



For copies of DNREC's Marina Guidebook, call DNREC's Wetlands and Subaqueous Lands Section at (302) 739-9943.

Delaware Marina Regulations define a headboat as a commercial vessel, primarily used for fishing activities that can accommodate more than twenty people.

Laws and Regulations

This chapter of laws, regulations, and permit information is by no means comprehensive. It is meant to provide:

- an introduction to the responsibilities of certain Federal and State agencies,
- an overview of some relevant laws,
- a look at the Delaware Operations and Maintenance (O&M) Plan for Marinas, and
- a synopsis of information about other pertinent permits and licenses.

The Delaware Department of Natural Resources and Environmental Control (DNREC) is responsible for protecting, preserving, and enhancing the environmental quality of the water, air, and land of the State. The Department recognizes that water quality protection and improvement is an important goal, particularly in water bodies subject to development pressure with its attendant impacts on where we live and our quality of life. Delaware Marina Regulations are intended to deal with such impacts by addressing the potential sources of pollution that may result from the physical presence, construction, or operation of marinas.

Delaware Marina Regulations

The Delaware Department of Natural Resources and Environmental Control (DNREC) adopted a set of Marina Regulations in 1990, the full text of which is included as Appendix X of this Delaware Clean Marina Guidebook. DNREC also maintains a *Marina Guidebook* that contains useful information about the planning, design, and operation of marinas. This guidebook can be used as a public service, as an educational tool, and for technology transfer, and is available on request directly from DNREC. Please refer to DNREC's *Marina Regulations* and *Marina Guidebook* for more details.

The Department's intent in adopting these Regulations is three-fold:

- Apply strict environmental controls over the siting, design, construction and operation of new marinas.
- Allow upgrading of existing facilities in ways which can benefit the environment by imposing reasonable restrictions which would effectively discourage or prevent environmentally detrimental impacts.
- Provide for safe and environmentally sound operation of existing and future marinas through prevention of pollution by good housekeeping procedures.

The Marina Regulations apply to:

- a. Any commercial, public, recreational, or private marina that is on or adjacent to the water and: 1) contains five or more slips, or 2) provides berthing for one or more headboats.
- b. Any vessel maintenance or repair yard that is on or adjacent to the water.
- c. All public or commercial boat ramps.
- d. Recreational boat ramps with five or more slips, or associated upland ancillary facilities such as fueling or vessel maintenance facilities.

Authority for these Regulations is in accordance with Title 7. Del. C., Chapter 60, Water And Air Resources Act, Title 7. Del. C., Chapter 72, The Subaqueous Lands Act, Title 7. Del. C., Chapter 66, The Wetlands Act, and Title 7. Del. C., Chapter 19, Shellfish.

Marina Operations and Maintenance (O&M) Plan

All marinas in the State of Delaware, whether existing, under construction, or proposed, are required to have a marina Operations and Maintenance (O&M) Plan. The intent of the Operations and Maintenance Plan is to address compliance with statutory requirements and permit programs and to protect the aquatic and terrestrial environment. Once the plan is approved, marina owners are responsible for ensuring that marina personnel comply with all aspects of the plan, providing copies of the plan to all marina tenants, and taking appropriate action to deal with marina tenants who violate any provision of the plan.

All marinas are required to update and submit their previously approved O&M Plan for Department review and re-approval periodically. O&M Plans for marinas with 0-50 slips are due for re-approval four years after the original approval date. For marinas with 51-100 slips, re-approval is due in three years, and in two years for marinas with over 100 slips. Also, whenever the marina ownership or leasehold changes, the O&M Plan must be revised and resubmitted for Department approval. When making marina alterations, an updated Operations and Maintenance Plan must be submitted for the entire marina at the time of application. The plan must cover the operation and maintenance of the original, existing portions of the marina, as well as altered portions of the marina.

A guidance document to assist marina operators in developing their O&M Plan is available. Contact DNREC's Wetlands and Subaqueous Lands Section or the Clean Marina Program for a copy.

Marinas that do not fall into the above categories must have specialized O&M Plans that address the following areas:

- a. Water Quality Management
 - (1) A plan to reduce the seasonal wet storage of vessels to the maximum extent practicable, including dates for autumn vessel removal and spring launching.
 - (2) Stormwater Runoff
- b. Storage and Handling of all Materials Used in Maintenance
- c. Storage, Handling and Disposal of Wastes
- d. Shoreline Structures Maintenance
- e. Emergency Operations
 - (1) Fuel/Oil Spill Prevention and Containment Plans
 - (2) Sewage Spill Prevention and Containment Plan
 - (3) Fire
 - (4) Hurricane/Severe Weather
 - (5) Emergency telephone numbers.

