



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 SECRETARY'S ORDER

Pursuant to 7 Del. C. §9109

Order No. 2026-WH-0006

Via Personal Service:

Facility Location

900 Greenbank Rd.
Wilmington, DE 19808

Via Personal Service:

Registered Agent

Harvard Business Services,
Inc.
16192 Coastal Highway
Lewes, DE 19958

Via Certified Mail:

**Facility Owner/Operator/Legal
Representative**

Mark Donatiello, Esquire
Morgan, Lewis & Bockius LLC
502 Carnegie Center
Princeton, NJ 08540

Via Certified Mail:

Property Owner

Marshallton Realty Holdings
LLC
8815 Centre Park Drive, Suite
400
Columbia, MD 21045

Via Certified Mail:

**Facility Owner/Operator/Legal
Representative**

Sunny Naik, Vice President
Marshallton Realty Holdings LLC
8815 Centre Park Drive, Suite 400
Columbia, MD 21045

This is to notify AMETEK, Inc. ("AMETEK"), Marshallton Realty Holdings LLC ("MRH") and Niche Polymer LLC ("Niche Polymer") (collectively, "Respondents"), that the Secretary of the Department of Natural Resources

and Environmental Control (“Department” or “DNREC”) has found Respondents in violation of Delaware’s Hazardous Substance Cleanup Act, 7 Del. C. Chapter 91 (“HSCA”), and 7 Del. Admin. Code § 1375, Delaware’s Regulations Governing Hazardous Substance Cleanup (“HSCA Regulations”). Accordingly, the Department is issuing this Secretary’s Order pursuant to 7 Del. C. § 9109(a)(3).

BACKGROUND

Respondent AMETEK previously owned and operated a hazardous waste treatment, storage, and disposal facility located at 900 Greenbank Road, Wilmington, New Castle County, Delaware (the “Site” or “Facility”). The Facility historically generated and stored hazardous waste pending off-site treatment and/or disposal. In 1981, the Facility submitted a Resource Conservation and Recovery Act (“RCRA”) Part A Permit Application to allow for storage of generated hazardous wastes for periods of time greater than that prescribed in 7 Del. Admin. Code § 1302, Delaware’s Regulations Governing Hazardous Waste (“DRGHW”). Submittal of the RCRA Part A Permit Application placed the Facility in interim status pursuant to DRGHW § 122.70(a).

In 2007, the Department initiated a RCRA corrective action at the Facility. That corrective action included the performance of a RCRA Facility Assessment (RFA), identifying seventeen Solid Waste Management Units (“SWMUs”) and five Areas of Concern (“AOCs”). A RCRA Facility Investigation (“RFI”) followed in 2009, with initial sampling and characterization of

potential contaminants of concern. A DNREC-requested Phase II RFI was submitted in December 2010 for additional soil and groundwater characterization. RFI Groundwater Sampling Reports followed in 2012, 2013, 2014, and 2015. A Supplemental Phase II RFI investigation was requested, adding PFAS characterization, with findings submitted in the 2019 "Summary of PFAS Results" and "Revised Summary of Site Sampling Activities." An "Expanded Screening Level Human Health and Ecological Risk Assessment of Soil, Surface Water, and Sediment Work Plan" was submitted in November 2019. DNREC submitted "The Environmental Indicator for Groundwater Control (EI-750)" with an affirmative determination in September 2020. No additional corrective action activities or tasks have been performed since September 2020.

In July 2021, Niche Polymer acquired Westchester Plastics LLC ("Westchester Plastics")¹ from AMETEK and closed on the acquisition in September 2021. In December 2021, Westchester Plastics transferred ownership of the Facility to MRH. Respondent Niche Polymer is the parent company of MRH and Westchester Plastics.

On July 15, 2022, the Department met virtually with MRH to discuss continuing corrective actions at the Facility. During that meeting, MRH orally accepted responsibility for continuing corrective actions at the Facility and subsequently submitted a RCRA Site Identification form transferring the Facility EPA Identification Number to MRH.

