

DNREC Division of Waste and Hazardous Substances  
Hearing on Proposed Revisions

Docket No. 2025-R-WHS-0016

Moderated by Theresa Smith, Hearing Officer  
Tuesday, January 6, 2026

6:02 p.m.

Remote Proceeding  
100 West Water Street  
Dover, DE 19904

Reported by: Carlo Florio

JOB NO.: 7789519

1 A P P E A R A N C E S

2 List of Attendees:

3 Alison Kiliszek, DNREC Engineer (by videoconference)

4 Westley Look, DNREC Admin. (by videoconference)

5 Lawrence Matson, DNREC Manager (by videoconference)

6 Barbara Boese, Registered Commenter for Claymont

7 Community Center (by videoconference)

8 Dee Durham, Registered Commenter for Plastic Free

9 Delaware (by videoconference)

10 Elisa King, Compost Program Director, Registered

11 Commenter for Plastic Free Delaware (by

12 videoconference)

13 Brigid Gregory, Registered Commenter (by

14 videoconference)

15 Tiffany Gaston, Commenter (by videoconference)

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P R O C E E D I N G S

THE HEARING OFFICER: So I want to thank you all for taking the time out of your busy schedules to join us today. The date is Tuesday, January 6th, 2026.

We are here this evening to provide a virtual platform for the state of Delaware's Department of Natural Resources Environmental Control to conduct its virtual hearing on the proposed revisions to Docket Number 2025-R-WHS-0016, 7 DE Admin. Code 1301, Regulations Governing Solid Waste. My name is Theresa Smith, and Secretary Patterson has appointed me to serve as the hearing officer for tonight's formal proceeding.

First and foremost, this hearing is being conducted virtually. No one is together at this -- in the same room; everyone is participating independently at their own respective locations. While we are not physically gathered together, Zoom does generate a list of those who are virtually present for this proceeding, so the department will have a record of those who have electronically joined this event.

At the conclusion of my introductory

1 remarks, I'll be turning the hearing over to  
2 department staff to provide their presentation for the  
3 hearing record being generated in this matter.

4 Once the presentation concludes, those  
5 persons who pre-registered in advance of the hearing  
6 will be acknowledged and provided an opportunity to  
7 offer comment on the proposed regulatory matter in  
8 alignment with DNREC standard comment protocols.

9 There is a court reporter virtually  
10 present who will prepare a verbatim transcript of this  
11 hearing pursuant to the statutory requirement for  
12 DNREC to have the same prepared. And as always, that  
13 transcript will be posted on the hearing webpage  
14 dedicated to this matter as soon as it is received.

15 In addition, I would like to encourage  
16 those who are attending tonight's hearing to also  
17 visit the hearing webpage dedicated to this matter for  
18 additional details concerning the proposed regulatory  
19 matter. The hearing webpage can be found online under  
20 the administrative law sections of DNREC's website  
21 that will be listed at the conclusion of tonight's  
22 hearing.

23 Before we begin the presentation  
24 tonight, please be advised of the following protocols

1 that remain in place for all DNREC public hearings.  
2 All comment received must be limited solely to the  
3 subject matter of tonight's hearing. All comments  
4 pertinent to the subject matter of the virtual hearing  
5 will be incorporated into the record being generated  
6 in this matter.

7 In order to ensure that everyone who  
8 wishes for -- who wishes to provide comment for the  
9 secretary's consideration is accommodated, the record  
10 in this matter shall remain open following tonight's  
11 proceeding through January 21, 2026. There is one  
12 authentic record of the formal proceeding tonight; any  
13 of -- it is the official court report's verbatim  
14 transcript.

15 The statutory purpose of tonight's  
16 hearing is to build a record with regard to the  
17 department's proposed actions. A record consisting of  
18 the transcript from tonight's hearing, all written  
19 comment, all exhibits, and eventually the hearing  
20 officer's report will be reviewed by Secretary  
21 Patterson. The secretary will ultimately issue an  
22 order following that review process containing his  
23 decision on this matter and the reasons therefore.

