



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL**

RICHARDSON & ROBBINS BUILDING  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

OFFICE OF THE  
SECRETARY

PHONE  
(302) 739-9000

**Secretary's Order to Cease and Desist**

Issued Pursuant to 7 *Del. C.* §6018

**ORDER NO. 2021-WH-0024**

***PERSONALLY SERVED BY  
AN ENVIRONMENTAL CRIMES  
UNIT OFFICER***

**Issued To:**

**Facility Owner**

Service Transport Group, Inc.  
58 Pyles Lane  
New Castle, DE 19702

**Property Owner**

JKN Properties, LLC  
32 Aspen Drive  
Warminster, PA 18974

**Registered Agent for Service Transport  
Group, Inc.**

Mr. Thomas Gaudet  
58 Pyles Lane  
New Castle, DE 19720

**Registered Agent for JKN Properties,  
LLC**

Mr. Thomas Gaudet  
58 Pyles Lane  
New Castle, DE 19720

**Facility Operators**

Mr. Barry Gaudet  
91 Dolington Road  
Yardley, PA 19067

**Property Owners/Landlords**

Mr. and Mrs. Thomas and Andrea Gaudet  
32 Aspen Drive  
Ivyland, PA 18974

This is to notify Mr. and Mrs. Thomas and Andrea Gaudet and Mr. Barry Gaudet and Service Transport Group, Inc. and JKN Properties, LLC (“Respondent”) that the Secretary of the Delaware Department of Natural Resources and Environmental Control (“Department”) has found Respondent in violation of 7 *Del. C.* Chapter 60 and 7 DE Admin. Code Section 1301, Delaware’s *Regulations Governing Solid Waste (“DRGSW”)*. Accordingly, the Department is issuing this Secretary’s Order to Cease and Desist, pursuant to 7 *Del. C.* §6018.

## **BACKGROUND**

1. The Secretary of the Department is responsible for the protection of the public health and safety, and the health of organisms and the environment from the effects of the improper, inadequate, or unsound management of solid wastes, by establishing a program of regulation over the storage, transportation, handling and disposal of solid wastes, and to assure the safe and adequate management of solid wastes within the State of Delaware, pursuant to the authority set forth in *7 Del. C. Chapter 60*.
2. Respondent owns and operates a waste transfer station facility located at 58 Pyles Lane, in New Castle, New Castle County, Delaware ("the facility"). Respondent aggregates, stores, and transfers asbestos-containing wastes under permit SW-17/03, issued by the Department on November 7, 2017 in accordance with *7 Del. C. Chapter 60* and *DRGSW*.
3. The Department received correspondence on Friday August 20, 2021 from the Rhode Island Department of Environmental Management, Office of Land Revitalization and Sustainable Materials Management, indicating that Respondent's Rhode Island transfer station facility was forced to remove wastes from the site that exceeded their permitted storage limits. The Rhode Island Department of Environmental Management, Office of Land Revitalization and Sustainable Materials Management, indicated that this waste was thought to be transferred to the above referenced facility in Delaware.
4. On August 30, 2021, the Department received correspondence from Minerva Landfill, the disposal facility of record for Service Transport Group, that Respondent was in default and owed the landfill operator approximately \$170,000 in disposal fees.
5. On September 1, 2021, the Department received a letter from ACM Services, Inc., an asbestos remediation contractor, indicating that they were notifying the Department, along with the Maryland Department of the Environment and the U.S. Environmental Protection Agency, that Respondent had failed to provide documentation for the proper

disposal of asbestos-containing waste within the 45 days required by 40 CFR §61.150(d)(4).

6. On September 2 and 3, 2021, the Department conducted a site visit to assess if Respondent was in compliance with 7 Del. C. Chapter 60, DRGSW, and the conditions outlined in their current permit.