¹ Westchester Plastics was previously owned by AMETEK.

On August 11, 2025, the Department issued separate Notices of Liability ("NOLs") to MRH and AMETEK pursuant to §§ 9104 and 9105 of HSCA for the release or threatened release of hazardous substances, pollutants, or contaminants at the Facility. The NOLs stated that the Department had determined that a remedy was required under HSCA due to the presence of hazardous substances, including Per- and polyfluoroalkyl Substances ("PFAS"), Semi-Volatile Organic Compounds ("SVOCs"), Volatile Organic Compounds ("VOCs"), and Metals in soil, groundwater, surface water and sediment. Furthermore, the NOLs encouraged MRH and AMETEK each to join the Voluntary Cleanup Program ("VCP") and proceed under HSCA.

The Department received a response from AMETEK's counsel dated September 10, 2025, requesting an extension of time to evaluate the NOL and coordinate a response with the current owners of the Facility. The Department responded to AMETEK's letter on October 9, 2025, granting a thirty (30) day extension to AMETEK to respond to the NOL.

On October 24, 2025, Department representatives met with representatives from MRH and Niche Polymer to discuss the Site. Department representatives informed MRH and Niche Polymer that they would need to join the VCP and perform a Remedial Investigation ("RI") and a remedial action, including a risk assessment.

On October 30, 2025, the Department sent a letter to AMETEK and MRH requesting that both parties enter into a VCP Agreement ("VCPA") that would mandate the parties to cooperate and fully investigate the Site and perform any remedy required. The Department included a template VCPA with the letter and requested that both parties execute the agreement prior to November 8, 2025.

On November 10, 2025, the Department received a letter dated November 5, 2025 from John McGahren, counsel for AMETEK, requesting an additional extension of time to respond to the October 30, 2025 letter and the NOL. The Department granted a final extension until December 8, 2025 for both AMETEK and MRH to enter into a VCPA.

On November 20, 2025, the Department and AMETEK representatives met to discuss a path forward concerning the Site, and AMETEK expressed interest in remaining with the RCRA Corrective Action Facility Lead Program (the "Facility Lead Program") instead of joining the VCP. On December 8, 2025, the Department received a letter dated December 5, 2025 from Mr. McGahren memorializing AMETEK's position that it is interested in remaining within the Facility Lead Program instead of joining the VCP and proceeding under HSCA.

On December 11, 2025, the Department of Justice ("DOJ") sent a letter on behalf of the Department to both AMETEK and Niche Polymer informing

the parties that the Department had determined that the preferred process was to proceed under HSCA, rather than the RCRA Facility Lead Program, to streamline remediation at the Site. The Department again requested that both AMETEK and Niche Polymer enter into a VCPA and execute the agreement by December 23, 2025.

On December 23, 2025, Mark Scheuer, Vice President for Environmental Health Safety at AMETEK, informed the Department via email that AMETEK had initiated litigation against Niche Polymer, MRH, and Westchester Plastics on December 19, 2025. Mr. Scheuer noted in the email that AMETEK would continue to cooperate with the Department regarding the Facility.

On January 7, 2026, the DOJ sent a letter on behalf of the Department to both AMETEK and Niche Polymer, again requesting that the parties enter into a VCPA. The Department further requested that AMETEK and its consultant, ERM, submit a comprehensive, narrative Conceptual Site Model ("CSM") that details and explains all of the work completed under the RCRA Facility Lead Program to date. The letter explained that the CSM should summarize all environmental sampling completed at the Site, detail all exposure pathways at the Site, and identify gaps to be filled to complete a Remedial Investigation/Feasibility Study ("RI/FS"). The Department requested that AMETEK submit the CSM by March 9, 2026. Further, to ensure that AMETEK and Syensqo Specialty Polymers, LLC ("Specialty

Polymers")² are able to fulfill their obligations to perform work by gaining access to the Site, the Department requested that Niche Polymer grant access to the Site to both AMETEK and Specialty Polymers.

