

DELAWARE SOLID WASTE AUTHORITY

Statutory Authority: 7 Delaware Code, Section 6403 (7 **Del.C.** §6403)

PROPOSED

PUBLIC NOTICE

501 Regulations of the Delaware Solid Waste Authority

A. Statutory Authority:

Pursuant to 7 **Delaware Code**, Sections 6403, 6404, 6406, 6421 and other pertinent provisions of 7 **Delaware Code**, Chapter 64; the Delaware Solid Waste Authority ("DSWA") will conduct a hearing to consider amendments to the Regulations of the Delaware Solid Waste Authority (adopted June 7, 2001).

B. How To Present Views:

The hearing is to provide an opportunity for public comment on the proposed amendments. The public record will close at the close of the hearing, unless the hearing officer extends the comment period at the close of the hearing.

The hearing will be held Thursday, November 6, 2008 at 5:00 P.M. at Delaware Technical Community College, Terry Campus, Corporate Training Center, Room 400 Dover, Delaware 19903.

The Delaware Solid Waste Authority will receive oral and written comments, suggestions, compilations of data, briefs or other written material until the close of the hearing on November 6, 2008. Written comments, suggestions, compilations of data, briefs or other written material may be submitted at the hearing or sent to Michael D. Parkowski, Manager of Business Services and Governmental Affairs, Delaware Solid Waste Authority, 1128 South Bradford Street, Dover, Delaware 19903. Anyone wishing to obtain a copy of the proposed rules and regulations may obtain a copy from the Delaware Solid Waste Authority, 1128 South Bradford Street, Dover, Delaware 19903, (302) 739-5361.

C. Possible Terms of Agency Action:

None.

D. Other Regulations That May Be Affected By The Proposal:

None.

E. Brief Synopsis Of The Subject, Substance and Issues:

The proposed amendments encompass numerous changes to the comprehensive regulations of the Delaware Solid Waste Authority, which were last amended in the year 2001. The proposed regulations are intended to update the current regulations consistent with current practices and objectives. Significant highlights of proposed amendments include the following: (a) changes to licensing requirements, including a new requirement of a license to haul dry waste; (b) contractors with certain governmental entities to use DSWA facilities for the disposal of certain waste; (c) a requirement for the filing of an annual registration statement by owners and operators of recycling programs and facilities; and (d) numerous textual and definitional changes to the current regulations.

501 Regulations of the Delaware Solid Waste Authority

1.0 Purpose and Authorization

~~4.4~~ These Regulations * are adopted pursuant to the Act to achieve the goals set forth therein.

~~*The Department also has promulgated regulations pertaining to solid waste disposal.~~

2.0 Definitions

"**Act**" means the Delaware Solid Waste Authority Act, 7 **Del.C.** Ch. 64.

"**Applicant**" means any person applying for a license under these regulations.

"**CEO**" means Chief Executive Officer and Manager of DSWA.

"**Chairman**" means the Director designated by the Governor as chairman of DSWA in accordance with 7 **Del.C.** §6403(a).

"**Collection Vehicle**" means any vehicle, truck, container, box, trailer, roll-off, or other device used for the collection, transportation or delivery of solid waste or recyclable materials.

"**Contamination**" means unacceptable material(s) mixed in a primary material, which in DSWA's sole judgment corrupts the intended use or the intended classification of the primary material. For example, a DSWA representative using visual senses may determine a load of material to be "contaminated" because municipal waste was found mixed in a load of recyclable materials.

"**Department DNREC**" means the Department of Natural Resources and Environmental Control of the State of Delaware.

"**Directors**" means the directors of DSWA holding office in accordance with 7 **Del.C.** §6403.

"**Dry Waste**" means any solid wastes including, but not limited to construction and demolition waste, ~~not mixed with waste that is other than dry waste,~~ plastics, rubber, lumber, trees, stumps, vegetative matter, asphalt pavement, asphaltic products incidental to construction/demolition debris, or other materials which have reduced potential for environmental degradation and leachate production.

"**DSWA**" means the Delaware Solid Waste Authority, an instrumentality of the State of Delaware, existing pursuant to the Act.

"**DSWA Solid Waste Facility**" means any DSWA solid waste disposal or recyclable materials site, system or process and the operation thereof, including but not limited to personnel, equipment and buildings. Such facility includes any landfill, recycling project, including waste to energy projects, collection station, transfer station, or other solid waste processing or disposal facility for projects operated by, on behalf of, or under contract with DSWA.

"**Hazardous Waste**" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, or chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating irreversible illness, or poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Without limitation, included within this definition are those hazardous wastes described in §§261.31, 261.32 and 261.33 of the Delaware Regulations Governing Hazardous Waste.

"**Industrial Process Solid Waste**" means solid waste produced by or resulting from industrial applications, processes or operations and includes, by way of example and not by way of limitation, sludges of chemical processes, waste treatment plants, water supply treatment plants, and air pollution control facilities and incinerator residues, but does not include the solid waste generated at an industrial facility which is comparable to municipal solid waste, such as cafeteria waste, cardboard, paper and pallets, crates or other containers constructed of and containing non-hazardous combustible material.

~~"**Junkyard**" means an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk or wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.~~

"**Licensee**" means a person holding a license issued by DSWA pursuant to Article III of these Regulations.

"**Municipality**" means a county, city, town or other entity or public body of the State of Delaware including but not limited to any State agency, department, instrumentality, commission, board, school district, and publicly supported institution of higher learning.

"**Permit**" means the stickers which DSWA issues under the License identifying the Licensee's account number and a vehicle number, which shall be affixed to both sides of the vehicle.

"Person" means any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, commission, political subdivision, or other ~~duly established~~ legal entity.

"Recycling" means the process by which solid waste and other discarded materials are transformed into usable material, product, energy, or managed separately in an authorized manner to reduce adverse environmental impacts.

"Recycle Delaware Center" means a DSWA facility, established pursuant to 7 Del.C. §6450 et seq., to receive recyclable materials and includes the recycling containers marked for the specific recyclable materials which are to be deposited therein and the area immediately surrounding them necessary for the purposes of such recycling centers.

"Recyclable Materials" means any material or group of materials that can be and commonly are collected or separated from the waste stream and sold or used for beneficial purposes and in an authorized manner to reduce environmental impacts.

"Recycler" means a person in the business of collecting, transporting, and delivering recyclable materials.

