



# DNREC Virtual Public Hearing

**Proposed Revisions to:**

**7 DE Admin. Code 1301 "Regulations Governing Solid Waste"  
(SAN #2018-16; Docket # 2025-R-WHS-0016)**

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# Authority for Amendments of DRGSW

Proposed amendments are pursuant to 7 Del.C. §6001(c)(6)

The proposed regulatory action is NOT required as a result of federal statute or regulation

7 DE Admin. Code 1301 “Regulations Governing Solid Waste” will be referred to as the “Solid Waste Regulations” or “DRGSW” henceforth



# Proposed Amendments of DRGSW General Updates

- Who is affected by this amendment?
  - All persons and/or entities subject to the requirements of DRGSW
- What is the intended purpose of the amendment?
  - Modifications related to the “Delaware Administrative Code Style Manual”
  - Correction of typographical and grammatical errors/inconsistencies throughout
  - Correction of references to DRGSW, internal and external entities, and regulations throughout
  - Correction of inconsistencies related to terminology and phrases throughout
  - The addition, deletion, or modification of assorted definitions
  - The standardization of requirements across multiple facility types (as applicable)
  - The numbering and renumbering of subsections



# Proposed Amendments of DRGSW General Updates

5.3.3.1.3.2 ~~the~~ The controlling and remaining slopes shall be designed to prevent the head on the liner, excluding sump areas, from exceeding a depth of ~~twelve (12)~~ 12 inches including post settlement conditions.

5.3.1.1 An impermeable liner shall be provided at every sanitary landfill to restrict the migration of leachate from the landfill and to prevent contamination of the underlying ~~ground water.~~ groundwater.



# Proposed Amendments of DRGSW General Updates

4.1.11.2.4.2.7 ~~Condition 7:~~ Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation to the Secretary of the Department, to the ~~Solid and Hazardous Waste Management Section~~ Division of Waste and Hazardous Substances' Compliance and Permitting Section, and to the owner and operator at least 120 days in advance of cancellation...



# Proposed Amendments of DRGSW General Updates

"Environmental ~~Assessment~~assessment" means a detailed and comprehensive description of the condition of all environmental parameters as they exist at and around the ~~site~~facility of a proposed action prior to implementation of the proposed action. This description is used as a baseline for assessing the environmental impacts of a proposed action.

"Berm" means a shelf, ledge, pile, ridge or barrier. A berm is typically constructed of compacted soil, gravel, rocks, or stones.





# Proposed Amendments of DRGSW Exemptions (§2.3)

- Who is affected by this amendment?
  - All persons and/or entities potentially subject to the requirements of DRGSW
- What is the intended purpose of the amendment?
  - To clarify the on-farm agricultural waste disposal exemption
  - To clarify the on-farm agricultural waste composting exemption
  - To clarify the residential composting exemption
  - Relocation of requirements related to the management of waste consisting of human anatomical remains







# Proposed Amendments of DRGSW Compliance (§2.4)

- Who is affected by this amendment?
  - All persons and/or entities subject to the requirements of DRGSW
- What is the intended purpose of the amendment?
  - To clarify that generators of solid waste must utilize a Delaware solid waste transporter, with a valid Delaware Solid Waste Transporter Permit, unless excluded under subsection 7.2 of this regulation.





# Proposed Amendments of DRGSW Composting Activities/Facilities §2.5.1; §3.0)

- Who is affected by this amendment?
  - Owners and operators of Composting Facilities
- What is the intended purpose of the amendment?
  - To clarify existing definitions and add new definitions
  - To clarify requirements related to financial responsibility



# Proposed Amendments of DRGSW Composting Activities/Facilities (§2.5.1)

## 2.5.1 Composting Permits.

~~2.5.1.1 Other than individual household composting,~~ Unless exempted per subsections 2.3.2 and 2.3.3, all other composting ~~operations facilities~~ must obtain a permit from the Department prior to commencing ~~a composting operation.~~ operations. To obtain a permit, a person must submit an application and checklist provided by the Department, including, but not limited to, the following information:

~~2.5.1.1~~ 2.5.1.2 A written ~~plan of operation~~ Plan of Operation demonstrating to the Department that the requestor of the permit and the person responsible for operating the composting facility understand and will apply the principles and proper methods of composting. The ~~plan of operation~~ Plan of Operation must also demonstrate that the composting facility will be operated in a manner that will not pose a threat to human health and the environment; and

~~2.5.1.2~~ 2.5.1.3 A written statement explaining how the applicant intends to use the compost.

2.5.1.4 Proof of financial responsibility for closure and post-closure care, as described in subsection 4.1.11 of this regulation.



# Proposed Amendments of DRGSW Composting Activities/Facilities (§3.0)

"**Compost**" means a product of composting that has been stabilized to a humus-like product, is free of pathogens at an infectious level and of viable plant seeds, that does not attract insects or vectors, can be handled and stored without nuisance, and ~~is beneficial to the growth of plants.~~ can be used as a soil additive, fertilizer, growth media, or for another beneficial use.



