

Since the publication of the proposed regulations in the Delaware Register of Regulations Volume 24, Issue 2 published on August 1, 2020, the Compliance and Permitting Section (CAPS) has identified two error that require correction.

The first is related to Table 1 in Section 262.13. It was identified that the greater than, less than, equal to symbols in the table did not match the written definition for large quantity generator and small quantity generator. The table has been corrected as shown below so that the language in the table and the written definition coincide.

Section 262.13 Generator category determination.

Table 1 to §262.13—Generator Categories Based on Quantity of Waste Generated in a Calendar Month

Quantity of acute hazardous waste generated in a calendar month	Quantity of non-acute hazardous waste generated in a calendar month	Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month	Generator category
{≥ 1 kilogram <u>>1 kilogram]</u>	Any amount	Any amount	Large quantity generator.
Any amount	≥ 1,000 kilograms	Any amount	Large quantity generator.
Any amount	Any amount	> 100 kilograms	Large quantity generator.
{< 1 kilogram <u>≤ 1 kilogram]</u>	> 100 kilograms and < 1,000 kilograms	≤ 100 kilograms	Small quantity generator.
{< 1 kilogram <u>≤ 1 kilogram]</u>	≤ 100 kilograms	≤ 100 kilograms	Very small quantity generator.

The second correction is related to Section 262.41. It was identified that the United States Environmental Protection Agency (EPA) is no longer requiring annual reports for generators accumulating greater than 1 kilogram of acute hazardous waste on-site at any time. The requirement is only applicable to those persons who generate greater than 1 kilogram of acute hazardous waste at any time. As such, the CAPS has determined the clarifying language included in 262.41(b) is no longer necessary and thus will be deleted as shown below.

Section 262.41 Annual Reporting for Large Quantity Generators.

(a) A generator who is a large quantity generator for at least one month of a year who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must complete and submit to the Secretary EPA Form 8700-13 A/B or a form approved by the Secretary by March 1 of the following year and must cover all generator activities during the previous year.

~~[(b) A generator who is a very small quantity generator that accumulated at any time during the year greater than 1 kilogram (~2.2 pounds) of acute hazardous waste or 100 kilograms (~220 pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in §§261.31 or 261.33(e) of these regulations must complete and submit to the Secretary EPA Form 8700-13A/B or a form approved by the Secretary by March 1 of the following year and must cover all generator activities during the previous year.]~~

~~[(e) (b)]~~ Any generator who is a large quantity generator for at least one month of a year who treats, stores, or disposes of hazardous waste on site must complete and submit to the Secretary EPA Form 8700-13 A/B or a form approved by the Secretary by March 1 of the following year covering those wastes in accordance with the provisions of Parts 264, 265, 266, 267 and 122 of these regulations. This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators pursuant to §262.17(f).

~~[(d) (c)]~~ Exports of hazardous waste to foreign countries are not required to be reported on the Annual Report form. A separate annual report requirement is set forth at §262.83(g) for hazardous waste exporters.

Section 264.71 Use of manifest system.

(a) (1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or the owner or [operator's](#) agent, must sign and date the manifest as indicated in paragraph (a)(2) of this section to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.