



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL**  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

Office of the  
Secretary

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**SECRETARY'S ORDER TO CEASE AND DESIST**

Pursuant to *7 Del. C.* § 6018

**Order No. 2022-WH-0027**

*Via Personal Service*<sup>1</sup>:

**Owner/Operator**

Trash Authority, LLC  
935 Centre Road  
Wilmington, DE 19807  
Attn: Ron Bennett

*Via Personal Service*<sup>1</sup>:

**Owner/Operator Registered Agent**

American Incorporators LTD  
1013 Centre Road  
Suite 403-A  
Wilmington, DE 19805

This is to notify Trash Authority, LLC, referred to as “Respondent,” that the Secretary of the Delaware Department of Natural Resources and Environmental Control (“Department”) has found Respondent in violation of its solid waste transporter permit DE-SW-1905. 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.

<sup>1</sup> All service made in person was effected by a DNREC Environmental Crimes Unit Officer.

2. On December 8, 2022, the Department received a complaint that a truck hauling a roll-off container was observed dumping trash onto the ground at a property located at 469 Old Airport Road, New Castle, Delaware.
3. On December 15, 2022, the Department conducted a compliance inspection to assess the operation on the 469 Old Airport Road, New Castle, Delaware property and to determine if Respondent was operating in compliance with 7 Del. C. Chapter 60, 7 Del. Admin. C. §1301, Delaware's *Regulations Governing Solid Waste* ("DRGSW"), and Delaware Solid Waste Transporter Permit DE-SW-1905.

#### **APPLICABLE REGULATORY CITATIONS**

1. Section 3 of DRGSW, specifically the definition of "Solid Waste" states in part:  
*"Solid Waste" means any garbage, refuse, rubbish, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, ...*
2. Section 3 of DRGSW, specifically the definition of "Transportation":  
*... means the movement of solid waste by air, rail, water, over the roadway, or on the ground.*
3. Section 3 of DRGSW, specifically the definition of "Vehicle":  
*... means a motorized means of transporting something. "Vehicle" includes both the motorized unit and all containerized units of a conveyance attached thereto.*

#### **FINDINGS**

Upon the Department's information and belief, the Department has concluded Respondent is in violation of its solid waste transporter permit DE-SW-1905, including, but not limited to:

**Condition 1 of solid waste transporter permit DE-SW-1905 states:**

*“This permit authorizes the permittee to transport in, out of, or through the State of Delaware the following waste types (as defined in the Delaware Regulations Governing Solid Waste): Municipal Solid Waste; Commercial Waste; Special Waste - Non-Hazardous Industrial Waste; Dry Waste;”.*

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**Condition 2 of solid waste transporter permit DE-SW-1905, states:**

*“The permittee shall not transport the wastes identified in Condition 1 to facilities that are not authorized to receive, treat, store, transport, dispose, or recover said wastes.”*

During the December 15, 2022 compliance inspection, Department representatives observed a pile of solid waste on the ground at the property located at 469 Old Airport Road, New Castle, Delaware. Upon information and belief, Delaware Auto Salvage, Inc., is the operator of a facility located at 469 Old Airport Road, New Castle, Delaware, and 415 Old Airport, LLC, owns the property at 469 Old Airport Road, New Castle, Delaware. Neither Delaware Auto Salvage, Inc., nor 415 Old Airport, LLC, is permitted to operate a transfer station at that location. A facility representative at that location stated that various commercial, roofing, and construction and demolition solid wastes were transported to the property by a Trash Authority, LLC vehicle and dumped onto the ground. Transporting solid waste to a location that is not authorized to receive, treat, store, dispose, or recover the waste is in violation of permit DE-SW-1905, Condition 2.

**ORDER**

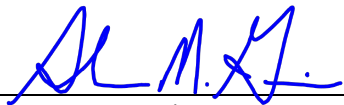
IT IS HEREBY ORDERED, based on the foregoing findings and pursuant to the authority vested in the Secretary by 7 *Del. C.* §6018, that Respondent:

Cease and desist transporting solid wastes to the location of 469 Old Airport Road, New Castle, Delaware, or to any other facility that is not authorized to receive, treat, store, dispose, or recover solid wastes.

The Department reserves the right to take additional enforcement actions regarding these or other violations at the site, 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)(2), seeking a temporary restraining order or an injunction; and the imposition of civil penalties and recovery of the Department's costs and attorney's fees pursuant to 7 *Del. C.* §§6005(b)(3) and (c)(1).

If you have any questions, please contact Devera B. Scott, Deputy Attorney General, at (302) 395-2648.

Date: 12/16/22

  
Shawn M. Garvin, Secretary

cc: Devera B. Scott, Deputy Attorney General