauken Creek without a Tidelands grant, lease, or license;

b. Directing Defendants submit to the Department, within 30 days, a restoration plan to return the State tidelands along the Pennsauken Creek to their pre-disturbance condition, or in the alternative payment to the State for a lease for occupation of the 6.2 acres of tidelands;

- c. Directing Defendants to comply with the restoration plan within 30 days of the Department's approval of the plan;
- d. Directing Defendants to provide compensation to the State for their unauthorized occupation of State lands pursuant to N.J.S.A. 12:3-6;
- e. Awarding Plaintiffs the costs of inspection which led to the establishment of the violation;
- f. Awarding Plaintiffs the reasonable costs of preparing and litigating the case pursuant to N.J.S.A. 12:3-8;
- g. Awarding Plaintiffs compensatory damages for any loss or destruction of wildlife, fish or aquatic life;
- h. Awarding Plaintiffs any other actual damages caused by Defendants' conduct.

COUNT 7

FAILURE TO OBTAIN A WATERFRONT DEVELOPMENT PERMIT FOR 6.2 ACRES
OF THE SITE THAT HAD BEEN FILLED, IN VIOLATION OF N.J.A.C.

7:7-2.4(G).

- 84. Plaintiff incorporates paragraphs 1 - 84 of this Verified Complaint as if fully set forth, herein.
- 85. The WDA, N.J.S.A. 12:5-2, authorizes the Department to prevent the encroachment or trespass upon the waterfront of any of the navigable waters of this State, or upon the riparian lands of this State, and authorizes the Department to compel the removal of any such encroachment or trespass,

and restrain, prevent and remove any construction, erection or accretion injurious to the flow of any such waters, which may be detrimental to proper navigation and the maintenance and improvement of commerce thereon.

86. N.J.A.C. 7:7-2.4(g) requires a person to obtain a waterfront development permit for the filling of any lands formerly flowed by the tide, if any filling took place after 1914 without the issuance of a tidelands instrument by the Department and Tidelands Resource Council or their predecessor agencies, even where such lands extend beyond the landward boundary of the upland area or up to and including the mean high water line in defined areas.

87. On December 5, 2013, and the Department determined that approximately 6.2 acres of the Site that were once open waters within the mapped tidelands claim area were now filled areas. More than half of the entire Site is located within 500 feet of the mean high water line and is therefore subject to upland waterfront development jurisdiction, pursuant to N.J.A.C. 7:7-2.4(a)(3)(ii)(1).

88. On May 30, 2014, the Department issued a NOV to Angelo Campo, Fillit, Bradley Sirkin, and Jersey Recycling for the unauthorized disturbances and the placement of fill material within the waterfront development area, in violation of

N.J.A.C. 7:7-2.4(g).

89. As of the date of filing this Complaint, Defendants have not sought a Waterfront Development permit and have not removed the fill from the approximately 6.2 acres within the waterfront development area.

90. WHEREFORE, Plaintiff demands judgment in its favor:

- a. Finding Defendants in violation of the WDA and N.J.A.C. 7:7-2.4(g) for the unauthorized disturbances and the placement of fill material within the waterfront development area;
- b. Directing Defendants to submit an application to the secure the required Tidelands grant, lease or license for the affected area and to pay the requisite costs of such grant, lease or license, as authorized by N.J.S.A. 12:5-6(d);
- c. Imposing upon Defendants civil penalties of up to \$25,000.00 per day for their repeated and ongoing failure to satisfy their statutory and regulatory obligations under the WDA, as authorized by N.J.S.A. 12:5-6(f);
- d. Awarding Plaintiffs the costs of inspection which led to the establishment of the violation, as authorized by N.J.S.A. 12:5-6(d)(2);

- e. Awarding Plaintiffs the reasonable costs of preparing and litigating the case as may be authorized by the WDA, as authorized by N.J.S.A. 12:5-6(d)(2);
- f. Awarding Plaintiffs compensatory damages for any loss or destruction of natural resources, including but not limited to, wildlife, fish, aquatic life, habitat, plants, or historic or archeological resources, and for any other actual damages caused by violation of the WDA, as authorized by N.J.S.A. 12:5-6(d)(4);
- g. Awarding Plaintiffs any other actual damages caused by Defendants' conduct.

