



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-0031

Issued To:

Facility Operator
Via FedEx

Mr. Lou Nappi
Vice President
LogiClean, LLC
6300 Philadelphia Pike
Claymont, DE 19703

Facility Operator
Via Personal Service

LogiClean, LLC
By Serving the Registered Agent:
Delaware Secretary of State
401 Federal Street Ste. 4
Dover, DE 19901

Dear Mr. Nappi:

This is to notify LogiClean, LLC ("Respondent"), that the Secretary¹ 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.* § 1301, Delaware's "Regulations Governing Solid Waste" ("DRGSW"). Accordingly, the Department is issuing this Notice of Administrative Penalty Assessment and Secretary's Order ("Secretary's Order"), pursuant to 7 *Del. C.* § 6005.

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

BACKGROUND

Pursuant to the authority set forth in 7 *Del. C.* Chapter 60, the Department has established the DRGSW to regulate the storage, transportation, handling, and disposal of solid 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 solid waste.

On May 12, 2026, the Department's Emergency Response Team ("ERT") responded to an unknown discharge of a solid waste that was reddish in color liquid with white foam along the Pennsylvania and Delaware border. At the time of the response, a Department representative collected and analyzed the reddish liquid with a ThermoScientific TruDefender FTIR spectrometer². Based on this analysis, a positive result for a mixture of cetyltrimethylammonium chloride³ (74% of the mixture) and polyethylene glycol dodecyl ether⁴ (12% of the mixture) was detected. A review of the compounds indicated that they are commonly used as surfactants for various

² A ThermoScientific TruDefender FTIR spectrometer is a handheld chemical identification analyzer used to assist in incident response, providing fast, actionable information to aid in chemical identification in order that appropriate response actions to unknown materials can be made.

³ Cetyltrimethylammonium chloride is a cationic surfactant that can exhibit hazardous waste characteristics depending on concentration and is considered very toxic to aquatic life.

⁴ Polyethylene glycol dodecyl ether is a non-ionic surfactant is generally considered to have low toxicity; however, in aquatic environments it can increase biochemical oxygen demand leading to oxygen depletion when improperly disposed.

cleaning applications. Pennsylvania representatives, including the Pennsylvania Department of Environmental Protection ("PADEP") and their contractors, completed a cleanup of the discharged solid waste. The source of the discharge was a pipe which was subsequently sealed at the end to prevent additional discharges.

On May 28, 2026, the Department's ERT responded to a reported new discharge in the same general area as the May 12, 2026, event; however, the discharge was located in Delaware. A clear liquid with white foam was observed percolating up through the ground surface and ponding across and in the area of an unimproved gravel service road which was being used as an access road to the railroad tracks nearby. The discharge was determined to be occurring on the property, Parcel No. 0606000008, owned by Claymont Properties. After consulting with PADEP, Respondent was identified as a potential source of liquid waste containing a surfactant based on the publicly available description of services provided.

Respondent operates a tank trailer, intermediate bulk container, and ISO⁵ container cleaning, transloading and depot business located at 6300 Philadelphia Pike, Claymont, Delaware 19703 (the "Facility"). Respondent generates solid waste through its tank trailer and container cleaning process and is subject to the requirements of DRGSW, including compliance inspections conducted by the Department.

⁵ An ISO container is a shipping container constructed according to the International Organization of Standardization designed for intermodal transport.

On May 28, 2026, Department Representatives met a Respondent representative at the Facility and asked if a red colored surfactant containing cetyltrimethylammonium chloride and polyethylene glycol dodecyl ether was used or generated at the Facility. The Respondent representative indicated that they do not use these specific surfactants or dyed/colored surfactants so that they do not impart the color on the client's property while cleaning. The Department Representative asked for and received permission to place green, fluorescent dye in the Facility's sump pit as a tracing indicator to assess if there is a connection between the sump and the discharge occurring at Parcel No. 0606000008.

On May 29, 2026, the green, fluorescent tracer dye was observed contained in the discharge occurring on Parcel No. 0606000008 verifying that a connection exists between the sump located at the Facility and the discharge. New Castle County Public Works was consulted as to the ownership of the pipe and they have indicated that the piping from the Facility to the discharge location on Parcel No. 0606000008 is private and is not part of the New Castle County sewer system.

