

# Amendments To Delaware Regulations Governing Hazardous Waste

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### PROPOSED AMENDMENTS TO DELAWARE REGULATIONS GOVERNING HAZARDOUS WASTE

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 *Delaware Regulations Governing Hazardous Waste* are not affected and are unchanged.

Proposed additions are indicated with underlines, and deletions are indicated with ~~strikethroughs~~.

**AMENDMENT 1:**  
**Headworks Exemption – Federal Checklist 211**

**Section 261.3 Definition of hazardous waste.**

(a) A solid waste, as defined in §261.2, is a hazardous waste if:

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(2) It meets any of the following criteria:

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(iv) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D of this part and has not been excluded from paragraph (a)(2) of this section under §§ 260.20 and 260.22, paragraph (g) of this section, or paragraph (h) of this section; however, the following mixtures of solid wastes and hazardous wastes listed in Subpart D of this part are not hazardous wastes (except by application of paragraph (a)(2)(i) or (ii) of this section) if the generator can demonstrate that the mixture consists of wastewater the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater), and:

(A) One or more of the following solvents listed in §261.31—benzene, carbon tetrachloride, tetrachloroethylene, trichloroethylene or the scrubber waters derived from the combustion of these spent solvents—*Provided*, that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million; or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act, as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 1 part per million on an average weekly basis. Any facility that uses benzene as a solvent and claims this exemption must use an aerated biological wastewater treatment system and must use only lined surface impoundments or tanks prior to secondary clarification in the wastewater treatment system. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the Secretary. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received by the Secretary. The Secretary may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Secretary rejects the sampling and analysis plan or if the Secretary finds that the facility is not following the sampling and analysis plan, the Secretary shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

(B) One or more of the following spent solvents listed in §261.31--methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, 2-

ethoxyethanol, or the scrubber waters derived from the combustion of these spent solvents—provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 25 parts per million on an average weekly basis. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the Secretary. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received by the Secretary. The Secretary may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Secretary rejects the sampling and analysis plan or if the Secretary finds that the facility is not following the sampling and analysis plan, the Secretary shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

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(D) A discarded hazardous waste, commercial chemical product, or chemical intermediate listed in §§ 261.31 through 261.33 ~~§261.33~~, arising from de minimis losses of these materials ~~from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process~~. For purposes of this paragraph (a)(2)(iv)(D), “de minimis” losses are inadvertent releases to a wastewater treatment system, including those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing. Any manufacturing facility that claims an exemption for de minimis quantities of wastes listed in §§ 261.31 through 261.32, or any nonmanufacturing facility that claims an exemption for de minimis quantities of wastes listed in subpart D of this part must either have eliminated the discharge of wastewaters or have included in its Clean Water Act permit application or submission to its pretreatment control authority the constituents for which each waste was listed (in 40 CFR 261 appendix VII) of this part; and the constituents in the table “Treatment Standards for Hazardous Wastes” in 40 CFR 268.40 for which each waste has a treatment standard (i.e., Land Disposal Restriction constituents). A facility is eligible to claim the exemption once the permit writer or control authority has been notified of possible de minimis releases via the Clean Water Act permit application or the pretreatment control authority submission. A copy of the Clean Water permit application or the submission to the pretreatment control authority must be placed in the facility's on-site files; or

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(F) One or more of the following wastes listed in §261.32--wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157)--Provided that the maximum

weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that can not be demonstrated to be reacted in the process, destroyed through treatment, or is recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilution into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 5 parts per million on an average weekly basis. Facilities that choose to measure concentration levels must file copy of their sampling and analysis plan with the Secretary. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received by the Secretary. The Secretary may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Secretary rejects the sampling and analysis plan or if the Secretary finds that the facility is not following the sampling and analysis plan, the Secretary shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

(G) Wastewaters derived from the treatment of one or more of the following wastes listed in §261.32--organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156). Provided, that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 5 milligrams per liter on an average weekly basis. Facilities that choose to measure concentration levels must file copy of their sampling and analysis plan with the Secretary. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received by the Secretary. The Secretary may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Secretary rejects the sampling and analysis plan or if the Secretary finds that the facility is not following the sampling and analysis plan, the Secretary shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected.

**AMENDMENT 2:**

Cathode Ray Tubes, Delaware clarification – Federal Checklist 215

**Section 261.4 Exclusions.**

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(b) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous waste:

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[\(b\)\(16\) – Used CRTs, intact or broken, as defined in §260.10 of this chapter are solid wastes unless they are speculatively accumulated as defined in §261.1\(c\)\(8\).](#)

**AMENDMENT 3:**

Federal Correction, International Agreement Countries – Federal Checklist 214

**Section 262.58 International Agreements.**

(a) Any person who exports or imports hazardous waste subject to manifest requirements of Part 262, or subject to the universal waste management standards of Part 273, to or from designated member countries of the Organization for Economic Cooperation and Development (OECD) as defined in paragraph (a)(1) of this section for purposes of recovery is subject to Subpart H of this part. The requirements of Subparts E and F do not apply.

(1) For the purposes of this Subpart, the designated OECD countries consist of Australia, Austria, Belgium, [the Czech Republic](#), Denmark, Finland, France, Germany, Greece, [Hungary](#), Iceland, Ireland, Italy, Japan, Luxembourg, [the Netherlands](#), New Zealand, Norway, [Poland](#), Portugal, [the Slovak Republic](#), [South Korea](#), Spain, Sweden, Switzerland, Turkey, [the United Kingdom](#), and the United States.