On January 16, 2026, Department representatives received a copy of a letter from Mr. McGahren, counsel for AMETEK, addressed to Niche Polymer, MRH and Westchester Plastics, providing notice to these entities that AMETEK intended to bring suit pursuant to 42 U.S.C. §§ 6972(a)(1)(A) and (a)(1)(B) of RCRA and seek abatement of an alleged imminent and substantial endangerment to health and the environment stemming from these entities' ongoing management of the Facility.

On January 21, 2026, Mr. McGahren sent a letter to the Department explaining that AMETEK believed that a new and comprehensive CSM was unnecessary, as the information requested is generally contained in prior submittals, including two Environmental Indicator Determinations and a Work Plan. AMETEK stated that, to the extent the Department specifically requires a new CSM, this work should be conducted by Niche Polymer because it agreed to take on exactly this kind of work when it purchased the Site, and again in meetings with DNREC shortly thereafter. AMETEK reiterated that it remained committed to cooperating with the Department on an acceptable path forward, but it could not agree to conduct a comprehensive CSM on behalf of Niche Polymer.

² Specialty Polymers owns an adjacent parcel and is currently conducting a remedial investigation in accordance with a settlement agreement executed with the Department.

On February 2, 2026, the DOJ sent a letter on behalf of the Department to both AMETEK and Niche Polymer, following up on the Department's request that AMETEK submit a comprehensive, narrative CSM that complies with the HSCA Regulations. The Department further explained that it had not released AMETEK from liability for its remedial action obligations. Rather, AMETEK and Niche Polymer are jointly and severally liable under HSCA and, therefore, a failure to submit a CSM by the March 9, 2026 deadline by either AMETEK, Niche Polymer, or jointly, constitutes a failure by both parties to comply with their corrective action obligations under HSCA.

On February 25, 2026, the DOJ received a letter dated February 24, 2026 from Niche Polymer responding to the letter dated February 2, 2026. Niche Polymer explained in the letter that it was unable to work with the Department in resolving this matter due to the pending lawsuit between AMETEK and Niche Polymer.

On March 23, 2026, Department representatives met in-person with AMETEK representatives to discuss the path forward regarding the Site.

On March 31, 2026, the DOJ sent a letter on behalf of the Department to Niche Polymer, following up on the Department's request that Niche Polymer grant access to the Site to both AMETEK and Specialty Polymers to fulfill their obligations to perform work at the Site. The Department

requested that Niche Polymer confirm by April 7, 2026 that it was willing to grant access. On April 7, 2026, the Department received a letter from MRH stating that it would be “willing to grant access to both Syensqo and AMETEK for them to perform their due diligence and studies according to the need of DNREC.”

FINDINGS OF FACT AND VIOLATIONS INCLUDING REGULATORY REQUIREMENTS

The RFI submitted by AMETEK in 2019 indicated SVOCs, VOCs, PFAS and metals in soil and groundwater at concentrations higher than the HSCA Screening Levels:

- 1) Soil results include detections of certain metals, SVOCs, and PFAS above direct contact screening values, and detections of VOCs below screening values for direct contact.
 - a) There are detections of Tetrachloroethylene (PCE) which may exhibit leaching of soil to groundwater.
 - b) The screening values for PFAS did not exceed values in 2019; however, compared to current screening levels, there are exceedances of PFDA and PFOA at 0 – 1' bgs.
- 2) Groundwater exceedances are observed for the following hazardous substances:
 - a) VOCs: 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethene; cis-1,2-Dichloroethene; 1,1,1-Trichloroethane (1,1,1-TCA); Trichloroethene (TCE); Vinyl Chloride; and Benzene

- b) SVOCs: Naphthalene
- c) Metals: Cobalt, Iron, Manganese, Selenium, and Zinc
- d) PFAS: Perfluorohexanoic acid (PFHxA); Perfluorohexanesulfonic acid (PFHxS); Perfluorooctanoic acid (PFOA); Perfluorooctanesulfonic acid (PFOS); Perfluorononanoic acid (PFNA); Perfluorodecanoic acid (PFDA); Perfluoroundecanoic acid (PFUnA); and Perfluorododecanoic acid (PFDoA).

