



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

**NOTICE OF ADMINISTRATIVE PENALTY ASSESSMENT
AND SECRETARY'S ORDER**

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

Order No. 2025-WH-0035

Issued To:

Via Certified Mail, Return Receipt

Joyce Morales
Summit Aviation, Inc.
4200 Summit Bridge Rd
PO Box 258
Middletown, DE 19709

Via Personal Service Registered Agent

Corporation Service Company
251 Little Falls Dr
Wilmington, DE 19808

Dear Ms. Morales:

This is to notify Summit Aviation, Inc., located at 4200 Summit Bridge Road, Middletown, Delaware 19709 ("Facility"), that the Secretary¹ of the Delaware Department of Natural Resources and Environmental Control ("Department") has found Summit Aviation, Inc. ("Respondent" or "Summit") in violation of 7 Del. C. Chapters 60 and 63, and 7 DE Admin. Code § 1302,

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

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

Respondent operates a private airport, offering maintenance, alterations, finishing, refinishing, and overhaul for personal, private, and government-owned aircraft. During routine operations, the Facility generates hazardous waste, universal waste, and used oil, the management of which is subject to DRGHW. 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 February 19, 2025, Department representatives conducted a hazardous waste compliance inspection ("Compliance Inspection") at the Facility. At the time of the Compliance Inspection, Respondent was a large quantity generator ("LQG")² of hazardous waste. The Facility is assigned EPA ID number DED984067892.

The Department has conducted multiple compliance inspections at Respondent's facility.

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 (DRGHW, 2021).

The first compliance inspection occurred on September 26, 2013. During this inspection eighteen (18) violations of DRGHW were observed. As a result, on October 18, 2013, the Department issued Notice of Violation (NOV) 13-HW-40, detailing each of those violations. Respondent demonstrated correction of the violations on November 22, 2013. Additionally, on January 9, 2014, the Department issued Notice of Administrative Penalty Assessment and Secretary's Order (Order) 2013-WH-0062. Respondent remitted the required penalty to the Department on March 3, 2014.

The second compliance inspection occurred, on July 17, 2016, resulting in the issuance of NOV 16-HW-19 on October 21, 2016, for three identified violations of DRGHW. Respondent demonstrated correction of the violations on November 28, 2016. A penalty order was not issued.

The third compliance inspection occurred on August 18, 2022, resulting in the issuance of NOV 22-HW-41 on December 21, 2022, for eight identified violations of DRGHW. Respondent demonstrated correction of the violations on February 16, 2023. A penalty order was not issued.

Finally, on February 19, 2025, the Department conducted the Compliance Inspection that is the subject of this penalty order. During that inspection, the Department identified thirteen (13) violations of DRGHW, which includes nine violations previously identified during earlier compliance inspections. As a result of the February 19, 2025, violations, on June 10, 2025, the Department issued NOV 25-HW-04.

In response to NOV 25-HW-04, Respondent submitted documentation to the Department demonstrating correction of the cited violations, with the last documentation submission received on August 13, 2025.

FINDINGS OF FACT AND VIOLATION INCLUDING REGULATORY REQUIREMENTS

1. DRGHW Section 262.17(a)(5)(i)(A), states:

- “(i) Containers. A large quantity generator must mark or label its containers with the following:
 - (A) The words ‘Hazardous Waste’;”

At the time of February 19, 2025, Compliance Inspection, Department representatives observed a metal cabinet in the hazardous waste central accumulation area shed. Inside the cabinet were approximately thirty (30) containers of various sizes and compositions, each accumulating hazardous waste. None of the observed containers were labeled with the words "Hazardous Waste."

Failure to properly label a container accumulating hazardous waste in a central accumulation area with the words "Hazardous Waste" violates DRGHW Section 262.17(a)(5)(i)(A).

On August 12, 2025, Respondent provided photographs demonstrating that the observed hazardous waste accumulation containers were labeled with the words "Hazardous Waste," correcting the violation to the Department's satisfaction.