### **FINDINGS**

The Department has found the Respondent in violation of Permit SW-17/03 and 7 DE Admin. Code 1301, including but not limited to:

#### **Section 10.3.2.7 (Minimum Design Requirements) of DRGSW states:**

*“A fence or other security system that will prevent access to the site by unauthorized persons.”*

#### **Section I.D.2 of Permit SW-17/03 states:**

*“Access to the transfer station by unauthorized persons shall be prevented by barriers, fences, and gates, or other suitable means. The DNREC may, at any reasonable time, enter the transfer station to verify compliance with the permit and DRGSW.”*

During the September 2 and 3, 2021 compliance assessment, Department representatives observed that the perimeter fence at the back end of the property line was in disrepair and missing multiple sections, allowing unfettered access by unauthorized persons to the site at any time.

#### **Section 10.4.2.2 (Leachate Collection and Disposal) of DRGSW states:**

*“Containers and compaction units constructed of durable impervious material and equipped with covers that will minimize the entrance of precipitation. Alternate designs may be used with the written approval of the Department if the applicant can show they will prevent leachate from contaminating the soil, surface water and ground water.”*

During the September 2 and 3, 2021 compliance assessment, Department representatives observed multiple open-top roll-off containers on-site that were not covered or properly covered

and exposed to the elements. Department representatives observed on at least one occasion damaged plastic bags with visible waste, which may cause a release of asbestos.

**Solid Waste Facility Permit SW-17/03 Condition II.D states:**

*“Storage: STG shall not store asbestos waste on the site for more than 35 days. All asbestos waste delivered to the site shall be transported off-site for proper disposal within 35 days of delivery to the site. Each trailer and container holding asbestos waste shall be kept locked except during active waste transfer operations involving that container.”*

On September 3, 2021, Department representatives requested Respondent provide various records as outlined in the record keeping requirements of Permit SW-17/03. According to the “Daily Inspection Log” dated September 2, 2021, a total of 124 containers loaded with asbestos waste were on-site. The records also show that 105 of those 124 containers were beyond the 35-day storage limit. The “Daily Inspection Log” indicates many of the above-referenced 124 containers have been on-site for over 100 days, with one trailer being on-site for 210 days. Department representatives also observed and documented multiple containers containing asbestos waste that were not locked or secured.

**Solid Waste Facility Permit SW-17/03 Condition II.G.1 states in part:**

*“Drivers hauling asbestos waste shall inspect waste containers prior to pickup at the asbestos removal job site and shall not transport the container unless they have determined that it meets the following requirements: ... d.) The container is locked, properly labeled and has a correct and complete waste manifest.”*

During the September 2 and 3, 2021 compliance assessment, Department representatives observed and documented multiple containers with manifests that were incomplete or had missing information. Department representatives also observed multiple containers that contained asbestos waste; however, there was not an associated manifest that accompanied that container. In addition, there were containers that were locked, indicating asbestos waste was inside, that did not have manifests associated with them.

**Solid Waste Facility Permit SW-17/03 Condition III.C.2 states:**

*“STG shall notify the SHWMS, no later than the next business day, anytime the weight restrictions (permit condition II.C) or storage time limits (permit condition II.D) are exceeded.”*

Based on documentation provided by the Respondent, the Department has identified that 105 containers have exceeded the 35-day storage limit for disposal. There was no communication to the Department discussing a need by the Respondent to exceed the storage limit for these wastes.

**ORDER**

IT IS HEREBY ORDERED, based on the foregoing findings and pursuant to the authority vested in the Secretary by 7 Del. C. §6018 that the Respondent shall:

1. Upon receipt of this Order, immediately cease and desist receiving asbestos-containing waste.

Respondent shall continue to perform all other operations in accordance with permit SW-17/03.

The Department reserves the right to take additional enforcement actions regarding these and other violations at the facility, including but not limited to one or more of the following: an action under 7 *Del. C.* §6005(b)(1) seeking penalties for past violations, an action under 7 *Del C.* §6005 (b)(2) seeking penalties for continuing violations, an action in the Court of Chancery pursuant to 7 *Del. C.* §6005 (b)(3) and §6005 (c)(1).

If you have any questions, please contact or have your attorney contact Devera B. Scott, Deputy Attorney General, at 302-257-3218.

Date: 9/10/21



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Shawn M. Garvin, Secretary  
Department of Natural Resources  
and Environmental Control

cc: Devera Scott, Deputy Attorney General  
Timothy Ratsep, Division Director, WHS