# Proposed Amendments of DRGSW Composting Activities/Facilities (§3.0)

"**Composting Facility**" facility means a facility where organic material is processed using by use of composting technology, which may include, but is not limited to, physical turning, windrowing, in-vessel composting, or other mechanical handling of organic material. A composting facility will fall under a single Tier, categorized as one of the following:

- (1) Tier one: A composting facility shall fall under Tier One permit pricing if its Solid Waste Permit limits are no more than 10 tons, or 20 cubic yards, of waste and finished compost product or products on-site at any given time.
- (2) Tier two: A composting facility shall fall under Tier Two permit pricing if its Solid Waste Permit limits are between 10 and 5,000 tons of waste, or between 20 and 10,000 cubic yards of waste and finished compost product or products on-site at any given time.
- (3) Tier three: A composting facility shall fall under Tier Three permit pricing if its Solid Waste Permit limits are over 5,000 tons of waste, or more than 10,000 cubic yards of waste and finished compost product or products on-site at any given time.



# Proposed Amendments of DRGSW Composting Activities/Facilities (§3.0)

“Composting Feedstock” means the organic material used in the production of compost, further categorized as the following:

- (1) Type 1 feedstocks include yard waste, crop residues, and other materials determined to pose a low risk to human health and the environment, including from physical contaminants and human pathogens.
- (2) Type 2 feedstocks are materials that pose a low level of risk to the environment but have a higher level of risk from physical contaminants and human pathogens compared to Type 1 feedstocks. Examples of Type 2 feedstocks include, but are not limited to, agricultural residuals, source-separated organics; and Department approved food processing residuals and industrial by-products.
- (3) Type 3 feedstocks are materials that pose a higher level of risk to human health and the environment from physical and chemical contaminants and from human pathogens compared to Type 1 and Type 2 feedstocks. Examples of Type 3 feedstocks include, but are not limited to, mixed solid waste, diapers, and industrial by-products and food processing residuals not covered in Type 2 or not governed by the Division of Water.





# Proposed Amendments of DRGSW Composting Activities/Facilities (§3.0)

“TMECC” means Test Methods for the Examination of Composting and Compost published by the United State Composting Council and last updated in 2015.

“USCC” means the United States Composting Council.





# Proposed Amendments of DRGSW Recycling Facilities (§2.5.2)

- Who is affected by this amendment?
  - Owners and operators of Recycling Facilities
- What is the intended purpose of the amendment?
  - To clarify permit application requirements
  - To clarify requirements related to financial responsibility



# Proposed Amendments of DRGSW Recycling Facilities (§2.5.2)

## 2.5.2 Recycling Permits

2.5.2.1 Recycling solid waste into specific market applications requires a permit prior to commencing ~~this~~ the activity. To obtain a permit, a person must submit an application and checklist provided by the Department, including, but not limited to, the following information:

~~2.5.2.1~~ 2.5.2.2 A written ~~plan of operation~~ Plan of Operation describing the types and quantities of ~~materials~~ waste that will be accepted at the facility, the processing methods and equipment that will be used, and the products that will be produced, and

~~2.5.2.2~~ 2.5.2.3 Documentation demonstrating the existence of a market or markets for the ~~product(s)~~ product or products.

2.5.2.4 Proof of financial responsibility for closure and post-closure care, as described in subsection 4.1.11 of this regulation.





# Proposed Amendments of DRGSW Definitions (§3.0)

- Who is affected by this amendment?
  - All persons and/or entities potentially subject to or subject to the requirements of DRGSW
- What is the intended purpose of the amendment?
  - To clarify, update, add, or remove definitions



# Proposed Amendments of DRGSW Definitions (§3.0)

"**Buffer ~~Zone~~"zone**" means those ~~on-site~~ areas of a facility adjacent to the facility property ~~line boundary~~ which shall be left undeveloped during the active life as well as the inactive life of the facility.

"**Confined ~~Aquifer~~"aquifer**" means an aquifer ~~containing groundwater which is everywhere at a pressure greater than atmospheric pressure and from which water in a well will rise to a level above the top of the aquifer. A confined aquifer is overlain by material of distinctly lower permeability ("confining bed") than the aquifer.~~ bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself and containing groundwater. An aquifer containing Groundwater which is at a pressure greater than atmospheric pressure is one in which water in a well will rise to a level above the top of the aquifer.

"**Contaminant**" means any substance that enters the environment at a concentration that has the potential to endanger human ~~health or degrade the environment.~~ health, or to degrade, or otherwise harm, the environment.



# Proposed Amendments of DRGSW Definitions (§3.0)

"Contiguous" or "contiguous property" means land that is physically touching or sharing a common boundary, forming a single, unbroken piece of land. It can also include land separated only by a public right-of-way, like a road or easement, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing, as opposed to going along, the right-of-way, and the ownership is the same.

"DRGSW" means 7 DE Admin. Code 1301, Delaware's Regulations Governing Solid Waste.

"Facility" means all contiguous ~~land,~~ property, as well as the structures, other appurtenances, and improvements ~~on the land,~~ used in resource recovery and/or the treatment, handling, composting, storage, or disposal of solid waste. A facility may consist of several operational units (e.g., ~~one~~ 1 or more landfills, cells, incinerators, compactors, or combinations thereof).