The DNREC Wetlands and Subaqueous Lands Section (WSLS) is the group that reviews and approves marina O&M Plans. They can be reached at (302) 739-9943.

- f. Rules and Regulations for Marina Users (Includes full time slip renters and transient boaters)
 - (1) Restrictions on overboard sewage discharge and rules on the uses of marine sanitation devices and pump out facilities
 - (2) Boater responsibilities for fuel and sewage spills, clean-up costs, and reporting requirements
 - (3) Proper procedures for vessel fueling operations
 - (4) Proper disposal of used or waste oils
 - (5) Policies and procedures for removal of oil from bilges
 - (6) Rules pertaining to fire prevention and fire protection
 - (7) Policies and procedures for trash and garbage disposal
 - (8) Policies and procedures for vessel maintenance activities
 - (9) Restrictions on vessel speeds and wake conditions if applicable
 - (10) Marina user responsibilities during emergencies
- g. Additional Required Information
 - (1) Tidal Range
 - (2) Marina Layout
 - (3) Water Depths
 - (4) Capacities - the size of each berth and dry stack space, including the total number of each type
 - (5) Fueling Facilities Location and Rules
 - (6) Sanitation Facilities Location and Rules
 - (7) Numbers and types of marine sanitation devices on board vessels berthed at the marina
 - (8) Fire Protection Equipment Locations and Rules
 - (9) Other Rules and Regulations that apply to boaters using the marina

Copies of the Department-approved Marina Operations & Maintenance Plan Rules and Regulations must be distributed to all marina tenants (full time slip renters), and the full O&M Plan must be posted in the harbormaster's office or other prominent place within the marina, where it must be readily available for inspection at all times.

Marine Sanitation Devices

Delaware defines a marine sanitation device as any equipment utilized on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage. Marine sanitation devices, as defined by Title 7. Del. C., Chapter 60 §6035, are classified as:

- Type I - A device that produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids.
- Type II - A device that produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.

- Type III - A device that is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage. A Type III MSD is a no discharge device. Under Delaware code, a Type III MSD shall include both portable (i.e. porta-potty) and permanently installed MSD devices.

Pumpout Requirements

Regardless of the number of slips, any marina providing other than transient berthing for any vessel containing a Type III marine sanitation device (holding tank or portable toilet) must provide access to a sewage pumpout or dump station as required by Title 7. Del. C., §6035. In addition, the marina owner must post signs to identify the location of the marina's pumpout/dump stations.

Delaware law states:

Marina owners/operators for marinas that are located in whole or in part on tidal waters of the State, and that provide dockage for vessels with a portable toilet(s) or Type III marine sanitation device(s) (MSD), shall provide convenient access, as determined by the DNREC, to an approved, fully operable and well maintained pumpout facility(ies) and/or dump station(s) for the removal of sewage from said vessels to a DNREC approved sewage disposal system.

- Owners/operators may agree to pool resources for a single pumpout dump station with Departmental approval based on criteria of number and class of vessels, marina locations, cost per pumpout use, and ultimate method of sewage treatment and disposal (i.e. septic system or waste water treatment facility).
- The owner/operator of any boat docking facility that is located in whole or in part on tidal waters of the State, and that provides dockage for a live-aboard vessel(s) with a Type III marine sanitation device(s), shall install and maintain at all times, in a fully operable condition, an approved dedicated pumpout facility at each live-aboard vessel slip for the purpose of removing sewage from the live-aboard vessel on a continuous or automatic, intermittent basis to a DNREC approved sewage disposal system.
- Any discharge, by any means, of untreated or inadequately treated vessel sewage into or upon the waters of any marina, boat docking facility or tidal water of the State of Delaware is prohibited.
- All vessels while on waters of the State of Delaware shall comply with 33 USC Section 1322, as amended February 4, 1987 (Federal regulations for technical requirements for MSD's, available online at <http://www4.law.cornell.edu/uscode/33/1322.html>).
[Authority – Title 7. Del. C., Chapter 60, Section 6035 (a) and (b)(1, 2, 3, & 4), Adopted June 23, 1992].