"Solid Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semi-solid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under 7 Del.C., Ch. 60 as amended, or source, special nuclear, or by-product materials defined by the Atomic Energy Act of 1954, as amended, or materials separated on-site by the generator thereof for further use, service or value.

"Source Separation" or "Source Separated" means the process by which recyclable materials are segregated and kept apart from the waste stream by the generator thereof for the purpose of collection, disposition, or recycling or resource recovery.

"Special Solid Wastes" means those wastes that require extraordinary management. They include but are not limited to abandoned automobiles, white goods, used tires, waste oil, sludges, dead animals, agricultural and industrial solid wastes, ~~infectious waste~~, municipal ash, septic tank pumpings, and sewage residues.

"Transfer Station" means any facility where quantities of solid waste delivered by vehicle are consolidated or aggregated for subsequent transfer by vehicle for processing, recycling or disposal.

"Yard Waste" means plant material resulting from lawn maintenance or other horticultural gardening or landscaping activities and includes but is not limited to grass, leaves prunings, brush, shrubs, garden materials, Christmas trees, and tree limbs up to 4 inches in diameter.

5 DE Reg. 100 (7/1/01)

3.0 Collection and Licensing

- 3.1 No person shall collect, transport, and/or deliver solid waste, or dry waste, except recycling materials, in the State of Delaware without first having obtained a license from DSWA, provided, however, that:
 - 3.1.1 persons transporting and delivering solid waste, or dry waste, that they created on their premises resulting from their activities shall not be required to obtain a license therefore; and
 - 3.1.2 persons collecting, transporting and/or delivering solid waste, or dry waste, in the course of their employment by a person holding a license from DSWA shall not be required to obtain a license therefore; ~~and,~~
 - 3.1.3 ~~a license shall not be required for the collection, transportation, or delivery exclusively of dry waste, leaves, street and storm sewer cleaning materials, agricultural wastes or those materials identified in §§4.2.1—4.2.5 of these Regulations.~~ persons who first became subject to this licensing requirement because of amendments to the regulations which require a license for the collection, transport, and/or delivery of dry waste, shall not be required to have such license for the 60 day period following the effective date of the regulations.
- 3.2 ~~With respect to solid waste delivered to a DSWA Solid Waste Facility, the CEO, based upon a determination of threat to public health or welfare or other emergency, may designate a specific Solid~~

Waste DSWA Facility or facilities for delivery or disposal of such solid waste, dry waste, or recyclable materials.

- 3.3 Each Licensee shall clearly display on both sides of the vehicle:
 - 3.3.1 the license permit provided by DSWA which is the property of DSWA and subject to cancellation, suspension and/or revocation. The license permit shall be legible at all times and shall be placed in an area of high visibility to allow immediate identification by DSWA Weighmasters and Compliance Officers. ~~The License~~ permit shall be not be placed on fuel or hydraulic tanks or reservoirs, or areas where the operation of mechanical parts would impair the visibility of the permit;
 - 3.3.2 the Licensee's business name with letters at least three (3) inches high and of a color that contrasts with the color of the vehicle. No name other than the Licensee's business name shall be displayed. A regularly used business logo may also be displayed.
- 3.4 Licensees shall maintain business offices and phone numbers as follows:
 - 3.4.1 Licensees who collect on a yearly average 100 tons per month or more:
 - 3.4.1.1 each Licensee shall maintain a manned business office location or locations and designate a representative in responsible charge thereof;
 - 3.4.1.2 each Licensee shall provide ~~his business office~~ a street address for the business office to which correspondence may be mailed in addition to a Post Office Box;
 - 3.4.1.3 telephone coverage with a Delaware telephone number listed in the appropriate Delaware Telephone Directory in the business name of the Licensee shall be maintained by a responsible and authorized person at the main office during normal business hours. Licensees ~~with main offices located outside of the State of Delaware~~ may utilize a call forwarding service so that a Delaware telephone number may be dialed to reach an out-of-state office. The exclusive use of An answering machine shall not satisfy this requirement; and
 - 3.4.1.4 notification regarding any change of business location or telephone number shall be provided to DSWA in writing ~~at least fifteen (15) within seven days prior to~~ within seven days prior to of such change.
- 3.5 Licensees who collect on a yearly average less than 100 tons per month:
 - 3.5.1 each Licensee shall provide a street address ~~in addition to a Post Office Box~~ for the business office or dwelling ~~that is able to receive~~ to which correspondence may be mailed. A Post Office Box shall not satisfy this requirement;
 - 3.5.2 telephone coverage with a Delaware telephone number listed in the appropriate Delaware Telephone Directory in the business name of the Licensee shall be maintained by the Licensee during normal business hours. Licensees ~~with main offices located outside of the State of Delaware~~ may utilize a call forwarding service so that a Delaware telephone number may be dialed to reach an out-of-state office. The exclusive use of An answering service may be utilized. An answering machine shall not satisfy this requirement; and
 - 3.5.3 notification regarding any change of business location or telephone number shall be provided to DSWA in writing ~~at least fifteen (15) within seven days prior to~~ within seven days prior to of such change.
- 3.6 Each Licensee shall maintain insurance at the following minimum amounts:
 - 3.6.1 Automobile liability: \$350,000 combined bodily injury and property damage per occurrence;
 - 3.6.2 General liability: bodily injury \$300,000 per occurrence; property damage: \$100,000 per occurrence; and
 - 3.6.3 Workman's Compensation as required by law.
 - 3.6.4 Each Licensee shall provide to DSWA new certification of the coverages specified in Section 3.6 including a certification within ten (10) days of renewal. Each such certification of insurance shall provide that DSWA receive at least thirty (30) days advance notice of any canceled, discontinued, or diminished coverage.
- 3.7 ~~Each Licensee shall maintain collection vehicles to comply with the following minimum requirements~~ DSWA permitted vehicle shall, at all times:

- 3.7.1 ~~Each collection vehicle body shall be maintained to prevent fluids or other contents from discharging spilling onto the any surface; of the ground.~~
- 3.7.2 ~~Each collection vehicle body shall be capable of being readily emptied;.~~
- 3.7.3 ~~Each collection vehicle shall be kept in as much of a sanitary condition as possible to control the presence of vectors;.~~
- 3.5.4 ~~Containers, boxes, and other devices, excluding open top trailers, referred to as roll-offs, used by Licensees for collection of solid waste in excess of thirty (30) gallon capacity shall be enclosed or covered to reduce fluid leakage or collection of water.~~
- 3.7.54 ~~Each collection vehicle shall be equipped so that it can be readily towed, and maintained in good operational condition for safe and stable operation and/or navigation in or about a Solid Waste DSWA Facility; and.~~
- 3.7.65 ~~Each collection vehicle used or proposed for use by an applicant or Licensee and the contents of any collection vehicle shall be subject at all times to inspection by DSWA, including the contents thereof.~~
- 3.8 Each Licensee shall comply with the following requirements while collecting, transporting and/or delivering solid waste or dry waste.
 - 3.8.1 Solid waste, or dry waste, shall not be processed, scavenged, modified, or altered unless in compliance with applicable laws and regulations.
 - 3.8.2 Solid waste, or dry waste, in collection vehicles and/or containers shall be suitably enclosed or covered to prevent littering or spillage of solid waste or fluids.
 - 3.8.3 Solid waste shall not be stored in a collection vehicle for more than twenty-four (24) hours unless the solid waste is being delivered to a Solid Waste Facility authorized to receive such waste and the facility is closed for the entire day when the twenty four hour period expires, in which case the collection vehicle may discharge the solid waste at the facility on the next day that the facility is open.
 - 3.8.4 Any spillage ~~of solid waste~~ shall be immediately cleaned up and removed.
 - 3.8.5 No undue disturbance shall be caused in residential areas as a result of collection operations.
- 3.9 All collection vehicles shall be owned in the name of the Licensee or leased in the name of the Licensee. Upon submission of an application for a first time license, each applicant shall provide a copy of a valid motor vehicle registration card for each collection vehicle. If the collection vehicle is not owned by the applicant, a copy of a written motor vehicle lease agreement shall also be submitted with the application.
- 3.10 As a minimum each Licensee, except for municipalities with a written agreement with a licensed collector for such backup, shall own and/or lease, in the name of the licensee, at least two fully and continuously operational collection vehicles of like service, except for down time for routine maintenance
- 3.9 ~~Only enclosed vehicles or vehicles capable of being enclosed or covered to prevent any spillage of, loss or littering of solid waste shall be used by Licensees for collection, transportation, or delivery of solid waste, except for vehicles utilized only to collect, transport or deliver the solid wastes referenced in §4.2.1-4.2.5 and §4.3, infra, or oversized bulky waste, such as couches and refrigerators. Such vehicles used for oversized bulky waste shall not satisfy part or all of the Section 3.8 requirement that each Licensee own and/or lease at least two fully and continuously operational vehicles. An exception to the requirements of the first sentence of this section may be authorized by the CEO or his designee in circumstances where it is physically impossible to provide solid waste collection services with such vehicles.~~
- 3.11 With the exception of any municipality, each applicant for a license and each Licensee shall provide to DSWA and maintain a bond under which the Licensee shall be jointly and severally bound with a corporate surety qualified to act in the Courts of Delaware to DSWA for amounts due to DSWA for fees or charges for services. A Bond or Surety is not required if the ~~L~~Licensee pays at the time of solid waste delivery. DSWA may suspend or revoke a license if the Licensee's account with DSWA is past due.

- 3.11.1 In lieu of corporate surety, the applicant or Licensee may provide security for its bond by depositing with DSWA, one of the following in an amount at least equal to the amount of the bond:
- 3.11.1.1 United States Treasury bonds, United States Treasury notes, United States Treasury certificates of indebtedness, or United States Treasury bills; or
 - 3.11.1.2 bonds or notes of the State of Delaware; or
 - 3.11.1.3 bonds of any political subdivision of the State of Delaware; or
 - 3.11.1.4 certificates of deposit or irrevocable letters of credit from any state or national bank located within the United States; or
 - 3.11.1.5 United States currency, or check for certified funds from any state or national bank located within the United States.
- 3.11.2 The amount of the bond specified in § Section 3.11 shall be based upon the total solid waste tonnage ~~charged~~ delivered by the Licensee at a DSWA ~~Solid Waste Facility~~ during for the month of November immediately preceding the license year for which the license is issued in accordance with the following schedule:

"TONNAGE CHARGED FOR PRIOR NOVEMBER"	AMOUNT OF BOND
Less than or equal to 750 tons	(minimum) \$5,000
Greater than 750 tons but less than or equal to 1,500 tons	\$25,000
Greater than 1,500 tons	\$50,000
Each additional 1000 tons over 1,500 tons	\$5,000

If the Licensee has expanded or acquired its business since the preceding November, then the total tonnage for November and Bond amount will be adjusted to account for such increase. By reference to the accounts, business, or assets acquired, an estimate will be made of what the charges in November would have been if the Licensee had been operating the newly acquired accounts, business, or assets at that time.

- 3.12 Any person desiring to collect, transport, and/or deliver solid waste or dry waste, except recyclable materials, in the State of Delaware shall submit a completed application for license to DSWA on forms provided by DSWA substantially in the form set forth in Attachment "A" of these Regulations. DSWA shall approve or deny license applications within thirty (30) days of receipt of a completed application.
- 3.13 DSWA may require information to supplement that requested in Attachment "A" in reviewing license applications.
- 3.14 The license period for municipalities shall be five years. The license period for all Licensees except municipalities shall be July 1 to June 30 annually two years, or such other time period as determined by DSWA's CEO or COO. Applications for The license renewal application shall be submitted to DSWA at least thirty (30) calendar days prior to the expiration date of the existing license.
- 3.15 Before any additional collection vehicle or substitute collection vehicle is utilized for the collection, transportation, and/or delivery of solid waste or dry waste, the Licensee shall submit to DSWA the following:
- 3.15.1 The name, address and telephone number of the owner of the vehicle.
 - 3.15.2 The state motor vehicle registration number.
 - 3.15.3 A description of chassis by year and manufacturer.
 - 3.15.4 A description of the body by year and manufacturer.
 - 3.15.5 The legal weight limit of the vehicle.
 - 3.15.6 The volume of the body of the vehicle in cubic yards.
 - 3.15.7 Evidence of the insurance coverage as required by ~~this Article~~ Section 3.6.
- 3.16 Each license shall contain the following:

- 3.16.1 Owners Name and/or trading name.
 - 3.16.2 Physical and/or mailing addresses.
 - 3.16.3 License period.
 - 3.16.4 Authorized signature.
 - 3.16.5 Special license conditions regarding collection, transportation, and/or delivery of solid waste or dry waste, as specified by DSWA.
- 3.17 Each license and/or collection vehicle may be transferred subject to prior approval of DSWA. The Licensee shall notify DSWA of any transfer of a license or title to a DSWA permitted vehicle within seven days of such transfer. Except for a municipality with a written agreement with a licensed collector for backup capacity, no person shall be entitled to collect, transport and/or deliver solid waste or dry waste under another person's license.
- 3.18 Notwithstanding anything to the contrary contained in these Regulations, a Licensee may operate a replacement vehicle on a temporary basis for a period of fifteen (15) days; provided further, that the licensee shall provide DSWA an original signed letter on company letterhead providing the information listed in §3.15 of these Regulations. An original letter must be submitted for each day of operation until DSWA license stickers are properly displayed on the vehicle or the vehicle is removed from temporary service. Letters must be taken to the weighstation of the DSWA Solid Waste Facility. Only persons licensed by DSWA shall utilize properly complete letters of authorization. No other letters of authorization shall be accepted at DSWA facilities.
- 3.19 No license shall be issued to any person who:
- 3.19.1 has an account with DSWA that is past due in accordance with DSWA policies or
 - 3.19.2 is obligated to file a report in accordance with ~~§8.2~~ of these Regulations and has not done so for the immediately preceding calendar year.
 - 3.19.3 holds or has held a license from DSWA which as been revoked;
 - 3.19.4 holds or has held a license from DSWA which has been suspended, for such period as the license is suspended;
 - 3.19.5 holds or has held an interest in any Licensee whose license from DSWA has been revoked;
 - 3.19.6 holds or has held an interest in any Licensee whose license from DSWA has been suspended, for such period as the license is suspended; and
 - 3.19.7 owns, in whole or in part, solid waste operating assets, including vehicles and routes, which were acquired from a Licensee whose license from DSWA was revoked or suspended and who acquired such assets from such Licensee for less than fair market value. Applicants for a license may be required to produce records and other information to demonstrate that they comply with this paragraph before a license will be issued.
- 3.20 Any person who first collects, transports, and/or delivers solid waste or dry waste, except recyclable materials, within the State of Delaware, without leaving first obtained a license under this Article, shall not be issued a license required under this Article, until the expiration of one hundred twenty (120) days after the last day on which such collection, transportation and delivery without a license occurred, as determined by the CEO, or his designee.
- 3.21 Any Licensee who does not maintain his principal place of business in Delaware shall designate an agent, by name and street address (box number not acceptable), for service of process within Delaware. The agent shall be either an individual resident in Delaware or a corporation authorized under Title 8 of the **Delaware Code** to transact business in Delaware.
- 3.22 Before a license application is approved or denied, DSWA shall determine whether the applicant is able and reasonably certain to comply with these Regulations. Such determination may take into account any relevant factors including, but not limited to, the prior conduct of the applicant or any person, as defined herein, who is employed by or is otherwise associated with the applicant and may significantly affect the applicant's performance as it is related to the licensed activities. If the application is denied, the determination shall be reduced to writing and include the rationale for denial. Any person denied a license shall be entitled to request a hearing on such determination before the Directors of DSWA in accordance with ~~§41.1.2 hereof~~ these Regulations.

- 3.22 No license shall be issued to any person who:
- 3.22.1 holds or has held a license from DSWA which has been revoked;
 - 3.22.2 holds or has held a license from DSWA which has been suspended, for such period as the license is suspended.
 - 3.22.3 holds or has held an interest in any Licensee whose license from DSWA has been revoked;
 - 3.22.4 holds or has held an interest in any Licensee whose license from DSWA has been suspended, for such period as the license is suspended.
 - 3.22.5 owns, in whole or in part, solid waste operating assets, including vehicles and routes, which were acquired from a Licensee whose license from DSWA was revoked or suspended and who acquired such assets from such Licensee for less than fair market value. Applicants for a license may be required to produce records and other information to demonstrate that they comply with this paragraph before a license will be issued.
- 3.23 A Licensee shall give written notice to DSWA at least within seven (7) days in advance of any of the following:
- 3.23.1 sale or conveyance of a significant portion of its assets;
 - 3.23.2 sale or conveyance of a significant portion of the equity interest (e.g. stock) held in it;
 - 3.23.3 purchase or other acquisition of a significant portion of the assets of another Licensee;
 - 3.23.4 purchase or other acquisition of a significant portion of the equity interest in another Licensee. For purposes of this paragraph, a significant portion shall mean one-half. Fragmentation of a transfer into smaller portions shall not be used to avoid the requirements of this paragraph.
- 3.24 With respect to any vehicle which accesses a DSWA facility based on the extension of credit by DSWA, the vehicles shall use:
- 3.24.1 License permit stickers or charge account stickers;
 - 3.24.2 RF transponders;
 - 3.24.3 barcode identification Cards; or
 - 3.24.4 Other identification as permitted by DSWA.
- By using one or more of the above required items, the originally assigned person is accepting responsibility for all charges to the person's account. The required identification items are the property of DSWA and must be removed, returned, and/or destroyed in accordance with existing DSWA policy upon selling or transferring a vehicle. The originally assigned person remains responsible for all charges to his account until DSWA receives written documentation from the person to confirm a change in the status of the account or the account vehicle. (For example: selling or trading a vehicle.)
- 3.25 Each Licensee shall submit a report for the preceding calendar year ~~on~~ no later than February 1 of each year to DSWA stating, with respect to any waste collected in the State of Delaware and disposed of in the State of Delaware at a location other than a DSWA Solid Waste Facility, the quantities and types of waste disposed of, the names and address of the facility where it was disposed of, and any other information required on a form to be supplied by DSWA (See Attachment C).