Respondent was previously cited by the Department for failing to properly mark containers with accumulation start dates on October 18, 2013, in NOV 13-HW-40, and on January 9, 2014, in Order 2013-WH-0062.

2. DRGHW Section 262.17(a)(5)(i)(B) states:

(i) Containers. A large quantity generator must mark or label its containers with the following:...

(B) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR Part 172 Subpart E (labeling) or Subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704);"

And DRGHW Section 262.17(a)(5)(ii)(B) states:

"(ii) Tanks. A large quantity generator accumulating hazardous waste in tanks must do the following: ...

(B) Mark or label its tanks with an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR Part 172 Subpart E (labeling) or Subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704);"

At the time of February 19, 2025, Compliance Inspection, Department representatives observed a metal cabinet in the hazardous waste central accumulation area shed. Inside the cabinet were approximately thirty (30) containers of various sizes and compositions that were accumulating hazardous waste. None of the observed containers were marked with an indication of the hazards of their contents, despite the requirements of DRGHW Sections 262.17(a)(5)(i)(B) and 262.17(a)(5)(ii)(B).

Additionally, in central accumulation area #1 within the Paint Hangar, Department representatives observed two 55-gallon metal containers. The first 55-gallon container was accumulating hazardous waste paint cans, while the second container was accumulating hazardous waste contaminated rags/personal protective equipment. Neither container was marked with an indication of the hazards of its contents.

In central accumulation area #2 within the Paint Hangar, Department representatives observed two 55-gallon metal containers. The first 55-gallon container was accumulating hazardous waste paint cans, and the second container was accumulating hazardous waste paint stripper. Neither container was marked with an indication of the hazards of its contents.

Additionally, Respondent maintains a 5,500-gallon aboveground storage tank for the accumulation of hazardous waste stripper and Alodine rinsewater.³

On the day of the Compliance Inspection, Department representatives found that the tank was not marked with an indication of the hazards of its contents.

Failure to properly mark a container or tank accumulating hazardous waste with an indication of the hazards associated with its contents violates DRGHW Section 262.17(a)(5)(i)(B) and 262.17(a)(5)(ii)(B), respectively.

On August 13, 2025, Respondent provided the Department with photographs demonstrating that each of the containers and the hazardous waste tank were marked with an indication of the hazards associated with their contents, correcting the violations to the Department's satisfaction.

3. DRGHW Section 262.17(a)(5)(i)(C), states:

“(i) Containers. A large quantity generator must mark or label its containers with the following: ...

(C) The date upon which each period of accumulation begins clearly visible for inspection on each container.”

³ Rinsewater resulting from the removal of Alodine®, a chromate conversion coating applied to an aircraft to prohibit corrosion.

At the time of the February 19, 2025, Compliance Inspection, Department representatives, as described above, observed a metal cabinet in the hazardous waste central accumulation area shed. Inside the cabinet were approximately thirty (30) containers of various sizes and compositions that were accumulating hazardous waste. Respondent not only failed to properly mark the containers with an indication of the hazards associated with their contents, but none of the containers were marked with the date upon which the period of accumulation began.

Failure to properly date a container accumulating hazardous waste in a central accumulation area with the period on which accumulation began violates DRGHW Section 262.17(a)(5)(i)(C).

On August 12, 2025, Respondent provided photographs demonstrating that each of the containers were now marked with the date on which hazardous waste accumulation began, correcting this violation to the Department's satisfaction.

Respondent was previously cited by the Department for failing to properly mark containers with accumulation start dates on October 18, 2013, in NOV 13-HW-40, on January 9, 2014, in Order 2013-WH-0062, and on December 21, 2022, in NOV 22-HW-14.

4. DRGHW Section 262.15(a)(5)(ii), states:

“(5) A generator must mark or label its container with the following:...

(ii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR Part 172 Subpart E (labeling) or Subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).”

At the time of the Compliance Inspection, Department representatives observed a 55-gallon metal container accumulating hazardous paint waste in the satellite accumulation area of the paint hangar. The container was not marked with an indication of the hazards of its contents.

