



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

Office of the
Secretary

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SECRETARY'S ORDER TO CEASE AND DESIST

Pursuant to 7 *Del. C.* § 6018

Order No. 2026-WH-0019

Issued To:

Via FedEx

Via Personal Service Registered
Agent

Mr. Robert Eldredge
President
Industrial Resources Network, LLC
707 South Church Street
Wilmington, DE 19801

United States Corporation Agents,
Inc.
131 Continental Drive
Suite 305
Newark, DE 19713

Dear Mr. Eldredge:

This is to notify Industrial Resources Network, LLC, ("Respondent") that the Secretary of the Delaware Department of Natural Resources and Environmental Control ("Department") has found Respondent in violation of 7 *Del. C.* Chapter 60 and 7 *Del. Admin. C.* § 1302, Delaware's "Regulations Governing Hazardous Waste" ("DRGHW"). Accordingly, the Department is

issuing this Secretary's Order to Cease and Desist, pursuant to 7 *Del. C.* § 6018.

This Order is issued pursuant to 7 *Del. C.* § 6018 because the Secretary has determined that Respondent is engaged in activities that constitute ongoing violations of DRGHW and present an imminent risk of continued unlawful storage and handling of hazardous waste. Immediate action is necessary to protect public health and the environment.

BACKGROUND

Pursuant to the authority set forth in 7 *Del. C.* Chapters 60 and 63, the Department has established the DRGHW to regulate the storage, transportation, handling, and disposal of hazardous waste, and to assure its safe and adequate management throughout the State of Delaware. These regulations protect public health and the environment from the harmful effect of improper, inadequate or unsound management of hazardous waste.

Respondent operates a drum reconditioning¹ business located at 707 South Church Street, Wilmington, Delaware 19801 (the "Facility"). The Facility receives containers that meet the definition of empty² under the federal Resource Conservation and Recovery Act ("RCRA") and the DRGHW ("RCRA-empty containers"), as well as other non-regulated containers. These

¹ A drum reconditioning facility cleans and reconditions steel, plastic, and fiber drums for resale and reuse.

² A container that previously held a hazardous waste but is considered "empty" under DRGHW and no longer regulated as a hazardous waste. Standards for empty containers are found in DRGHW Section 261.7(b)(1).

containers are subsequently reused, transferred to another drum reconditioner, or disposed of. As part of its operations, Respondent generates hazardous waste through its drum cleaning process and is subject to the requirements of DRGHW, including compliance inspections conducted by the Department.

Respondent most recently notified the Department that it was a large quantity generator³ of hazardous waste on May 7, 2025, and Respondent has been operating as a large quantity generator since July 21, 2023.

On January 5, 2026, the Department sent Respondent an email notifying it that, as a large quantity generator of hazardous waste, pursuant to DRGHW Section 262.41(a), Respondent is required to submit an annual hazardous waste report detailing its activities for the previous calendar year. The email stated that the completed annual hazardous waste report was due to the Department, either electronically or in hard copy, by March 1, 2026. The email was not returned to the Department as undeliverable, and the Department received no indication that it was not successfully delivered to Respondent.

On February 2, 23, and 27, 2026, the Department sent Respondent email reminders regarding the March 1, 2026, due date for the annual hazardous waste report. After the report was not received by the due date,

³ Generators of greater than or equal to 1,000 kilograms ($\approx$ 2,200 pounds) of non-acute hazardous waste in any calendar month and/or greater than 1 kilogram ($\approx$ 2.2 pounds) of acute hazardous waste in any calendar month are large quantity generators (DRGHW Section 260.10, 2021).

the Department sent a follow-up email on March 11, 2026, notifying Respondent that the report remained outstanding.

After Respondent failed to submit the required annual hazardous waste report, the Department issued Notice of Violation ("NOV") No. 26-HW-06 on May 4, 2026. The NOV was delivered to Respondent via FedEx with proof of delivery on May 6, 2026. The NOV informed Respondent of the reporting requirement and requested that a completed annual hazardous waste report be submitted to the Department within thirty (30) days, or by June 5, 2026, to resolve the matter.

