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

Office of the
Secretary

Phone: (302) 739-9000
Fax: (302) 739-6242

NOTICE OF ADMINISTRATIVE PENALTY ASSESSMENT AND SECRETARY'S ORDER

Pursuant to *7 Del. C. §§ 6005*(b)(2) and (b)(3)

Order No. 2025-WH-0014

Issued To:

Via Certified Mail, Return Receipt

Brian Bonds
Logistics Safety Manager
Nalco Company, LLC
1601 West Diehl Road
Naperville, IL 60563

Via Personal Service, Registered Agent

The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

Dear Mr. Bonds:

This is to notify Nalco Warehouse North Side ("Respondent"), located at 204 Quigley Boulevard, New Castle, Delaware 19721 ("Facility"), that the Secretary[1] of the Delaware

[1] The head of the Delaware Department of Natural Resources and Environmental Control as appointed by the Governor.

Department of Natural Resources and Environmental Control ("Department") has found Nalco Warehouse North Side ("Respondent" or "Nalco") in violation of 7 *Del. C.* Chapters 60 and 63, and 7 DE Admin. Code § 1302, Delaware's *Regulations Governing Hazardous Waste* ("DRGHW"). Accordingly, the Department is issuing this Notice of Administrative Penalty Assessment and Secretary's Order ("Secretary's Order"), pursuant to 7 *Del. C.* § 6005.

BACKGROUND

Nalco Warehouse North Side leases and operates a small section of a warehouse owned by A. Duie Pyle, located at 204 Quigley Boulevard, New Castle, Delaware ("Facility"). At this Facility, Respondent maintains an inventory of water treatment products for distribution to its customers. When Respondent's products expire, the expired products become a hazardous waste. Respondent contracts with A. Duie Pyle to manage its generated hazardous waste. As a generator of hazardous waste, Respondent is subject to compliance inspections conducted by the Department in accordance with 7 DE Admin. Code § 1302.

On April 11, 2024, Department representatives conducted a hazardous waste compliance inspection ("Compliance Inspection") at the facility. At the time of the Compliance Inspection, Nalco was a large quantity generator ("LQG")[2] of hazardous waste. The facility is assigned EPA ID number DEN201000005. Based on the information gathered during the Compliance Inspection, the Department found Respondent to have violated applicable state statutes and regulations governing the generation and management of hazardous waste.

The Department notified Respondent of the violations identified during the Compliance Inspection by issuing Notice of Violation No. 24-HW-18 ("NOV"), dated July 18, 2024. The NOV documented six (6) violations of DRGHW and was received by Respondent on August 21, 2024. Pursuant to the terms of the NOV, Respondent was required to submit documentation within 30 days of its receipt of the NOV. Respondent's 30-day deadline was September 20,

[2] Generators of greater than or equal to 1,000 kilograms (≈2,200 pounds) of non-acute hazardous waste in any calendar month and/or greater than 1 kilogram (≈2.2 pounds) of acute hazardous waste in any calendar month are large quantity generators (Delaware's *Regulations Governing Hazardous Waste*, 2021).

2024, however, Respondent did not submit the required documentation demonstrating compliance until October 31, 2024.

FINDINGS OF FACT AND VIOLATION INCLUDING REGULATORY REQUIREMENTS

1. **DRGHW Section 262.16(b) states:**

> *"(b) Accumulation. The generator accumulates hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption for longer accumulation in paragraphs (d) and (e) of this section."*

DRGHW Section 262.17(a) states:

> *"(a) Accumulation. A large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in paragraphs (b) through (e) of this section."*

DRGHW Section 122.1(c) states in part:

> *"(c) Scope of the hazardous waste permit requirement. DNREC requires a permit for the 'treatment', 'storage', and 'disposal' of any 'hazardous waste' as identified or listed in Part 261. The terms 'treatment', 'storage', 'disposal', and 'hazardous waste' are defined in Section 122.2…"*

During the Compliance Inspection, Respondent provided records demonstrating Respondent generated 527 kg of hazardous waste on July 14, 2021, making Respondent a small quantity generator (SQG) of hazardous waste during that month. As an SQG, Respondent may accumulate hazardous waste onsite without a permit, provided the waste has not accumulated for more than 180 days from the date of generation. On April 18, 2024, Respondent emailed the Department indicating that the hazardous waste generated on July 14, 2021, was shipped from Respondent's Facility on March 8, 2024; as evidenced by Uniform Hazardous Waste Manifest #019084311FLE. From the date of generation to the date Respondent shipped the hazardous waste offsite, Respondent accumulated the waste onsite for 968 days. By accumulating hazardous waste for 968 days, which is 788 days more than the permissible 180 days for an SQG, Respondent violated DRGHW Section 262.16(b).

