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**March 12th, 2026**

Submitted via email to: [DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov)

Re: Comments on Proposed Amendments to 7 DE Admin. Code 1203 – *Reporting of a Discharge of a Pollutant or Air Contaminant*  
SAN #2024-17 | Docket #2024-R-WHS-0021

To:

Theresa Smith, Hearing Officer  
DNREC – Office of the Secretary  
89 Kings Highway  
Dover, DE 19901

Dear Hearing Officer Smith:

On behalf of the Delaware Chamber of Commerce, representing hundreds of employers across the state—including manufacturers, research institutions, logistics hubs, and energy operators—we appreciate DNREC’s commitment to ensuring that Delaware’s emergency release reporting regulations remain up-to-date, clear, and protective of public health and the environment.

We support DNREC’s stated goal of modernizing and updating 7 DE Admin. Code 1203, particularly given that the reportable quantity (DRQ) table has not been updated since 2004 and may no longer reflect current chemical profiles and federal regulatory changes. We also appreciate the Department’s transparency in providing public hearings and comment opportunities.

However, while we support modernization, several specific provisions in the proposal require further clarification, modification, or reconsideration to ensure the regulation remains practical, risk-based, and administrable for Delaware businesses of all sizes. Our comments below are intended to be constructive and collaborative so that DNREC can achieve its objectives while avoiding unintended compliance burdens and preserving a strong, competitive business climate in Delaware.

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## **1. DRQ Updates Should Be Better Aligned with Federal Standards or Supported by State-Specific Justification**

The Chamber recognizes DNREC’s intent to update the Delaware Reportable Quantity (DRQ) table. However, the proposal introduces numerous chemicals assigned a state-specific DRQ (“DE”) that does not match federal CERCLA or EPCRA reportable quantities. This divergence—without supporting risk justification—creates complexity and increases the likelihood of unnecessary reporting.

We respectfully request:

- Align Delaware DRQs with federal RQs unless DNREC provides clear, data-supported rationale for a different state-specific threshold.
- Publish technical support material explaining the methodology for adjusting DRQs.

This approach ensures consistency and helps avoid duplication or confusion for multi-state operators.

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## **2. The Shortened Written Reporting Timeline (30 → 15 Days) Is Too Compressed for Accurate Investigations**

The proposal reduces the written follow-up reporting requirement from 30 days to 15 days. While we understand DNREC’s desire to expedite communication, many facilities require more than 15 days to:

- conduct root-cause analyses,
- collect and analyze samples,
- evaluate corrective actions, and
- complete internal review processes.

We request that DNREC either:

- restore the 30-day reporting window, or
- allow automatic extensions when additional time is needed.

This ensures that DNREC receives complete, accurate, and actionable information.

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## **3. Petroleum Substance Reporting Thresholds Appear Overly Broad and Inconsistent with Federal Treatment**

The proposal applies stringent reporting requirements to petroleum substances—including low volume thresholds and special provisions for underground-origin releases. Petroleum is generally exempt from CERCLA reporting, except where hazardous constituents are released.

While certain state-level requirements may be appropriate, the structure in the proposal could trigger reporting for minor, contained operational spills that pose little environmental risk.

We recommend DNREC:

- re-evaluate these thresholds to focus on releases with credible environmental impact,
- clarify ambiguous terms such as “potential to discharge or leak,” and
- explain why the state’s approach diverges from established federal frameworks.

This clarification will lead to more meaningful reporting and more efficient use of agency resources.

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#### **4. New Definitions Should Be Calibrated to Practical Industrial Standards**

The proposal revises definitions including “Contained,” “Impervious,” and “Environmental Release.” Some revised definitions, such as an impervious material being defined by a permeability rate of less than  $1 \times 10^{-7}$  cm/sec, may exceed reasonable engineering standards and create uncertainty for existing infrastructure.

We ask DNREC to:

- clarify or adjust these definitions to reflect widely accepted industrial and engineering standards,
- provide examples demonstrating how the Department expects facilities to comply, and
- ensure indoor, fully contained events are clearly excluded when no environmental impact can occur.

This would help avoid over-reporting and ensure the regulation focuses on true environmental releases.

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#### **5. Mixture Reporting and “Lowest Constituent DRQ” Rules Need Practical Clarification**

The proposal applies the lowest constituent DRQ to mixtures unless the mixture composition is “known.” In many real-world industrial or R&D settings, the composition may not be immediately known during an emergency response.

We request that DNREC:

- provide clear practical guidance for mixtures during initial spill response,
- allow reporting based on reasonably available information, and
- provide safe-harbor language to avoid penalties when composition cannot be immediately verified.

This change will make the rule more workable across diverse industries, including research campuses.

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## **6. The Chamber Requests a Stakeholder Working Group and Additional Guidance Before Finalization**

Given the breadth and complexity of these proposed updates—including a full overhaul of the DRQ table, new definitions, new reporting timelines, and petroleum-specific requirements—we believe the rule would benefit significantly from a collaborative technical working group.

The Chamber and its members would welcome the opportunity to participate.

We recommend DNREC:

- convene a stakeholder advisory group before finalizing the rule,
- develop implementation guidance and examples, and
- consider a phased compliance timeline after adoption.

This approach has proven successful in past DNREC rulemakings and would ensure a smooth transition for all regulated entities.

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The Delaware Chamber of Commerce supports DNREC’s overall goal of modernizing and updating the discharge reporting regulation to reflect current practices and provide clarity. However, several provisions—including DRQ alignment, reporting timelines, petroleum thresholds, definitional clarity, and mixture treatment—would benefit from further refinement to maintain practicality and ensure that reporting remains risk-based and meaningful.

We respectfully request that DNREC consider the recommended revisions and work collaboratively with Delaware's business community to finalize a regulation that protects the environment while supporting a strong and competitive economy.

We appreciate the opportunity to provide these comments and remain available for continued discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Quaranta". The signature is fluid and cursive, with a large initial "M" and "Q".

**Michael J. Quaranta**  
**President**  
**Delaware Chamber of Commerce**