5 DE Reg. 100 (7/1/01)

4.0 Use of DSWA ~~Solid Waste~~ Facilities by Municipalities and Their Contractors

- 4.1 ~~Except as provided in §4.1.1, §4.2, §4.3, or as provided by contract, all solid waste generated within the State of Delaware shall be delivered to and disposed of at a DSWA Solid Waste Facility or some other duly licensed or permitted facility. Whoever disposes of such waste at a facility which is not a DSWA Solid Waste Facility shall submit a report for the preceding calendar year on February 1 of each year to DSWA stating the generator(s) of the waste, type and quantity of material disposed and the name of the facility and its address at which the waste was disposed.~~
- Any solid waste, including but not limited to dry waste, that is generated, collected, or transported by any municipality, or by a person pursuant to an agreement with any municipality, shall be disposed of at a DSWA facility, unless it is a solid waste listed in Section 4.2 or Section 4.3. Any municipality that

enters into an agreement for the collection or transportation of such solid waste that is required to be delivered to a DSWA facility pursuant to this section shall include in such agreement a requirement that the solid waste shall be disposed at a DSWA facility.

- 4.1.1 ~~Except as provided in §4.2, all solid waste and dry waste that is generated by a municipality (defined to include any county, city, town or other public body of the State of Delaware, such as State agencies, instrumentalities, school boards, and publicly supported institutions of higher learning) shall be disposed of at a DSWA Solid Waste Facility. All solid waste and dry waste that is collected or transported by a municipality shall be disposed of at a DSWA Solid Waste Facility.~~
- 4.1.2 ~~Persons delivering solid waste to a DSWA Solid Waste Facility shall pay to DSWA the applicable fees, user fees, or contract fees. If different types of waste are commingled, the applicable fee shall be based on the type of waste in the commingled waste which has the highest fee.~~
- 4.2 The following solid wastes shall not be delivered to a ~~DSWA Solid Waste Facility~~:
 - 4.2.1 Hazardous wastes
 - 4.2.2 Explosives
 - 4.2.3 Pathological and infectious wastes
 - 4.2.4 Radioactive wastes
 - 4.2.5 Solid wastes, as determined by the CEO or his designee, which will, because of their quantity, physical properties, or chemical composition, have an adverse effect on the DSWA Facility, or the operation of the DSWA Facility, or if an effective means of risk and cost allocation cannot be achieved.
 - 4.2.6 Wastes which are prohibited by the DSWA ~~Solid Waste Facility(s)~~ DNREC permit.
 - 4.2.7 Solid wastes, except recyclable materials, generated outside the State of Delaware.
- 4.3 The following solid waste may but is not required to be delivered to a ~~DSWA Solid Waste Facility~~ for disposal or recycling, upon payment of the appropriate fee or user charge, provided that delivery of such solid waste is not otherwise proscribed by §4.2:
 - 4.3.1 ~~Agricultural waste generated on a farm.~~
 - 4.3.2 ~~Dry Yard waste, such delivery is required by contract in which case it must be delivered to a DSWA Solid Waste Facility unless the CEO or his designee determines such waste would have an adverse effect on the DSWA facility, in which case Yard Waste shall not be delivered to the DSWA facility.~~
 - 4.3.3 ~~Tires.~~
 - 4.3.4 ~~Non-hazardous waste resulting from emergency clean-up actions of the Department DNREC.~~
 - 4.3.5 Industrial process solid waste exempted by §5.3.2 Any special solid waste allowed at a DSWA facility pursuant to Article VI of these regulations.
 - 4.3.6 ~~Asbestos.~~
 - 4.3.7 ~~White goods.~~
 - 4.3.8 Source-separated Recyclables materials
- 4.4 ~~In the event that an invoice generated from the charging of fees or user charges at a DSWA Solid Waste Facility is not paid in accordance with DSWA credit policies the license may be revoked and/or the right to use DSWA Solid Waste Facilities may be denied to the user. Before the license revocation and/or denial of use, the user may have a hearing before the Directors of DSWA, and the user shall be given at least ten (10) days notice of the hearing. Otherwise, the procedure for the hearing shall be as set forth in §10.1.2-10.1.2.5 of these Regulations.~~

5 DE Reg. 100 (7/1/01)

5.0 Use of DSWA Facilities by Persons Other Than Municipalities and Their Contractors

- 5.1 Except as provided in Section 5.2, any person, other than a municipality and any person under an agreement with a municipality with respect to solid waste that must be delivered to a DSWA facility pursuant to Section 4.1, may dispose of the following at a DSWA facility (unless the CEO or his designee determines such waste would have an adverse effect in the DSWA facility) or other facility

authorized to receive such waste: solid waste, including, but not limited to yard waste, dry waste, and recyclable materials.

5.2 Every person shall deliver solid waste to a DSWA facility to the extent so required by any agreement between such person, or its assignee, and DSWA.

5.3 No person shall deliver to a DSWA facility any waste listed in Section 4.2 of these regulations.

6.0 Reserved

56.0 Special Solid Waste

56.1 Any person causing or allowing special solid waste to be delivered to any DSWA ~~Solid Waste Facility~~ for disposal shall obtain the approval of DSWA prior to commencement of such disposal ~~delivery~~; provided however, that where more than one person is involved in the generation and delivery of a particular special solid waste, approval of DSWA obtained by one person shall be sufficient. DSWA has adopted a policy on special solid wastes which provides detailed information regarding the approval process.

5.1.4 6.2 In the event that there are any risks or additional costs involved in accepting any special solid wastes, the CEO may impose a special solid waste disposal surcharge to compensate DSWA for such risks and additional costs, including administrative expenses and overhead. The following factors shall be considered in determining the amount of such special solid waste surcharge:

5.1.4.1 6.2.1 Quantity of waste to be disposed of;

5.1.4.2 6.2.2 Degree of risk associated with such disposal;

5.1.4.3 6.2.3 Additional handling, processing and disposal costs;

5.1.4.4 6.2.4 Additional administrative expenses and overhead;

5.1.4.5 6.2.5 Additional environmental protection controls including monitoring.

5.1.2 6.3 The special solid waste surcharge shall be set by the CEO, without notice and public hearing thereon, and may be done on a case by case basis.

5.26.4 Any person causing or allowing special solid waste to be delivered to a DSWA ~~Solid Waste Facility~~ operated by or on behalf of DSWA shall be deemed to have agreed to indemnify and hold harmless DSWA from any liability arising from disposal of such special solid waste and to have agreed to reimburse DSWA for any costs reasonably incurred to protect against or reduce any risk resulting therefrom; provided, however, such person, if such person has not caused or allowed the delivery of a hazardous substance within the meaning of the Comprehensive Environmental Response Compensation Liability Act (CERCLA), as amended, 42 USC Section 9601, et.seq., shall not be liable under this subsection to DSWA for harm or damage caused by the negligence of DSWA.