Additionally, during the Compliance Inspection, Respondent provided records demonstrating Respondent generated 1,332 kg of hazardous waste on August 26, 2022, making Respondent an LQG of hazardous waste during that month. As an LQG, Respondent may accumulate hazardous waste onsite without a permit, provided the waste has not accumulated for more than 90 days from the date of generation. On April 18, 2024, Respondent emailed the Department indicating the hazardous waste generated on August 26, 2022, was shipped from Respondent's Facility on March 8, 2024; as evidenced by Uniform Hazardous Waste Manifest #019084311FLE. From the date of generation to the date Respondent shipped the hazardous waste offsite, Respondent accumulated the waste onsite for 560 days. By accumulating hazardous waste for 560 days, which is 470 days more than the permissible 90 days for an LQG, Respondent violated DRGHW Section 262.17(a).

By failing to comply with the conditions for exemption in DRGHW Sections 262.16(b) and 262.17(a) regarding accumulation time frames, Respondent operated a hazardous waste storage facility without a permit, a violation of DRGHW Section 122.1(c).

In an email dated October 5, 2024, Respondent submitted documentation correcting the violations to the Department's satisfaction.

2. **DRGHW Section 262.17(a)(6) states:**

> *"(6) Emergency procedures. The large quantity generator complies with the standards in Subpart M of this part, Preparedness, Prevention and Emergency Procedures for Large Quantity Generators."*

DRGHW Section 262.261 states:

> *"(a) The contingency plan must describe the actions facility personnel must take to comply with §§262.260 and 262.265 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.*
> *(b) If the generator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112, or some other emergency or contingency plan, it need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this part. The generator may develop one contingency plan that meets all regulatory standards. The Department recommends that the plan be*

> *based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan").*
> *(c) The plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee, pursuant to §262.256.*
> *(d) The plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see §262.264), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times.*
> *(e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.*
> *(f) The plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires)."*

At the time of the Compliance Inspection, Department representatives requested a printed copy of Respondent's contingency plan. Respondent maintains the contingency plan electronically and could not immediately provide the requested copy. Subsequently, Respondent printed a copy of the contingency plan for Department representatives to review. Maintaining a printed copy of the Facility's contingency plan is required pursuant to DRGHW Section 262.262[3] of Subpart M.

Upon review of the provided contingency plan, Department representatives found that the contingency plan was generic and borrowed from an A. Duie Pyle emergency action plan.

---

[3] DRGHW Section 262.262 states *"A printed copy of the contingency plan and all revisions to the plan must be maintained at the large quantity generator's facility and…"*

Respondent's contingency plan was not specific to Respondent's hazardous waste generation or operation. As such, the plan did not include emergency response actions, spill prevention control and countermeasures, arrangements made with local emergency response agencies, the names and phone numbers of Respondent's emergency coordinators, a list of emergency equipment, or an evacuation plan, which are all elements of a contingency plan required pursuant to Section 262.261[4] of DRGHW Part 262, Subpart M.

Additionally, Respondent had not submitted a copy of the contingency plan to local emergency response agencies pursuant to DRGHW Section 262.262(a), nor had Respondent prepared a quick reference guide for emergency responders, as required pursuant to RGHW Section 262.262(b)[5] of DRGHW Part 262, Subpart M.

---

[4] DRGHW Section 262.261 states:

(a) The contingency plan must describe the actions facility personnel must take to comply with §§262.260 and 262.265 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.
(b) If the generator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112, or some other emergency or contingency plan, it need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this part. The generator may develop one contingency plan that meets all regulatory standards. The Department recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan").
(c) The plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee, pursuant to §262.256.
(d) The plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see §262.264), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times.
(e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.
(f) The plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

[5] DRGHW Section 262.262 states in part:

Respondent failed to comply with multiple requirements of DRGHW Part 262, Subpart M. In lieu of citing each individual violation of DRGHW Part 262, Subpart M, the Department finds Respondent violated DRGHW Section 262.17(a)(6).

In an email dated October 31, 2024, Respondent submitted documentation correcting this violation to the Department's satisfaction.