On July 19, 2026, the Secretary issued an Order to Cease and Desist that required the Respondent to: 1) Cease and desist discharging solid waste to the sump located at the Facility and disposing solid waste at Parcel No. 0606000008 until the Department determines that Respondent has returned to compliance, 2) Within ten (10) days, provide the Department with a plan to address the proper disposal of the solid waste located at Parcel No. 0606000008, and 3) Upon the Department's approval of the plan, immediately implement the plan to properly dispose of the solid waste within

60 days of approval.

On July 28, 2026, the Department received an email from Respondent detailing that a blockage in the sewer line was determined to be the underlying cause of the unpermitted discharge. The email further stated that between July 24 and July 27, 2026, Respondent retained Pipeline Excavation to jet and vacuum sediment and dirt from the sewer line to remove the blockage. A video was included as an attachment documenting the free flow of liquids through the previously blocked sewer line. Respondent also provided a procedure to inspect the sewer line and add a defoamer to the clarifier to prevent future sediment buildup and blockages.

Based upon Respondent's July, 28, 2026, email that the blockage had been cleared between July 24 and July 27, 2026, counsel for the Department furnished a letter to Respondent lifting the restrictions in the July 19, 2026, Order and once again allowing for the discharge of solid waste to the sump. The letter further stated that the Department was still awaiting a plan to address the proper disposal of the unpermitted discharge of solid waste located on Parcel No. 0606000008 and its implementation upon Department approval.

On August 25, 2026, Respondent sent an email that proposed collecting soil samples around the area of the discharge, have the samples tested by Mid-Atlantic laboratory in New Castle, Delaware, and pending the results decide if and what remediation would be necessary. The Department responded to the email on August 26, 2026, requesting responses to questions to provide clarification and detail to the plan provided. The

Department also requested a minimum of 5 working days' notice prior to sampling activities in order that the Department could attend the field activities. A follow-up email was sent by the Department on September 11, 2026, requesting a response to the August 26, 2026, email be provided.

On September 11, 2026, LogiClean responded by email with responses to the questions provided by the Department August 26, 2026. LogiClean further clarified that twelve (12) grab soil samples would be collected by soil probe in areas in and outside of the discharge location for comparison purposes. LogiClean proposed that the soil samples be analyzed for Methylene Blue Active Substances (MBAS), 1,4-Dioxane (EPA Method 8260 or 8270) & Chemical Oxygen Demand (COD) & Total Organic Carbon (TOC).

On September 14, 2026, the Department responded to LogiClean's September 11, 2026, email to concur with the number and location of samples to be collected and proposal to compare results of the discharge area to areas outside the discharge area. The Department asked for clarification on the soil probe method of sample collection and agreed that the proposed analysis would address the surfactant aspect of the container washer discharge; however, in order to evaluate the presence of other contaminants from the container cleaning process, samples would also need to be analyzed for Target Analyte List (TAL) metals and Target Compound List (TCL) volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs). To date, no response to the September 14, 2026, email or schedule for the collection of samples has been provided.

FINDINGS OF FACT AND VIOLATION INCLUDING STATUTORY REQUIREMENTS

Upon the Department's information and belief, the Department has concluded Respondent is in violation of 7 *Del. C.* Chapter 60, including, but not limited to:

1. Section 6003(a)(4) of Title 7 states in part:

“(a) No person shall, without first having obtained a permit from the Secretary, undertake any activity: ...

(4) In a way which may cause or contribute to the collection, transportation, storage, processing, or disposal of solid wastes, regardless of the geographic origin or source of such solid wastes...”

On May 26, 2026, Department representatives observed the discharge of solid waste upon the land located on Parcel No. 0606000008 and based on the tracer dye testing, the solid waste originated from, in part, the Facility. Disposal of solid waste without first obtaining a permit is a violation of 7 *Del. C.* §6003(a)(4).

2. Section 6005(b) of Title 7 states in part:

“(b) Whoever violates this chapter or any rule or regulation duly promulgated thereunder, or any condition of a permit issued pursuant to § 6003 of this title, or any order of the Secretary, shall be punishable as follows:”

On July 19, 2026, the Secretary issued an Order to Cease and Desist that required the Respondent to provide the Department with a plan to address the proper disposal of the solid waste located on Parcel No. 0606000008 and implement the plan upon the Department's approval. Respondent has failed to provide an approved plan or implement a removal of the unpermitted discharge of solid waste on Parcel No. 0606000008 as required pursuant to the July 19, 2026, Order.

