



DNREC Virtual Public Hearing

7 DE Admin. Code 1203 Reporting of a Discharge of a Pollutant or Air Contaminant (Docket #2024-R-WH-0021)

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Proposed Amendments to 1203 Reporting of a Discharge of a Pollutant or Air Contaminant

Background

- The table identifying reportable quantities published under this regulation is static and was last updated in 2004 and may not reflect changes made at the state or federal level.
- The regulation has been updated to meet the 2025 Delaware Administrative Code Style Manual.
- Department staff in the Divisions of Water, Watershed, Air, and Waste and Hazardous Substances met in the fall of 2024 and periodically throughout 2025 to discuss:
 - The need to update the table of Delaware Reportable Quantities (DRQ)
 - Review and update any chemical discrepancies
 - Determine internal distribution of “6028 Incident Reports”
 - Needed updates to the Delaware Environmental Release Notification System

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Actions suggested by DNREC staff

- Combine reporting requirements for all petroleum products. Currently, petroleum type needs to be identified when reporting a spill. As a result, the definition for “heating oil” and “motor fuel” have been removed
- Clarity was the focus to ensure people understood the meaning of “contained”, “impervious”, and “person”
- The Department will now require the person reporting the release to indicate if the release is above the reportable quantity when notifying the Department of the discharge.

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Actions suggested by DNREC staff

- Conflicting language surrounding infectious waste currently exists. With the proposed change, infectious waste will now be subject to notification and written report requirements.
- The timeframe to submit written follow up reports, known as “6028 Incident Reports,” to the Department has been reduced from 30 days to 15 days after a release.

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Definitions

The following words and terms, when used in this regulation, have the following meanings unless the context clearly indicates otherwise:

- “Contained” means an impervious surface or repository designed and constructed to retain and prevent any chemical, hazardous substance or waste listed on Table A that escapes the primary container from reaching stormwater conveyances, surface water, groundwater, or adjacent lands.
- “Impervious” means a material or sufficient thickness density and composition that is impenetrable, or has a permeability of less than 1×10^{-7} cm/sec. to the released chemical, hazardous substance or waste listed on Table A and that will prevent the discharge to stormwater conveyances, surface water, groundwater, or adjacent lands.
- “Persons” means any individual, trust, firm, joint stock company, federal agency, partnership, corporation (including a government corporation), association, state, municipality, commission, political subdivision of a state or any interstate body.

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Changes in Section 3

~~2.4.10~~ 3.4.10 If the release is above the DRQ.

~~2.53.5~~ 3.5 ~~Except~~ No mandatory written report is required for petroleum substances, and sewage, or infectious waste releases, as soon as practical but no later than unless directed by the Department.

3.6 A person, owner or operator shall provide a written follow-up report to the Department within 30 15 days after a release of a DRQ of a listed substance, ~~such person, owner or operator shall provide a written follow-up report to the Department~~ updating the information required under section ~~2.4~~ subsection 3.4 and including the following additional information to the extent known:

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Changes in Section 4

~~3.54.6 In all cases, discharges of any type are subject to these notification requirements unless the petroleum substance is contained in such a manner as to prevent the immediate or eventual discharge or leaking into surface water or groundwater, or is confined to the location of the discharge on an impervious surface. For discharges of petroleum substances that are contained in such a manner as to prevent the immediate or eventual discharge or leaking into surface water or groundwater or are confined to the location of the discharge on an impervious surface, the following shall apply:~~ Discharges of petroleum substances of any quantity or

~~3.5.1 Discharges of 25 gallons or more on land of motor fuel, jet fuel, heating oil, used oil or used petroleum substances must be reported.~~

~~3.5.2 Discharges of 150 gallons or more to land of any other petroleum substance not listed above or not uniquely identified on the Section 3 list, must be reported. if the discharge originates underground, is not contained, or has the potential to discharge or leak into stormwater conveyances, surface water, groundwater, or adjacent lands.~~ if the discharge originates underground, is not contained, or has the potential to discharge or leak into stormwater conveyances, surface water, groundwater, or adjacent lands.