3. DRGHW Section 262.17(a)(7) states in part:

> *"(i) Training Program*
> *(A) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section…*
> *(iii) Facility personnel must take part in an annual review of the initial training required in paragraph (a)(7)(i) of this section."*

During the Compliance Inspection, Respondent provided Department representatives with product disposal lists, identifying products that were later stored at the Facility as waste. Based on the product disposal lists, Respondent was an SQG in 2021 and an LQG in 2022 and 2023. As an SQG, Respondent was required to provide one-time hazardous waste training to employees who manage hazardous waste and retain documentation of the provided training. When Respondent became an LQG, Respondent was to provide annual hazardous

---

"A printed copy of the contingency plan and all revisions to the plan must be maintained at the large quantity generator's facility and-
(a) The large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services)…
(b) A large quantity generator that first becomes subject to these provisions after January 21, 2021 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified in paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements…"

waste training to employees who manage hazardous waste and maintain documentation of such.

At the time of the Compliance Inspection, training records for the four employees responsible for Respondent's hazardous waste management were unavailable. On April 17, 2024, Respondent submitted training records for two employees, S. Slotwinksi and S. Hoffman. While the submitted records show that these two employees completed DOT hazardous material training, neither received hazardous waste training specific to their hazardous waste job responsibilities.

On April 24, 2024, Respondent submitted training records for the remaining employees, K. Butler and B. Bonds. The submitted records show that B. Bonds was not trained in 2021, 2022, or 2023, while K. Butler only received training in 2022.

Failure to properly train employees who manage Respondent's hazardous waste violates the training requirements of DRGHW. In lieu of citing violations of both SQG and LQG regulatory requirements, the Department finds Respondent violated DRGHW Section 262.17(a)(7), which is the more stringent requirement applicable to an LQG.

In an email dated October 11, 2024, Respondent submitted documentation correcting this violation to the Department's satisfaction.

4. **DRGHW Section 262.17(a)(1)(vi) states:**

> *"At least weekly, the large quantity generator must inspect central accumulation areas. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See paragraph (a)(1)(ii) of this section for remedial action required if deterioration or leaks are detected. A written record of the inspections and remedial actions taken, if necessary, must be maintained onsite for a minimum of 3 years."*

As an SQG in 2021 and an LQG in 2022 and 2023, Respondent must conduct weekly inspections of the Facility's central accumulation area (CAA) and maintain weekly inspection records. At the time of the Compliance Inspection, Respondent told Department representatives that generated hazardous wastes were kept in their original location and only moved to the

storage bay upon scheduling a waste pickup. Given that hazardous waste is stored in excess of 55 gallons in the original location of waste generation and in the storage bay, Respondent is operating multiple CAAs. At the time of the Compliance Inspection, Respondent had not conducted weekly inspections of the CAA at either location; therefore, did not maintain the required inspection records. In lieu of citing violations of both SQG and LQG regulatory requirements, the Department finds Respondent violated DRGHW Section 262.17(a)(1)(vi), which is the more stringent requirement applicable to an LQG.

In an email dated October 5, 2024, Respondent submitted documentation correcting this violation to the Department's satisfaction.

5. **DRGHW Section 262.41(a) states:**

> *"A generator who is a large quantity generator for at least one month of a year who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must complete and submit to the Secretary EPA Form 8700-13 A/B or a form approved by the Secretary by March 1 of the following year and must cover all generator activities during the previous year."*

During the Compliance Inspection, Department representatives were provided documentation by Respondent indicating that Respondent was an LQG for at least one month in 2022 and 2023. As such, Respondent was required to submit an annual hazardous waste report for 2022 and 2023. Upon review of Respondent's annual reports, the Department found that while Respondent submitted an annual report in 2023, it failed to submit a 2022 annual report, thereby violating DRGHW Section 262.41(a).

In an email dated October 31, 2024, Respondent submitted documentation correcting this violation to the Department's satisfaction.

6. **DRGHW Section 262.11 states in part:**

> *"(a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the hazardous waste classification of the waste may change. ...*

> *(f) Recordkeeping for small and large quantity generators. A small or large quantity generator must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by §261.3 of these regulations. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal."*

During the Compliance Inspection, Respondent provided the Department with product disposal lists for waste generated on July 14, 2021, August 26, 2022, and November 27, 2023. The product disposal lists from July 14, 2021, and August 26, 2022, indicated if each waste was hazardous or non-hazardous. The November 27, 2023, product disposal list did not contain similar indications, requiring Department representatives to consult Safety Data Sheets (SDS) to determine which wastes were hazardous.

Additionally, on December 15, 2023, Respondent's transporter, U.S. Waste Industries, collected a waste sample from a 15-gallon plastic pail requiring offsite shipment as a waste. The contents of the plastic pail were unknown. Although U.S. Waste Industries collected the sample for analysis, at the time of the Compliance Inspection, Respondent stated they had not received the analytical results of the collected sample. Therefore, Respondent did not make a hazardous waste determination.