Prior to the NOV due date, Department representatives attempted to contact Respondent on multiple occasions regarding the required response. Voicemail messages reminding Respondent of the due date were left on May 19 and May 28, 2026. After receiving no response to the NOV by the June 5, 2026, deadline, Department representatives again contacted Respondent on June 10, 2026, leaving a voicemail requesting that Respondent contact the Department. No response was received.

On June 30, 2026, Department representatives conducted a compliance inspection at the Facility. During the inspection, Department representatives observed that Respondent had accumulated hazardous waste generated from its drum cleaning operations beyond the ninety (90)-day accumulation limit established by DRGHW. Department representatives also observed that Respondent was receiving non-RCRA empty drums from off-site and storing them at the Facility, thereby constituting the storage of

hazardous waste without a permit.

On July 9, 2026, Department representatives conducted a follow-up inspection at the Facility and confirmed the Facility was still storing hazardous waste beyond the time limits established by DRGHW and storing non-RCRA empty drums received from off-site at the Facility.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Department has determined that Respondent's continued acceptance of non-empty containers while simultaneously accumulating hazardous waste in excess of regulatory time limits without a permit increases the amount of hazardous waste present at the Facility and presents additional risk of spills or releases of hazardous waste. Respondent has failed to timely remove hazardous waste from the Facility despite repeated notifications from the Department and has failed to respond to the Department's efforts to obtain compliance. Unless immediately restrained, Respondent's continued operations will likely result in additional unlawful storage of hazardous waste.

Upon the Department's information and belief, the Department has concluded Respondent is in violation of DRGHW, including, but not limited to:

1. DRGHW Section 262.17(a) states in part:

"A large quantity generator may accumulate hazardous waste on site without a permit or interim status, and

without complying with the requirements of Parts 124, 264 through 266, and 122 of these regulations, or the notification requirements of 7 *Del.C.* §6304(a), provided that all of the following conditions for exemption are met:

(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...”

DRGHW Section 122.1(c) states in relevant 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. . .Owners and operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit.”

On June 30, 2026, Department representatives observed the following containers of hazardous waste in the Facility’s hazardous waste central accumulation area:

- One (1) 55-gallon metal drum of hazardous waste solvents marked with an accumulation start date of June 23, 2025.
- One (1) 55-gallon metal drum of hazardous waste solvents marked with an accumulation start date of July 8, 2025.

- One (1) 275-gallon plastic container of hazardous wastewater contaminated with metals marked with an accumulation start date of July 14, 2025.
- One (1) 275-gallon plastic container of hazardous waste wastewater contaminated with metals marked with an accumulation start date of September 25, 2025.
- One (1) 55-gallon metal drum of hazardous waste solvents marked with an accumulation start date of October 9, 2025.

The hazardous waste observed had been generated by Respondent as a result of its drum cleaning operations. A large quantity generator is exempt from permitting requirements provided it accumulates hazardous waste for no more than ninety (90) days as set forth in DRGHW Section 262.17(a). Respondent accumulated hazardous waste for more than 90 days. Respondent did not request, nor was it granted, an extension to the 90-day accumulation limit.

On July 9, 2026, Department representatives observed the same containers remained at the Facility. Respondent's employee acknowledged that the hazardous waste containers had been accumulated for more than ninety (90) days and stated that he had previously notified Respondent's President that the drums were required to be shipped off-site.

Respondent failed to comply with the condition to be exempt from permitting, thereby subjecting the Facility to the permitting requirements of

DRGHW Section 122.1(c). Accumulating hazardous waste for more than ninety (90) days without a permit and not obtaining an extension to accumulate waste beyond the 90-day accumulation limit constitutes operating a hazardous waste storage facility. Operating a hazardous waste storage facility without a permit violates DRGHW Section 122.1(c).

2. DRGHW Section 261.7 states in relevant part:

“Section 261.7 Residues of hazardous waste in empty containers.

...

