

DNREC Secretary O'Mara suspends permit for Mike Davidson Enterprises, LLC resource recovery facility

DOVER (May 2, 2013) – DNREC Secretary Collin O'Mara has suspended a permit for Mike Davidson Enterprises, LLC that allowed the resource recovery facility to accept, process, and recycle construction and demolition waste. The suspension was handed down via Secretary's Order after the company failed to address repeated environmental violations and after Mike Davidson Enterprises, LLC discounted a cease and desist order issued by DNREC. The Secretary's Order prohibits the facility, located west of Camden in Kent County, from accepting any solid waste including recyclable materials and requires Mike Davidson Enterprises, LLC to take steps to protect public health and the environment.

The suspension of the permit is in effect until Mike Davidson Enterprises, LLC demonstrates to DNREC's Solid & Hazardous Waste Management Section that it is capable of operating the resource recovery facility lawfully and in compliance with the permit and with Delaware's *Regulations Governing Solid Waste* (DRGSW) 7 DE Admin. Code 1301.

Mike Davidson Enterprises, LLC, was cited for 22 violations many of which were ongoing while the company continued in operation. Violations included:

- *Managing solid waste outside of allowed areas;*
- *Failure to operate the facility in a manner that precludes degradation of land, air, surface water or groundwater;*
- *Failure to operate the facility consistent with the*

- approved plan of operation;*
- *Failure to process construction and demolition (C&D) waste within 72 hours;*
 - *Storage of recyclable materials in unapproved areas;*
 - *Failure to dispose of non-recyclable waste materials within 72 hours;*
 - *Failure to timely submit complete annual reports to DNREC;*
 - *Failure to properly update the closure plan to be submitted annually;*
 - *Failure to operate the facility only during approved hours of operation;*
 - *Failure of the weigh master to inspect all incoming loads of C&D waste as per the approved plan of operation and the permit;*
 - *Failure to transfer sorted C&D waste to roll-off containers;*
 - *Failure to place incoming C&D waste on concrete pad for sorting and inspection;*
 - *Failure to send non-recyclable waste for proper disposal within 72 hours of roll-off containers becoming full;*
 - *Failure to use covered roll-off containers for storage of sorted wallboard;*
 - *Failure to maintain proper size of wood mulch piles as per the permit;*
 - *Failure to limit total waste at the facility at any one time to 2,400 tons as per the permit and the approved plan of operation;*
 - *Failure to maintain proper fire protection service as per the permit;*
 - *Failure to file complete quarterly reports on time;*
 - *Failure to follow proper procedures for testing wood mulch product as required by the permit;*
 - *Failure to prevent acceptance of prohibited waste;*
 - *Failure to maintain proper records of testing;*
 - *Failure to maintain proper records of personnel*

- training, major equipment maintenance, and fire department inspections; and*
- *Failure to obtain approval of recycling waste other than C&D waste.*

DNREC, according to the order from Sec. O'Mara, "finds that the suspension of the Permit is supported as the proper remedy for (Mike Davidson Enterprises, LLC)'s continuing and flagrant non-compliance with the permit and Delaware's *Regulations Governing Solid Waste*." The order also noted that "(i)n sum, the nature and extent of the violations show that Mike Davidson Enterprises, LLC has operated the facility since the very beginning of its regulated history with a wholesale disregard for DNREC's regulations and the company's permit."

DNREC has given Mike Davidson Enterprises, LLC three months "as a reasonable time frame...to make the necessary changes to the facility in order to have the Solid & Hazardous Waste Management Section lift the suspension upon full compliance." DNREC retains regulatory authority, including amending the permit, seeking monetary penalties of up to \$10,000 for each day MDE does not comply with the permit or Delaware's *Regulations Governing Solid Waste*, pursuing designation of the facility as a "chronic violator" and granting an extension in the three-month compliance schedule for showing good cause.

The Secretary's Order suspending MDE's permit can be found at http://www.dnrec.delaware.gov/Info/Pages/SecOrders_Enforcement.aspx

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