24 Per DNREC standard hearing protocols,

1 there is no Q-and-A or chat session permitted during  
2 the hearing. Those who pre-registered to offer verbal  
3 comment will be acknowledged to speak at the  
4 conclusion of the presentation portion of tonight's  
5 proceeding. Additional instructions regarding the  
6 offering of verbal comment to of tonight will be  
7 provided at that time.

8 Lastly, it is important to note that no  
9 decision has already been made by the department nor  
10 will any decision be made tonight with regard to the  
11 proposed amendment to the regulation. As per  
12 previously stated, DNREC wishes to ensure that  
13 everyone isn't [sic] able to offer their comment for  
14 inclusion into the record being generated in this  
15 matter. Therefore, the record will remain open  
16 through Wednesday, January -- sorry -- will remain  
17 open through Wednesday, January 21, 2026, so that the  
18 public may offer written comment should they wish to  
19 do so.

20 Please be advised that the only  
21 comments submitted directly to DNREC and entered into  
22 the formal proceeding in this matter will be posted on  
23 the hearing webpage and be considered by the  
24 department as a part of the regulatory decision



1 process. The department was not partnered with any  
2 outside organization or website to assist with public  
3 submission of comments in this matter. So again, only  
4 submit comments directly to DNREC.

5 Comments may be submitted through a  
6 comment form link on the hearing webpage or via email  
7 to dnrechearingcomments@delaware.gov or via the U.S.  
8 Postal Services at the physical address for DNREC  
9 indicated on the hearing webpage and/or the public  
10 notices previously issued in this matter. Written  
11 comments to DNREC may not be submitted by using social  
12 media platforms such as Twitter, Facebook, YouTube, or  
13 text messaging.

14 Please remember that all comment  
15 received through USPS or via the electronic mechanisms  
16 just noted, as long as it is received by the  
17 department on or before January 21st, will bear the  
18 exact same weight and be considered equally by the  
19 secretary prior to making his final decision in this  
20 matter.

21 Lastly, the ultimate decision regarding  
22 this matter is made by DNREC's Secretary Patterson.  
23 This remote hearing tonight acts as a mechanism to  
24 enable the department to thoroughly vet the proposed

1 actions to the public and to let the public know the  
2 various ways which comment may be submitted for  
3 Secretary Patterson's consideration if so desired.

4 I will now hand it over to Ms. Alison  
5 Kiliszek with the Division of Waste and Hazardous  
6 Substances to provide the department's presentation.

7 MS. KILISZEK: Thank you, Theresa.

8 The authority for amendments of  
9 DRGSW -- just go over a little basics -- the proposed  
10 amendments are pursuant to 7 Del. Code 6001(c)(6).  
11 The proposed regulatory citation is not required as a  
12 result of federal statute or regulation. And  
13 throughout the presentation, you may hear me refer to  
14 the 7 DE Admin. Code 1301 Regulations Governing Solid  
15 Waste as "solid waste regulations" or "DRGSW."

16 So we're going to go over some  
17 sections, kind of give a little kind of preference,  
18 and then go into some of the details. So as far as  
19 general updates, it's going to affect all persons  
20 and/or entities subject to the requirements of DRGSW.

21 The modifications include style  
22 changes; grammatical/typographical errors,  
23 inconsistencies; corrections of references; changing  
24 of terminology and phrases; the deletion -- addition,

1 deletion, and modification of an assortment of  
2 definitions; standardization of requirements across  
3 multiple facility types, as applicable; and the  
4 numbering and renumbering of subsections that may or  
5 may not have been previously designated.

6 Some examples include -- the top one is  
7 an example of a style guide change, while the bottom  
8 is an example of a updating of terminology. This is  
9 an example of a numbering of a citation that was not  
10 previously numbered and updating references to an  
11 entity. The environmental assessment definition is an  
12 example of updating style in the use of the word  
13 "facility" in lieu of "site." "Berm" is one of the  
14 examples of a new definition that is not otherwise  
15 testified.

16 So as far as the exemption --  
17 amendments to the exemptions, it's all persons and/or  
18 entities potentially subject to the requirements of  
19 DRGSW will be impacted.