Even if your marina is not required to have a pumpout/dump station, you are required to post a sign identifying the location of the nearest facility.

Delaware Marina Regulations define an alteration as any change to an existing marina which would (a) increase the number of slips by five or more, or (b) involve new or additional upland or water-based activities whose construction or operation have the potential to generate pollution. Maintenance of existing serviceable structures shall not be considered an alteration.

Water Quality Monitoring

Marinas may be required to perform water quality monitoring to ensure compliance with Delaware water quality regulations. The determination of whether a water quality monitoring plan is required will be based upon the ecological sensitivity of the site and evidence that water quality regulations may be violated. If monitoring is required, the Department will consider logistics and costs in determining the appropriate nature and scope of the water quality monitoring plan.

Permits and Approvals

There are five separate permits and approvals that DNREC may require before new construction or alterations to marinas can begin:

1. Section 401 Water Quality Certification
 2. Coastal Zone Consistency Determination
 3. Marina Permit
 4. Wetlands Permit (if applicable)
 5. Subaqueous Lands Use Approval and/or Lease
- Items 1 and 2 from the above list are actually part of the federal (Corps of Engineers) permit process, but there are no separate applications needed for those. Applicants must also obtain Sections 10 and 404 permits from the Corps of Engineers. While the Corps of Engineers is the lead agency at the federal level, their review includes other agencies such as:

1. U.S. Environmental Protection Agency (USEPA)
2. U.S. Fish and Wildlife Service (USFWS)
3. National Marine Fisheries Service (NMFS)
4. U.S. Coast Guard (USCG)

Even though DNREC is the agency administering permits at the State level, their decision to issue or deny a permit takes into consideration comments and recommendations from many other governmental agencies and others, including the following:

1. All Divisions of DNREC
2. Delaware Geological Survey
3. County Planning Office
4. Department of Highways and Transportation
5. Department of Health and Social Services
6. Governor's Council on Environmental Control
7. Council on Historical and Cultural Affairs, Archaeological Office
8. Adjacent property owners
9. Local planning department that has jurisdiction over the land involved
10. U.S. Environmental Protection Agency (USEPA)
11. U.S. Fish and Wildlife Service (USFWS)
12. National Marine Fisheries Service (NMFS)
13. Other interested parties

Finally, in addition to the DNREC and Corps permits, there are local, county, and municipal approvals and permits which must be obtained. Some approvals, such as those for zoning, must be obtained before DNREC will issue a State permit. The applicant is responsible for

identifying local requirements and for obtaining all such approvals and permits. Typical local permits include:

1. Zoning Approvals
2. Water and Sewer Approvals
3. Building Permits
4. Erosion and Sedimentation Control Permits
5. Other applicable permits and approvals

The first step in the State Marina Permit application procedure is to obtain a Joint Application Form from DNREC, complete its Appendix N "Preliminary Marina Screening Checklist", and submit it to DNREC for review. Further steps are explained in DNREC's *Marina Guidebook*.

Marina Permit

Delaware requires a Marina Permit in order to construct, install, modify, rehabilitate, or replace a marina. The applicant shall be responsible for obtaining any other local, state, or federal permits or approvals that may be required for the proposed construction or alteration.

For alterations, only the newly constructed portions of the marina (whether upland or water-based) must comply with the requirements for new marinas. Upland portions of the original, existing marina that are left undisturbed or are upgraded by the alteration shall be brought into compliance with the requirements for new marinas only to the extent practicable. Delaware defines an alteration as any change to an existing marina which would (a) increase the number of slips by five (5) or more, or (b) involve new or additional upland or water-based activities whose construction or operation have the potential to generate pollution. Maintenance of existing serviceable structures is not considered an alteration.

Permitting requirements for small, new marinas and minor alterations to existing marinas may be less burdensome than the standard requirements. Such requirements may apply if the proposed new marina or marina alteration can be described by any one of the following:

1. It is a commercial, recreational, or public marina of more than 4 but not more than 25 slips.
2. It is a commercial or public boat ramp.
3. It is a recreational boat ramp in conjunction with more than 4 but not more than 25 slips.
4. It is a facility that has fewer than five slips, but is classified as a marina because one or more headboats are docked there.
5. It is a minor alteration. Minor alterations are those that expand an existing marina by 25 slips or fewer, or involve no new water-based structures or activities.