Based upon the analytical results, the Department has determined that additional investigation must be performed to comply with HSCA.

1. 7 Del. Admin. Code 1375-§9.3.3.1 states:

Any laboratory confirmed analyte concentration, in excess of the screening levels approved by the Department, may require further evaluation.

2. 7 Del. Admin. Code 1375-§9.4.1 states:

The purpose of the remedial investigation (RI) includes:

- §9.4.1.1 Characterizing the nature and extent of the release or the potential release of hazardous substances;
- §9.4.1.2 Collecting data to perform a risk assessment as specified in Section 10.0: and
- §9.4.1.3 Identifying the specific conditions that require potential remediation.

3. 7 Del. Admin. Code 1375-§9.4.2 states:

A Department approved Sampling and Analysis Plan (SAP), as specified in Section 9.6, is required prior to conducting a RI.

4. 7 Del. Admin. Code 1375-§9.4.3 states:

The Department may determine that the existing information regarding a facility satisfies all or part of the requirements of a RI.

5. 7 Del. Admin. Code 1375-§9.4.4 states:

The scope of the RI will depend on the specific characteristics of the facility and will meet the data quality objectives specified in the SAP.

6. 7 Del. Admin. Code 1375-§9.4.5 states:

A RI shall be conducted in accordance with the criteria, procedures, and time schedules determined by the Department.

7. 7 Del. Admin. Code 1375-§9.4.6 states:

The results of the RI will be evaluated to determine if data quality objectives, as described in the SAP, have been met.

8. 7 Del. Admin. Code 1375-§9.4.7 states:

Based on the information obtained about the facility during the RI and risk assessment, the Department may:

9.4.7.1 Require a Feasibility Study, as specified in Section 12.4, to evaluate potential remedies for the facility;

9.4.7.2 Require or conduct additional investigation or remedy (interim action); and/or

9.4.7.3 Issue a Proposed Plan of Remedial Action.

9. 7 Del. Admin. Code 1375-§10.0, Risk Assessment, states, in relevant part:

10.1 The methodology described in this section shall apply to the results of a remedial investigation as described and specified in Section 9.4 of these Regulations.

10.2 The purpose of the risk assessment is to characterize the nature and magnitude of health risks to humans and adverse effects to ecological receptors caused by the release of hazardous substances at the facility.

The investigations and sampling performed thus far have not characterized the nature and extent of the hazardous substance release. A comprehensive Remedial Investigation (RI) Work Plan is required, focusing on the nature and extent of chlorinated solvents and PFAS in the bedrock aquifer. Also required are a complete Remedial Investigation Report (RIR), a Risk Assessment (RA), a Feasibility Study (FS), and a Final Plan of Remedial Action, which Respondents will be required to implement.

CONCLUSIONS

Based on the foregoing, the Department has concluded that Respondents are potentially responsible parties and jointly and severally liable for a release at the facility under HSCA and the HSCA Regulations. The Secretary has notified Respondents of the release of hazardous substances into the environment from the Facility and has statutory authority to require

implementation of such measures as to protect human health and the environment.

SECRETARY'S ORDER

In consideration of the foregoing findings, notice is hereby given, pursuant to 7 *Del. C.* § 9109(a)(3), that Respondents shall achieve compliance with all applicable laws and regulations by undertaking the following actions:

1. Immediately initiate a remedy, to begin with the submission, within sixty (60) days of Respondents' receipt of this Order, of a Remedial Investigation Work Plan that will address data gaps in the 2019 RFI and include a complete narrative Conceptual Site Model, and Sampling and Analysis Plan in accordance with the HSCA Regulations.
 - a. Source characterization of hazardous substances detected at the facility;
 - b. A description of the hazardous substances sampled, analyzed, and monitored to assess the nature and extent of the release;
 - c. A description of all media to be sampled and monitored;
 - d. The direction and rate of contaminant movement within each medium of concern, and;
 - e. Identification of all identified current and future exposure pathways in which hazardous substances are currently or have the potential to migrate.
2. Submit a complete Remedial Investigation Report (RIR) that characterizes the full nature and extent of the hazardous substance release at the Site in accordance with the HSCA Regulations.