Moreover, in the satellite accumulation area of Hangar #2, Department representatives observed an aerosol can puncturing device attached to a 55-gallon metal container. This container is used to collect and accumulate hazardous waste released from the punctured aerosol cans. However, the container was not marked to indicate the hazards of its contents.

Furthermore, Department representatives also observed three 5-gallon metal flip-top containers accumulating hazardous waste in the satellite accumulation area of Hangar #2. None of these containers were marked to indicate the hazards of their contents.

Failure to properly mark a container in a satellite accumulation area with an indication of the hazards of the container's contents violates DRGHW Section 262.15(a)(5)(ii).

On August 12, 2025, Respondent provided the Department with photographs demonstrating that each satellite accumulation container was now marked with an indication of the hazards of its contents, correcting this violation to the Department's satisfaction.

5. DRGHW Section 279.22(c)(1), states:

“(1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words ‘Used Oil’.”

At the time of February 19, 2025, Compliance Inspection, Department representatives observed an accumulation of used oil filters in an unlabeled 55-gallon container in the satellite accumulation area in Hangar #5. Because the filters had not been hot drained and materially altered pursuant to the requirements of DRGHW Section 261.4(b)(13),⁴

⁴ Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D of this part if these oil filters have been gravity hot-drained using one of the following methods: (i) Puncturing the filter anti-drain back valve or

they did not qualify for exemption from management as used oil. As such, the container is subject to the labeling requirements of DRGHW Section 279.22(c)(1), requiring the container to be labeled with the words "Used Oil."

Additionally, Department representatives observed five 10-gallon metal containers accumulating used oil in the satellite accumulation area within Hangar #8. None of these five containers were labeled with the words "Used Oil."

Failure to properly label a container accumulating used oil with the words "Used Oil" violates DRGHW Section 279.22(c)(1).

On July 23, 2025, Respondent provided the Department with photographs demonstrating that all containers accumulating used oil were marked with the words "Used Oil," correcting the violation to the Department's satisfaction.

Respondent was previously cited by the Department for this violation, on October 18, 2013, in NOV 13-HW-40, on January 9, 2014, in Order 2013-WH-0062, and on December 21, 2022, in NOV 22-HW-14.

the filter dome end and hot-draining; (ii) Hot-draining and crushing; (iii) Dismantling and hot-draining; or (iv) Any other equivalent hot-draining method that will remove used oil. DRGHW Section 261.4(b)(13).

6. DRGHW Section 273.14(f), which states:

“A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:...

(f) Universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, must be labeled or marked clearly with any of the following phrases: ‘Universal Waste – Aerosol Can(s),’ ‘Waste Aerosol Can(s),’ or ‘Used Aerosol Can(s).’”

At the time of February 19, 2025, Compliance Inspection, Department representatives observed a 25-gallon plastic container in the satellite accumulation area of Hangar #5, which was accumulating universal waste aerosol cans awaiting puncturing. The plastic container was not marked with the phrase “Universal Waste – Aerosol Can(s),” or “Waste Aerosol Can(s),” or “Used Aerosol Can(s).”

Failure to properly mark a container accumulating universal waste aerosol cans with the phrase “Universal Waste – Aerosol Can(s),” or “Waste Aerosol Can(s),” or “Used Aerosol Can(s),” violates DRGHW Section 273.14(f).

On July 23, 2025, Respondent provided the Department with photographs demonstrating that containers accumulating universal waste aerosol cans were labeled with the phrase “Universal Waste Aerosol Cans,” correcting this violation to the Department’s satisfaction.

This violation was previously cited by the Department on December 21, 2022, in NOV 22-HW-14.

7. 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...”

At the time of February 19, 2025, Compliance Inspection, Respondent provided a printed copy of a contingency plan dated September 9, 2016. However, this plan was not the most recent version. On February 24, 2025, Respondent submitted its current contingency plan, dated February 10, 2023, to the Department. A printed copy of the current plan was not available at Respondent's facility at the time of the Compliance Inspection.

Failure to maintain a printed copy of the Facility's contingency plan and all revisions to the plan violates DRGHW Section 262.262.

