

**STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

In the Matter of the Alleged Violations of Articles 27 and 71 of the Environmental Conservation Law ("ECL") and Part 360 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR"),

**ORDER OF
DISPOSITION**

DEC Case No.
1-1999-11-05-89

January 30, 2015

- by -

PASQUALE IZZO, MICHAEL IZZO, ERNEST FORCE, individually and as Vice President of WINDSOR ASSOCIATES doing business as NEW YORK TIRE RECYCLING and as an officer of NEW YORK TIRE RECYCLING COMPANY, INC. also known as NEW YORK TIRE CORP., and as Vice President of STEPHANIE FORCE WASTE TIRE MANAGEMENT CORP. also known as and doing business as WASTE TIRE MANAGEMENT CORP., and STEPHANIE FORCE, individually and as President of STEPHANIE FORCE WASTE TIRE MANAGEMENT CORP. also known as and doing business as WASTE TIRE MANAGEMENT CORP.,

Respondents.

Staff of the Department of Environmental Conservation (Department) initially commenced this administrative enforcement proceeding against respondents Pasquale Izzo and Michael Izzo (collectively, the Izzo respondents) by service of a notice of hearing, pre-hearing conference, and a verified complaint in January 2000. By leave of Administrative Law Judge (ALJ) Susan J. DuBois, the ALJ originally assigned to this matter, a verified amended complaint adding respondent Ernest Force was served on all respondents in June 2000.

The amended complaint alleged that the Izzo respondents were the owners or operators of an unpermitted

landfill and solid waste management facility located on Old Northport Road, Kings Park, Township of Smithtown, Suffolk County. The amended complaint also alleged that respondent Ernest Force, as primary operator and principal of New York Tire Recycling, Company, Inc., also known as New York Tire Corp., and Windsor Associates d/b/a New York Tire Recycling, was the operator of an unpermitted solid waste management facility at the site and personally liable for violations of the Environmental Conservation Law (ECL) arising from the operation.

By Decision and Order dated July 16, 2010, the Assistant Commissioner resolved all claims as against the Izzo respondents and imposed civil penalties and remedial obligations against them (see Matter of Izzo, Decision and Order of the Assistant Commissioner, July 16, 2010, at 17-21). With respect to respondent Force, the Assistant Commissioner held him liable for the violation charged against him, but remanded the matter for further proceedings on the issue of penalties and remedial relief to be imposed (see id. at 17).

By letter dated January 20, 2015, Department staff indicates that it has made repeated efforts to contact respondent Force to provide him with an opportunity for mediation on the issues of penalty and remedial relief in this matter, but staff has received no reply from respondent Force. Staff also indicates that respondent Force may no longer reside in New York, and that staff has been unable to determine his whereabouts or any party that represents him. Accordingly, Department staff is withdrawing its claims against respondent Force.

Accordingly, it is hereby ORDERED that, based upon Department staff's January 20, 2015, letter, Department staff's claims against respondent Force are withdrawn, the hearing record is closed, and the matter is struck from the docket of the Office of Hearings and Mediation Services.

/s/

James T. McClymonds
Chief Administrative Law Judge

Dated: January 30, 2015
Albany, New York