In addition to the above five items, the proposed marina or proposed alteration must not include fuel storage or delivery facilities, or vessel maintenance or repair facilities in order to qualify for permitting status under this section. Alterations can only be permitted under this section

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once unless the proposed alteration expands the marina by fewer than 25 slips, in which case, future alterations may be permitted under this section until the total number of additional slips from the combined alterations reaches 25.

Applicants shall provide a Siting and Design Study (SDS) for new marina applications in order to prove environmental safety. The primary objective of the SDS shall be avoidance of impacts. It shall document all efforts to avoid adverse impacts, and to minimize and offset unavoidable adverse impacts to aquatic and terrestrial resources. Such documentation shall be in the form of an objective alternatives analysis that provides an evaluation of practicable alternate sites and/or designs for Department consideration.

The siting and design of new marinas and alterations are subject to the following considerations:

Environmental Siting Considerations

- Vessel Storage
- Water Quality Assessment
- Cumulative Impacts
- Wetlands
- Shellfish Resources
- Submerged Aquatic Vegetation (SAV)
- Benthic Resources
- Critical Habitats
- Recreational Water Use Areas
- Mitigation Measures

Planning and Design Requirements

- Marina Flushing
- Dredging and Dredged Material Disposal
- Shoreline Protection Structures
- Navigation and Access Channels
- Vessel Traffic and Navigation
- Water Supply
- Wastewater Facilities
- Parking
- Stormwater Management
- Solid Waste Management
- Vessel Maintenance Areas and Activities
- Fuel Storage and Delivery Facilities
- Fire Protection Systems
- Life Safety Equipment
- Fish Wastes
- Marina Structures

Selected Federal Agencies and Their Jurisdictions

The **United States Army Corps of Engineers (USACE)** protects and develops the Nation's water resources. Environmentally, the Corps takes into consideration fish and wildlife values, conservation, pollution, aesthetics, ecology, and other factors in the public interest. The Corps has jurisdiction over all construction activities in tidal and/or navigable waters, including adjacent wetlands shoreward to the mean high water line. Additionally, the Corp regulates the discharge of dredged or fill material for all waters of the United States, including wetlands.

The **United States Coast Guard (USCG)**, an arm of the U.S. Department of Homeland Security, protects the public, the environment, and U.S. economic interests. They promote maritime safety and marine environmental protection, enforce maritime law, tend all Federal navigation aids, and regulate and monitor recreational and commercial vessels and waterfront facilities.

The **United States Environmental Protection Agency (USEPA)** is responsible for ensuring that environmental protections are considered in U.S. policies concerning economic growth, energy, transportation, agriculture, industry, international trade, and natural resources; ensuring national efforts to reduce environmental risk are based on the best available scientific information; and providing access to information on the ways that business, state and local governments, communities, and citizens can prevent pollution and protect human health and the environment. The Office of Water is responsible for implementing, among other laws, the Clean Water Act, portions of the Coastal Zone Act Reauthorization Amendments of 1990, the Resource Conservation and Recovery Act, and the Marine Plastics Pollution Research and Control Act. Activities are targeted to prevent pollution wherever possible and to reduce the risk to people and ecosystems in the most cost effective manner.

The mission of the **National Oceanic and Atmospheric Administration (NOAA)**, an agency within the U.S. Department of Commerce, is to describe and predict changes in the earth's environment and to conserve and wisely manage the nation's coastal and marine resources to ensure sustainable economic opportunities. NOAA provides a wide range of observational, assessment, research, and predictive services for estuarine and coastal ocean regions. NOAA has developed an array of programs to address national-scale estuarine issues and specific problems affecting individual estuarine and coastal ocean systems. In partnership with EPA, NOAA implements the Coastal Zone Management Act Reauthorization Amendments of 1990.

The Philadelphia District of the Corps of Engineers is the permitting contact for Delaware marine construction/dredging projects. Contact them at their Philadelphia District Office at (215) 656-6728, or at their Dover Field Office at (302) 736-9763. See their Regulatory Branch website at <http://www.nap.usace.army.mil/cenap-op/regulatory/aypwww.htm>

Selected Federal Laws

Clean Air Act Amendments, 1990

As a result of the 1990 Clean Air Act Amendments, the “gasoline marine final rule” establishes emission standards for new spark-ignition gasoline marine engines. Outboard engines and gasoline marine engines used in personal watercraft and jet boats are covered by the rule. Because stern-drive and inboard engines offer cleaner technologies, emission standards were not set for these types of engines.

