

# DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

## DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

Statutory Authority: 7 Delaware Code, Chapters 60 and 63; (7 Del.C., Ch. 60 and 63)  
7 DE Admin. Code 1302

### PROPOSED

#### REGISTER NOTICE

SAN #2013-35

#### 1302 Regulations Governing Hazardous Waste

**1. TITLE OF THE REGULATIONS:**

Delaware's *Regulations Governing Hazardous Waste (DRGHW)*

**2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:**

To improve flexibility and service to the regulated community, the Solid and Hazardous Waste Management Section (SHWMS) proposes to add compliance self-certification provisions to DRGHW. This amendment will enable the SHWMS to offer customized compliance assistance and verification to identified business sectors, providing these selected hazardous waste generators regulatory guidance that is specific to their business needs.

**3. POSSIBLE TERMS OF THE AGENCY ACTION:**

None

**4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:**

Amendments to DRGHW are proposed and amended in accordance with the provisions found at 7 **Delaware Code**, Chapters 60 and 63.

**5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:**

None

**6. NOTICE OF PUBLIC COMMENT:**

The public hearing on the proposed amendment to DRGHW will be held on Monday, January 27, 2014 from 6:00 p.m. to 6:30 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

**7. PREPARED BY:**

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#### 1302 Regulations Governing Hazardous Waste

ID #	Description
1	Self-Certification provisions

#### **AMENDMENT: Self-Certification Provisions**

Delaware is proposing to modify 262.43 to require any generator of hazardous waste who receives a Self-Certification Checklist from the Department to complete and return the checklist to the Department. This amendment will enable the Solid and Hazardous Waste Management Section SHWMS to offer customized compliance assistance and verification to identified business sectors, providing these selected hazardous waste generators regulatory guidance that is specific to their business needs.

**Section 262.43 Additional Reporting.**

(a) The Secretary, as he deems necessary under 7 **Del.C.** §6305(a)(10), may require generators to furnish additional reports concerning the quantities, management, and disposition of wastes identified or listed in Part 261.

(b) Any generator of hazardous waste who receives a Self-Certification Checklist from the Department shall complete and return the checklist within the time specified in the instructions provided by the Department.

(1) The Department shall provide generators a reasonable amount of time to complete and return a checklist. At a minimum, the generator shall have 14 days from the date of receipt to return the checklist. A checklist is deemed returned

on the date it is received by the Department.

(2) The Self-Certification Checklist shall contain a certification in substantially the following form, which must be signed by an authorized representative of the generator:

"I, the undersigned representative, certify that I have personally examined and am familiar with the information contained in this submittal. The information contained in this submittal is to the best of my knowledge, true, accurate, and complete in all respects. I am fully authorized to make this certification on behalf of this generator. I am aware that there are significant penalties including, but not limited to, possible fines and imprisonment for willfully submitting false, inaccurate, or incomplete information."

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**17 DE Reg. 694 (01/01/14) (Prop.)**