# Proposed Amendments of DRGSW Definitions (§3.0)

"Household Waste" or "Residential" means any solid waste routinely derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

"Interim-closure care" means maintenance and long-term monitoring of, and financial responsibility for, any portion of a facility closed in accordance with this regulation prior to the entire site or facility being closed in accordance with this regulation.

"Materials ~~Recovery Facility~~recovery facility" means a facility at which materials, other than source separated materials, are recovered from solid waste and require management for the sorting, processing, and transfer for recycling or ~~for~~ use as an energy source.



# Proposed Amendments of DRGSW Definitions (§3.0)

"**On-site**" means on the same or geographically contiguous property which may be divided by public or private right-of-way.

~~Noncontiguous properties owned by the same person but connected by a right-of-way which the owner controls and to which the public does not have access are also considered on-site property.~~

"**Property**" means 1 or more parcels of land that are owned, leased, or under direct control of the same owner or operator.



# Proposed Amendments of DRGSW Definitions (§3.0)

**“Radioactive Material” means:**

- (1) Licensed radioactive material as described in 16 Del Admin. Code 4465 – Delaware Radiation Control Regulations; or
- (2) Any radioactive material considered source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954.

~~**"Site"** means the area of land or water within the property boundaries of a facility where one or more solid waste treatment, resource recovery, recycling, storage, or disposal areas are located.~~



# Proposed Amendments of DRGSW Definitions (§3.0)

“Solid Waste Permit” means any permit issued by the Department in accordance with Delaware’s Regulations Governing Solid Waste. Types of Solid Waste Permits include, but are not limited to, Sanitary Landfill, Industrial Landfill, Solid Waste Transporter, Resource Recovery, Transfer Station, Scrap Tire, Composting, and Recycling.

“Tire casing” means the supporting structure of the tire consisting of plies anchored to the bead on one side and running in a radius to the other side and anchoring to the bead.

“TSDRF” means a Treatment, Storage, Disposal, or Recycling Facility.





# Proposed Amendments of DRGSW

## Permit Renewals and Transfer (§4.1.6.1; §4.1.8.3.1)

- Who is affected by this amendment?
  - Owners and operators of Solid Waste Facilities
- What is the intended purpose of the amendment?
  - To include the need for a letter of intent with renewal applications
  - To include the need for an updated application by the prospective transferee as part of the permit transfer process.





# Proposed Amendments of DRGSW Sanitary Landfills & Industrial Landfills (§4.2)

- Who is affected by this amendment?
  - Owners and operators of Sanitary Landfills & Industrial Landfills
- What is the intended purpose of the amendment?
  - To clarify permit application requirements





# Proposed Amendments of DRGSW Sanitary Landfills & Industrial Landfills (§4.2)

## §4.2 Application Procedures for Sanitary And Industrial Landfills

§4.2.1 – updated applicability of new §4.2 requirements

### §4.2.2 Application

- Realignment of application contents across various solid waste facilities under DRGSW
- Clarification of plan of operation requirements (§4.2.2.4)
- Clarification of engineering report requirements (§4.2.2.5)
- Clarification of environmental assessment requirements (§4.2.2.7)
- Clarification of closure plan requirements (§4.2.2.10)
- Addition of stormwater plan/stormwater pollution and prevention plan requirements (§4.2.2.13)



# Proposed Amendments of DRGSW Sanitary Landfills & Industrial Landfills (§4.2)

## §4.2 Application Procedures for Sanitary And Industrial Landfills

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### §4.2.2 Construction and Operation

- Clarification of construction and operation requirements

### §4.2.3 Closure

- Realignment of closure requirements across various solid waste facilities under DRGSW
- Clarification of closure requirements





# Proposed Amendments of DRGSW Sanitary Landfills (§5.0)

- Who is affected by this amendment?
  - Owners and operators of Sanitary Landfills
- What is the intended purpose of the amendment?
  - To clarify siting requirements
  - To clarify design requirements
  - To clarify liner requirements
  - To clarify leachate collection, treatment, disposal, and monitoring requirements
  - To clarify gas control requirements
  - To clarify surface water management requirements
  - To clarify groundwater monitoring and corrective action requirements
  - To clarify capping system requirements
  - To clarify landfill operation and maintenance standards requirements
  - To clarify closure requirements
  - To add interim-closure care requirements
  - To clarify post-closure care requirements



# Proposed Amendments of DRGSW Sanitary Landfills (§5.0)

## §5.1 Siting

- Addition of consideration of whether an area is environmentally unique or valuable (§5.1.4.12)

## §5.2 Design

- Relocation of leachate collection system reference from §5.2.2.2.1 into §5.2.2.2.7



# Proposed Amendments of DRGSW Sanitary Landfills (§5.0)

## §5.3 Liner

- Modification to language related to the separation of groundwater and the bottom of liners (§5.3.1.3)
- Clarification of composite liner requirements (§5.3.2.1)
- Clarification of natural liner material testing requirements (§5.3.2.2.2.3)
- Addition of alternate double liner systems (§5.3.2.3.1.7)
- Relocation of composite liner system pressure gradient requirement from §5.3.3.1.2.1 into §5.3.3.1.2.2
- Clarification of composite liner factory and field seam requirements (§5.3.3.1.6)