20 There's a clarification to on-farm  
21 agricultural waste disposal exemption, clarification  
22 to the on-farm agricultural waste composting  
23 exemption, there were some clarifications regarding  
24 the residential composting exemption, and we relocated

1 requirements regarding human anatomical remains from,  
2 actually, the infectious waste portion of the regs up  
3 into the exemptions portion.

4 Changes in section 2.4 regarding  
5 compliance -- all persons and/or entity subject to the  
6 requirements of DRGSW could be impacted. There was a  
7 clarification that generators of solid waste must  
8 utilize the Delaware solid waste transporter with a  
9 valid Delaware Solid Waste Transporter Permit, unless  
10 excluded under subsection 7.2 of this regulation.  
11 That was the only big change there.

12 There were changes related to  
13 composting activities and facilities. The changes I'm  
14 going to talk about are found in sections 2 --  
15 subsections 2.5.1, and the definitions are in  
16 section 3. The persons impacted are owners and  
17 operators of composting facilities.

18 There's a clarification of existing  
19 definitions and the addition of new definitions for --  
20 related to composting. And then there was some  
21 clarification of the requirements related to financial  
22 responsibility. What that looks like is there -- you  
23 could see that there were general updates and the  
24 addition of the need for proof of financial

1 responsibility related to closure and post-closure  
2 care, as described in section 4 of this regulation.

3 The definition of "compost" was  
4 modified. The definition of "composting facility" was  
5 modified and integrated newly issued permit fees --  
6 tiers -- sorry -- permit fee tiers. The "composting  
7 feedstock" definition was -- is being proposed. And  
8 then definitions for the Test -- Test Methods for the  
9 Examination of Composting and Compost and the United  
10 States Composting Council, their acronyms are added as  
11 definitions.

12 Regarding recycling facilities, the  
13 subsection is 2.5.2. These amendments will impact  
14 owners and operator of recycling facilities. It  
15 clarified permit application requirements as well as  
16 financial responsibility requirements.

17 As you can see, there are general  
18 updates and clarification regarding application and  
19 checklist, and of course the need -- the new  
20 requirement to have financial responsibility for  
21 closure and post-closure care. Very similar to the  
22 language you've previously seen in composting.

23 The next section is definitions, which  
24 potentially impact all persons and/or entities subject

1 to -- who are subject to the -- potentially subject or  
2 subject to the requirements of DRGSW. There's a lot  
3 of clarification, updates, additions, removals,  
4 relocations. The general updates that I'm going to  
5 talk about right now are not otherwise talked about  
6 elsewhere.

7 "Buffer zone" was modified. The  
8 definition of "confined aquifer" was also modified.  
9 The definition of "contaminant" was also modified.  
10 "'Contiguous' or 'continuous property'" is a newly  
11 proposed definition. Defining the acronym "DRGSW" is  
12 also new.

13 There is clarification associated with  
14 the definition of "facility." "Household waste" was  
15 clarified to say "or residential," so both terms are  
16 able to be used. The definition for what --  
17 "interim-closure care" was added. And then the  
18 "materials recovery facility" definition was modified.  
19 The definition of "on-site" was modified.

20 The definition of "property" was added.  
21 The -- a definition for "radioactive material" was  
22 added. The definition for "site" was removed and, as  
23 applicable, instances of site have been replaced by  
24 the word "facility" or "property." "Solid waste

1 permit," "tire casing," and defining the acronym  
2 "TSDRF" were all being proposed to be added.

3           Regarding permit renewals and transfers  
4 that are found in subsections 4.1.6.1 and 4.1.8.3.1,  
5 this impacts owners and operators of solid waste  
6 facilities. The changes included the need for a  
7 letter of intent with renewal applications, and also  
8 to include the need for an updated application by  
9 prospective transferees as part of the permit transfer  
10 process.

11           Sanitary landfills and industrial  
12 landfills. This section in particular is related to  
13 the permit application process. We modified this  
14 section to clarify permit application requirements.  
15 And it impacts owners and operators of all sanitary  
16 and industrial landfills. A previously undesignated  
17 applicability was designated. And then the  
18 application requirements -- there was a realignment  
19 across all application requirements for all the  
20 different types of solid waste facilities.

