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June 24, 2026

VIA ELECTRONIC MAIL

Michael W. Teichman, Esquire
Parkowski, Guerke & Swayze, P.A.
1105 N. Market Street, 19th Floor
Wilmington, DE 19801

Re: Donovan Salvage

Mr. Teichman:

The Secretary's Order accompanying this letter identifies thirty-seven (37) violations of Delaware law committed by your client, Donovan Salvage Works, Inc. ("Donovan"). Those violations, as well as new releases of hazardous substances into the environment, all occurred after March 1, 2025, the effective date of the Conciliation Order by Consent dated February 5, 2025 (the "Conciliation Order"). As a result, Donovan is in breach of the Conciliation Order. Accordingly, the Deferred Administrative Penalty provided for in the Conciliation Order is due immediately, and Donovan must adhere to the remedial compliance schedule set forth below.

Under the Conciliation Order, Donovan agreed to be liable for a Total Administrative Penalty in the amount of \$1,000,000.00, of which \$750,000.00 constituted a "Deferred Administrative Penalty." Paragraph 27(b) of the Conciliation Order provides a mechanism by which liability for the Deferred Administrative Penalty might "alternatively" be satisfied:

The Deferred Administrative Penalty may alternatively be satisfied by completion of all requirements detailed in paragraphs 1 through 25 of this agreement (“Order Requirements”) no later than 48 months following receipt of the executed Conciliation Order. ***Further, Donovan must not have accrued any additional material violations of law.***

The deferral of the penalty, and the possibility that it might be forgiven in exchange for undertaking the Corrective Actions and Compliance Schedule set forth in Section II of the Conciliation Order, was expressly conditioned upon the covenant that “Donovan must not have accrued any additional material violations of law.”

That covenant is an essential part of the Conciliation Order, as its underlying purpose was to ensure that Donovan would continue lawful, environmentally compliant operations that would in turn fund the investigation and remediation of the Site. As Donovan has failed to operate without continued violations, there is no justification for DNREC to continue to defer the imposition of the Deferred Administrative Penalty or continued postponement of the remediation requirements.

As noted above, this breach by Donovan has two immediate ramifications. First, the Deferred Administrative Penalty is immediately due and payable. Please contact us to discuss arrangements for payment of this penalty.

Second, due to Donovan’s multiple violations of the Delaware Regulations Governing Hazardous Waste identified in the recent Secretary’s Order, and particularly the release of oily water into the environment (identified as Violation #34 of the Secretary’s Order), DNREC is no longer willing to delay implementation of the Corrective Action process set forth in Paragraphs 13 through 25 of the Conciliation Order. Instead, Donovan *must* comply with the schedule set forth below. Donovan’s failure to adhere to this schedule may necessitate DNREC pursuing any and all actions available to it under law, including 7 *Del. C.* Ch. 91. Items 15 and 16 in the Conciliation Order are currently being addressed appropriately to date.

CO Item #	Updated Due Date
13—Work Plan for MTBE/VOCs	90 days from Issuance of Letter (9/1/26)
14—Work Plan for PFAS	90 days from Issuance of Letter (9/1/26)
17—Work Plan for Sediment/SW	90 days from Issuance of Letter (9/1/26)
18—Work Plan to Investigate Smelter Pad Discharge Area	90 days from Issuance of Letter (9/1/26)
19—Work Plan to Address Tanks Areas of Concern	90 days from Issuance of Letter (9/1/26)
20—Work Plan to Address Mercury Release Area	90 days from Issuance of Letter (9/1/26)
21—Work Plan to Address Data Gap	9 months from Issuance of Letter (3/1/27)
22—Implement DNREC-Approved Work Plan	30 days of written WP approval
23—Submit preliminary data summary to DNREC	30 days of receipt of data
24—Submit comprehensive final RI Report	18 months from Issuance of Letter (12/31/2027)
25—Responsibility for Interim Actions	As deemed necessary by DNREC on a mutually agreed upon schedule

Finally, Donovan has to date failed to receive an annual inspection of the Max 4000 Sweat Furnace (the “Smelter”) at the Facility. Further, due to either damage to the Smelter door or improper usage, operation of the Smelter has recently generated multiple violations of law (Violation #15 through Violation #27 in the Order).

Except as modified herein, DNREC expects Donovan to remain in full compliance with all other terms of the Conciliation Order and applicable laws and regulations. Please let me know if you have any questions by email at Travis.Groski@Delaware.gov or by phone at (302) 484-8964.

Sincerely,

A handwritten signature in blue ink, appearing to read "Travis Groski".

Travis Groski, Esq.
Deputy Attorney General
Delaware Department of Justice
Counsel for DNREC