# Proposed Amendments of DRGSW Sanitary Landfills (§5.0)

## §5.4 Leachate Collection, Treatment, Disposal, and Monitoring

- Clarification of operational procedure requirements related to leachate seeps (§5.4.2.3.4)
- Clarification of leachate storage requirements (§5.4.3.2.4)
- Clarification of monthly leachate monitoring requirements. Addition of *DRGSW Table 5-1* to replace list representation. (§5.4.4.3.1)
- Addition/Clarification of test methods to be used for leachate monitoring (§5.4.4.6)
- Addition of language related to Department participation and initiation of sampling events (§5.4.4.7)



# Proposed Amendments of DRGSW Sanitary Landfills (§5.0)

- §5.5 Gas Control
  - Clarification of landfill gas concentration at site boundary (§5.5.1.3)
  - Addition of language related to Department participation and initiation of sampling events (§5.5.3.5)
  
- §5.6 Surface Water Management
  - Clarification of design requirements (§5.6.2.2.3)
  - Addition of surface water monitoring requirements (§5.6.3)
  - Addition of channeling of runoff requirements (§5.6.4)
  - Clarification of discharge requirements (§5.6.5)
  - Addition of stormwater plan requirements (§5.6.6)
  - Addition of surface water management system maintenance requirements (§5.6.7)
  - Addition of periodic review of surface water management system requirements (§5.6.8)





# Proposed Amendments of DRGSW Sanitary Landfills (§5.0)

## §5.7 Groundwater Monitoring and Corrective Action

- Addition of *DRGSW Table 5-2* and *DRGSW Table 5-3* to replace list representations. Clarification of groundwater sampling parameters.
- Addition of language related to Department participation and initiation of sampling events (§5.7.3.4)
- Addition of language related to Department initiation of remedial action program (§5.7.3.5)
- Clarification of data evaluation requirements (§5.7.4)
- Clarification of annual monitoring report requirements (§5.7.5.2)
- Clarification of minimum groundwater remediation requirements (§5.7.6)
- Clarification of groundwater corrective action remedy selection and implementation requirements (§5.7.7; §5.7.8)



# Proposed Amendments of DRGSW Sanitary Landfills (§5.0)

## §5.8 Capping System

- Clarification of low permeability layer requirements (§5.8.2.2)
- Clarification of final cover requirements. Addition of ability for alternate final cover systems. (§5.8.2.3)

## §5.9 Landfill Operation and Maintenance Standards

- Addition of applicability of §5.9 to closed landfills (§5.9.1.1)
- Clarification of the need to have a dust control plan (§5.9.2.4.3)
- Clarification of personnel requirements (§5.9.2.9)
- Addition of procedures for excluding receipt of radioactive Waste (§5.9.2.13)
- Addition/Clarification of weekly inspection requirements (§5.9.2.14)
- Addition of annual inspection requirements (§5.9.2.15)
- Clarification of annual operations reporting requirements (§5.9.4)
- Clarification of prohibitions (§5.9.5)



# Proposed Amendments of DRGSW Sanitary Landfills (§5.0)

## §5.10 Closure

- Clarification of closure plan contents (§5.10.3)
- Clarification of minimum closure requirements (§5.10.4)

## NEW SUBSECTION - - §5.11 Interim-Closure Care

- Addition of general provision requirements (§5.11.1)
- Addition of minimum interim-closure care requirements (§5.11.2)
- Addition of prohibition requirements (§5.11.3)



# Proposed Amendments of DRGSW Sanitary Landfills (§5.0)

## §5.12 Post-Closure Care

- Clarification of general provision requirements (§5.12.1)
- Addition of facility specific post-closure care requirements (§5.12.2.7)
- Clarification of standing water prohibitions (§5.12.3.1)
- Addition of Department notification for deed notations (§5.12.5.3)



# Proposed Amendments of DRGSW Industrial Landfills (§6.0)

- Who is affected by this amendment?
  - Owners and operators of Industrial Landfills
- What is the intended purpose of the amendment?
  - To clarify siting requirements
  - To clarify liner requirements
  - To clarify leachate collection, treatment, disposal, and monitoring requirements
  - To clarify gas control requirements
  - To clarify surface water management requirements
  - To clarify groundwater monitoring and corrective action requirements
  - To clarify capping system requirements
  - To clarify landfill operation and maintenance standards requirements
  - To clarify closure requirements
  - To clarify interim-closure care requirements
  - To clarify post-closure care requirements



# Proposed Amendments of DRGSW Industrial Landfills (§6.0)

## §6.1 Siting

- Clarification of language related to the consideration of whether an area is environmentally unique or valuable (§6.1.3.11)

## §6.3 Liner

- Modification to language related to the separation of groundwater and the bottom of liners (§6.3.1.3)
- Clarification of lower composite liner requirements (§6.3.2.1.2.2)
- Relocation of composite liner system pressure gradient requirement from §6.3.3.1.2.1 into §6.3.3.1.2.2

## §6.4 Leachate Collection, Treatment, Disposal, and Monitoring

- Clarification of leachate collection system design specifications (§6.4.2.1.1)
- Addition of language related to Department participation and initiation of sampling events (§6.4.4.7)