5.36.5 It shall be the responsibility of each generator of special solid waste, in addition to the person collecting, transporting and delivering it, to obtain the approval of DSWA for disposal of special solid waste at the DSWA ~~Solid Waste Facility~~ and to assure that such waste is delivered to the DSWA ~~Solid Waste Facility~~ for disposal. Such solid waste shall not be disposed in a DSWA ~~Solid Waste Facility~~ if:

5.3.16.5.1 DSWA refuses to approve the disposal of such waste at a DSWA ~~Solid Waste Facility~~; or

5.3.16.5.2 the generator of such waste determines or agrees to have such waste disposed of at another properly licensed or permitted facility;

5.3.36.5.3 the solid waste is described in § 4.2 of Article IV.

56.4 Any person aggrieved by a determination of the CEO or his designee, under this Article or ~~§4.2.6 of Article IV Sections 4.2 and 4.3~~, may seek review thereof by the Directors of DSWA in accordance with ~~§6427 (f) of the Act, and §10.1 of these Regulations.~~

5 DE Reg. 100 (7/1/01)

7.0 Operating in a DSWA ~~Solid Waste Facility~~

7.1 All vehicles entering a DSWA ~~Solid Waste Facility~~ to ~~dispose of~~ deliver solid waste, dry waste, or recyclable materials, shall proceed to the appropriate scale. Each vehicle shall come to a full stop before driving onto the scale, for weighing in or for weighing out. Quick stopping or starting on the

scales will not be permitted. All personnel must remain in the vehicle unless directed by the Weighmaster to come to the scale bouse window. After weighing, the vehicle must not leave the scales until authorized to do so by the Weighmaster and must proceed to the area designated area at the DSWA facility. for disposal of the quantity and type of waste that is carried in the vehicle. In the event that an invoice generated from the charging of fees or user charges at a DSWA facility is not paid in accordance with DSWA credit policies the license may be revoked and/or the right to use DSWA facilities may be denied to the user. Before the license revocation and/or denial of use, the user may have a hearing before the Directors of DSWA, and the user shall be given at least fifteen (15) days notice of the hearing. The procedure for obtaining and holding the hearing shall be as set forth in these Regulations.

- 7.2 After weighing and at the direction of the Weighmaster or other DSWA representative, each vehicle shall proceed to the area designated. Spotters at the landfill face or on the tipping floor shall direct the vehicles to a dumping special loading/unloading location. Vehicle drivers shall maintain safe distances from other vehicles at all times while at a DSWA facility. At small load facilities, waste shall be disposed only in the containers that have been provided. The contents of each vehicle shall be discharged as quickly as possible and the vehicle shall leave as directed by the operating contractor. Clean-up is allowed only at designated locations. No roll-off boxes will be dropped anywhere in a DSWA ~~Solid Waste Facility~~ without the express approval from a DSWA representative.
- 7.3 Each vehicle operator shall exercise caution, due care, and safe procedures in all operations ~~at the all DSWA Solid Waste Facilityies.~~ The speed limit on the facility roads is 25 miles per hour except where a lower speed limit is indicated. The posted speed limits at the facilities shall be observed. Vehicle drivers who disregard the posted speed limits on a DSWA ~~Solid Waste Facility~~ may be denied access to any DSWA ~~Solid Waste Facility~~. Vehicle operators shall follow directions from the DSWA or its representative.
- 7.4 No hand sorting, picking over, or ~~scavenging salvaging~~ of solid waste, dry waste or recyclable materials will be permitted at any time, without specific DSWA approval.
- 7.5 All vehicle operators and other personnel proceed onto the ~~landfill~~ delivery area or location at their own risk. DSWA shall not be liable for acts or omissions of its contractors, persons using a DSWA ~~Solid Waste Facility~~, or other third persons in or about a DSWA ~~Solid Waste Facility~~.
- 7.6 No loitering will be permitted in any DSWA ~~Solid Waste Facility~~.
- 7.7 DSWA reserves the right to redirect vehicles to alternate locations within the DSWA ~~Solid Waste Facility~~, if for any reason in the opinion of DSWA's representative, the original location cannot handle the load or type of material.
- 7.8 There shall be no smoking ~~in at~~ any DSWA ~~Solid Waste Facility~~ ~~except in areas where smoking is expressly permitted.~~
- 7.9 The DSWA from time to time may adopt and post other rules for DSWA ~~Solid Waste Disposal Facilities~~. It is the responsibility of Licensees and other persons using DSWA ~~Solid Waste Facilities~~ to familiarize themselves with and to obey such rules.
- 7.10 Any vehicle that is immobile and obstructing facility operations ~~shall~~ may be moved to a nonconflicting area by DSWA representatives after notifying the Licensee's driver. The Licensee's driver will be given reasonable time to contact his office either through radio or telephone. If the blocking vehicle poses a safety or fire hazard, it will be removed immediately after giving notice to the driver. Licensee shall also give written instructions to drivers on proper procedures for towing.
- 7.11 To prevent material from falling off vehicles and to minimize litter, all ~~open~~ vehicles, including but not limited to pick-up trucks, entering a DSWA ~~Solid Waste Facility~~ ~~to dispose solid waste,~~ shall be sufficiently secured through the use of tarpaulins or ropes or netting or enclosures sufficient to prevent the material from falling off the vehicles. Vehicles shall remain secured until reaching the designated untarping area at the DSWA facility.
- 7.12 DSWA shall have the right to require unloading of the contents of ~~the any~~ vehicle ~~hauling solid waste to any area on at~~ a DSWA ~~Solid Waste Facility~~ for the purpose of inspection.
- ~~7.42-413~~ If any prohibited wastes, hazardous wastes, explosives, toxic substance, pathological and infectious wastes, radioactive wastes are found, then the person delivering such waste to a DSWA

~~Solid Waste Facility~~ shall be subject to the sanctions that may be imposed under Section 10.02 for violation of Section 4.2 and sanctions for violation of and other applicable laws and regulations and that person shall be notified and given an opportunity to remove properly all of the waste emptied from the solid waste collection vehicle at his expense. If that is not accomplished within four (4) hours of such notice, which shall be either in person or by telephone, or, if the person cannot be reached immediately, either in person or by telephone, DSWA may proceed to arrange for removal and proper disposal of the entire load and the person bringing who delivered such material to the DSWA ~~Solid Waste Facility~~ shall be liable to DSWA for all costs incurred by DSWA in arranging for proper disposal, including, without limitation, DSWA's out-of-pocket expenses, contractor's fees, disposal costs, overhead supervisory costs, legal fees, testing costs, and transportation costs.

