



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. 2026-WH-0003

Issued To:

Via Certified Mail, Return Receipt

Via Personal Service

Owner/Operator:

**Chris Locke
Lang Development Group LLC
100 Dean Drive
Newark, DE 19711**

Resident Agent:

**Jeffery E. Lang
134 Sunset Road
Newark, DE 19711**

Dear Lang Development Group LLC:

The Secretary¹ of the Department of Natural Resources and Environmental Control ("Department") has found Lang Development Group

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

LLC ("Respondent") in violation of 7 *Del. C.*, Chapter 60, Subchapter III and 7 DE Admin. Code § 1305, Delaware's Universal Recycling Regulations ("Universal Recycling Regulations"). Accordingly, the Department is issuing this Notice of Administrative Penalty Assessment and Secretary's Order ("Secretary's Order"), pursuant to 7 *Del. C.* § 6059.

BACKGROUND

In an effort to establish and promote a comprehensive statewide system of recycling and resource recovery that maximizes the quantity of solid waste materials which can be recovered, reused or converted to beneficial use, Delaware's 145th General Assembly passed Senate Bill No. 234 ("SB 234"), signed by the Governor on June 8, 2010. SB 234 amended Title 7, Ch. 60, Subchapter III by establishing a universal recycling program and requiring every residence and business to have access to recycling programs that are both convenient and cost-effective. SB 234 went into full effect on December 1, 2010.

Respondent operates a multi-family²residential property with 48 units at 94 East Main Street and 10 units at 108 East Main Street, Newark, Delaware 19711. Additionally, Respondent operates 5,500 square feet of

² "Multi-family" means 3 or more attached structures, such as condominiums or apartments, generally intended for occupancy by individuals or families and where centralized community trash disposal and collection services are typically provided. 7 *Del. C.* § 6052(a).

commercial property at 108 East Main Street and is a property manager.³ Respondent provides solid waste collection services to their consumers/tenants and is considered a waste services provider.⁴ As a waste services provider, pursuant to 7 DE Admin. Code § 1305, Universal Recycling Regulations, multi-family residential customers must be provided with single stream recyclables collection containers.

Single stream recycling is defined as a system in which all fibers (including but not limited to paper, cardboard, etc.) and containers (including but not limited to plastic, glass and metal) are commingled for collection into one container instead of being sorted into separate commodities and multiple containers. 7 Del. C. § 6052(13).

On June 16, 2025, Respondent received a letter of inquiry from the Department regarding the multi-family residential property located at 60 North College Ave., Newark, DE 19711. In the correspondence, Department representatives provided Respondent with information regarding compliance with 7 DE Admin. Code § 1305, Universal Recycling Regulations.

On September 3, 2025, Department representatives conducted a universal recycling compliance inspection ("Compliance Inspection") at 94

³ "Property manager" means the person or persons responsible for supervision, management or administration of the physical maintenance or the financial matters of real property. This includes but is not limited to the owner of the property. 7 DE Admin. Code § 1305-3.0.

⁴ "Waste services provider" means the person or persons engaged in providing solid waste collection service to the consumer. This applies to the persons or entities that arrange or contract for the service and the persons or entities that provide that service. The meaning shall be the same for 'Provider of waste service'. 7 DE Admin. Code § 1305-3.0.

and 108 East Main Street, Newark, Delaware 19711, residential properties which are operated by Respondent. During the Compliance Inspection, Department representatives observed one trash compactor and no access to single stream recycling. Consequently, Respondent violated the Universal Recycling Regulations. As a result, the Department issued NOV 25-SW-25 ("NOV") on October 3, 2025. The NOV requested proof of single stream recycling services and notification to tenants that single stream recycling was available.

In an October 21, 2025 email response to the NOV, Respondent alleged that collection containers were adjacent to waste disposal containers at all of its facilities inspected by the Department and confirmed that all of its inspected properties received notification of recycling on June 18, 2025.

However, on October 23, 2025, when Department representatives conducted another compliance inspection to verify that Respondent had corrected the violations cited in the NOV, they discovered that Respondent still did not have single stream recycling services available to its tenants. Moreover, to date, Respondent has failed to provide documentation of compliance despite the Department's request that Respondent send proof of compliance via email by October 31, 2025.

FINDINGS OF FACT AND VIOLATION INCLUDING STATUTORY REQUIREMENTS

1. 7 DE Admin. Code § 1305-3.0 states:

"Commercial sector" means any for-profit or not-for-profit retail or wholesale stores, offices, food service establishments, hospitality, utility, warehouses, and other manufacturing, industrial or processing

activities, and institutions such as social, charitable, educational, health care, professional and government services.

2. 7 DE Admin. Code § 1305-3.0 states:

"Property manager" means the person or persons responsible for supervision, management or administration of the physical maintenance or the financial matters of real property. This includes but is not limited to the owner of the property.

3. 7 DE Admin. Code § 1305-3.0 states:

"Waste services provider" means the person or persons engaged in providing solid waste collection service to the consumer. This applies to the persons or entities that arrange or contract for the service and the persons or entities that provide that service. The meaning shall be the same for 'Provider of waste service'.

Respondent is considered a property manager and a waste services provider pursuant to the Universal Recycling Regulations.

4. 7 DE Admin. Code § 1305 states:

4.1 Waste services providers shall:

4.1.1 Not commingle source-separated recyclables with other solid waste;

4.1.2 At a minimum, provide annual notification to their customers that single stream recycling services will be provided, with instructions on participation; and¹

4.1.3 Provide multi-family residential customers with single stream recyclables collection containers that are located adjacent, or as close as possible, to the complex's waste disposal containers, so that recycling access is at least as convenient as waste disposal.