21           There was clarifications to plan of --  
22 plan of operation requirements, engineering report  
23 requirements, environmental assessment requirements,  
24 and closure plan requirements. There's also the

1 addition of Stormwater Plan and Stormwater Pollution  
2 and Prevention Plan requirements.

3 There was some clarification of  
4 construction and operation requirements as far as the  
5 application process. And then, regarding closure,  
6 there was a realignment of closure requirements across  
7 various solid waste facilities. And then there's  
8 clarification of closure requirements.

9 More specifically in section 5, which  
10 is for sanitary landfills, it would impact owners and  
11 operators of sanitary landfills. There's a lot of  
12 clarification to siting requirements, design, liner,  
13 leachate, gas, surface water management, groundwater,  
14 capping, landfill operation and maintenance, and  
15 closure requirements and post-closure care  
16 requirements, and then the addition of interim-closure  
17 care requirements.

18 As far as in the siting section, there  
19 was a consideration of whether an environment -- a  
20 area is environmentally unique or valuable as a  
21 consideration for siting. There was a relocation of a  
22 leachate collection system referenced from one  
23 subsection to another subsection.

24 Regarding the liner, there's



1 modifications related to the separation of groundwater  
2 in the bottom of landfill liners, clarification for  
3 composite liner requirements, clarification of -- of  
4 natural liner material testing requirements, the  
5 addition of alternate double liner systems, relocation  
6 of pressure gradient requirement from one subsection  
7 to a different one, and clarification of composite  
8 liner factory and field seam requirements.

9           Regarding the leachate collection,  
10 treatment, disposal, and monitoring requirements,  
11 there's clarification of operational procedure  
12 requirements, leachate storage requirements, monthly  
13 monitoring requirements. A list that was -- there was  
14 a list within these sections; it has now been  
15 designated as "DRGSW Table 5-1."

16           There's an addition/clarification of  
17 the test methods that are acceptable, and the addition  
18 of language that the department of -- department  
19 participation and initiation in sampling events.

20           For the gas control area -- or the gas  
21 control portion, there is clarification of landfill  
22 gas concentration at site boundary, addition of  
23 language related to department participation and  
24 initiation of sampling events.

1                   Within the surface water management  
2 section, there was clarification of design  
3 requirements and discharge requirements, and then the  
4 addition of requirements related to surface water  
5 monitoring, channeling of runoff, a stormwater plan,  
6 surface water system maintenance, and a periodic  
7 review of surface water -- surface water management  
8 systems.

9                   Within the groundwater monitoring and  
10 corrective action section, there was the addition of  
11 tables "DRGSW Table 5-2" and "Table 5-3" to replace  
12 list representations that are in the current  
13 regulations, and the clarification of groundwater  
14 sampling parameters. Language was also added  
15 regarding department participation and initiation of  
16 sampling events, also related to department initiation  
17 of remedial action programs.

18                   There were clarifications related to  
19 data evaluation, annual monitoring report  
20 requirements, minimum ground groundwater remediation  
21 requirements, and groundwater corrective action remedy  
22 selection and implementation requirements.

23                   Regarding the capping system -- system  
24 section, there was clarifications regarding the low

1 permeability layer requirements and final cover  
2 requirements, and the ability for an alternate --  
3 alternate final cover system.

4 In the landfill operation and  
5 maintenance standards section, there was the addition  
6 of the applicability regarding closed landfills,  
7 procedures for excluding the receipt of radioactive  
8 waste, clarification of weekly inspection  
9 requirements, annual inspection requirements, and then  
10 clarification of the need to have a dust control plan,  
11 personnel requirements, annual operation reporting  
12 requirements, and prohibitions.

13 Closure requirements. There was  
14 clarifications regarding the closure plan contents,  
15 and minimum closure requirements.