5 DE Reg. 100 (7/1/01)

8.0 Recycling

8.1 The following definitions shall apply to this subarticle:

~~"Recycling Center" means a facility, established pursuant to 7 Del.C. §6450 et seq., to receive recyclable materials. The Recycling Center includes the recycling containers marked for the specific recyclable materials which are to be deposited therein and the area immediately surrounding them necessary for the purposes of such recycling centers. Recycling Centers shall be known as 'RECYCLE DELAWARE' Centers.~~

~~"Recyclable Materials" mean those materials which have been source separated by the generator thereof for recycling. Source separated materials must remain separate throughout the journey and are not to be re-combined for transport.~~

~~"Recycling" means the process by which solid waste is transformed or converted into usable material(s) or product(s).~~

~~"Recycler" means a person in the business of collecting, transporting, and delivering recyclable materials.~~

Any person who owns or operates a program or facility within the State of Delaware for the purpose of recycling or recovery of recyclable materials shall file with DSWA an annual registration statement in the form which appears as Attachment D to these regulations. Such statement shall be filed no later than February 1 of each year.

8.2 ~~All persons operating facilities within Delaware for the purpose of recycling solid waste or recyclable materials other than 'RECYCLE DELAWARE' and "Recycling Centers" shall file with DSWA copies of any reports or other written information related to the recycling facilities or recycling activities that are filed with DNREC. Such reports or written information shall be filed with DSWA when they are filed or otherwise submitted to DNREC.~~

~~8.3 At a Recycling Delaware Center, no person shall:~~

~~8.3.1 dispose of solid waste or litter;~~

~~8.3.2 leave materials outside of recycling containers;~~

~~8.3.3 deposit into a recycling container any material other than the specific recyclable material for which the recycling container is marked to receive;~~

~~8.3.4 damage, deface, or abuse a recycling container;~~

~~8.3.5 block or obstruct vehicles using or serving the Recycling Center;~~

~~8.3.6 loiter;~~

~~8.3.7 scavenge any Recyclable Materials; or~~

~~8.3.8 deposit Recyclable Materials that has have been collected from or by a Recycler.~~

8.3 Recyclable materials and dry waste delivered to a DSWA facility shall be free of contamination as determined by DSWA.

5 DE Reg. 100 (7/1/01)

9.0 Transfer Station Requirements

- 9.1 Any person operating a transfer station for solid waste within the State of Delaware shall;
- 9.1.1 prepare daily and maintain (for minimum period of three years after preparation) records of the solid waste handled at the transfer station showing the source and final disposition of such waste after removal from transfer station, including address of such final disposition. The records to be maintained shall be adequate to provide all information required by the Transfer Station Monthly Solid Waste Report, shown in Attachment B;
- 9.1.2 submit to DSWA the report required by §9.1.1 of these Regulations and verify the accuracy thereof to DSWA on or before the twentieth (20th) day of the month following the month for which the report is compiled. The report shall be in the form of the Transfer Station Monthly Solid Waste Report, shown in Attachment B;
- 9.1.3 make the records required to be maintained and preserved by §9.1.1 of these Regulations available for inspection by representatives of DSWA during normal business hours.
- 9.2 DSWA through its designated representatives shall have the right to inspect the any transfer station in the State of Delaware and solid waste hauling vehicles entering and leaving the transfer station.

5 DE Reg. 100 (7/1/01)

10.0 Review, Enforcement and Sanctions

- 10.1 Any person seeking a license or to have solid waste, dry waste, or recyclable materials, delivered to disposed of at a DSWA Solid Waste Facility who has been aggrieved by a determination of the CEO or his designee under §§3.19, 3.21, 4.2, 4.4, 5.1.2 or 5.4 of these Regulations with respect to the denial of such license or delivery of solid waste, dry waste or recyclable materials may seek review thereof by the Directors of DSWA by filing a request for review with the CEO within fifteen (15) days of receipt of notice of such determination. The hearing shall be held in accordance with the paragraph of Section 10.1.2 of these Regulations.
- 10.1.1 The person filing the request for review under paragraph 10.01 (a) of these Regulations shall be provided notice by registered mail at least fifteen (15) days before the time set for the hearing. The person filing the request for the hearing shall bear the burden of proof.
- 10.1.4-2The person requesting the hearing may appear personally and/or by counsel and may produce competent evidence in his behalf. Upon the request of the person requesting the hearing or the CEO, the Chairman of DSWA shall issue subpoenas requiring the testimony of witnesses and the production of books, records, or other documents relevant to the material involved in such hearing.
- 10.1.4-3All testimony at the hearing shall be given under oath and the Chairman shall administer oaths and all Directors shall be entitled to examine witnesses.
- 10.1.4-4The hearing may be held as part of a regular meeting or a special meeting of the Directors of DSWA. Deliberation shall be held in executive session.
- 10.1.4-5The decision of the Directors of DSWA shall be announced at a public meeting and shall be forwarded to the person requesting the hearing in written form by registered mail.
- 10.2 Any person who violates a provision of these Regulations shall be subject to the following sanctions:
- 10.2.1 If the violation has been committed, a civil penalty of not less than One Hundred (\$100) Dollars and not more than Five Thousand (\$5000) Dollars shall be assessed;
- 10.2.2 If a violation continues for a number of days, each day of such violation shall be considered a separate violation;
- 10.2.3 If the violation is continuous, or there is substantial likelihood that it will reoccur, DSWA may seek a temporary restraining order, a preliminary injunction or permanent injunction;
- 10.2.4 Any person holding a license issued by DSWA who violates these Regulations shall be subject to revocation of such license, or suspension of such license for such period as determined by DSWA.
- 10.2.5 DSWA personnel are empowered to issue written notices of violations of these Regulations, without the need to employ the sanctions set forth above.

10.3 Any person who violates a provision of these Regulations may be prevented from entering a DSWA Solid Waste Facility, as determined by the CEO or his designee, until that person is in compliance with these Regulations.