# Proposed Amendments of DRGSW Industrial Landfills (§6.0)

## §6.5 Gas Control

- Addition of language related to Department participation and initiation of sampling events (§6.5.3.5)

## §6.6 Surface Water Management

- Clarification of design requirements (§6.6.2)
- Clarification of monitoring requirements (§6.6.3)



# Proposed Amendments of DRGSW Industrial Landfills (§6.0)

## §6.7 Groundwater Monitoring and Corrective Action

- Clarification of design and construction requirements (§6.7.2)
- Clarification of monitoring requirements (§6.7.3)
- Clarification of data evaluation requirements (§6.7.4)
- Clarification of annual monitoring reporting requirements (§6.7.5)
- Clarification of corrective measures requirements (§6.7.6)

## §6.8 Capping System

- Clarification of capping system composition requirements (§6.8.2.2)





# Proposed Amendments of DRGSW Industrial Landfills (§6.0)

## §6.9 Landfill Operation and Maintenance Standards

- Clarification of personnel requirements (§6.9.2.6)
- Clarification of equipment requirements (§6.9.2.7)
- Addition of procedures for excluding receipt of hazardous waste (§6.9.2.9)
- Addition of procedures for excluding receipt of radioactive waste (§6.9.2.10)
- Clarification of recordkeeping requirements (§6.9.3)
- Clarification of reporting requirements (§6.9.4)

## §6.10 Closure

- Clarification of interim-closure and post-closure permit requirements (§6.10.4.8; §6.10.4.9)



# Proposed Amendments of DRGSW Industrial Landfills (§6.0)

## §6.11 Interim-Closure Care

- Addition of facility specific interim-closure care requirements (§6.11.2.7)

## §6.12 Post-Closure Care

- Clarification of general provision requirements (§6.12.1)
- Clarification of surface water submittals (§6.12.2.6)
- Clarification of deed notification requirements (§6.12.5)





# Proposed Amendments of DRGSW Transporters (§7.0)

- Who is affected by these amendments?
  - Persons transporting solid waste in, through, or out of Delaware
- What are the intended purposes of these amendments?
  - To clarify the requirements for leased vehicles
  - To clarify the facilities to which waste must be transported
  - Amending the gross vehicle weight of 26,000 to 15,000 pounds
  - Exempt businesses offering a service other than waste transportation from solid waste transporter permitting requirements when transporting small quantities of solid waste generated in the course of providing their specific service.



# Proposed Amendments of DRGSW Transporters (§7.0)

## 7.1 General Provisions

\* \* \* \* \*

7.1.8 Vehicles used for the transportation of solid waste must be owned by the permittee. Leased vehicles may be used provided the permittee submits to the Department a valid vehicle lease agreement with the vehicle owner and demonstrates that each leased vehicle operator is employed by the permit holder.

7.1.9 All solid waste transported by a Delaware solid waste transporter must be transported to an authorized treatment, storage, disposal, or recycling facility.



# Proposed Amendments of DRGSW Transporters (§7.0)

## 7.2.1 Applicability...

\* \* \* \* \*

7.2.1.1 Transportation of household waste generated in a Delaware residence and transported by the generator of the household waste or transported in a non-commercial capacity, in a vehicle having a ~~gross vehicle weight less than or equal to 26,000 (twenty-six thousand) pounds.~~ total registered vehicle weight less than or equal to 15,000 pounds.



# Proposed Amendments of DRGSW Transporters (§7.0)

## 7.2.1 Applicability

\* \* \* \* \*

7.2.1.4 Transportation of non-hazardous solid waste in a business-owned vehicle having a total registered vehicle weight of less than or equal to 15,000 pounds that is clearly marked with the business name and primary business activity. The waste being transported must have been generated by the business while conducting its identified primary business activity. Waste management cannot be the business's primary business activity to fall under this exception. The exclusion does not apply to the transportation of infectious waste, asbestos or asbestos-containing waste, scrap tires, or household waste other than that excluded in subsection 7.2.1.1.







# Proposed Amendments of DRGSW Resource Recovery Facilities (§4.4; §9.0)

- Who is affected by this amendment?
  - Owners and operators of Resource Recovery Facilities
- What is the intended purpose of the amendment?
  - To clarify permit application requirements
  - To clarify siting requirements
  - To clarify operation and maintenance requirements
  - To clarify recordkeeping requirements
  - To clarify reporting requirements
  - To clarify closure requirements
  - The addition of surface water management requirements
  - The addition of groundwater monitoring and corrective action requirements



# Proposed Amendments of DRGSW Resource Recovery Facilities (§4.4)

## §4.4 Application Procedures for Resource Recovery Facilities

§4.4.1 – updated applicability of new §4.4 requirements

### §4.4.2 Application

- Realignment of application contents across various solid waste facilities under DRGSW
- Clarification of plan of operation requirements (§4.4.2.4)
- Clarification of engineering report requirements (§4.4.2.5)
- Clarification of hydrogeological assessment requirements (§4.4.2.8)
- Addition of financial responsibility for post-closure care (§4.4.2.13)



# Proposed Amendments of DRGSW Resource Recovery Facilities (§4.4)

## §4.4 Application Procedures for Resource Recovery Facilities

\* \* \* \* \*

### §4.4.3 Construction and Operation (general updates only)

### §4.4.4 Closure

- Realignment of closure requirements across various solid waste facilities under DRGSW
- Clarification of closure requirements