Boat engines currently in use are not affected by this regulation. Boat owners are not required to make modifications to their current engines to meet the standards. Likewise, boat dealers are not responsible for compliance with this regulation. The regulation does require that manufacturers of outboard and personal watercraft marine engines achieve yearly emission reductions by meeting a corporate average emission standard which allows them to build some engines to emission levels lower than the emission standard and some engines to emission levels higher than the standard, provided the manufacturer’s overall corporate average is at or below the standard.

Clean Vessel Act (CVA)



The Clean Vessel Act (CVA) provides funds to states to construct, renovate, and operate marine sewage pumpout stations and to conduct boater environmental education related to sewage pumpout. Other Federal agencies, such as the Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service, and NOAA have similar programs.

Clean Water Act

Spill Prevention, Control, and Countermeasure (SPCC) Plan.

The Environmental Protection Agency’s Oil Pollution Prevention Regulation requires that marinas prepare and implement a plan to prevent any discharge of oil into navigable waters or adjoining shorelines if the facility has an underground storage capacity of greater than 42,000 gallons, or an aggregate aboveground storage capacity greater than 1,320 gallons. The 1,320 gallon threshold for aboveground storage tanks (AST’s) applies only to an accumulation of individual containers of at least 55-gallon capacity.

Oil is defined in the SPCC regulations (40 CFR 112) as “oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil and oily mixtures.”

- ◆ The plan must address:
 - operating procedures implemented by the facility to prevent oil spills,
 - control measures installed to prevent a spill from entering navigable waters or adjoining shorelines, and
 - countermeasures to contain, cleanup, and mitigate the effects of an oil spill that impacts navigable waters or adjoining shorelines.
- ◆ The SPCC plan must be certified by a professional engineer and kept onsite for EPA review. If a single spill of greater than 1,000 gallons occurs or two discharges of 42 gallons or more (each) occur within one year, a copy of the SPCC plan must be submitted to EPA Region III.
- ◆ SPCC plans must be reviewed by the marina owner or manager at least every five years (40 CFR 112.5). A record of the review should be kept in the beginning of the plan showing the reviewer’s signature, date signed, and list of any changes. Major changes such as tank installations or removals require a formal amendment signed by an engineer.

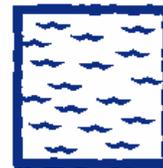
Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)

The Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) provided the impetus for the Delaware Clean Marina Initiative. Section 6217 of the Amendments requires that nonpoint source pollution from marinas be contained. Through the Clean Marina Initiative, Delaware is promoting voluntary adoption of best management practices to minimize the impact of marinas on surrounding land and water.

Federal Water Pollution Control Act

The Federal Water Pollution Control Act, commonly known as the Clean Water Act, addresses many facets of water quality protection. It provides the authority for the National Pollutant Discharge Elimination System (NPDES) permit program for point sources of pollution. The Act prohibits the discharge of oil or hazardous substances into U.S. navigable waters. It also prohibits the use of chemical agents like soaps, detergents, surfactants, or emulsifying agents to disperse fuel, oil, or other chemicals without the permission of the U.S. Coast Guard.

All vessels 26 feet in length and over are required to display a placard that is at least 5 by 8 inches, made of durable material, and fixed in a conspicuous place in the machinery spaces or at the bilge pump control station. The placard must read:



Discharge of Oil Prohibited

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States or the waters of the contiguous zone if such discharge causes a film or sheen upon, or discoloration of, the surface of the water, or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a penalty of \$5,000.

The Clean Water Act requires that the U.S. Coast Guard be notified anytime a spill produces a sheen on the water. Failure to report a spill may result in civil penalties. Report spills to (800) 424-8802.

Furthermore, the Act prohibits the discharge of raw sewage within U.S. waters and requires that all recreational boats with installed toilets have an operable marine sanitation device on board.

