



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL**

OFFICE OF THE  
SECRETARY

89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

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**ORDER TO CEASE AND DESIST**

*Issued pursuant to 7 Del. C. Section 6018*

**Order No. 2013-W-0023**

**DATE OF ISSUANCE: July 5, 2013**

**Sent via First Class and Certified Mail**

**ISSUED TO:**

Mr. Denver Bivens  
Bivens Hauling  
34956 Bennett Road  
Frankford, DE 19945

**BACKGROUND**

A Delaware property owner recently contacted the Department of Natural Resources and Environmental Control's Ground Water Dischargers Section (GWDS) regarding a pump-out service you provided on the owner's property. The owner expressed concern that the system was only partially pumped-out.

**FINDINGS**

Department records indicate that Bivens Hauling does not possess a current and valid State of Delaware Non-Hazardous Liquid Waste Transporters Permit. This clearly violates 7 Delaware Admin. C. §7103, entitled *Guidance and Regulations Governing the Land Treatment of Wastes*, Section 105.1, which states:

"Unless excepted under the provisions of Subsection 105.2, a person may not engage in the generation, collection, storage, preparation, land application, marketing and distribution, disposal or transportation of sludge, treated sludge, or any product containing these materials in the State without first obtaining a permit from the Department".

Further, by only partially pumping-out the septic system, Bivens Hauling is in violation of 7 Del. Admin. C. §7101, entitled *Regulations Governing the Design, Installation and Operation of on-Site Wastewater Treatment and Disposal Systems*, Section 4.11.4.1, which states, in relevant part "...All Class F licensed liquid waste haulers shall...remove all wastewater from the appropriate tanks in accordance with the guidelines as set forth by the Department...."

Finally, Bivens Hauling has not provided any documents to the Department that indicate the disposal location/facility for the wastewater.

*Delaware's Good Nature depends on you!*

**ORDER**

**IT IS HEREBY ORDERED**, based upon the foregoing findings and pursuant to the authority vested in me by *7 Del. C. §6018*, that Bivens Hauling shall **cease and desist immediately** and comply with the following:

1. Cease all septic system pump-outs and the transportation of wastewater for disposal.
2. Furnish the Department with documentation delineating and identifying all disposal facilities utilized, and the amount of wastewater disposed at each facility for the past twelve (12) months.

This action does not stop, or in any way preclude, the Department from instituting any additional enforcement action for these or any other violations, including, but not limited to, assessing administrative penalties or pursuing civil penalties for each day of violation, or action to recover Department costs expended in abating this violation.

DATE: July 2, 2013



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Collin P. O'Mara  
Secretary, DNREC