# Proposed Amendments of DRGSW Resource Recovery Facilities (§9.0)

## §9.2 Siting

- Addition of wellhead protection area requirements (§9.2.2.5)

## **NEW SUBSECTION** - - §9.4 Surface Water Management

- Addition of general provision requirements (§9.4.1)
- Addition of design requirements (§9.4.2)
- Addition of surface water monitoring requirements (§9.4.3)
- Addition of channeling of runoff requirements (§9.4.4)
- Addition of discharge requirements (§9.4.5)
- Addition of stormwater plan requirements (§9.4.6)
- Addition of surface water management system maintenance requirements (§9.4.7)
- Addition of periodic review of surface water management system requirements (§9.4.8)



# Proposed Amendments of DRGSW Resource Recovery Facilities (§9.0)

## NEW SUBSECTION - - §9.5 Groundwater Monitoring and Corrective Action

- Addition of general provision requirements (§9.5.1)
- Addition of monitoring system design and construction requirements (§9.5.2)
- Addition of groundwater sampling requirements (§9.5.3)
- Addition of groundwater data evaluation requirements (§9.5.4)
- Addition of groundwater data reporting requirements (§9.5.5)



# Proposed Amendments of DRGSW Resource Recovery Facilities (§9.0)

## §9.6 Operation and Maintenance Standards

- Addition of minimum throughput requirements (§9.6.2.2.5)
- Addition of odor control requirements (§9.6.2.3.1)
- Clarification of access requirements (§9.6.2.4)
- Clarification of recordkeeping requirements related to solid waste haulers (§9.6.3.3)
- Addition of the ability for “digital only” annual report submission (§9.6.4.1)
- Clarification of annual report submission requirements related to solid waste haulers (§9.6.4.1.4)
- Addition of facility specific notification requirements (§9.6.4.2.4)

## §9.7 Closure

- Clarification of general conceptual closure plan and closure plan requirements
- Clarification/Addition of closure report submission requirements
- Addition of DE Professional Engineer certification to closure plan (§9.7.3)





# Proposed Amendments of DRGSW Transfer Stations (§4.5; §10.0)

- Who is affected by this amendment?
  - Owners and operators of Transfer Stations
- What is the intended purpose of the amendment?
  - To clarify permit application requirements
  - To clarify siting requirements
  - To clarify design requirements
  - To clarify leachate collection and disposal requirements
  - To clarify operation and maintenance requirements
  - To clarify recordkeeping requirements
  - To clarify reporting requirements
  - To clarify closure requirements
  - The addition of surface water management requirements
  - The addition of groundwater monitoring and corrective action requirements





# Proposed Amendments of DRGSW Transfer Stations (§4.5)

## §4.5 Application Procedures for Transfer Stations

§4.5.1 – updated applicability of new §4.5 requirements

### §4.5.2 Application

- Realignment of application contents across various solid waste facilities under DRGSW
- Clarification of plan of operation requirements (§4.5.2.4)
- Clarification of engineering report requirements (§4.5.2.5)
- Clarification of hydrogeological assessment requirements (§4.5.2.6)
- Clarification of environmental assessment requirements (§4.5.2.7)



# Proposed Amendments of DRGSW Transfer Stations (§4.5)

## §4.5 Application Procedures for Transfer Stations

\* \* \* \* \*

### §4.5.3 Construction and Operation

- Clarification of construction certification report requirements

### §4.5.4 Closure

- Realignment of closure requirements across various solid waste facilities under DRGSW
- Clarification of closure requirements



# Proposed Amendments of DRGSW Transfer Stations (§10.0)

## §10.2 Siting

- Addition of wellhead protection area requirements (§10.2.3.4)

## §10.3 Design

- Clarification of applicability of minimum design requirements (§10.3.2)

## §10.4 Leachate Collection and Disposal

- Clarification of applicability of leachate collection and design requirements (§10.4.1)
- Clarification of leachate holding tank requirements (§10.4.3.1.2)



# Proposed Amendments of DRGSW Transfer Stations (§10.0)

## NEW SUBSECTION - - §10.5 Surface Water Management

- Addition of general provision requirements (§10.5.1)
- Addition of design requirements (§10.5.2)
- Addition of surface water monitoring requirements (§10.5.3)
- Addition of channeling of runoff requirements (§10.5.4)
- Addition of discharge requirements (§10.5.5)
- Addition of stormwater plan requirements (§10.5.6)
- Addition of surface water management system maintenance requirements (§10.5.7)
- Addition of periodic review of surface Water management system requirements (§10.5.8)



# Proposed Amendments of DRGSW Transfer Stations (§10.0)

## NEW SUBSECTION - - §10.6 Groundwater Monitoring and Corrective Action

- Addition of general provision requirements (§10.6.1)
- Addition of monitoring system design and construction requirements (§10.6.2)
- Addition of groundwater sampling requirements (§10.6.3)
- Addition of groundwater data evaluation requirements (§10.6.4)
- Addition of groundwater data reporting requirements (§10.6.5)