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Changes in Table A

- Delaware List Of Chemicals, Hazardous Substances And Waste With Reportable Quantities In ~~Pounds~~ In Alphabetical Order
- Divided out common Hazardous Substances and Wastes from Chemicals and Substances for easy reference in the Table
- We included Animal and vegetable oils, fats, and greases
- Petroleum discharges were amended to reflect EPA standards

Section 3 Table A
Delaware List Of Chemicals, Hazardous Substances And Waste With Reportable Quantities In Pounds In
Alphabetical Order

CAS NAME DRQ(in pounds except where noted)

Hazardous Substances and Wastes

DE	<u>Animal and vegetable oils, fats, and greases</u>	<u>25 gal.</u>
DE	* Infectious waste	ALL*
DE	* Petroleum subs., other than heating oil, motor fuel, used <u>oil substances originating aboveground</u>	150 gal.* <u>ALL unless contained</u>
DE	* Petroleum substances, heating oil, motor fuel, used <u>oil originating underground</u>	25 gal.* <u>ALL</u>
DE	* <u>10,000 gallons sewage</u> <u>Sewage</u>	10,000 gal*.

Chemicals and Substances

71751412	DE	Abamectin	100
83329		Acenaphthene	100
208968		Acenaphthylene	5000
30560191	DE	Acephate	100

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Proposed Amendments to 1203 Reporting of a Discharge of a Pollutant or Air Contaminant

Changes in Delaware Reportable Quantity (DRQ)

- Delaware's reportable quantity is proposed to be reduced for:
 - ~ 3-Bromopropyne from 500 lbs. to 1 lb.
 - ~ Dibenzoyl peroxide from 500 lbs. to 100 lbs.
 - ~ Hydrogen from 6000 lbs. to 300 lbs.
- Benzoyl Peroxide has been removed from the table. It is the same chemical as Dibenzoyl peroxide.

Proposed Amendments to 1203 Reporting of a
Discharge of a Pollutant or Air Contaminant
Differences between the Regulation as published in the Register
and the Submitted Draft

"Environmental Emergency Notification and Complaint Number" ~~—means~~ means the ~~24-hour~~ 24-hour DNREC telephone ~~number(s)~~ number used for reporting the discharge of a pollutant or an air contaminant.

"Environmental Emergency Notification and Complaint Number" – the ~~24-hour~~ 24-hour DNREC telephone ~~number(s)~~ number used for reporting the discharge of a pollutant or an air contaminant.

A minor change involves removing the asterisk by “infectious waste” in the table. Some areas within Table A and the RCRA Table that were crossed out and underlined erroneously, having to do with a technical glitch within our system. The chemicals were not changed. The amounts were not changed.

Section 3 Table A
Delaware List Of Chemicals, Hazardous Substances And Waste With Reportable Quantities In Pounds In Alphabetical Order

CAS NAME DRQ(in pounds except where noted)

Hazardous Substances and Wastes

Table with 3 columns: State, Name, and DRQ. Rows include: DE Animal and vegetable oils, fats, and greases (25 gal.); DE * Infectious waste (ALL*); DE * Petroleum subs., other than heating oil, motor fuel, used oil substances originating aboveground (150 gal.*ALL unless contained); DE * Petroleum substances, heating oil, motor fuel, used oil originating underground (25 gal.*ALL); DE *10,000 gallons sewage Sewage (10,000 gal*).

