

**Amendments to
Delaware’s *Regulations Governing Solid Waste***

**2015 Proposed Amendment
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Proposed Amendments to
Delaware’s *Regulations Governing Solid Waste*
(**DRGSW**)

NOTE: For the purposes of this amendment package only those sections of the solid waste regulations shown herein are affected. The remaining sections of the DRGSW are not affected and are unchanged. Proposed additions are indicated with underlines, and deletions are indicated with ~~strikethroughs~~.

AMENDMENT 1:

11.14 Transporter Requirements. All transporters of infectious waste must be in compliance with all applicable federal and state regulations and codes. No person shall transport solid waste, including infectious waste, without first having obtained a permit from the Department, unless specifically exempted by the Regulations. Refer to Section 7 of these Regulations, TRANSPORTERS. Exemption: Transporters of solely sharps do not need to obtain a solid waste transporter permit, provided that: the transporter follows, at a minimum, all Department of Transportation requirements; the sharps being transported are only generated by a Small Quantity Generator of infectious waste; the total shipment per generator does not exceed 35 pounds by weight; the shipment is documented by a manifest or other shipping record illustrating receipt at an appropriate disposal facility; and the transporter has prior written approval from the Department.

AMENDMENT 2:

7.2 Provisions Applicable To Transporters ~~(Except For Transporters Of Only Dry Waste)~~ Required To Have A Solid Waste Transporter's Permit

7.2.1 Applicability. Section 7.2 applies to all transportation activities in Delaware except the following:

~~7.2.1.1 Transportation of source-separated materials for reuse or recycling, provided that the materials remain separate throughout the journey and are not recombined for transport.~~

7.2.1.21 Transportation of household waste generated in a Delaware residence and transported by the generator of the household waste or transported in a non-commercial capacity, in a vehicle having a gross vehicle weight less than or equal to 26,000 (twenty-six thousand) pounds.

7.2.1.32 On-site transportation of solid waste (i.e., the point of generation and the point of treatment or disposal are on the same site and the vehicle transporting the solid waste will not at any time leave the site).

~~7.2.1.4 Transportation of solid waste in a vehicle having a gross vehicle weight less than or equal of 26,000 (twenty-six thousand) pounds. (This exclusion shall not apply to the transportation of infectious waste or waste containing asbestos.) For information concerning infectious waste vehicle requirements, refer to Section 11 of these Regulations SPECIAL WASTES MANAGEMENT, Part 1, Infectious Waste.~~

~~7.2.1.5 Transportation of dry waste only (this activity is subject to the provisions of Subsection 7.3).~~

7.2.1.63 Transportation of solid waste generated on a farm in Delaware and transported by the generator of the waste (this exclusion shall not apply to the transportation of infectious waste, petroleum-hydrocarbon contaminated soils, or waste containing asbestos).

AMENDMENT 3:

~~7.3 Provisions Applicable To Transporters Of Only Dry Waste Required To Have A Solid Waste Transporters Permit~~

~~7.3.1 General. No transporter granted a permit to transport only dry waste under the requirements of this Subsection (7.3.) shall transport any solid waste other than dry waste, as defined in these Regulations, without meeting the additional requirements for transporting such other solid waste contained in these Regulations.~~

~~7.3.2 Applicability. The remainder of this Subsection (7.3) applies to all transportation activities involving only dry waste in Delaware except the following:~~

~~7.3.2.1 Transportation of dry waste by a solid waste transporter permittee having a permit issued under Subsection 7.2 of these Regulations.~~

~~7.3.2.2 Transportation of source-separated materials for reuse or recycling, provided that the materials remain separate throughout the journey and are not recombined for transport.~~

~~7.3.2.3 Transportation of dry waste generated in a Delaware residence and transported by the generator of the dry waste.~~

~~7.3.2.4 On-site transportation of dry waste (i.e., the point of generation and the point of treatment or disposal are on the same site and the vehicle transporting the dry waste will not at any time leave the site).~~