# Proposed Amendments of DRGSW Transfer Stations (§10.0)

## §10.7 Operation and Maintenance Standards

- Addition of odor control requirements (§10.7.2.3.1)
- Clarification of personnel requirements (§10.7.2.5)
- Addition of procedures for excluding receipt of hazardous waste (§10.7.2.8)
- Addition of procedures for excluding receipt of radioactive waste (§10.7.2.9)
- Clarification of recordkeeping requirements related to solid waste haulers (§10.7.3.1)
- Addition of facility specific recordkeeping requirements (§10.7.3.7)
- Clarification of annual report submission requirements related to Solid Waste Haulers (§10.7.4.1.2)
- Addition of facility specific notification requirements (§10.7.4.1.7)



# Proposed Amendments of DRGSW Transfer Stations (§10.0)

## §10.8 Cessation and Closure

- Realignment of cessation and closure requirements/language with various solid waste facilities under DRGSW
- Clarification of requirements for any person seeking to modify their current permit for closure (§10.8.2)
- Removal of duplicitous language from closure plan content requirements (§10.8.3)







# Proposed Amendments of DRGSW Infectious Waste (§4.6; §11.0, Part 1)

- Who is affected by this amendment?
  - Generators of Infectious Waste
- What is the intended purpose of the amendment?
  - To clarify permit application requirements
  - Modifications related to the “Delaware Administrative Code Style Manual”
  - Correction of typographical and grammatical errors/inconsistencies throughout
  - Correction of references to DRGSW, internal and external entities, and regulations throughout
  - Correction of inconsistencies related to terminology and phrases throughout



# Proposed Amendments to DRGSW Infectious Waste (§11.0, Part 1)

§11.8.5.3.1 Up to ~~fourteen~~ 14 days at room temperature (~~18 to 28 degrees Celsius, 65 to 82 degrees Fahrenheit~~ 18 to 28°C, 65 to 82°F) or up to 45 days in a refrigerator (~~2 to 7 degrees Celsius, 36 to 44 degrees Fahrenheit~~ 2 to 7°C, 36 to 44°F) for all types of infectious waste, so long as it does not produce conditions that are offensive or harmful to facility personnel or the public welfare.

§11.11.2 All pathological waste must be incinerated, ~~cremated~~ cremated, or interred in accordance with **24 Del.C. Ch. 31**. Other disposal methods are not acceptable for this type of waste. This requirement does not prohibit the disposal of certain specified wastes in a permitted wastewater treatment system (see ~~Section 11.4.11 of this part~~). Section 11.0, Part 1, subsection 11.4.1.10.





# Proposed Amendments of DRGSW Municipal Solid Waste Ash (§11.0, Part 2)

- Who is affected by this amendment?
  - Generators of Municipal Solid Waste Ash
- What is the intended purpose of the amendment?
  - Modifications related to the “Delaware Administrative Code Style Manual”
  - Correction of reference to a DNREC entity
  - Correction of inconsistencies related to terminology and phrases throughout



# Proposed Amendments of DRGSW Municipal Solid Waste Ash (§11.0, Part 2)

## §11.1 General Provisions

§11.1.1 Municipal solid waste (MSW) ash is considered a hazardous waste, as defined in ~~the Delaware~~ Delaware's Regulations Governing Hazardous Waste (DRGHW), unless the generator ... The plan shall be submitted to the ~~Solid and Hazardous Waste Management Section~~ Division of Waste and Hazardous Substances' Compliance and Permitting Section as a part of the facility's application for a Solid Waste Facility permit...

§11.5.3 Determine the upper bound of the ~~90 percent (one-sided)~~ 90% (1-sided) confidence interval for the mean for each analyte (equation 6 of Table 9-1).





# Proposed Amendments of DRGSW

## Special Wastes: Coal Combustion Residuals (§11.0, Part 3)

- Who is affected by this amendment?
  - Owners and operators of Coal Combustion Residuals Industrial Landfills
- What is the intended purpose of the amendment?
  - Modifications related to the “Delaware Administrative Code Style Manual”
  - Correction of typographical and grammatical errors/inconsistencies throughout
  - Correction of inconsistencies related to terminology and phrases throughout



# Proposed Amendments of DRGSW

## Special Wastes: Coal Combustion Residuals (§11.0, Part 3)

§11.3.2 Fugitive Dust Control Plan. CCR landfills must obtain a certification from a Professional Engineer ~~registered~~ licensed in Delaware that the initial fugitive dust control plan, or any subsequent amendments of it, meets the requirements of ~~DRGSW~~ this regulations and the Solid Waste Permit.

§11.5.3 Unless otherwise required in 40 CFR §257.107, the information must be posted to the CCR Website within ~~thirty (30)~~ 30 days of placing the pertinent information in the operating record. The ~~site~~ facility shall include, at a minimum, the required...







# Proposed Amendments of DRGSW

## Plastic Carryout Bag Ban and At Store Recycling Program (§3.0; §13.0)

- Who is affected by this amendment?
  - Owners and operators of stores within Delaware
- What is the intended purpose of the amendment?
  - Relocation of applicable definitions to SeRelocation of current Section 14.0 before “Severability”
  - Relocation and clarification of existing definitions and addition of new definitions
  - Deletion of a film bag requirement that is no longer applicable
  - Deletion of a reusable bag requirement that is no longer applicable



# Proposed Amendments of DRGSW Plastic Carryout Bag Ban and At Store Recycling Program (§3.0; §13.0)

“Manufacturer” means the producer of a plastic carryout bag sold to a store.

