

HEARING OFFICER'S REPORT

Regarding: 2006 Proposed Amendments to *Delaware Regulations  
Governing Hazardous Waste*

Lisa A. Vest  
Hearing Officer

July 6, 2006

**I. Background:**

On June 28, 2006 a public hearing was held in the DNREC Auditorium at the Richardson and Robbins Building in Dover, Delaware, to receive comment on proposed amendments to the State of Delaware's *Regulations Governing Hazardous Waste*. The State of Delaware is authorized by the U.S. Environmental Protection Agency (EPA) to administer its own hazardous waste management program. In order for Delaware to maintain its program delegation and authority, EPA requires Delaware to maintain a program that is equivalent and no less stringent than the federal program.

Many of the changes which DNREC is proposing to make are already in effect at the federal level. Additionally, the State is also making miscellaneous changes to the existing regulations for the purpose of correcting errors and to add consistency or clarification to the existing regulations, in order to improve or enhance the performance of the hazardous waste management program.

Of note is the fact that the Department held a public workshop regarding these proposed amendments back on April 6, 2006, which was well attended, and provided a meaningful exchange between the public and the Department regarding this matter. No additional questions and/or comments were received by the Department subsequent to the April 6, 2006 workshop, nor were any members of the public present at

the hearing on June 28, 2006. Proper notice of the hearing was provided as required by law.

**II. Summary of Hearing Record:**

William B. Davis, CHMM, an Environmental Scientist with the Solid and Hazardous Waste Management Branch of the Department, offered the Department's exhibits into the record regarding the proposed amendments to the Delaware *Regulations Governing Hazardous Waste*. Included as one of the Department's exhibits submitted into the record at the hearing was a chart offering a synopsis of the adoption of these proposed amendments. This documentation sets forth a brief summary of each of the amendments proposed by the Department at this time, and also provides a list of those sections generally affected by the amendments. For those reasons, as well as for the sake of brevity, the same is attached hereto as Attachment "A", and is incorporated herein as part of the Hearing Officer's report in this matter.

**III. Conclusions and Recommended Findings:**

On the basis of the record developed in this matter, it appears that the Division of Air & Waste Management (Solid & Hazardous Waste Management Branch) has provided a sound basis for the proposed amendments to the proposed 2006 Amendments to Delaware's *Regulations Governing Hazardous Waste*, and has thoroughly addressed all public questions and/or comments provided during the workshop phase of this regulatory matter. Therefore, I recommend promulgation of

these proposed amendments in final form, in accordance with the customary and established rule-making procedure required by law.

Further, I recommend the following findings be made:

1. Proper notice of the hearing was provided, as required by law.
2. Promulgation of these proposed amendments will allow Delaware's existing Hazardous Waste Program to maintain its State program delegation and authority, in that the program will become equivalent and no less stringent than the Federal program.
3. Additionally, promulgation of these proposed amendments will allow the Department to correct errors present in the existing regulations, and to add consistency and/or clarification to the same.
4. This rulemaking will further the policies and purposes of 7 Del.C., Chapters 60 and 63, by continuing to ensure safety of the public health and environment, while taking into account industry concerns, thus allowing the Department to improve and/or enhance the overall performance of its Hazardous Waste Management Program.

/s/ Lisa A. Vest

Lisa A. Vest,  
Hearing Officer