(2) Any hazardous waste in either (i) a container that is not empty or (ii) an inner liner removed from a container that is not empty, as defined in paragraph (b) of this section, is subject to regulation under Parts 261 through 266, and Parts 268, 122 and 124 of these regulations and to the notification requirements of 7 Del.C., §§6304, 6306 & 6307.

(b) (1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in §§261.31 or 261.33(e) of these regulations is empty if:

(i) all wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating, and

(ii) no more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner, or

(iii) (A) no more than 3 percent by weight of the total capacity of the container remains in the

container or inner liner if the container is less than or equal to 119 gallons in size, or
(B) no more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons in size.”

On June 30, 2026, Department representatives observed more than eighty (80) 55-gallon drums in the Facility’s Rejected Container Area. Respondent’s employee acknowledged during the inspection that the drums were rejected because they contained excessive quantities of residual chemicals. Because the drums were stacked two or three high, it was impossible for Department representatives to inspect the contents of each drum. However, labels on the exterior of the drums indicated the drums previously held a variety of chemicals:

- “Ethyl 4,4,4-trifluoroacetoacetate”
- “Methyl Tera Butyl Ether HP”
- “Probutyl Acid”
- “Dibromohexane”
- “Used Pump Oil”
- “Calimulse®”

Department representatives inspected the contents of drums that were accessible and identified that one of the drums labeled “Ethyl 4,4,4-trifluoroacetoacetate” contained approximately four (4) inches of liquid. Department representatives reviewed a safety data sheet for ethyl 4,4,4-

trifluoroacetoacetate and determined that it has a flash point less than 140 °F, indicating it is an ignitable hazardous waste⁴. As such, the observed drum does not meet the empty container standard set forth in DRGHW Section 261.7. Specifically, the contents of the drum had not been removed through commonly employed practices (i.e., hazardous waste remaining in the drum could have easily been poured or pumped out of the drum), and the drum had more than one (1) inch of hazardous waste remaining in it. Containers of hazardous waste that are not empty are fully regulated as hazardous waste containers.

Department representatives observed at least eight (8) drums that were labeled “Ethyl 4,4,4-trifluoroacetoacetate.” Respondent’s employee acknowledged that these containers were not empty and were rejected and are retained at the Facility until they can be returned to the original customer. Respondent’s employee further stated that all rejected drums are returned to the original customer within one (1) week.

To confirm that rejected drums are removed from the Facility within one (1) week, Department representatives conducted a follow-up inspection on July 9, 2026. During the follow-up inspection, Department representatives observed the same drums they had observed during the June 30, 2026, inspection. Respondent’s employee confirmed that the observed drums were the same that had been previously observed and that none had been returned to the original customer. Respondent’s employee explained

⁴ Ignitable hazardous waste definition is found in DRGHW Section 261.21.

that non-empty containers are returned to the original customer according to the customer's shipping schedule. Specifically, rejected containers are returned during the customer's next scheduled shipment to Respondent's Facility. When the customer arranges for a pickup, Respondent loads the rejected containers into an empty trailer, delivers the trailer to the customer, and retrieves the customer's full trailer of drums for processing at the Facility. Respondent's employee further stated that, depending on the rate at which the customer generates empty drums and the time required to accumulate a full trailer, rejected containers may remain stored at Respondent's Facility for up to several months before being returned to the customer.

Because the containers contain hazardous waste and are received from off-site, Respondent is engaging in the storage of hazardous waste received from off-site. Such storage requires a permit pursuant to DRGHW Section 122.1(c). Respondent does not have a hazardous waste facility permit and is, therefore, operating a hazardous waste storage facility without a permit in violation of DRGHW Section 122.1(c).

ORDER

Cease and Desist

IT IS HEREBY ORDERED, based on the foregoing findings and pursuant to the authority vested in the Secretary by 7 Del. C. § 6018, that Respondent shall immediately cease and desist operating a hazardous waste storage facility without a permit.

