

DNREC issues cease and desist order to Wilmington oil recycling company Heritage-Crystal Clean, LLC for hazardous waste violations

DOVER – DNREC Secretary David Small has issued a cease and desist order to Heritage-Crystal Clean, LLC for violations of Delaware's laws and regulations governing hazardous waste management.

Heritage-Crystal Clean, LLC (HCC) owns and operates a used oil recycling facility located at 505 South Market Street in Wilmington that previously did business as International Petroleum Corp. (IPC) of Delaware.

On Feb. 21, HCC shipped a load of waste generated from the company's cleaning of onsite tanks for subsequent processing (solidification) and offsite treatment. During transport, some of the waste material was released from the vehicle carrying it and spilled onto Pennsylvania roadways. Pennsylvania state officials are investigating that release.

An investigation by DNREC's Solid & Hazardous Waste Management Section has determined that, based on analytical data provided by HCC, the leaking container (vacuum box V-414) and six other containers exceeded the regulatory limit for total organic halogens. Delaware's hazardous waste regulations include a provision that presumes any used oil exceeding the regulatory limit for total organic halogens is hazardous waste. Additionally, company data revealed that HCC's vacuum box V-414 contained waste that exceeded the regulatory limit for benzene, thus characterizing the transported material as

hazardous waste.

Based on that information, HCC failed to make an accurate hazardous waste determination and failed to utilize a hazardous waste manifest for the shipments. The cease and desist order requires that HCC immediately cease operations involving emptying and cleaning out onsite tanks. The order also requires HCC to submit a plan describing how the contents of remaining onsite tanks will be sampled and analyzed to ensure accurate hazardous waste determinations are made prior to shipping them offsite.

HCC pled guilty on behalf of IPC in US District Court in Wilmington Feb. 2 to environmental crimes, including failing to properly characterize waste generated from the cleanout of onsite tanks and failing to utilize a hazardous waste manifest for those shipments. HCC's guilty plea for environmental crimes resulted in the company's being sentenced to pay \$1.3 million in fines to the federal government and make \$2.2 million in restitution to the City of Wilmington.

The cease and desist order can be found on DNREC's website at http://www.dnrec.delaware.gov/Info/Pages/SecOrders_Enforcement.aspx.

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