

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL**

DIVISION OF AIR AND WASTE MANAGEMENT

Statutory Authority: 7 Delaware Code, Chapters 60 and 63 (7 **Del.C.** c 60 & 63)
7 **DE Admin. Code** 1302

PROPOSED

REGISTER NOTICE SAN # 2008-30

1. Title of the Regulations:

1302 Regulations Governing Hazardous Waste (DRGHW)

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

In order for the State of Delaware to maintain authorization from the U. S. Environmental Protection Agency (EPA) to administer its own hazardous waste management program, the State must maintain a program that is equivalent to and no less stringent than the Federal program. To accomplish this, the State must periodically seek authorization from the EPA to administer the program, and Delaware is preparing the 7th such program reauthorization. For Delaware's Hazardous Waste program to be authorized, the EPA has requested minor, miscellaneous corrections to align the State's program with the Federal program.

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 **Del.C.** 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 amendments to DRGHW will be held on Tuesday March 24, 2009 starting at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

7. Prepared By:

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**PROPOSED AMENDMENTS TO
DELAWARE REGULATIONS GOVERNING HAZARDOUS WASTE**

NOTE: For the purposes of this amendment package only those sections of the hazardous waste regulations shown herein are affected. The remaining sections of the *Delaware Regulations Governing Hazardous Waste* are not affected and are unchanged.

**AMENDMENT 1:
Cathode Ray Tubes – Correction for export notification**

Subpart E—Exclusions/Exemptions

§ 261.39 Conditional Exclusion from Hazardous Waste for Used, Intact or Broken Cathode Ray Tubes and CRT Glass (CRTs) Managed by CRT Collectors and CRT Processors and Processed CRT Glass Undergoing Recycling.

(a) *****

(5) *Exports.* In addition to the applicable conditions specified in paragraphs (a) (1)–(4) of this section, exporters of used, intact or broken CRTs must comply with the following requirements:

(iii) Upon request by EPA or DNREC, the exporter shall furnish to EPA/DNREC any additional information which a receiving country requests in order to respond to a notification.

(iv) ~~EPA will provide a complete notification to the receiving country.~~ Reserved

**AMENDMENT 2
Cathode Ray Tubes – Correction for broken CRT storage time limit**

§ 261.4(b)

(16) Used, intact or broken cathode ray tubes and CRT glass (CRTs)

(i) Used, intact or broken CRTs while at the site of the CRT Generator as defined in § 260.10 of this chapter are not hazardous waste, provided the CRT's are not disposed and provided they are managed as follows:

B. Used, Broken CRT's, including CRT Glass

(3) A CRT generator may accumulate used, broken CRT's for not longer than one year from the date the CRT is first taken out of service.The CRT generator must be able to demonstrate the length of time that each used, broken CRT is accumulated from the date it is first taken out of service. [Note: The out of service date for a used, broken CRT resulting from breakage of an out of service used, intact CRT, is that of the original out of service date.]

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AMENDMENT 3
reserve all of §262.21

Section 262.21 ~~Manifests tracking numbers, manifest printing, and obtaining manifests.~~ Reserved

~~(a)~~

~~(1) A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the EPA Director of the Office of Solid Waste to do so under paragraphs (c) and (e) of 40 CFR 262.21.~~

~~(2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of this section. The registrant is responsible for assigning manifest tracking numbers to its manifests.~~

~~(b) Reserved~~

~~(c) Reserved~~

~~(d) Reserved~~

~~(e) Reserved~~

~~(f) Reserved~~

~~(g)~~

~~(1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest under paragraphs (c) and (e) of 40 CFR 262.21. A registered source may be a:~~

~~(i) State agency;~~

~~(ii) Commercial printer;~~

~~(iii) Hazardous waste generator, transporter or TSDF; or~~

~~(iv) Hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.~~

~~(2) A generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated Federally) as hazardous wastes under these states' authorized programs. Generators also must determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.~~

~~(h) Reserved~~

~~(i) Reserved~~

~~(j) Reserved~~

~~(k) Reserved~~

~~(l) Reserved~~

~~(m) Reserved~~

AMENDMENT 4

reverse DepositARY back to DepositORY in 264.151(a)(1) Section "8c"

Section 264.151 Wording of Instruments.

(a) (1) * * * * *

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretion conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central ~~depository~~ depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such ~~depository~~ depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

AMENDMENT 5

§262 Appendix

- §262 Appendix, add first two instruction notes
- Strike clause from Manifest Instructions Item 5 for Generators regarding emergency phone number

Appendix to Part 262

Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)
U.S. EPA Form 8700-22

Read all instructions before completing this form.

1. This form has been designed for use on a 12-pitch (elite) typewriter which is also compatible with standard computer printers; a firm point pen may also be used – press down hard.
2. Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities to complete this form (FORM 8700-22) and, if necessary, the continuation sheet (FORM 8700-22A) for both inter- and intrastate transportation of hazardous waste.

Manifest 8700-22

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I. Instructions for Generators

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Item 5. Generator's Mailing Address, Phone Number and Site Address

Enter the name of the generator, the mailing address to which the completed manifest signed by the designated facility should be mailed, and the generator's telephone number. Note, the telephone number (including area code) should be the normal business number for the generator, or the number where the generator or his authorized agent may be reached to provide instructions in the event of an emergency or if the designated and/or alternate (if any) facility rejects some or all of the shipment. Also enter the physical site address from which the shipment originates only if this address is different than the mailing address.

12 DE Reg. 1170 (03/01/09) (Prop.)