16 Interim-closure care is newly defined  
17 as section -- subsection 5.11. This includes the  
18 addition of general provisions related to  
19 interim-closure care, minimum inter-closure --  
20 interim-closure care requirements, and prohibition  
21 requirements during this period.

22 Post-closure care was modified for  
23 clarification of general provision requirements,  
24 addition of facility specific post-closure care

1 requirements, addition of standing water prohibitions,  
2 and the addition of department notification for deed  
3 notifications.

4           Within the industrial landfill section,  
5 this is going to impact all owners and operators of  
6 industrial landfills.

7           Very similar to the sanitary landfills,  
8 there were clarifications within siting requirements,  
9 liner requirements; leachate collection, treatment,  
10 disposal, and monitoring requirements; gas control  
11 requirements; surface water requirements; groundwater  
12 monitoring and corrective action requirements; capping  
13 systems requirements; landfill operation and  
14 maintenance standards; closure requirements; interim-  
15 closure care requirements; and post-closure care  
16 requirements.

17           Within the siting, there's language  
18 related to the consideration of whether an area is  
19 environmentally unique or valuable.

20           Regarding the liner, there's  
21 modification related to separation of groundwater in  
22 the bottom of liners, clarification of the lower  
23 composite liner requirements, and relocation of  
24 composite liner pressure gradient from one citation

1 into a different citation.

2 The leachate collection, treatment,  
3 disposal, and monitoring section. There's  
4 clarification of the design specifications, and the  
5 addition of language for department participation and  
6 initiation of sampling events.

7 Within the gas control section, there  
8 was the additional language related to department  
9 participation and initiation of sampling events.

10 Within the surface water management section,  
11 clarification of design requirements and clarification  
12 of monitoring requirements.

13 Within the groundwater monitoring and  
14 corrective action section, there was clarification of  
15 design and construction, monitoring, data evaluation,  
16 annual monitoring, and corrective measure  
17 requirements. Within the capping -- capping system  
18 section, there was a clarification of capping system  
19 composition requirements.

20 Within section -- within the landfill  
21 operation and maintenance standards section, there are  
22 clarifications of personnel requirements, equipment  
23 requirements, recordkeeping requirements, and  
24 reporting requirements, and the addition of procedures

1 for the -- excluding the receipt of both hazardous  
2 waste and radioactive waste.

3 In the closure section, there was  
4 clarification of interim-closure and post-closure  
5 care -- or post-closure permit requirements. Within  
6 the interim-closure care section, there was the  
7 additionally -- addition of facility specific interim-  
8 closure care requirements. Within the post-closure  
9 care section, there was clarification of general  
10 provision requirements, surface water submittals, and  
11 deed notification requirements.

12 Within section 7, related to  
13 transporters, it affects persons transporting solid  
14 waste in, through, or out of Delaware. The  
15 requirements clarified -- well, sorry. It clarified  
16 requirements for leased vehicles. It clarified  
17 facilities to which waste must be transported.

18 It amended the gross vehicle weight  
19 from 2600 -- sorry -- 26,000 pounds to 15,000 pounds,  
20 and exempt "businesses offering service other than  
21 waste transportation from solid waste transporter  
22 permitting requirements when transporting small  
23 quantities of solid waste generated in the course of  
24 providing their specific service."

1                   What that looked like -- 7.1.8 is the  
2 new language for leased vehicles, and 7.1.9 is related  
3 to the transportation to a TSDRF. And this is the  
4 change in phrasing and vehicle weight that is shown in  
5 7.0.1.1. This is the language related to businesses  
6 offering a service other than waste transportation and  
7 how they can -- and whether they can transport.

8                   The next section is resource recovery  
9 facilities, and this will cover parts of 4.4, which is  
10 the application process, and section 9, which is the  
11 main part of where the -- the rest of the standards  
12 are. These will impact the owners and operators of  
13 resource recovery facilities. These amendments are  
14 going to clarify permit application requirements,  
15 siting, operation and maintenance, recordkeeping,  
16 reporting, closure requirements.