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**AMENDMENT 4:**  
Uniform Manifest Rule, Delaware Corrections

**262.20 General requirements.**

(a)

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(2) The revised Manifest form and procedure in 260.10, 261.7, 262.20, 262.21, 262.27, 262.32, ~~262.33~~, 262.34, 262.54, 262.60, and the appendix to part 262 of these regulations shall not apply until September 5, 2006. The manifest form and procedures in 40 CFR 260.10, 261.7, 262.20, 262.21, 262.32, 262.34, 262.54, 262.60, and the Appendix to part 262, contained in the 40 CFR, parts 260 to 265, edition revised as of July 1, 2004, shall be applicable until September 5, 2006.

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**Section 263.21 Compliance with the Manifest.**

(a) The transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:

(1) The designated facility listed on the manifest; or

(2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(3) The next designated transporter, or

(4) The place outside the United States designated by the generator.

~~(b) If the hazardous waste cannot be delivered in accordance with paragraph (a) of this section, the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.~~

(b)(1) If the hazardous waste cannot be delivered in accordance with paragraph (a) of this section because of an emergency condition other than rejection of the waste by the designated facility, then the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.

(2) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain the following:

(i) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the Manifest Tracking Number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with § 263.22, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate

facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in § 264.72(e)(1) through (6) or (f)(1) through (6) or § 265.72(e)(1) through (6) or (f)(1) through (6) of these regulations.

(ii) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and Identification Number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with § 263.22, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with DRGHW § 264.72(e)(1) through (6) or (f)(1) through (6) or § 265.72(e)(1) through (6) or (f)(1) through (6).

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### **Section 264.72 Manifest Discrepancies.**

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(f) Except as provided in paragraph (f)(7) of this section, for rejected wastes and residues that must be sent back to the generator, the facility is required to prepare a new manifest in accordance with § 262.20(a) of this chapter and the following instructions:

(1) Write the facility's U.S. EPA ID number in Item 1 of the new manifest. ~~Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.~~ Write the designated facility's name and mailing address in Item 5. If the designated facility's site address is different, then write the site address in the space in Item 5.

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### **Section 265.72 Manifest Discrepancies.**

(f) Except as provided in paragraph (f)(7) of this section, for rejected wastes and residues that must be sent back to the generator, the facility is required to prepare a new manifest in accordance with § 262.20(a) of this chapter and the following instructions:

(1) Write the facility's U.S. EPA ID number in Item 1 of the new manifest. ~~Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.~~ Write the designated facility's name and mailing address in Item 5. If the designated facility's site address is different, then write the site address in the space in Item 5.

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**AMENDMENT 5:**  
Use of the Manifest, Delaware Correction

**Section 262.23 Use of the manifest.**

(a) The generator must:

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~~(4) Within 10 days of acceptance by the transporter send a copy of the manifest to the state in which the generator is located and to the state in which the facility is located.~~

(b) The generator must give the transporter the remaining copies of the manifest ~~or portions thereof in accordance with instructions on the standard manifest form.~~

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**AMENDMENT 6:**  
Exception Report Recordkeeping for SQG's  
Delaware Clarification

**Subpart D Recordkeeping and Reporting**

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**Section 262.44 Special Requirements for Generators of Between 100 and 1000 Kilograms/Month.**

A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month is exempt from the requirements of this subpart, except for the recordkeeping requirements in paragraphs (a), [the Exception Reporting requirements in \(b\)](#), (c), and (d) in §262.40, §262.42(b) exception reporting requirements, and the requirements of §262.43.

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**AMENDMENT 7:**  
**Manifest Printing**  
Delaware retraction of Federal portion

**Section 262.21 Manifests tracking numbers, manifest printing, and obtaining manifests.**

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(f) ~~Reserved~~ Paper manifests and continuation sheets must be printed according to the following specifications:

~~(1) The manifest and continuation sheet must be printed with the exact format and appearance as EPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be preprinted on the manifest form.~~

~~(2) A unique manifest tracking number assigned in accordance with a numbering system approved by EPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three letter suffix following nine digits.~~

~~(3) The manifest and continuation sheet must be printed on 8 1/2 x 11 inch white paper, excluding common stubs (e.g., top or side bound stubs). The paper must be durable enough to withstand normal use.~~

~~(4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, and faxed, except that the marginal words indicating copy distribution must be in red ink.~~

~~(5) The manifest and continuation sheet must be printed as six copy forms. Copy to copy registration must be exact within 1/32nd of an inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.~~

~~(6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:~~

~~(i) Page 1 (top copy): "Designated facility to destination State".~~

~~(ii) Page 2: "Designated facility to generator State".~~

~~(iii) Page 3: "Designated facility to generator".~~

~~(iv) Page 4: "Designated facility's copy".~~

~~(v) Page 5: "Transporter's copy".~~

~~(vi) Page 6 (bottom copy): "Generator's initial copy".~~

~~(7) The instructions in the appendix to part 262 of these regulations must appear legibly on the back of the copies of the manifest and continuation sheet as provided in this paragraph (f). The instructions must not be visible through the front of the copies when photocopied or faxed.~~

~~(i) Manifest Form 8700-22.~~

~~(A) The "Instructions for Generators" on Copy 6;~~

~~(B) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and~~

~~(C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.~~

~~(ii) Manifest Form 8700-22A.~~

~~(A) The "Instructions for Generators" on Copy 6;~~

~~(B) The "Instructions for Transporters" on Copy 5; and~~

~~(C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.~~