On June 23, 2025, during a video call with the Department, Respondent demonstrated that a printed copy of the February 10, 2023 contingency plan was available onsite, correcting the violation to the Department's satisfaction.

8. DRGHW Section 262.262(a), which states:

“(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). This document may also be submitted to the Local Emergency Planning Committee, as appropriate. Documentation of written submission and receipt must be maintained at the facility for three (3) years from the requirement last being applicable.”

Following February 19, 2025, Compliance Inspection, Respondent provided the Department with a copy of their current contingency plan, dated February 10, 2023. However, Respondent was unable to provide documentation demonstrating that the current contingency plan had been received by local emergency responders.

Failure to submit a copy of the contingency plan to all local emergency responders violates DRGHW Section 262.262(a).

On August 4, 2025, Respondent provided the Department with documentation demonstrating that the contingency plan had been received by the local police department, fire department, hospital, and the Department's Emergency Response Team, correcting the violation to the Department's satisfaction.

This violation was previously cited by the Department on October 18, 2013, in NOV 13-HW-40, and on January 9, 2014, in Order 2013-WH-0062.

9. DRGHW Section 262.262(b), which states:

“(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:

- (1) The types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid);
- (2) The estimated maximum amount of each hazardous waste that may be present at any one time;
- (3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff;
- (4) A map of the facility showing where hazardous wastes are generated, accumulated, and treated and routes for accessing these wastes;
- (5) A street map of the facility in relation to surrounding businesses, schools, and residential areas to understand how best to get to the facility and also evacuate residents and workers;
- (6) The locations of water supply (e.g., fire hydrant and its flow rate);
- (7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and

- (8) The name of the emergency coordinator(s) and 24-hour/7-day emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator."

Following the February 19, 2025, Compliance Inspection, Respondent provided the Department with a copy of their current contingency plan, dated February 10, 2023. However, Respondent had not developed a contingency plan quick reference guide. As such, Respondent failed to submit the contingency plan quick reference guide to local emergency response agencies.

Failure to provide a copy of the contingency plan quick reference guide to local emergency responders violates DRGHW Section 262.262(b).

On August 4, 2025, Respondent provided documentation to the Department demonstrating that Respondent had developed a contingency plan quick reference guide and that said guide was received by the local police department, fire department, hospital, and the Department's Emergency Response Team. Consequently, this violation was corrected to the Department's satisfaction.

10. DRGHW Section 262.17(a)(7)(ii), which states:

"Facility personnel must successfully complete the program required in paragraph (a)(7)(i) of this section within six months

after the date of their employment or upon initial assignment to a position where such training is required, whichever is later.”

At the time of the February 19, 2025, Compliance Inspection, Respondent provided hazardous waste training records for personnel responsible for performing hazardous waste management and handling duties. However, Respondent was unable to provide training records for the following individuals who were identified as managing or handling hazardous waste: E. Krok, R. Cox, S. Webber, D. Smith, and J. Otoole.

Failure to provide the appropriate training to facility personnel with responsibility for handling hazardous waste within six months following their date of employment or upon initial assignment to a position requiring such training violates DRGHW Section 262.17(a)(7)(ii).

On July 23, 2025, Respondent provided the Department with receipts showing that facility personnel responsible for managing and handling hazardous waste are registered for a course to receive the required training, thereby correcting the violation to the Department's satisfaction.

This violation was previously cited by the Department on October 18, 2013, in NOV 13-HW-40, and on January 9, 2014, in Order 2013-WH-0062.

11. DRGHW Section 262.17(a)(7)(iii), states:

“Facility personnel must take part in an annual review of the initial training required in paragraph (a)(7)(i) of this section.”

At the time of the February 19, 2025, Compliance Inspection, Respondent was unable to demonstrate that the following individuals received annual hazardous waste training for the indicated years: J. Hardy (2022, 2023), A. Russel (2023, 2024), E. Krok (2022, 2023, 2024), R. Cox (2022, 2023, 2024), S. Webber (2022, 2023, 2024), D. Smith (2022, 2023, 2024), J. Otoole (2022, 2023, 2024), and J. Konzik (2022, 2023, 2024).