Effective immediately, Respondent shall:

1. Cease and desist receiving and processing any drums or containers that may result in the generation of additional hazardous waste until the Department determines that Respondent has returned to compliance.
2. Cease accepting any non-RCRA-empty containers from off-site.
3. Cease accumulating hazardous waste currently present at the Facility beyond the generator accumulation limits established in DRGHW Section 262.17.
4. Maintain all hazardous waste currently present at the Facility in compliance with DRGHW pending removal.
5. Within ten (10) days of receipt of the Order, ship all hazardous waste generated at the Facility that has exceeded the ninety (90)-day accumulation limit to an off-site permitted hazardous waste treatment, storage, and disposal facility.
6. Within ten (10) days of receipt of the Order, remove or return all non-empty rejected drums containing hazardous waste received off-site to the original customer.

Information Request

During the inspection on June 30, 2026, Respondent's employees were unable to provide certain information related to waste generated at the Facility

or records that are required to be maintained in accordance with DRGHW. Department representatives spoke with you⁵ during the inspection, at which time you requested that the inspection be conducted when you were available. Department representatives explained that because inspections are conducted on an unannounced basis, the on-site inspection would proceed as scheduled and Department representatives would return later during a scheduled follow-up visit to obtain any additional information necessary and to review the required recordkeeping documentation. Accordingly, following the completion of the inspection on June 30, 2026, Department representatives contacted you to schedule a follow-up visit to the Facility to review records and obtain additional information regarding the Facility's waste management practices. The follow-up visit was scheduled for July 8, 2026.

On July 7, 2026, at 4:18 pm, you left a voice mail for a Department representative who did not participate in the June 30, 2026 inspection, advising that you would no longer be able to keep the appointment on July 8, 2026. You did not call the Department's Compliance and Permitting Section's main office line, nor did you attempt to speak to the Department representative who set up the appointment. Nevertheless, Department representatives arrived at the Facility on July 8, 2026, as scheduled to verify Respondent's statements regarding rejected drums. Upon arrival, Department representatives found the Facility closed for the day, despite Respondent's

⁵ "You" refers to Mr. Robert Eldredge, President of Respondent, Industrial Resources Network, LLC.

previous representation that the Facility's normal operating hours are Monday through Friday from 6:00 a.m. to 2:00 p.m.

On July 9, 2026, Department representatives returned to the Facility to verify Respondent's statements regarding rejected drums. Respondent's employee stated that employees were advised by you not to report to work on July 8, 2026.

To date, you have not contacted the Department to reschedule the follow-up visit so that the additional information can be obtained and required records can be reviewed.

IT IS HEREBY ORDERED, pursuant to the Secretary's authority under 7 Del. C. § 6310(a)(3) and the Department's authority to inspect facilities and obtain records necessary to determine compliance with DRGHW, including the recordkeeping requirements in Sections 262.40 and 262.41 and related inspection and operating record provisions, that Respondent shall provide the following information:

1. On June 30, 2026, Department representatives observed a Gaylord container⁶ filled with plastic liners and plastic vials. Respondent's employee stated these materials were removed from fiberboard containers as part of the Facility's recycling process. Provide the

⁶ A Gaylord container is also referred to as a bulk pallet box. It is a heavy duty, cardboard box generally measuring 48" x 40" x 45".

following information regarding how Respondent disposes of the contents observed in the Gaylord container, to include:

- a. An indication whether the removed waste is managed as non-hazardous waste or hazardous waste.
 - b. The name and location of the disposal facility to which the waste is sent.
2. Describe any incidents at the Facility involving sparks, flames, smoke, or chemical reactions caused by mixing chemicals when consolidating those chemicals into a single container or into the wash tank.
3. During the June 30, 2026, inspection, Department representatives observed the hazardous waste containers identified in Violation #1. No shipments of hazardous waste have occurred from the Facility since June 5, 2025. Respondent's employee stated that it normally takes approximately two (2) months to fill a 55-gallon drum with hazardous waste removed from cleaning metal drums. The most recent date on a container accumulating this waste at the Facility was October 9, 2025. Additionally, Department representatives observed one (1) 55-gallon drum of hazardous waste that Respondent stated was generated since that time. The drum was not marked with an accumulation start date.