17                  And then there's the addition of  
18 surface water management requirements and groundwater  
19 monitoring and corrective action requirements. So it  
20 looks like -- so what it looks like is an undesignated  
21 paragraph was -- the applicability was designated.  
22 And then, regarding the application requirements,  
23 again it was realigned across multiple facilities with  
24 clarifications to the plan of operation, engineering

1 report, hydrogeological assessment, and the addition  
2 of financial responsibility for post-closure care.

3 There are only general updates to the  
4 construction and operation, which could include,  
5 again, just typos, grammars, and formatting style  
6 guide. The closure portion of this application  
7 process was realigned with other closure requirements  
8 across various solid waste facilities. And then there  
9 was also just a general clarification of closure  
10 requirements.

11 Within section 9, there's the addition  
12 of wellhead protection area requirements within the  
13 siting. A new subsection was created -- 9.4, which  
14 covers surface water management -- and it has the  
15 addition of general provisions, design requirements,  
16 surface water monitoring requirements, channeling of  
17 runoff requirements, discharge requirements,  
18 stormwater plan requirements, surface water system  
19 maintenance requirements, periodic review of surface  
20 water management system requirements.

21 Then there's also the new subsection,  
22 9.5, which is where the groundwater monitoring and  
23 corrective action requirements can be found. And  
24 those included general provisions, monitoring system



1 design and construction requirements, groundwater  
2 sampling, data evaluation, and data reporting  
3 requirements.

4           Within 9.6, which is the operation and  
5 maintenance standards, there's the addition of minimum  
6 throughput requirements, odor control, ability for  
7 "digital only" report submissions, and then  
8 clarification related to access requirements,  
9 recordkeeping requirements, and facility specific  
10 notification requirements.

11           Within the closure section, there's  
12 clarification of general conceptual closure plan and  
13 closure plan requirements, clarification and addition  
14 of closure report submission requirements, and the  
15 addition of a DE Professional Engineer certification  
16 for closure plans.

17           Within the transfer station related  
18 sections, which include subsections 4.5 and 10.0,  
19 these will impact the owners and operators of transfer  
20 stations. Similar to other one -- to previous  
21 updates, there was clarifications to permit  
22 application requirements, siting, design, leachate  
23 collection and disposal, operation and maintenance,  
24 recordkeeping, reporting, and closure requirements.

1                   Surface water management requirements  
2                   and groundwater and corrective action requirements are  
3                   new additions to section 10. A previously  
4                   undesignated paragraph was designated. As far as the  
5                   application, again realignment of application contents  
6                   across the solid waste facilities, and then  
7                   clarifications within the plan of operation,  
8                   engineering report, hydrogeological assessment,  
9                   environmental assessment requirements.

10                  The construction and operation portion  
11                  of the application, there was clarification on the  
12                  construction certification report. And then, related  
13                  to closure, there is a realignment of closure  
14                  requirements across various solid waste facilities,  
15                  and then clarification of closure requirements for  
16                  transfer stations.

17                  In section 10, the wellhead protection  
18                  area requirements were added into the siting section.  
19                  Clarification of applicability of minimum design  
20                  requirements was added into the design portion.  
21                  Leachate collection and disposal had clarifications of  
22                  applicability of leachate collection and design  
23                  requirements and leachate holding tank requirements.

24                  Subsection 10.5 is the proposed surface

1 water management requirements, and include general  
2 provisions, design requirements, surface water  
3 monitoring, channeling of runoff, discharge, storm  
4 water, surface water management system maintenance,  
5 and a periodic review of surface water management  
6 system requirements.

7 10.6 is the other new portion, which is  
8 groundwater monitoring and corrective action. It  
9 includes general provision requirements, monitoring  
10 system design and construction requirements --  
11 sampling requirements, data evaluation, and data  
12 reporting requirements.

13 Changes within the operation and  
14 maintenance standards -- the addition of odor control  
15 requirements, procedures for excluding the receipt of  
16 hazardous and radioactive waste, addition of facility  
17 specific recordkeeping requirements, and facility  
18 specific notification requirements. The  
19 clarifications included personnel requirements,  
20 recordkeeping requirements, and then annual report  
21 submission requirements.