Respondent's failure to make accurate hazardous waste determinations at the point of generation and maintain records supporting such determinations violates DRGHW Section 262.11.

On October 24, 2024, Respondent submitted documentation correcting this violation to the Department's satisfaction.

CONCLUSIONS

Based on the foregoing, the Department has concluded that Respondent has violated the above-cited statutory and regulatory provisions.

ASSESSMENT OF PENALTY

Pursuant to 7 *Del. C.* § 6005(b)(3), the Secretary may impose an administrative penalty of not more than $10,000.00 for each day of violation detailed in this Secretary's Order. This Secretary's Order is written notice to Respondent, that, based upon its findings, the Department is assessing Respondent an administrative penalty for the violations identified in this Assessment and Order. In assessing the administrative penalty, 7 *Del. C.* § 6005(b)(3) instructs the Secretary to consider the following factors: (1) the nature, circumstances, extent and gravity of the violation, or violations; (2) the ability of the violator to pay; (3) any prior history of such violations; (4) the degree of culpability; (5) the economic benefit or savings (if any) resulting from the violation; and (6) such other matters as justice may require. A brief discussion of these factors is set forth below.

1) **The Nature, Circumstances, Extent and Gravity of the Violation, or Violations**: The nature, circumstances, extent, and gravity of the violations are significant. This Order identifies and describes five (5) regulatory violations and one (1) statutory violation. Failing to ensure compliance with the regulatory requirements, including operating a hazardous waste storage facility without a permit, failing to comply with preparedness, prevention, and emergency procedures for LQGs, failing to administer the required initial or annual review of hazardous waste management training, failing to submit an annual report, and failing to make accurate hazardous waste determinations at the point of generation and retain documentation from three years from the date that waste was last shipped off, resulted in significant deviations from the statutory and regulatory requirements cited herein.

2) **Respondent's Ability to Pay**:

The record contains no information that Respondent lacks the ability to pay the

administrative penalty assessed.

3) **Prior History of Violations:**
Respondent has not previously incurred the same hazardous waste regulatory violations in Delaware; thus, this was not a factor in the administrative penalty assessment.

4) **Degree of Culpability:**
The degree of culpability is significant. Had Respondent employed reasonable oversight measures as DRGHW requires, these violations would not have occurred.

5) **Economic Benefit or Savings Resulting from the Violation(s):**
With respect to the economic benefit, the record contains no information that Respondent incurred any meaningful economic benefit from these violations. Thus, this was not a factor in the administrative penalty assessment.

6) **Such Other Matters as Justice May Require:**
Lastly, considering such other matters as justice may require, the Secretary has determined that the penalty assessed is proportional to the violations cited herein and calculated to deter Respondent, and those similarly situated, from engaging in future violations.

Pursuant to *7 Del. C.* § 6005(b)(3), this is written notice to Respondent that on the basis of its findings, the Department is assessing Respondent an administrative penalty of $10,000.00 for the violations identified in this Secretary's Order.

Respondent shall submit one check to the Department in the amount of $10,000.00 to pay the administrative penalty within 30 days from the receipt of this Assessment and Order. The check shall be made payable to the "State of Delaware" and shall be directed to Leslie Reese, 89 Kings Hwy SW, Dover, Delaware, 19901.

PUBLIC HEARING AND APPEAL RIGHTS

This Secretary's Order affects Respondent's legal rights and is effective and final on receipt by Respondent. Pursuant to Section 6008 of Title 7 of the Delaware Code, any person whose interest is substantially affected by this action of the Secretary may appeal to the Environmental Appeals Board within **20 days** of the receipt of the Secretary's Order. In the alternative, Respondent may, pursuant to 7 *Del. C.* § 6005(b)(3), request a public hearing on the Secretary's Order within **30 days** of receipt of the Order. A public hearing pursuant to 7 *Del. C.* § 6005(b)(3) would be conducted pursuant to 7 *Del. C.* § 6006, and the Secretary's Order following the hearing would be subject to appeal, pursuant to 7 *Del. C.* § 6008, by any person substantially affected.

Respondent is further advised that the above-assessed administrative penalty shall be due and owing within 30 days of Respondent's receipt of this Assessment and Order. In the event of nonpayment of the administrative penalty assessed above, and after Respondent has exhausted all legal appeals, if any, a civil action may be brought by the Secretary in Superior Court for collection of the administrative penalty, including interest, attorneys' fees and costs, and the validity, amount and appropriateness of such administrative penalty and/or costs shall **not** be subject to review pursuant to 7 *Del. C.* §§ 6005(b)(3) and (c).