~~7.3.2.5 Transportation of dry waste in a vehicle having a gross vehicle weight less than or equal to 26,000 (twenty six thousand) pounds. (This exclusion shall not apply to the transportation of infectious waste or of waste containing asbestos.) For information concerning infectious waste vehicle requirements, refer to Section 11 of these Regulations, SPECIAL WASTES MANAGEMENT, Part 1—Infectious Waste.~~

~~7.3.3 Vehicle Requirements~~

~~7.3.3.1 The transporter's name shall be prominently displayed on both sides of the vehicle in figures at least three inches high and of a color that contrasts with the color of the vehicle.~~

~~7.3.3.2 The transporter's permit number shall be prominently displayed on both sides and the rear of the vehicle in figures at least three inches high and of a color that contrasts with the color of the vehicle.~~

~~7.3.4 Proof of financial responsibility for sudden and accidental discharges shall be maintained by the transporter. This financial responsibility may be established by any one or a combination of the following:~~

~~7.3.4.1 Automobile liability insurance~~

~~7.3.4.1.1 For hire carriers in interstate commerce shall at all times maintain insurance coverage that is in compliance with 49 CFR Part 387 and shall submit a Certificate of Insurance with MCS-90 endorsement demonstrating compliance with this regulation.~~

~~7.3.4.1.2 Transporters who transport bulk liquid or bulk~~

~~gaseous industrial waste, shall at all times maintain commercial automobile liability insurance with a combined single limit of at least \$750,000 with MCS-90 endorsement and shall submit a Certificate of Insurance with MCS-90 endorsement demonstrating compliance with this regulation.~~

~~7.3.4.1.3 Transporters who transport infectious waste in interstate commerce shall at all times maintain commercial automobile liability insurance with a combined single limit of at least \$1,000,000 with MCS-90 endorsement. Transporters who transport infectious waste in intrastate commerce shall at all times maintain commercial automobile liability insurance with a combined single limit of at least \$750,000 with MCS-90 endorsement. Infectious waste transporters shall submit a Certificate of Insurance with MCS-90 endorsement demonstrating compliance with this regulation.~~

~~7.3.4.1.4 All other carriers shall at all times maintain commercial automobile liability insurance with a combined single limit of at least \$350,000 and shall submit a Certificate of Insurance demonstrating compliance with this regulation.~~

~~7.3.4.2 Self insurance equal to or exceeding the above automobile liability insurance limits, and approved by the Department.~~

~~7.3.4.3 Other proof of financial responsibility approved by the Department.~~

~~7.3.5 Recordkeeping. The following records must be retained by the transporter for at least three years:~~

~~7.3.5.1 The dry waste transporter's permit.~~

~~7.3.5.2 The transporter's Annual Report required under Section 7.3.5.~~

~~7.3.6 Reporting and Documentation~~

~~7.3.6.1 Each transporter that picks up and/or deposits dry waste in Delaware shall submit an annual report on a form provided by the Department, summarizing information from the preceding calendar year. This report shall be submitted to the Department by April 1 of the following year covered by the report. The information contained in the report shall include, but not be limited to, the following:~~

~~7.3.6.1.1 The weights of dry waste transported in, into, or out of the state during the year.~~

~~7.3.6.1.2 Actual amounts of solid waste by weight and type delivered to each destination when transported to or from facilities equipped with truck scales. Amounts may be estimated only when truck scales are not available during the waste transportation process.~~

~~7.3.6.2 Any vehicle transporting dry waste through Delaware shall carry documentation indicating the state in which the dry waste was picked up, the date on which it was picked up, and the state in which it will be deposited.~~

AMENDMENT 4:

3.0 Definitions

“Non-commercial capacity” means not for a profit; receiving a reimbursement, monetary or otherwise; or receiving other compensation.