4.2 Property managers:

4.2.1 In the single or multi-family residential sectors shall ensure that single stream recycling services are available for tenants in accordance with 7 Del.C. §6053;

4.2.2 In the commercial sector shall ensure that single stream recycling services are available for tenants in a manner that is convenient and cost effective;

4.2.3 At a minimum, provide annual notification to their tenants that single stream recycling services will be provided with instructions on participation; and

4.2.4 Are not precluded from requiring tenants to source-separate their single stream recyclable materials and place them in the appropriate recycling collection containers.

4.3 The commercial sector shall participate in a comprehensive recycling program. To accomplish this, all commercial sector persons shall:

4.3.1 Perform an annual review of the solid waste generated and maintain records of the review for three years;

4.3.2 Identify recyclables in the solid waste;

4.3.3 Subsequently keep recyclables separate from the solid waste stream; and

4.3.4 Ensure the recyclables enter the marketplace or are collected for recycling.

Respondent is considered a property manager and a waste services provider pursuant to the Universal Recycling Regulations and, therefore, must provide its multi-family residential customers with single stream recyclables collection containers and, at a minimum, annual notification that single stream recycling services will be provided, with instructions on participation.

At the time of September 3, 2025 Compliance Inspection, Department

representatives observed one trash compactor and no access to single stream recycling. Failing to provide access to single stream recycling services and notification to tenants that single stream recycling services will be provided, violates the Universal Recycling Regulations, Sections 4.1 and 4.2.

On October 23, 2025, Department representatives observed that Respondent still did not have single stream recycling services available to its tenants. Moreover, to date, Respondent has failed to provide documentation of compliance despite the Department's request that Respondent send proof of compliance via email by October 31, 2025.

CONCLUSIONS

Based on these foregoing violations by the Respondent, the Department has concluded that Respondent has violated the above-cited regulatory provisions.

SECRETARY'S ORDER

In consideration of the foregoing findings, notice is hereby given, pursuant to 7 *Del. C.* § 6005(b)(2), that Respondent must achieve compliance with all applicable laws and regulatory requirements by undertaking and submitting the following documentation to the Department, demonstrating within thirty (30) days of receipt of this Order the following:

1. That the multi-family residential complex owned and/or operated by the Respondent has been provided with an appropriately sized and centrally located recyclables collection container or containers in the

same proximity as the complex's waste disposal containers consistent with 7 DE Admin. Code § 1305.

2. That at least once per calendar year, multi-family residential complex residents are given instructions on participating in the complex's recycling program as detailed in 7 DE Admin. Code § 1305.
3. That the commercial sector tenants have access to single stream recycling services in a manner that is both convenient and cost effective.

Submit all compliance documentation and correspondence to:

Sarah Karper
Department of Natural Resources and Environmental Control
Division of Waste and Hazardous Substances
Compliance and Permitting Section
89 Kings Highway
Dover, DE 19901
Sarah.Karper@delaware.gov

ASSESSMENT OF PENALTY

Pursuant to 7 *Del. C.* § 6059, the Secretary may impose an administrative penalty of no less than \$100 nor more than \$500 for each day of violation for the first conviction. 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 Secretary's 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. Both failing to provide appropriately sized and centrally located recyclables collection container(s) to multi-family residential tenants, and failing to provide commercial sector tenants single stream recycling in a manner that is convenient and cost effective, are 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:

The record contains no information that Respondent has a prior history of similar type violations.

4. Degree of Culpability:

The degree of culpability is significant. Had Respondent employed reasonable oversight, 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, 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 designed to deter Respondent, and those similarly situated, from engaging in future violations.

Pursuant to 7 *Del. C.* § 6059, this is written notice to Respondent that based on the above findings and factors, an administrative penalty of \$20,000.00 is assessed for the violations identified in this Secretary's Order.

Respondent shall submit one check to the Department in the amount of \$20,000.00 to pay the administrative penalty within thirty (30) days from the receipt of this Secretary's Order. The check shall be made payable to the "State of Delaware" and shall be directed to: Carlene Clark, DNREC-Office of

the Secretary 89 Kings Highway SW, Dover, DE 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)).

At this time, the Department is not seeking costs from Respondent. 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), the

Department reserves the right to issue a detailed billing statement of all costs incurred as a result of Respondent's appeal and seek recovery of that amount. The Department will issue Respondent that detailed billing and Cost Recovery Order following exhaustion of Respondent's appeal rights.

PRE-PAYMENT

Respondent may prepay the administrative penalty of \$20,000.00 in the manner described in the attached "Waiver of Statutory Right to A Hearing." By doing so, Respondent waives its 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 Lucinda Cucuzzella, Deputy Attorney General, at (302) 577-8500 or Lucinda.Cucuzzella@delaware.gov

March 16, 2025

Date



Gregory Patterson, Secretary
Delaware Department of Natural
Resources and Environmental
Control

cc: Lucinda Cucuzzella, Deputy Attorney General
Timothy Ratsep, Division Director

WAIVER OF STATUTORY RIGHT TO A HEARING

LANG DEVELOPMENT GROUP, LLC 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. **LANG DEVELOPMENT GROUP, LLC** will pay the administrative penalty in the amount of \$20,000.00 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 Carlene Clark, DNREC-Office of the Secretary, 89 Kings Highway SW, Dover, DE 19901.

LANG DEVELOPMENT GROUP, LLC

Date: _____

By: _____
(Signature)

Title: _____

Name: _____
(Print)