CONCLUSIONS

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

SECRETARY'S ORDER

As Respondent has failed to comply with the cited requirements of 7 Del. C. Chapter 60 and 7 Del. Admin. C. § 1301 DRGSW, the Department requires that Respondent demonstrate compliance with the applicable law to resolve the outstanding violations. Therefore, in consideration of the foregoing findings, notice is hereby given, pursuant to 7 Del. C. § 6005(b)(2), that Respondent shall achieve compliance by undertaking the following actions.

In a manner in full compliance with all applicable laws and regulatory requirements, Respondent shall within the timeframes indicated below from of receipt of this Order:

1. Within 10 calendar days of receipt of this Order, provide the date of sampling activities so that the Department may observe the field activities.
2. Within 30 calendar days of receipt of this Order, complete sampling activities to include:
 - a. The collection of twelve (12) grab soil samples. Four (4) samples will be collected in the area around the manhole cover, eight (8) from the dyke perimeter, and four (4) from an area a minimum of 100-feet outside the identified discharge area.
 - b. Samples will be collected by a soil probe method that ensures adequate return of soil cuttings at a depth of twelve (12) inches below the ground surface for analysis.
 - c. Samples will be collected and maintained with appropriate preservation and chain-of-custody methods to be analyzed at an accredited laboratory.
 - d. Samples will be analyzed for MBAS, 1,4-Dioxane (EPA Method 8260 or 8270), COD, TOC, TAL metals, TCL VOCs, and TCL SVOCs. A listing of the standard analytical list for TAL metals, TCL VOCs and TCL SVOCs can be found at: <https://documents.dnrec.delaware.gov/dwhs/SIRB/Documents/Target%20Compound%20Lists.pdf>
3. Within 60 calendar days of receipt of this Order, submit a summary report on the sampling activities, with an evaluation comparing results

to the agreed upon standards, and any recommendations, if necessary, for corrective actions to address the illegal discharge.

4. In the event corrective actions are necessary, Respondent shall implement the corrective actions within thirty (30) days of Department's written approval.

Submit all documentation and correspondence to:

Jason W. Sunde
Department of Natural Resources and Environmental Control
Division of Waste and Hazardous Substances
Compliance and Permitting Section
89 Kings Highway SW
Dover, Delaware 19901
Jason.Sunde@Delaware.gov

ASSESSMENT OF PENALTY

Pursuant to 7 *Del. C.* § 6005(b)(3), the Secretary may impose an administrative penalty of not more than \$40,000.00 for each day of each violation detailed in this Order. This Order is written notice to the 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 this 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 two (2) statutory violations. Failing to ensure compliance with the statutory requirements for the management of solid waste, including operating a solid waste facility without a permit by discharging solid waste is a significant deviation from the statutory 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's prior history of violations was not a factor in assessing the administrative penalty.

4. Degree of Culpability:

The degree of culpability is significant. Had Respondent employed reasonable oversight measures as DRGSW 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 the Respondent that on the basis of the above findings and factors, a single-day administrative penalty of \$40,000.00 is assessed for the violations identified in this Order.

Respondent shall submit one check to the Department in the amount of \$40,000.00 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", shall include the Secretary Order number on the check's memo line and shall be directed to: Enforcement Coordinator, DNREC-Office of the Secretary, 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 7 Del. C. § 6008, 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 civil penalties for past violations, an action under 7 *Del. C.* § 6005(b)(2) seeking civil 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 administrative 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.

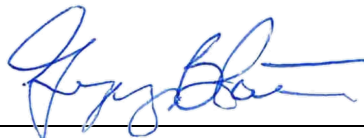
PAYMENT

If Respondent does not wish to exercise its legal rights to a hearing or appeal, Respondent may pay the administrative penalty of \$40,000.00 prior to the end of the appeal period, in the manner described in the attached **"Waiver of Statutory Right to A Hearing."** By doing so, Respondent waives the right to a hearing and the opportunity to appeal or contest this Secretary's Order.

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

September 26, 2026

Date



Gregory Patterson
Secretary
Delaware Department of Natural Resources
and Environmental Control

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

WAIVER OF STATUTORY RIGHT TO A HEARING

LogiClean, 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. **LogiClean, LLC** will pay the administrative penalty in the amount of \$40,000.00 by sending a check payable to the "State of Delaware" within thirty (30) days of receipt of this Assessment and Order. The check shall include the Secretary Order number written on the check's memo line and shall be directed to Enforcement Coordinator, DNREC-Office of the Secretary, 89 Kings Highway SW, Dover, Delaware 19901.

LogiClean, LLC

Date: _____

By: _____
(Signature)

Title: _____

Name: _____
(Print)