PRAYER FOR RELIEF

WHEREAS, Plaintiff respectfully requests an Order finding Defendants jointly and severally liable for the violations described in Counts 1 through 7 of the Verified Complaint, and

WHEREAS, Plaintiff respectfully requests an Order from this Court directing Defendants to remove all illegal solid waste from the site, including trees, tree parts, brush, and wood chips, concrete, asphalt, ash, and contaminated soils and bring the material to an recycling or disposal facility approved to accept such materials, and

WHEREAS, Plaintiff respectfully requests an Order from this Court directing Defendants to cease stormwater discharges without a valid permit, install and repair vegetated berms, implement best

management practices to minimize contact of source materials with stormwater, submit a revised Soil Erosion and Sedimentation Plan to the Burlington County Soil Conservation District and the Department, submit an RFA under existing permit number NJ0088323 for stormwater discharges, and submit an application for an individual NJPDES discharge permit, and

WHEREAS, Plaintiff respectfully requests an Order from this Court directing Defendants to submit to the Department a Restoration Plan for the full restoration of freshwater wetlands and wetland transition areas and full restoration of the flood hazard areas and tidelands areas along the Pennsauken Creek to their pre-disturbance condition, and

WHEREAS, Plaintiff respectfully requests an Order from this Court directing Defendants to submit an application to secure the required Tidelands grant, lease or license for the affected 6.2 acre area, and

WHEREAS, Plaintiff respectfully requests an Order from this court imposing appropriate civil penalties as authorized by the SWMA, WPCA, FWPA, FHACA, and WDA, respectively, jointly and severally as to each Defendant for each day of the Defendants' violations of the statutes and regulations referenced herein, and

WHEREAS, Plaintiff respectfully requests this court to award to the Department the costs of inspection which led to the establishment of the violation, the reasonable costs of preparing

and litigating this case, compensatory damages for any loss or destruction of wildlife, fish or aquatic life, and for any other actual damages caused by Defendants' conduct, and

WHEREAS, Plaintiff respectfully requests that the Court order any additional relief against the Defendants as the Court may deem just and proper.

RESPECTFULLY SUBMITTED,

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY


By: _____

Robert J. Kinney
Candice McLaughlin
Deputy Attorneys General

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that I am a Deputy Attorney General assigned to prosecute this matter and am counsel of record for the within matter. I am designated trial counsel pursuant to R. 4:5-1(c). The relevant parties are JERSEY RECYCLING SERVICES, LLC; FILLIT CORPORATION D/B/A FILLIT SAND AND GRAVEL; GRUPO MUNDIAL BALBOA INTERNACIONAL S.A.; MESSENGERS OF PEACE DEVELOPMENT CORPORATION; ESTATE OF ANGELO CAMPO; JAMES CAMPO, as Executor of Estate of Angelo Campo; BRADLEY SIRKIN, individually; JAMES W. ADKINS, individually; and the Department. I am not aware of any other parties who should be joined in this litigation.

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: 
Robert J. Kinney
Deputy Attorney General

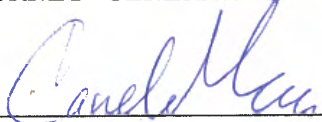
DATE: *12/5/18*

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that I am a Deputy Attorney General assigned to prosecute this matter and am counsel of record for the within matter. I am designated trial counsel pursuant to R. 4:5-1(c). The relevant parties are Jersey Recycling Services, LLC, Fillit Corporation D/B/A/ Fillit Sand and Gravel, Grupo Mundial Balboa Internacional, S.A., Messengers of Peace Development Corporation, Estate of Angelo Campo, James Campo, as Executor of Estate of Angelo Campo, Bradley Sirkin, individually, James Adkins, individually, and the Department of Environmental Protection. I am not aware of any other parties who should be joined in this litigation.

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: _____


Candice McLaughlin
Deputy Attorney General

DATE:

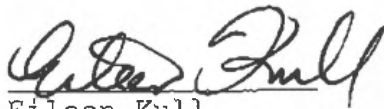
12/5/2018

VERIFICATION

Eileen Kull, by way of certification, states that:

1. I have read the Verified Complaint.
2. I certify that the factual allegations paragraphs 28, 30, 31, 32, 35, 37 and 38 are true and correct.
3. I am aware that if the foregoing statements made by me are willfully false, I may be subject to punishment.

By:



Eileen Kull

Environmental Specialist

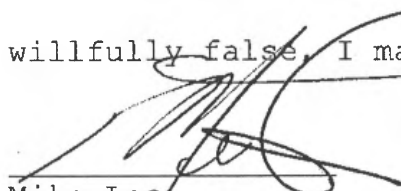
New Jersey Department of Environmental Protection

VERIFICATION

Mike Lee, by way of certification, states that:

1. I have read the Verified Complaint.
2. I certify that the factual allegations paragraphs 25 and 26 are true and correct.
3. I am aware that if the foregoing statements made by me are willfully false, I may be subject to punishment.

By:

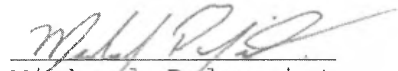

Mike Lee
Senior Environmental Specialist
New Jersey Department of Environmental Protection

VERIFICATION

Michael Palmquist, by way of certification, states that:

1. I have read the Verified Complaint.
2. I certify that the factual allegations paragraphs 27, 29, 33, 34, 36 and 39 are true and correct.
3. I am aware that if the foregoing statements made by me are willfully false, I may be subject to punishment.

By:



Michael Palmquist
Environmental Specialist
New Jersey Department of Environmental Protection