Chemicals and Substances

Table with 4 columns: CAS, State, Name, and DRQ. Rows include: 71751412 DE Abamectin (100); 83329 Acenaphthene (100); 208968 Acenaphthylene (5000); 30560191 DE Acephate (100)

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100447		Benzyl chloride	100
140294		Benzyl cyanide	500
7440417		Beryllium	10
7787475		Beryllium chloride	1
7787497		Beryllium fluoride	1
7787555		Beryllium nitrate	1
13597994		Beryllium nitrate	1
191242		Benzo(g,h,i)perylene	5000
15271417		Bicyclo[2.2.1]heptane-2-carbonitrile, 5-chloro-6- (((methylamino)Bicyclo[2.2.1]heptane-2-carbonitrile, 5-chloro-6- (((methylamino) carbonyl)oxy)imino)-(1-alpha,2-beta,4-alpha,5-alpha,6E))- carbonyl)oxy)imino)-(1-alpha,2-beta,4-alpha,5-alpha,6E))-	500
82657043	DE	Bifenthrin	100
92524		Biphenyl	100
111911		Bis(2-chloroethoxy) methane	1000
111444		Bis(2-chloroethyl) ether	10
542881		Bis(chloromethyl) ether	10
534076		Bis(chloromethyl) ketone	10
108601		Bis(2-chloro-1-methylethyl)ether	1000

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7440417		Beryllium	10
7787475		Beryllium chloride	1
7787497		Beryllium fluoride	1
7787555		Beryllium nitrate	1
13597994		Beryllium nitrate	1
191242		<u>Benzo(g,h,i)perylene</u>	5000
15271417		<u>Bicyclo[2.2.1]heptane-2-carbonitrile, 5-chloro-6-(((methylamino) carbonyl)oxy)imino)-, (1-alpha,2-beta,4-alpha,5-alpha,6E)-</u>	500
82657043	DE	Bifenthrin	100
92524		Biphenyl	100
111911		Bis(2-chloroethoxy) methane	1000
111444		Bis(2-chloroethyl) ether	10
542881		Bis(chloromethyl) ether	10

Exhibits for Proposed Amendments to 1203 Reporting of a Discharge of a Pollutant or Air Contaminant

Exhibit 1. A copy of approved Start Action Notice # 2024-17 pertaining to the proposed amendments.

Exhibit 2. A copy of the Regulatory Flexibility Analysis/ Regulatory Impact Statement, corresponding to the proposed action and as published in the February 1, 2026 Delaware Register of Regulations.

Exhibit 3. A copy of Register Notice SAN # 2024-17 and the proposed amendment to 7 DE Admin. Code 1203 Reporting of a Discharge of a Pollutant or Air Contaminant, as published in the February 1, 2026 Delaware Register of Regulations.

Exhibit 4. Proof of publication of the legal notice regarding the proposed amendments to 7 DE Admin. Code 1203 Reporting of a Discharge of a Pollutant or Air Contaminant in the February 4, 2026 Wilmington News Journal.

Exhibit 5. Proof of publication of the legal notice regarding the proposed amendments to 7 DE Admin. Code 1203 Reporting of a Discharge of a Pollutant or Air Contaminant in the February 4, 2026 Delaware State News.

Exhibit 6. Public Hearing Notice as published on the DNREC website on February 2, 2026.

Exhibit 7. Notice of this public hearing as it appeared on Delaware's Statewide Calendar and posted January 27, 2026.

Exhibit 8. Notice of this public hearing as it appears on DNREC's Public Hearings website.

Exhibit 9. A copy of the hearing presentation on proposed amendments to 7 DE Admin. Code 1203 Reporting of a Discharge of a Pollutant or Air Contaminant.



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Thank you for joining us. We will accept comments on this matter through March 12, 2026.

Comments may be submitted in writing

via [DNREC Comment form](https://dnrec.alpha.delaware.gov/public-hearings/comment-form/) - <https://dnrec.alpha.delaware.gov/public-hearings/comment-form/>

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

or by USPS mail:

Theresa Smith, Hearing Officer

DNREC – Office of the Secretary

89 Kings Highway, Dover, DE 19901

The full verbatim transcript will be posted when it becomes available.

For more information, find the event page for this hearing on the DNREC Public Hearings page

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