

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL  
DIVISION OF AIR AND WASTE MANAGEMENT  
Statutory Authority: 7 Delaware Code,  
Chapter 60 (7 Del.C. Ch. 60)**

**Secretary's Order No.: 2004-A-0039  
Date of Issuance: July 14, 2004  
Effective Date of the Revisions: August 21, 2004**

**Delaware Regulations Governing Solid Waste**

**FINAL**

**I. Background**

On June 8, 2004, a public hearing was held in the DNREC Auditorium in Dover to receive comment on the Department's proposed revisions to the *Delaware Regulations Governing Solid Waste*. A public workshop was held by the Department on November 12, 2003, to explain and discuss the proposed changes to these regulations. The aforementioned revisions involve numerous minor modifications to Delaware's Regulations Governing Solid Waste.

No one from the public attended the hearing. There were written comments were received prior to the hearing and incorporated into the record at the time of the hearing from the Department of Defense, however, these comments were outside of the scope of review with regard to this particular hearing, and did not concern the proposed changes to these Regulations. Proper notice of the hearing was provided as required by law.

After the hearing, the Department performed an evaluation of the evidence entered into the record in this matter. Thereafter, the Hearing Officer prepared her report and recommendation in the form of a memorandum to the Secretary dated July 13, 2004, and that memorandum is expressly incorporated herein by reference.

**II. Findings and Conclusions**

All of the findings and conclusions contained in the Hearing Officer's Memorandum dated July 13, 2004, are expressly incorporated herein and explicitly adopted as the findings and conclusions of the Secretary.

**III. Order**

In view of the above, I hereby order that the proposed revisions to the 2004 *Delaware Regulations Governing Solid Waste* be promulgated and implemented in the manner and form provided for by law pursuant to the changes proposed prior to the hearing and as recommended in the Hearing Officer's memorandum.

**IV. Reasons**

Adopting these proposed revisions to the *Delaware Regulations Governing Solid Waste* will be beneficial to the State of Delaware. The Department's Division of Air & Waste Management has provided a sound basis for these revisions, including reasoned responses to the various comments. In addition, the implementation of these regulatory revisions will further the policy and purposes of 7 Del.C., Chapter 60.

John A. Hughes, Secretary

**SYNOPSIS OF AMENDMENTS TO THE DELAWARE  
REGULATIONS GOVERNING SOLID WASTE**

**General:**

Reinsert previously deleted Table of Contents at the beginning of the regulations.

**Section 3: Definitions**

Add new definition for "Gross Vehicle Weight Rating."

#### **Section 4: Permit Requirements and Administrative Procedures**

Clarify language in section 4.A.2 stating that costs of publishing public notices for a permit application shall be borne by the applicant;

Revise timeframe in section 4.A.6 for renewing an expiring permit;

Amend section 4.E.1 regarding requirements for submitting Transfer Station Applications;

Move section 4.E.3 regarding transfer station closure to Section 10.F;

Amend language in section 4.G for transporter permit application procedures.

#### **Section 5: Sanitary Landfills**

Amend section 5.I.2.c regarding daily cover at a sanitary landfill;

#### **Section 6: Industrial Landfills**

Add language in section 6.I.5 prohibiting acceptance of hazardous waste at an industrial landfill.

#### **Section 7: Transporters**

Add language in section 7.A prohibiting permitted transporters from using agents or subcontractors who do not hold permits for transporting solid waste.

Delete sections 7.B.8 and 7.C.7 regarding sub-leases and sub-contractors.

#### **Section 9: Resource Recovery Facilities**

Correct an internal reference in Section 9.E.2.b.

#### **Section 10: Transfer Stations**

Revise wording in section 10.A.2.b for material recovery facilities.

Amend section 10.A.2 by adding an exemption from transfer station permit requirements for temporary debris and collection sites established as a result of a natural or man-made disaster.

Insert and amend transfer station closure requirements moved from section 4 to section 10.F.2.

#### **Section 11: Special Wastes Management: Part 1 – Infectious Waste**

Amend language in section 11.A.1 to clarify who must obtain infectious waste Infectious Waste Identification Numbers.

In section 11.C revise certain infectious waste definitions, and add new definition for Large Quantity Generator of infectious waste.

**\* Please note that no changes were made to the regulation as originally proposed and published in the June 2004 issue of the Register at page 1432 (7 DE Reg. 1432). Therefore, the final regulation is not being republished. Please refer to the June 2004 issue of the Register or contact the Department of Natural Resources and Environmental Control.**

**8 DE Reg. 354 (8/1/04)**