Marine Plastic Pollution Research and Control Act (MPPRCA)

The Marine Plastic Pollution Research and Control Act (MPPRCA) is the U.S. law that implements an international pollution prevention treaty known as MARPOL. The MPPRCA of 1987 (Title II of Public Law 100-220) restricts the overboard discharge of garbage. Its primary emphasis is on plastics; it is illegal to dispose of plastic materials into the water anywhere. The disposal of other garbage is restricted according to a vessel's distance from shore:

- ◆ Within U.S. lakes, rivers, bays, sounds, and within 3 nautical miles from shore, it is illegal to dump plastic, paper, rags, glass, metal, crockery, dunnage (lining and packing material, nets, lines, etc.), and food.
- ◆ Between 3 and 12 nautical miles from shore, it is illegal to dump plastic and any other garbage that is greater than one inch in size.
- ◆ Between 12 and 25 nautical miles from shore, it is illegal to dump plastic and dunnage.
- ◆ Beyond 25 nautical miles, it is illegal to dump plastic.

The dumping restrictions apply to all vessels operating in all navigable waters of the United States and the 200 mile Exclusive Economic Zone. All vessels greater than 26 feet must display a MARPOL placard outlining the garbage dumping restrictions. All vessels over 40 feet must also have a written waste management plan on board.

Under the national law, ports and terminals, including recreational marinas, must have adequate and convenient "reception facilities" for their regular customers. That is, marinas must be capable of receiving garbage from vessels that normally do business with them (including transients).

For a sample copy of waste management plans contact the BoatU.S. Foundation at (410) 897-1060 www.boatus.com/foundation or see them at www.boatus.com/cleanwater/environmental/wastemanagement.htm

Refuse Act of 1899

The Refuse Act of 1899 prohibits throwing, discharging, or depositing any refuse matter of any kind (including trash, garbage, oil, and other liquid pollutants) into waters of the United States.

Oil Pollution Act of 1990 (OPA)

The Oil Pollution Act of 1990 (OPA) was written in direct response to the Exxon Valdez oil spill. The law primarily addresses commercial oil shipping (e.g., tankers must be double-hulled, captains may lose their licenses for operating a vessel under the influence of drugs or alcohol). Some of the requirements are applicable to recreational boating, however. Most notably, the responsible party for any vessel or facility that discharges oil is liable for the removal costs of the oil and any damages to natural resources; real or personal property; subsistence uses; revenues, profits, and earning capacity; and public services like the cost of providing increased or additional public services. The financial liability for all non-tank vessels is \$600 per gross ton, or \$500,000, whichever is greater. Also, substantial civil penalties may be imposed for failing to report a spill, for discharging oil, for failure to remove oil, failure to comply with regulations, and gross negligence.

Organotin Antifoulant Paint Control Act (OAPC) of 1988

The Organotin Antifoulant Paint Control Act restricts the use of organotin antifouling paints, including tributyl tin-based paints. Tributyl tin (TBT) paints may be used only on aluminum-hulled vessels, on boats larger than 82 feet (25 meters), and on outboard motors and lower drive units.

Resource Conservation and Recovery Act (RCRA)

The Federal Resource Conservation and Recovery Act (RCRA) of 1976 was established to improve the collection, transportation, separation, recovery, and disposal of solid and hazardous waste. Both RCRA and the Delaware Regulations Governing Hazardous Waste govern the management of hazardous waste in the State of Delaware.

Do you generate “hazardous waste”? You may without knowing it. “Hazardous waste” is a legal term that means specific types of waste that are ignitable, corrosive, reactive, and/or toxic which are regulated under state and federal law. Parts cleaning, painting, and other activities in your marina can produce wastes that are legally defined as hazardous. Some raw materials, such as oil-based paints, that have expired or that you do not intend to use may also become hazardous wastes.

Don't forget. Any spill that causes a sheen, no matter how small, must be reported to the National Response Center (USCG) at (800) 424-8802 and DNREC Emergency Response at (800) 662-8802 or #367 for Verizon Wireless customers



The Federal Resource Conservation and Recovery Act (RCRA) of 1976 was established to improve the collection, transportation, separation, recovery, and disposal of solid and hazardous waste. Both RCRA and the Delaware Regulations Governing Hazardous Waste govern the management of hazardous waste in the State of Delaware.

Do you generate “hazardous waste”? You may without knowing it. “Hazardous waste” is a legal term that means specific types of waste that are ignitable, corrosive, reactive, and/or toxic which are regulated under state and federal law. Parts cleaning, painting, and other activities in your marina can produce wastes that are legally defined as hazardous. Some raw materials, such as oil-based paints, that have expired or that you do not intend to use may also become hazardous wastes.