Failure to provide the appropriate annual training to facility personnel with responsibility for handling hazardous waste violates DRGHW Section 262.17(a)(7)(iii).

On July 23, 2025, Respondent provided the Department with receipts showing that facility personnel responsible for managing and handling hazardous waste are registered for a course to receive the required training. Additionally, Respondent provided an example of the notification to be provided to facility personnel to ensure training is completed annually, correcting the violation to the Department's satisfaction.

This violation was previously cited by the Department on December 21, 2022, in NOV 22-HW-41.

12. DRGHW Section 262.17(a)(1)(vi), which states:

“(vi) Inspections. At least weekly, the large quantity generator must inspect central accumulation areas.”

At the time of the February 19, 2025, Compliance Inspection, the Department requested that Respondent provide records of the weekly inspections of all central accumulation areas. While records were submitted, Respondent was unable to provide weekly inspection records for the Central Accumulation Shed and Fort Apache as follows:

Week of:	Week of:
April 10, 2022	October 22, 2023
June 26, 2022	November 5, 2023
July 24, 2022	December 24, 2023
October 16, 2022	March 24, 2024
November 13, 2022	April 14, 2024
December 18, 2022	May 26, 2024
January 22, 2023	September 29, 2024
May 7, 2023	November 10, 2024
August 6, 2023	December 22, 2024
August 27, 2023	December 29, 2024

Additionally, Respondent was unable to provide weekly inspection records for the central accumulation areas in the paint hangar for the week of December 15, 2024.

Failure to conduct weekly inspections of all hazardous waste central accumulation areas violates DRGHW Section 262.17(a)(1)(vi).

On July 23, 2025, Respondent submitted examples of its updated Central Accumulation Area and Fort Apache Inspection tracking system to the Department. Said update included enhancements to Respondent's inspection portal including recurring reminders to Respondent's personnel to complete each weekly inspection. The violation is corrected to the Department's satisfaction.

This violation was previously cited by the Department on October 18, 2013, in NOV 13-HW-40, and on January 9, 2014, in Order 2013-WH-0062.

13. DRGHW Section 265.195(a), which states:

“(a) The owner or operator must inspect, where present, at least once each operating day:

- (1) Overfill/spill control equipment (e.g., waste-feed cut-off systems, bypass systems, and drainage systems) to ensure that it is in good working order;
- (2) The aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
- (3) Data gathered from monitoring equipment and leak-detection equipment, (e.g., pressure and temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and
- (4) The construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation);”

Respondent maintains a 5,500-gallon above-ground storage tank for the accumulation of hazardous waste. While the tank is fitted with secondary containment, external ancillary equipment to the tank lacks secondary containment. As such, the tank system, including its ancillary equipment, must be visually inspected daily.

At the time of February 19, 2025, Compliance Inspection, Department representatives requested that Respondent provide records of the daily tank inspections. Respondent was unable to provide daily inspection records for the tank as follows:

Date	Date
May 23, 2022	July 19, 2024
May 30, 2022	August 9, 2024
July 8, 2022	August 30, 2024
November 30, 2022	September 2, 2024
December 26, 2022	September 20, 2024
December 30, 2022	October 4, 2024
January 2, 2023	October 18, 2024
May 29, 2023	November 4, 2024
May 31, 2023	November 15, 2024
July 3, 2023	November 28, 2024
July 4, 2023	November 29, 2024
July 13, 2023	December 16, 2024
December 25, 2023	December 25, 2024
January 1, 2024	December 31, 2024
May 27, 2024	January 1, 2025
May 28, 2024	January 3, 2025
July 1, 2024	

Failing to conduct daily inspections of a hazardous waste tank system without full secondary containment violates DRGHW Section 265.195(a).

