

## Delaware Environmental Regulations with Financial Assurance Requirements

### **Underground Storage Tank (UST) Regulations**

Part F: Financial Responsibility Requirements for Underground Storage Tank Systems

<http://regulations.delaware.gov/AdminCode/title7/1000/1300/Split1351/1351-07.shtml>

*Notes from DNREC:*

- The UST FR requirements were set in the 1980's and were developed by a contractor (ICF, not EPA).
- See the preamble to the FR requirements for information on the amounts: <https://www.epa.gov/sites/production/files/2014-09/documents/40cfr280-281preamble.pdf>.
- See EPA's "Dollars and Sense" document for an 18-page summary on UST FR requirements: <https://www.epa.gov/sites/production/files/2014-03/documents/dolsens.pdf>.

### **Aboveground Storage Tank (AST) Regulations**

Part D: Financial Responsibility Requirements for ASTs

<http://regulations.delaware.gov/AdminCode/title7/1000/1300/1352.shtml>

### **Resource Conservation and Recovery Act (RCRA), Subtitle C – Hazardous Waste**

See Section 264.143 Financial Assurance for Closure through Section 264.151 Wording of Instruments

<http://regulations.delaware.gov/AdminCode/title7/1000/1300/1302/264.shtml>

*Notes from DNREC:*

FA is required once a remedy decision is made. Functionally, the FA process is two steps:

1. FA needs to be set up to implement the remedy.
2. Once the remedy is in place, the FA can be altered/modified/adjusted to account for maintaining and monitoring the remedy. The regulations allow for these adjustments in the amount of FA required.

### **Solid Waste Regulations**

Section 4.1.11 Financial Assurance Criteria

<http://regulations.delaware.gov/AdminCode/title7/1000/1300/1301.shtml>

*Notes from DNREC:*

- These FA requirements are for closure and post-closure of permitted facilities
- Example: There are closed solid waste landfill units at the Delaware City Refinery that are regulated under the solid waste regulations and have separate financial assurance that cover them from the hazardous waste units.