Under Delaware law, if you generate hazardous waste you have “cradle-to-grave liability,” which means you are responsible for your waste even if other companies handle and dispose of it for you. You must determine whether your shop’s wastes are classified as hazardous waste and take responsibility for handling and disposing of your wastes according to the law.

In order to determine your requirements under the Delaware Regulations Governing Hazardous Waste, you first must determine your generator status. In short, the more hazardous waste you generate, the more requirements under the regulations you must meet.

The maximum amount of hazardous waste you generate in any one month, and the total amount of hazardous waste you have accumulated on your property at any one time, are two key factors in determining your hazardous waste generator status. The table below shows you the three generator categories and corresponding maximum amount of hazardous waste generated in any calendar month:

	CESQG (Conditionally Exempt Small Quantity Generators)	SQG (Small Quantity Generators)	LQG (Large Quantity Generators)
Maximum Amount of Hazardous Waste Generated in any calendar month	Less than 25 gallons (220 pounds)	25 - 300 gallons (220-2,200 pounds)	More than 300 gallons (2,200 pounds)
Amount of Hazardous Waste Accumulated at any one time	Less than 300 gallons (2,200 pounds)	Less than 1,595 gallons (13,000 pounds)	No limit

The majority of marinas will be a conditionally exempt small quantity generator (CESQG). Your requirements as a CESQG follow:

1. Identify all hazardous waste you generate.
2. Label all hazardous waste containers “Hazardous Waste” or with other words that identify the contents (i.e., Waste Solvents).
3. Keep all hazardous waste containers closed, except to add or remove hazardous waste.

4. Never generate more than 25 gallons (220 pounds) in any calendar month.
5. Never accumulate (store) more than 300 gallons (2,200 pounds) of hazardous waste on your property (does not include used oil or used antifreeze).
6. Send your hazardous waste to an offsite, permitted hazardous waste treatment, storage and disposal facility (TSDF).
7. Keep all proper documentation (manifests, receipts, and/or bills of lading, etc.) for each offsite shipment to a permitted TSDF

For the larger marinas that are small quantity generator's or large quantity generators of hazardous waste, please contact the Delaware Department of Natural Resources and Environmental Control, Solid and Hazardous Waste Management Branch for assistance at (302) 739-9403.

How Do You Know if a Substance is Hazardous?

All waste generators must determine whether or not their waste is hazardous. Use the following steps to determine if you have hazardous waste.

1. It is listed as a hazardous waste in the Delaware Regulations Governing Hazardous Waste.
2. The waste exhibits one or more of the characteristics of hazardous waste: ignitability, corrosivity, reactivity, or toxicity. A generator may either test the waste to determine if it exhibits a hazardous characteristic or use knowledge of the waste, e.g., first hand experience or information gathered from a Material Safety Data Sheet. The test for toxicity is called the Toxicity Characteristic Leaching Procedure (TCLP) and is performed by industrial laboratories.

Information Sources

Appendix I

Delaware Department of Natural Resources and Environmental Control (DNREC)

- For marina permitting requirements, call DNREC's Wetlands and Subaqueous Lands Section (302) 739-9943
- Pollution Prevention & Compliance Assistance Program (302) 739-9909
- Marina Regulations Wetlands and Subaqueous Lands Section (302) 739-9943
- Hazardous Waste Solid and Hazardous Waste Management Branch (302) 739-9403
- Solid Waste Solid and Hazardous Waste Management Branch (302) 739-9403
- Control of Water Pollution Surface Water Discharge Section (302) 739-9946
- Underground Storage Tanks Underground Storage Tank Section (302) 395-2500
- Stormwater Discharges Associated with Industrial Activity Surface Water Discharge Section (302) 739-9946
- Surface Water Quality Standards Watershed Assessment Section (302) 739-9939

Information Sources (continued)

- Federal Consistency Determination Coastal Management Program
(302) 739-9283

National Fire Protection Association (NFPA)
(617) 770-3000

State Fire Marshal's Office

- Kent County
(302) 739-4394
- New Castle County
(302) 323-5365
- Sussex County
(302) 856-5298

United States Coast Guard
(202) 267-2229

United States Environmental Protection Agency
(800) 438-2474

United States Army Corps of Engineers

- Dover Field Office
(302) 736-9763
- Philadelphia District
(215) 656-6728

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