AMENDMENT 5:

2.5 Composting And Recycling ~~Approvals~~ Permits

2.5.1 Composting ~~Approvals~~ Permits

Other than individual household composting, all other composting operations must obtain a written approval permit from the Department prior to commencing a composting operation. To obtain ~~an approval permit~~, a person must submit the following information to the Department:

2.5.1.1 A written plan of operation demonstrating to the Department that the requestor of the ~~approval permit~~ and the person responsible for operating the composting facility understand and will apply the principles and proper methods of composting. The plan of operation must also demonstrate that the composting facility will be operated in a manner that will not pose a threat to human health and the environment; and

2.5.1.2 A written statement explaining how the applicant intends to use the compost.

2.5.2 Recycling ~~Approvals~~ Permits

Recycling solid waste into specific market applications requires a written approval permit prior to commencing this activity. To obtain ~~an approval permit~~, a person must submit the following information to the Department:

2.5.2.1 A written plan of operation describing the types and quantities of materials that will be accepted at the facility, the processing methods and equipment that will be used, and the products that will be produced, and

2.5.2.2 Documentation demonstrating the existence of a market or markets for the product(s).

AMENDMENT 6:

10.1.2 Exclusions. The following types of facilities are not considered to be transfer stations:

~~10.1.2.1 Facilities that accept only source separated materials for the purpose of recycling those materials.~~

10.1.2.21 Facilities permitted as materials recovery facilities.

10.1.2.32 Small load collection areas located at permitted landfill sites.

10.1.2.43 Individual dumpsters used for waste generated on site (e.g., at shopping centers, apartment complexes or commercial establishments).

10.1.2.54 Compaction equipment being used exclusively for solid waste generated on site (e.g., in office or apartment complexes, industrial facilities, or shopping centers).

10.1.2.65 Temporary debris collection and reduction sites established by

Delaware Emergency Management Agency (DEMA) as the result of a natural or man-made disaster event. The exclusion shall apply provided the sites are established in accordance with the applicable DEMA Debris Management Plan, and meet the substantive requirements of this section. The exclusion shall last no longer than ninety (90) days from the start of accumulation of wastes at the temporary debris collection and reduction site, unless written approval for a longer period is granted by the Department. A written record shall be required to document accumulation of debris at each site.

AMENDMENT 7:

11.0 Special Wastes Management Part 2 - Municipal Solid Waste Ash

11.1 General Provisions

11.1.1 Municipal solid waste (MSW) ash is considered a hazardous waste, as defined in the Delaware Regulations Governing Hazardous Waste (DRGHW), unless the generator of the ash can demonstrate that the ash is not a hazardous waste. In order to make such a demonstration, the owner or operator of the generating facility must show that the ash does not exhibit the Toxicity Characteristic (TC) as described in DRGHW, §261.24. Any person desiring to make such a demonstration shall develop and implement a sampling and analysis plan designed to provide reliable information on the chemical properties of the ash. The plan shall be submitted to the Solid and Hazardous Waste Management ~~Branch~~ [Section](#) as a part of the facility's application for a Solid Waste Facility permit. The facility will not be permitted to operate until the Department has approved the plan.

AMENDMENT 8:

4.1.3 Approval/denial

[4.1.3.1](#) The Department shall act upon an application for a permit within 60 days after the close of the public notice comment period or upon receipt of the hearing officer's report if a hearing was required. When a final determination is made on an application, the Department shall issue a permit or send a letter of denial to the applicant explaining the reasons for the denial.

[4.1.3.2](#) Permits may be modified, denied, terminated, or revoked by the Department for, including but not limited to, the following reasons:

[4.1.3.2.1](#) Noncompliance by the permittee with any conditions of the permit, or requirements of these regulations, including failure to pay annual permit fees;

[4.1.3.2.2](#) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any facts at any time, or failure to comply with the requirements of the application;

[4.1.3.2.3](#) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification, revocation or termination; or

4.1.3.2.4 A permit may be terminated at the written request of the permittee for such reasons as, but not limited to: the company is no longer conducting the permitted activity in Delaware, or is no longer in business.

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