

Nalco an Ecolab Company

1601 W. Diehl Road

Naperville, IL 60563

May 9, 2025

Environmental Appeals Board

89 Kings Highway

Dover, DE 19901

Attention: Administrative Assistant to the Environmental Appeals Board

Subject: Order No. 2025-WH-0014

Dear Environmental Appeals Board Members,

On behalf of Nalco, I am writing to formally request a hearing before the Environmental Appeals Board regarding the penalties outlined in the violation letter (Order No. 2025-WH-0014). We believe a hearing is necessary to present our case and demonstrate our substantial efforts towards compliance with Delaware's Regulations Governing Hazardous Waste (DRGHW) as outlined in 7 Del. C. Chapters 60 and 63 and 7 DE Admin. Code 1302.

We acknowledge the violations cited in the letter and wish to provide clarity on the corrective actions we have taken to address them:

1. Accumulation of Hazardous Waste (July 14, 2021) – DRGHW Section 262.16(b):
  - Violation: Accumulated 527 kg of hazardous waste for 968 days, exceeding the 180-day limit for a Small Quantity Generator (SQG).
  - Corrective Action: We have streamlined our waste management process with Clean Harbors to ensure hazardous waste is labeled, profiled, and disposed of ontime, preventing future over-accumulation.

2. Exceeding Large Quantity Generator (LQG) Storage Limits (August 26, 2022):

- Violation: Accumulated 1,332 kg of hazardous waste for 560 days, exceeding the 90-day limit for an LQG.
- Corrective Action: We have implemented a waste pickup schedule with Clean Harbors to ensure compliance with the LQG storage time limits.

3. Contingency Plan and Emergency Preparedness – DRGHW Section 262.262:

- Violation: Contingency plan was generic and not submitted to local emergency response agencies. No quick reference guide for emergency responders was prepared.
- Corrective Action: We have developed a facility-specific contingency plan, submitted it to local emergency response agencies, and prepared a quick reference guide for emergency responders.

4. Employee Training Requirements – DRGHW Section 262.17a.7:

- Violation: Training records for hazardous waste management were incomplete. Not all employees received the required hazardous waste training.
- Corrective Action: All hazardous waste management employees have been retrained in compliance with DRGHW requirements, and training records have been updated and maintained properly.

5. Weekly Inspections of Central Accumulation Areas:

- Violation: Failed to conduct and document weekly inspections of Central Accumulation Areas (CAAs).
- Corrective Action: We have designated Clean Harbors to assist in managing the CAAs, ensuring that containers are properly marked and that weekly inspections are conducted and documented as required.

6. Annual Hazardous Waste Report Submission (2022 and 2023):

- Violation: Failed to submit the annual hazardous waste report for 2022.
- Corrective Action: The 2022 report has been submitted, and a compliance schedule has been established to ensure timely annual submissions going forward.

7. Hazardous Waste Determinations – DRGHW Section 262.11:

- Violation: Product disposal lists lacked hazardous waste identification, and a hazardous waste determination was not made for a waste sample collected in December 2023.
- Corrective Action: We have revised our waste determination procedures, ensuring all waste is properly identified as hazardous or non-hazardous, and all records are accurately maintained.

In an email dated October 5, 2024, we submitted documentation to DNREC confirming our corrective actions to their satisfaction. We are committed to maintaining compliance with all applicable regulations and ensuring that our hazardous waste management practices are transparent, safe, and environmentally responsible.

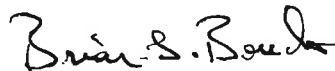
We respectfully request the opportunity to present this information to the Board and to discuss any remaining concerns or expectations for full compliance.

Please advise regarding the hearing date and any additional information we should prepare.

Thank you for your time and consideration.

Sincerely,

Brian S. Bonds



Nalco Logistics Safety Manager

[bbonds@ecolab.com](mailto:bbonds@ecolab.com); (630) 432-9622

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