



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

OFFICE OF THE
SECRETARY

RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

PHONE
(302) 739-9000

**NOTICE OF REVOCATION OF THE ADMINISTRATIVE PENALTY
ASSESSMENT AND SECRETARY'S ORDER No. 2023-WH-0003**

Pursuant to 7 Del. C § 6005

Order No. 2023-WH-0029

Via Certified Mail:

Facility Location/Operator:

STTCPL LLC, and
Service Energy LLC
PO Box 1000
Cheswold, DE 19936

Property Owner:

Robert M. Duncan
555 Pennsylvania Ave
Dover DE 19901

Ralph V. Estep
Trustee of the Ralph V. Estep Irrevocable Family Trust
508 Main Street
Wilmington DE 19804

Via Certified Mail:

Robert M. Duncan
3936 Aloha Lane
Bonita Springs, FL 34134

**Registered Agent c/o
Service Energy LLC:**

Michael Steiner
3799 N. DuPont Hwy
Dover, DE 19901

Registered Agent:

STTCPL, LLC
715 S. Washington Street
Milford, DE 19963

Richard L. Abbot, Esq.
Abbot Law Firm, LLC
724 Yorklyn Road
Suite 240
Hockessin, DE 19707

FACILITY: Super Soda Center Stanton
512 Main Street
Stanton, DE 19804 US

Facility ID: 3-000212
Project: N1703030
File Code: 20 & 34

This Secretary's Order serves to notify STTCPL LLC, Service Energy LLC, Robert M. Duncan, and Ralph V. Estep, Trustee of the Ralph V. Estep Irrevocable Family Trust ("Trust") (collectively "Respondents") that Secretary's Order 2023-WH-0003 ("Secretary's Order") by the Secretary of the Department of Natural Resources and Environmental Control ("Department") is revoked without prejudice.

BACKGROUND

On November 6, 2020, the Department issued Notice of Violation #20-UT-01 (NOV) to Respondents for violations of Chapters 60 and 74 of Title 7 of the Delaware Code and the Delaware Regulations Governing Underground Storage Tank Systems, *Del. Admin. C* § 1351 (UST Regulations) for failure to complete a hydrogeologic investigation related to a release of hazardous substances at 512 Main Street, Stanton, DE 19804 ("Facility")¹. Respondents did not comply with the NOV. Accordingly, on January 17, 2023, the Department issued the Secretary's Order to Respondents requiring the completion of a hydrogeologic investigation and assessing administrative penalties.

On February 2, 2023, the Department received a Notice and Statement of Appeal ("Appeal") of the Order to the Environmental Appeals Board ("EAB") from STTCPL, LLC ("STTCPL") and Service Energy, LLC ("Service Energy") (collectively "Settling Respondents"). Settling Respondents and the Department agreed to a settlement resolving these parties' liability. A Settlement and Release Agreement was executed on April 13, 2023, by which STTCPL LLC and Service Energy LLC paid the Department \$70,000, and the EAB Appeal was dismissed.

¹ Under the terms of 7 *Del. C* § 7402 (6) "'Facility' means any location or part thereof that contains or had previously contained 1 or more underground storage tanks."

On February 15, 2023, the Department received a letter from counsel for the Trust requesting a hearing before the Secretary. A hearing has not yet been held.

The Department determines that despite notices since at least 2017 requiring a hydrogeologic investigation, the responsible parties are not promptly responding. Therefore, pursuant to 7 *Del. C* § 7406(c), the Department now intends to assume control of the corrective actions at the Facility.

FINDINGS OF FACT

1. On February 15, 2023, the Trust requested a hearing before the Secretary. Pursuant to that request, the Order is not final. The request for a hearing before the Secretary is hereby moot.
2. On May 7, 2023, the Secretary approved the Settlement and Release Agreement (“Settlement Agreement”) between the Department and STTCPL and Service Energy to avoid incurred penalty costs and paid the Department \$70,000.00.
3. The Department now intends to assume control of the corrective actions at the Facility and as such, revokes the Secretary's Order, which orders the Respondents to complete the same.

CONCLUSIONS

Based on the above, the Department concludes that it is in the best interests of human health and the environment to assume control of the corrective action at the Facility. Accordingly, the Department hereby revokes the Secretary's Order. The Secretary's Order is revoked without prejudice. The Department may recover costs from the Remaining Respondents pursuant to 7 *Del. C* § 7406(j). Remaining Respondents may also be subject to additional enforcement actions pursuant to Chapters 60 and 74 of Title 7 of the Delaware Code.

SECRETARY'S ORDER

In accordance with *7 Del. C § 6005*, *7 Del. C § 7411*, and *7 Del. Admin. C § 1351*, Regulations Governing Underground Storage Tank Systems (the UST Regulations), the Department revokes Secretary's Order No. 2023-WH-0003 without prejudice.

November 29, 2023

Date



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