

Amendments To
Delaware's Regulations Governing Solid Waste

Executive Order 36

Proposed Amendments

Delaware Department of Natural Resources and Environmental Control

Division of Waste and Hazardous Substance

Solid and Hazardous Waste Management Section

89 Kings Highway

Dover, DE 19901

Phone: 302.739.9403

Contact: Bill Davis

William.BDavis@state.de.us

ID #	Description	Page
1	Infectious Waste Packaging	2
2	Infectious Waste Labeling	3
3	Landfill Cover	4

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 DRGHW are not affected and are unchanged. Proposed additions are indicated with [underlines](#), and deletions are indicated with ~~strikethroughs~~.

DRGSW AMENDMENT 1:

Infectious Waste - Packaging

Packaging Requirements - The amendment supports the use of alternative packaging for infectious waste provided the packaging is consistent with federal DOT and OSHA requirements and has received prior approval from the Department of Natural Resources and Environmental Control.

11.8.2 Packaging Requirements

All infectious waste shall be packaged as ~~follows:~~ set forth below, unless an alternative packaging protocol has been approved in writing by the Department.

11.8.2.1 All infectious wastes, other than sharps, shall be packaged as follows:

11.8.2.1.1 Waste shall be contained in two (one bag inside the other) RED BAGS. The bags shall be individually tied or sealed. As a bag or other container becomes full, it must be immediately sealed, packaged, labeled and managed as described in this part.

11.8.2.1.2 All bags containing infectious waste shall be red in color. Waste contained in red bags shall be considered infectious waste and managed as infectious waste.

11.8.2.1.3 Bags shall be sealed by lapping the gathered open end and binding with tape or closing device such that no liquid can leak.

11.8.2.1.4 In addition to the plastic bag containers described in this section, all infectious wastes must be enclosed in a double-walled corrugated fiberboard box or equivalent rigid container before it is transported beyond the site of generation.

11.8.2.2 Sharps shall be contained in leakproof, rigid, puncture resistant containers that are tightly lidded. As soon as the first sharp is placed in an empty container, the container shall be labeled with the word "SHARPS", and the Biological Hazard Symbol.

* * * * *

11.8.4 All infectious substances that are transported must be packaged as described in the most current edition of 49 CFR 173.~~196~~, even when that transport is wholly within the boundaries of the State.

DRGSW AMENDMENT 2:

Infectious Waste - Labeling

Labeling Requirements - The amendment provides for the use of alternative labeling for infectious waste, provided such labeling is consistent with federal DOT requirements and has received prior approval from the Department of Natural Resources and Environmental Control.

11.8.3 Labeling requirements. All infectious waste shall be labeled immediately after packaging. A label shall be securely attached to the outer layer of packaging and be clearly legible. The label may be a tag securely affixed to the package. Indelible ink shall be used to complete the information on the labels, and the labels shall be at least three inches by five inches in size. Labeling shall be performed as set forth below, unless an alternative labeling protocol has been approved in writing by the Department.

11.8.3.1 The following information shall be included on label one:

11.8.3.1.1 The name, address and business telephone number of the generator,

11.8.3.1.2 "Infectious" or "Regulated Medical Waste" in large print,

11.8.3.1.3 "Pathological Waste," if pathological waste is included in the contents, and

11.8.3.1.4 The name, address and business telephone number of the hauler or other persons to whose control the infectious waste will be transferred.

11.8.3.2 The following shall be included on label two: the Biological Hazard Symbol. The label ~~shall be not less than three by five inches.~~ size and color shall meet the requirements set forth in 49 CFR 172 Subpart E.

DRGSW AMENDMENT 3:

Landfill Cover

Landfill Cover – The amendment allows greater flexibility in the use of soil-equivalent and alternative material as the final grading layer cover, provided prior approval is obtained from the Department of Natural Resources and Environmental Control.

6.0 Industrial Landfills

* * * * *

6.8 Capping System

* * * * *

6.8.2 Composition of the capping system

The capping system shall consist of at least the following components:

6.8.2.1 A final grading layer on the waste, consisting of at least six (6) inches of soil [or equivalent material](#), to attain the final slope and provide a stable base for subsequent system components. Daily and intermediate cover may be used for this purpose. [Alternative materials may be used for the grading layer with prior written approval by the Department.](#)

6.8.2.2 An impermeable layer, consisting of at least:

6.8.2.2.1 A 30 mil geomembrane underlain by a geotextile, or

6.8.2.2.2 24 inches of clay at a hydraulic conductivity of 1×10^{-7} cm/sec or depth of equivalent material having a hydraulic conductivity less than 1×10^{-7} cm/sec, such depth to be determined based on the hydraulic conductivity of 24 inches of clay at a hydraulic conductivity of 1×10^{-7} cm/sec. Alternative materials may be used for the impermeable layer with prior written approval of the Department.

6.8.2.3 A final cover consisting of:

6.8.2.3.1 Eighteen (18) inches of soil to provide rooting depth and moisture for plant growth, and

6.8.2.3.2 Six (6) inches of topsoil or other material approved by the Department to support the proposed vegetation; or

6.8.2.3.3 A suitable layer of alternative material or combination thereof to assure adequate rooting and moisture retention to support the proposed vegetation. The permittee shall propose a suitable vegetation dependent upon the quality and characteristics of the topsoil and compatible with the intended final use of the facility. Maintenance schedules and application rates for fertilizer and mulch shall also be submitted for approval.