To request a public hearing pursuant to 7 *Del. C.* § 6005(b)(3), please submit your request, in writing, to:

Department of Natural Resources and Environmental Control
Office of the Secretary
89 Kings Highway
Dover, DE 19901
Ph: (302) 739-9000

To submit an appeal to the Environmental Appeals Board pursuant to 7 *Del. C.* § 6008, you must file your written statement of appeal and submit a check, made payable to: "Environmental Appeals Board," for the $50.00 filing fee to:

Department of Natural Resources and Environmental Control
Office of the Secretary
Attn: Assistant to the Environmental Appeals Board
89 Kings Highway
Dover, DE 19901
Ph: (302) 739-9000

For additional information on filing an appeal with the Environmental Appeals Board and what information you must include in your written statement of appeal, please refer to the Environmental Appeals Board Regulations, codified at 7 *Del. Admin. C.* § 105.

The Department, to the extent necessary, reserves the right to take additional enforcement actions regarding these and other violations by Respondent, 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) & (c)(1). Nothing in this document shall be deemed to estop, or in any way preclude any additional enforcement action for these or any other violations, including administrative and civil penalties for each day of violation, or an action for the recovery of Department costs expended in abating these violations.

SECRETARY'S ORDER FOR COST RECOVERY

Pursuant to 7 *Del. C.* § 6005(c), Respondent is liable for all expenses incurred by the Department in abating the violations detailed in this Secretary's Order. "Such expenses shall include, but not be limited to, the costs of investigation, legal fees and assistance, public hearings, materials, equipment, human resources, contractual assistance, and appropriate salary and overtime pay for all state employees involved in the effort notwithstanding merit system laws, regulations or rules to the contrary." (7 *Del. C.* § 6005(c)(1)).

Respondent is liable for $4,293.00 in costs, which costs the Department has incurred to date in abating the violations detailed in this Secretary's Order. The Department has attached to this Secretary's Order a detailed billing of expenses detailing these costs. Respondent shall remit a check payable to the State of Delaware in the amount of $4,293.00 within thirty (30) days of receipt of this Secretary's Order to Leslie Reese, 89 Kings Hwy SW, Dover, Delaware 19901.

In the event that Respondent appeals this Secretary's Order pursuant to 7 *Del. C.* § 6008 or requests a public hearing pursuant to 7 *Del. C.* § 6005(b)(3), or in the event Respondent fails to comply with this Secretary's Order, the Department will rescind the detailed billing attached to this Secretary's Order. The Department will issue Respondent a new detailed billing and Cost Recovery Order following the exhaustion of Respondent's appeal rights that will include all additional recoverable costs incurred by the Department. Respondent is further advised that Respondent may challenge the Department's final detailed billing in accordance with 7 *Del. C.* § 6005(c)(2).

PAYMENT

If Respondent does not wish to exercise their legal rights to a hearing or appeal, Respondent may pay the administrative penalty of $10,000.00 and the Department's costs in the amount of $4,293.00 prior to the end of the appeal period, in the manner described in the attached **"Waiver of Statutory Right to a Hearing." By doing so, Respondent waives the right to a hearing and the opportunity to appeal or contest this Secretary's Order.**

If you have any questions, please contact, or have your attorney contact Matthew Lintner, Esq., Deputy Attorney General, at (302) 577-5375.

April 6, 2025
Date

Gregory Patterson, Secretary
Delaware Natural Resources and
Environmental Control

cc: Matthew Lintner, Esq., Deputy Attorney General
Timothy Ratsep, Division Director

WAIVER OF STATUTORY RIGHT TO A HEARING

Respondent hereby waives their right to a public hearing and its opportunity to appeal or contest this Assessment and Order, and agrees to the following:

1. **Nalco Company, LLC** will pay the administrative penalty in the amount of $10,000.00 by sending a check payable to the State of Delaware within 30 days of receipt of this Assessment and Order. The check shall be directed to Leslie Reese, 89 Kings Hwy SW, Dover, Delaware, 19901.

2. **Nalco Company, LLC** will pay the Department's Costs in the amount of $4,293.00 by sending a check payable to the "State of Delaware" within 30 days of receipt of this Assessment and Order. The check shall be directed to Leslie Reese, 89 Kings Hwy SW, Dover, Delaware, 19901.

Nalco Company, LLC

Date: _____ By: _____
(Signature)

Title: _____ Name: _____
(Print)