- a. Upon submittal of the RIR, the Department will issue a determination within sixty (60) days whether the report is approved as submitted or technically deficient. The Respondents will have sixty (60) days to correct deficiencies cited in the Report.
3. Upon approval of the RIR, the Respondents will submit a Risk Assessment (RA) evaluating both human health and ecological risks as necessary.
 - a. Upon submittal of the RA, the Department will issue a determination within sixty (60) days whether the RA is approved as submitted or technically deficient. The Respondents will have sixty (60) days to correct deficiencies cited in the RA.
4. The Respondents may submit the RI and RA together. However, the RA will not be reviewed until the RI is approved by the Department. The Respondents must correct the RA if the findings of the RI affect the risk scenarios presented in the RA.
5. Upon approval of the RA, the Respondents will submit a Feasibility Study (FS) evaluating remedial alternatives at the Facility.
 - a. Upon submittal of the FS, the Department will issue a determination within sixty (60) days whether the FS is approved as submitted or technically deficient. The Respondents will have sixty (60) days to correct deficiencies cited in the FS.

6. Upon adoption of a Final Plan of Remedial Action, the Respondents will implement the requirements therein.
7. Notify the Department within seven (7) days of any circumstance that comes to your attention and is beyond your reasonable control that will prevent you from complying with any deadline established by this Order.

Submit all documentation and correspondence to the following:

Department of Natural Resources and Environmental Control
Division of Waste and Hazardous Substances
Remediation Section
391 Lukens Drive
New Castle, Delaware 19702
mike.penzone@delaware.gov
302-395-2600

Failure to comply with the listed actions may result in penalties assessed against you in an amount up to \$40,000.00 per day. Additionally, Respondents may be liable for any remedial costs incurred by the State resulting from non-compliance.

PUBLIC HEARING AND APPEAL RIGHTS

This Secretary's Order affects Respondents' legal rights and is effective and final upon receipt by each Respondent separately. 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. Respondents 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.

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 DE Admin. Code § 105.

The Department, to the extent necessary, reserves the right to take additional enforcement actions regarding these and other violations by Respondents, 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, 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), and an action under 7 *Del. C.* § 9109 for any of the reasons stated thereunder. Nothing in this document shall be deemed to stop, 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.

If you have any questions, please contact Lucinda Cucuzzella, Esq.,
Deputy Attorney General, at 302-577-8874.

April 26, 2026



Date

Gregory Patterson
Secretary
Department of Natural Resources and
Environmental Control

cc: Timothy T. Ratsep, WHS Director
Lucinda C. Cucuzzella, Esq., Deputy Attorney General

WAIVER OF STATUTORY RIGHT TO A HEARING

AMETEK, Inc. hereby waives its right to a hearing and its opportunity to appeal or contest this Order and agrees to abide by all terms and conditions of the Secretary's Order.

Marshallton Realty Holdings LLC hereby waives its right to a hearing and its opportunity to appeal or contest this Order and agrees to abide by all terms and conditions of this Secretary's Order.

Niche Polymer LLC hereby waives its right to a hearing and its opportunity to appeal or contest this Order and agrees to abide by all terms and conditions of this Secretary's Order.

AMETEK, Inc.

Date: _____

By: _____

Title: _____

Name: _____

Marshallton Realty Holdings, LLC

Date: _____

By: _____

Title: _____

Name: _____

Niche Polymer LLC

Date: _____

By: _____

Title: _____

Name: _____