On July 23, 2025, Respondent provided documentation to the Department demonstrating that a monitored surveillance camera had been installed. Respondent's installation of a monitored surveillance camera ensures that daily inspections of the hazardous waste tank and its ancillary equipment will take place every day of the calendar year, regardless of whether the facility is physically open, thereby resolving the violation to the Department's satisfaction.

This violation was previously cited by the Department on December 21, 2022, in NOV 22-HW-41.

CONCLUSIONS

Based on the foregoing, the Department has concluded that Respondent violated the above-cited 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 each violation detailed in this Order. This 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 each 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 thirteen (13) regulatory violations. Failing to ensure compliance with the regulatory requirements for the management of hazardous waste, including failure to properly label or mark containers accumulating hazardous waste, used oil, and universal waste, failure to properly date containers with the date upon which each period of accumulation began, failure to conduct inspections of hazardous waste accumulation areas and a tank, failure to comply with preparedness, prevention, and emergency procedures for LQGs, and failure to administer the required initial and annual review of hazardous waste training, are all significant deviations from the 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 repeatedly incurred hazardous waste regulatory violations in the state of Delaware, resulting in the issuance of NOV 13-HW-40 on October 18, 2013, Notice of Administrative Penalty and Secretary's Order 2013-WH-0062 on January 9, 2014, NOV 16-HW-19 on October 21, 2016, NOV 22-HW-41 on December 21, 2022, and NOV 25-HW-04 on June 10, 2025. The repeated nature of regulatory violations was a factor in assessing the administrative penalty.

4. Degree of Culpability:

The degree of culpability is significant. Had Respondent employed reasonable oversight measures as DRGHW require, the 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 the violations, and 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 has been 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 the above findings and factors, an administrative penalty of \$10,000.00 is assessed for the violations identified in this Order.

1. Respondent shall submit one check to the Department in the amount of \$10,000.00 to pay the administrative penalty within thirty (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 Highway SW, Dover, Delaware 19901.

PUBLIC HEARING AND APPEAL RIGHTS

This Secretary's Order affects Respondent's legal rights and is effective and final upon 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 **twenty (20) days** of the receipt of the Secretary's Order. Respondent may also, pursuant to 7 *Del. C.* § 6005(b)(3), request a public hearing on the Secretary's Order within **thirty (30) days** of receipt of the Secretary's 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 thirty (30) days of Respondent's receipt of this Secretary's 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
Telephone: (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
Telephone: (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 DE Admin. Code § 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 \$2,376.00 in costs, which 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 \$2,376.00 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 exhaustion of Respondent's appeal rights that will include costs that the Department has incurred to date in abating the violations contained in this Secretary's Order, as well as all additional recoverable costs incurred by the Department as a result of Respondent's continued non-compliance and/or Respondent's appeal. Respondent is further advised that Respondent may challenge the Department's final detailed billing in accordance with 7 *Del. C.* § 6005(c)(2).

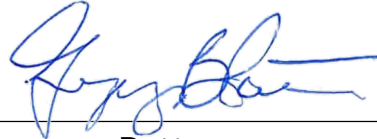
PAYMENT

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 \$2,376.00 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 Travis Groski, Esq., Deputy Attorney General, at (302) 395-2600.

Nov. 28, 2025

Date



Gregory Patterson
Secretary
Department of Natural Resources
and Environmental Control

cc: Travis Groski, Esq. Deputy Attorney General
Timothy Ratsep, Division Director

WAIVER OF STATUTORY RIGHT TO A HEARING

Summit Aviation, Inc. hereby waives its right to a public hearing and its opportunity to appeal or contest this Secretary's Order, and agrees to the following:

1. **Summit Aviation, Inc.** 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 Highway SW, Dover, Delaware 19901.
2. **Summit Aviation, Inc.** will pay the Department's Costs in the amount of \$2,376.00 by sending a check payable to the "State of Delaware" within 30 days of receipt of this Secretary's Order. The check shall be directed to Leslie Reese, 89 Kings Hwy SW, Dover, Delaware 19901.

Summit Aviation, Inc.

Date: _____

By: _____
(Signature)

Title: _____

Name: _____
(Print)