Accordingly, Department representatives observed only one (1) 55-gallon drum of hazardous waste that was generated between

October 9, 2025, and June 30, 2026 (a 9-month period), despite Respondent's employee stating that during normal operations, one (1) 55-gallon drum is filled every two (2) months. Provide an explanation of this discrepancy.

4. During the June 30, 2026, inspection, Department representatives observed the hazardous waste containers identified in Violation #1. No shipments of hazardous waste have occurred from the site since June 5, 2025. Respondent's employee stated that the 275-gallon wash tank is completely emptied every two (2) to three (3) months and that this hazardous waste is placed in 275-gallon plastic containers. The most recent date on a container accumulating this waste at the Facility was September 25, 2025. Despite the Facility continuing to operate since September 25, 2025, no additional hazardous waste generated from this process has been accumulated at the Facility. Provide an explanation of this discrepancy.
5. On June 30, July 8, and July 9, 2026, Department representatives observed seventeen (17) trailers outside of the Facility. At least one of the trailers had a damaged door, allowing Department representatives to observe that the trailer was completely filled with drums. Respondent's employee stated on July 9, 2026, that several trailers contained drums that have not been evaluated or processed at the Facility. Provide the following information regarding these trailers:

- a. A description of what is in each trailer.
 - b. For each trailer that is identified to contain drums, provide:
 - i. The date the trailer was received at the Facility.
 - ii. An explanation as to why the contents of the trailer have not yet been evaluated to determine whether the drums can be reused, repurposed, or recycled.
 - iii. An estimate of how many drums are in the trailer.
6. On June 30, 2026, Respondent's employee stated that the Facility grinds plastic containers into small chips. Please provide information as to how the plastic chips are ultimately managed, including whether they are marketed to be recycled or they are sent for disposal.
7. **Required Records:** Provide the following records that are required to be maintained in accordance with DRGHW:
 - a. Current copy of the Facility's contingency plan, which includes the quick reference guide. [DRGHW Section 262.262]
 - b. Documentation demonstrating that the contingency plan and quick reference guide were sent to and received by the local police station, fire station, and hospital. [DRGHW Section 262.262]

- c. Records showing that all employees with hazardous waste duties received hazardous waste training in 2024 and 2025. If said employees have received hazardous waste training in 2026, provide these records also. [DRGHW Section 262.17(a)(7)(iii)]
- d. Documentation demonstrating how long the universal waste lamp near the central accumulation area has been accumulated on site. [DRGHW Section 273.15(c)]
- e. All shipment records for waste lamps and batteries from 2024 to present. [DRGHW Section 273.19]
- f. A copy of the 2024 annual hazardous waste report. [DRGHW Section 262.41]
- g. Designated facility signed copies of all shipping records (e.g., hazardous waste manifests) used to ship hazardous waste from the Facility since June 11, 2024. [DRGHW Section 262.40(a)]

Respondent shall provide all information and records requested herein within five (5) calendar days after receipt of this Order unless otherwise approved in writing by the Department.

Respondent's obligation to comply with the Information Request set forth herein is independent of the cease-and-desist directives contained in this Order and shall remain in effect unless stayed by the appropriate tribunal or court.

Nothing in this Order shall be construed as a waiver of any enforcement authority available to the Department. The Department expressly reserves the right to pursue any additional enforcement actions regarding these or other violations at the Facility, 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) and (c)(1); and any other relief authorized under Title 7 of the Delaware Code.

Pursuant to 7 *Del. C.* § 6008, any person whose interest is substantially affected by this action of the Secretary may appeal this Order to the Environmental Appeals Board **within twenty (20) days of receipt of this Order**. Filing an appeal does not stay the effectiveness of this Order unless a stay is granted for good cause.

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.

Pursuant to 7 *Del. C.* § 6018 this order expires (1) after 30 days of its issuance, or (2) upon withdrawal of said order by the Secretary, or (3) when the order is suspended by an injunction, whichever occurs first.

If you have any questions, please contact or have your attorney contact Lucinda Cucuzzella, Deputy Attorney General, at 302-777-8874.

07/15/2026

Date



Dayna Cobb
Deputy Secretary, Acting Secretary
Delaware Department of Natural Resources
and Environmental Control

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