

Secretary's Order No.: **2006-A-0033**

RE: 2006 Proposed Amendments to
Delaware Regulations Governing Hazardous Waste

Date of Issuance: July 7, 2006

Effective Date of the Amendment: August 21, 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.

After the hearing, the Hearing Officer prepared her report and recommendation in the form of a Hearing Officer's Report to the Secretary dated July 6, 2006, and that Report is expressly incorporated herein by reference.

II. Findings and Conclusions

On the basis of the record developed in this matter, it appears that the Department has provided a sound basis with regard to the proposed regulatory action concerning the amendments to Delaware's Hazardous Waste Regulations. Furthermore, the Department provided the public with numerous opportunities to offer comments with respect to this

issue, with a workshop offered prior to the public hearing, should anyone wish to contribute same.

III. Order

It is hereby ordered that the proposed adoption of the amendments to Delaware's Hazardous Waste Regulations be promulgated in final form, in accordance with the customary and established rule-making procedure required by law.

IV. Reasons

The adoption of the proposed amendments will allow Delaware's existing Hazardous Waste Program to maintain its State program delegation and authority, and further bring Delaware's existing regulations into conformity and equivalency with current U.S. Environmental Protection Agency requirements. Furthermore, promulgation of these proposed amendments will allow the Department to correct errors present in the existing regulations, as well as to add consistency and/or clarification to the same. Lastly, this promulgation will continue to ensure safety of the public health and environment, while taking into account industry concerns, and will assist the Department in furtherance of the policy and purposes of 7 Del. C., Chapters 60 and 63.

/s/ John A. Hughes .
John A. Hughes
Secretary