“Paper bag” means a bag provided by a store to a customer at the point of sale made of paper that meets all of the following requirements:

- (1) Is 100% recyclable and contains a minimum of 40% postconsumer recycled material;
- (2) Is accepted for recycling;
- (3) Has printed on the bag the name of the manufacturer of the bag, country where the bag was manufactured, and the percentage of postconsumer recycled material used;
- (4) Displays the word “Recyclable” and “Reusable” in a highly visible manner on the outside of the bag; and
- (5) Does not contain plastic lining or plastic handles.



# Proposed Amendments of DRGSW Plastic Carryout Bag Ban and At Store Recycling Program (§3.0; §13.0)

"Plastic carryout bag" means a plastic bag provided by a store to a customer at the point of sale made from plastic and not specifically designed and manufactured to be reusable.

~~"Retail space" means total space within a store, leased or owned, for the purposes of promoting, selling, or distributing goods and services to consumers."~~

"Reusable bag" means a carryout bag made of polypropylene fabric, PET nonwoven fabric, nylon, cloth, cotton, jute, hemp product, or other washable fabric which meets all of the following requirements:

- (1) Is a bag made of cloth or other durable fabric that has stitched handles;
- (2) Has a volume capacity of at least 4 gallons (equivalent to 15 liters or 924 cubic inches);
- (3) Is machine washable or made from a durable material that can be cleaned and disinfected; and
- (4) Does not contain lead, cadmium, or any other toxic material that may pose a threat to public health. A reusable bag manufacturer may demonstrate compliance with this requirement by obtaining a no objection letter from the federal Food and Drug Administration.



# Proposed Amendments of DRGSW

## Plastic Carryout Bag Ban and At Store Recycling Program

(§3.0; §13.0)

"Store" means a retail establishment, excluding a restaurant, engaged in the business of selling or exchanging goods or services for cash, barter, or any form of consideration on the assumption that the purchaser of the goods or services has acquired the goods or services for ultimate consumption or use and not resale that provides carryout bags to its customers in conjunction with the sale of the goods or services.



# Proposed Amendments of DRGSW

## Plastic Carryout Bag Ban and At Store Recycling Program

(§3.0; §13.0)

§13.1.5 Stores may provide plastic carryout bags for only those purposes permitted within 7 Del.C. §6099A.

~~{FORMER} §14.3.2 A retail establishment that does not meet the definition of a store and that provides plastic carryout bags to customers at the point of sale may adopt a similar at-store recycling program, as specified in 7 Del.C. Ch. 60 Subchapter IX, Recycling and Waste Reduction.~~

~~{FORMER} §14.3.3 Manufacturers of plastic carryout bags shall:~~

~~\* \* \* \* \*~~

~~§14.3.3.2 Ensure that plastic bags classified as reusable contain a label that includes the following language, "This plastic bag is reusable and should be returned to stores for recycling and not recycled curbside."~~



# Exhibits for Proposed Amendments to 1301 DRGSW

- Exhibit 1: A copy of approved Start Action Notice # 2018-16 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 December 1, 2025 Delaware Register of Regulations.
- Exhibit 3: A copy of Register Notice SAN # 2018-16 and the proposed amendment to 7 DE Admin. Code 1301 DRGSW, as published in the December 1, 2025 Delaware Register of Regulations.
- Exhibit 4: Proof of publication of the legal notice regarding the proposed amendments to 7 DE Admin. Code 1301 DRGSW in the November 26, 2025 Wilmington News Journal.
- Exhibit 5: Proof of publication of the legal notice regarding the proposed amendments to 7 DE Admin. Code 1301 DRGSW in the November 26, 2025 Delaware State News.
- Exhibit 6: Public Hearing Notice as published on the DNREC website on or about November 26, 2025.
- Exhibit 7: Notice of this public hearing as it appeared on Delaware's Statewide Calendar and posted on or about November 26, 2025.
- Exhibit 8: Notice of this public hearing as it appears on DNREC's Public Hearings website.
- Exhibit 9: Example of email sent to regulated entities and interested persons on December 1, 2025 notifying them of this hearing.
- Exhibit 10: Letter mailed to regulated entities and interested persons on or about November 26, 2025 notifying them of this hearing.
- Exhibit 11: A copy of the hearing presentation on proposed amendments to 7 DE Admin. Code 1301 DRGSW.
- Exhibit 12: List of errors/issues found within the December 1, 2025 Delaware Register of Regulations





# DNREC Virtual Public Hearing

**Proposed Revisions to:**

**7 DE Admin. Code 1301 “Regulations Governing Solid Waste”  
(SAN #2018-16; Docket # 2025-R-WHS-0016)**

Thank you for joining us. We will accept comments on this matter through Wednesday, January 21, 2026.

Comments may be submitted in writing

Via online form at <https://de.gov/dnrecomments>, via email to  
[DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), or 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 at <https://de.gov/dnrehearings>.