5 DE Reg. 100 (7/1/01)

Attachment A

To: Delaware Solid Waste Authority
P.O. Box 455
Dover, DE 19903-0455

I hereby apply for a Solid Waste Collectors License for the period of July 1, 20__ through June 30, 20__ in accordance with the Regulations of the Delaware Solid Waste Authority. Accordingly, the following is submitted:

Note: This application will not be processed unless all requested information is provided including;

- Proof of insurance as required by section 3.04;
- Minimum Bond or Surety, as required by Section 3.10; and,
- A copy of your Delaware Business License.

1. Applicant: (Individual or Firm Name) _____
2. Doing business as: (name to appear on license) _____
3. Business Office Information: (one phone number must be a Delaware number) OFFICE A:

<i>Street</i>	<i>Area code - Phone number</i>		
<hr/>			
City	State	Zip Code	
<hr/>			
<i>Name of Individual having administrative responsibility at this location</i>			

OFFICE B:

<i>Street</i>	<i>Area code - Phone number</i>		
<hr/>			
City	State	Zip Code	
<hr/>			
<i>Name of Individual having administrative responsibility at this location</i>			

4. Answering service if applicable:

<i>Name of service</i>			
<hr/>			
<i>Street</i>	<i>Area code - Phone number</i>		
<hr/>			
City	State	Zip Code	
<hr/>			
<i>Name of Individual having administrative responsibility at this location</i>			

5. Registered Agents or Authorized Representatives:

A:

Name		
Street		Area code - Phone number
City	State	Zip Code

B:

Name		
Street		Area code - Phone number
City	State	Zip Code

6. Type of business: Sole Proprietorship Partnership Municipality Corporation*

* If Non-Delaware Corporation, provide proof of Delaware Registration

7. Date business was established: _____

8. Delaware Business License number: (contact Division of Revenue) _____

9. DNREC Waste Haulers License number: _____

10. Federal Taxpayer Identification number: _____

11. Owners or partners in unincorporated business. Indicate percentage of ownership:

A: _____

Name		Percentage	
Street	City	State	Zip Code

B: _____

Name		Percentage	
Street	City	State	Zip Code

C: _____

Name		Percentage	
Street	City	State	Zip Code

12. Officers, Directors, Shareholders holding in excess of 10% of issued Stock in incorporated business:

A: _____

Name	Percentage
------	------------

Street City State Zip Code

B: _____

Name Percentage

Street City State Zip Code

C: _____

Name Percentage

Street City State Zip Code

13. Indicate if any partnership or corporation other than applicant has any interest, direct or indirect, in the license applied for, or in the business conducted under such license. (If so, state names, addresses, and interest of the partnerships, corporations, and principals involved, indicating the nature and extent of the interest.)

Not applicable Applicable, provide details:

14. Indicate if any individual, partnership or corporation other than applicant receives or will receive (by way of rent, salary, or otherwise) all or any portion of percentage of the gross or net profits or income derived from business conducted under license applied for:

Not applicable Applicable, provide details:

15. Indicate if your company or parent company has ever been convicted of civil or criminal offences concerning waste transporting, processing, or disposal.

No Yes (Provide details: Use the back of this sheet or separate sheet if necessary)

16. Indicate if the applicant, any person mentioned in this application, or any person having a beneficial interest in the application has ever been denied a license to collect solid waste.

Not applicable Applicable, provide details:

17. State general area served by applicant:

18. Indicate days of the week collections are made:

Mon Tue Wed Thu Fri Sat Sun

19. Daily average weight of Household solid waste collected: _____ Tons

20. Daily average weight of Municipal solid waste collected: _____ Tons

ATTACHMENT B

TRANSFER STATION MONTHLY SOLID WASTE REPORT

From: _____ Reporting Period: _____

To: Delaware Solid Waste Authority Date: _____

TYPE OF WASTE	TONS RECEIVED	TONS DISPOSED	DISPOSAL FACILITY	
			Tons	Location
SOLID WASTE				
a. Delaware			1.	
			2.	
			3.	
			4.	
b. Other			1.	
			2.	
			3.	
			4.	
TOTAL				
INDUSTRIAL PROCESS WASTE				
a. Delaware			1.	
			2.	
			3.	
			4.	
b. Other			1.	
			2.	
			3.	
			4.	
TOTAL				
DRY WASTE				
a. Delaware			1.	
			2.	
			3.	
			4.	

B. Other			1.	
			2.	
			3.	
			4.	
TOTAL				
GRAND TOTAL				

CERTIFICATION I hereby certify that the above information is true and correct, to the best of my knowledge, this day of _____, A.D. 20____.

Notary Public

President

ATTACHMENT C

**SOLID WASTE HAULER REPORT FOR WASTE GENERATED IN DELAWARE AND DELIVERED AND/OR
DISPOSED AT OTHER THAN DSWA FACILITY**

From: _____ Reporting Period: _____

To: Delaware Solid Waste Authority Date: _____

TYPE OF WASTE	TONS RECEIVED	TONS DISPOSED	DISPOSAL FACILITY	
			Tons	Location
SOLID WASTE				
a. Delaware			1.	
			2.	
			3.	
			4.	
b. Other			1.	
			2.	
			3.	
			4.	
TOTAL				
INDUSTRIAL PROCESS WASTE				
a. Delaware			1.	
			2.	
			3.	
			4.	
b. Other			1.	
			2.	
			3.	
			4.	
TOTAL				
DRY WASTE				
a. Delaware			1.	
			2.	
			3.	
			4.	

B. Other			1.	
			2.	
			3.	
			4.	
TOTAL				
GRAND TOTAL				

CERTIFICATION I hereby certify that the above information is true and correct, to the best of my knowledge, this _____ day of _____, A.D. 20____.

Notary Public

President

ATTACHMENT D

REGISTRATION STATEMENT – RECYCLING PROGRAM/FACILITIES

Name of Person or Entity (the Registrant):

Address and Phone Number of the Registrant:

Address(es) and Phone Number(s) of any and all recycling facilities located in the State of Delaware owned or operated by the Registrant:

Description of recycling activity engaged in by Registrant:

I hereby represent that I am authorized to file this statement on behalf of the Registrant, and certify that the above information is true and correct to the best of my knowledge, this ____ day of _____, A.D. 20____.

Notary Public

Name and Title