22 Updates to the cessation and closure  
23 section. There's a realignment of the requirements  
24 and language within various solid waste facilities --

1 this also underwent those changes, clarification of  
2 the requirements for any person seeking to modify  
3 their current permit for closure, and the removal of  
4 duplicitous language from closure plan content  
5 requirements.

6           Within the infectious waste section --  
7 which includes the application portion in 4.6 and then  
8 the rest of the requirements, which could be found in  
9 section 11.0, Part 1 -- these will impact generators  
10 of infectious waste.

11           There -- there are clarifications to  
12 the application requirements, and then general updates  
13 which include style, typographical and grammatical,  
14 references, and inconsistencies with terminology.  
15 Examples include -- the top portion is an example of a  
16 style fix, and the bottom one is an example of  
17 grammatical and internal reference corrections.

18           Within section 11, Part 2, related to  
19 the municipal solid waste ash, this will be -- affect  
20 generators of municipal solid waste ash. Similar to  
21 infectious waste, there were modifications related to  
22 the style guide, entity reference corrections, and  
23 inconsistent terminology. Some examples include  
24 correcting phrasing in the reference to the compliance

1 and permitting section and then matching style to the  
2 style guide.

3 In section 11, Part 3 -- which is  
4 special waste, and specifically related to the coal  
5 combustion residuals -- it is only going to impact  
6 owners and operator of coal combustion residuals  
7 industrial landfills. Modifications including  
8 adjustments via the style guide, typos and grammatical  
9 errors, and inconsistencies in terminology and  
10 phrases. Example of styles and updated phrasing can  
11 be seen.

12 The next portion is related to plastic  
13 carryout bag ban and at store recycling program, and  
14 these fall within section 3, which is the definitions,  
15 and section 13. Owners and operators of stores within  
16 Delaware could be impacted. The -- the main -- the  
17 main portion is the relocation of definitions  
18 applicable to the -- this section have been actually  
19 relocated into this section, and the relocation of  
20 this section before severability has also been done.  
21 Those are major moves.

22 There was a relocation and there were  
23 clarifications to the relocated definitions, and the  
24 addition of some new ones. And film bag requirements

1 and reusable bag requirements are no longer  
2 applicable, so they are being removed.

3 "Manufacturer" definition was added.  
4 The "paper bag" definition was relocated and slightly  
5 modified from its original standing. The "plastic  
6 carryout" definition has been relocated. "Retail  
7 space" has been deleted; it's no longer applicable  
8 to -- standing. "Reusable bag" definition was  
9 modified, and the "store" definition was relocated and  
10 modified.

11 The section 13.5 was added to point  
12 persons to the section where a store may provide a  
13 plastic carryout bag. And then former section 14.3.2  
14 and 14.3.3 were the two sections that were removed, as  
15 they're no longer applicable.

16 This is a list of exhibits. All these  
17 exhibits can be found online on the hearing website.  
18 Exhibit 1 is a copy of the approved Start Action  
19 Notice. Exhibit 2 is a copy of the Regulatory  
20 Flexibility Analysis and Regulatory Impact Statement.  
21 Exhibit 3 is a copy of the December 1 register notice.  
22 Exhibit 4 is proof of publication within Wilmington  
23 News Journal. Exhibit 5 is proof of publication  
24 within the Delaware State News. Exhibit 6 is the

1 public hearing notice from the DNREC website.

2 Exhibit 7 is as it appears on the  
3 Delaware statewide calendar. Exhibit 8 is the notice  
4 of this public hearing as it appears on actually this  
5 webpage -- or on the public hearing website. Exhibit  
6 9 is this example email sent to regulated entities and  
7 interested persons. Exhibit 10 is the letter that was  
8 physically mailed to regulated entities and interested  
9 persons. Exhibit 11 is a copy of this presentation.  
10 And Exhibit 12 is a list of errors and issues found  
11 within the December 1 register of regulations.

12 A note for Exhibit 12, many of the  
13 issues were formatting issues and not substantive  
14 issues, with the exception of a word "of" that was  
15 written instead of the word "or," and that "state"  
16 should have been plural in -- and it was published as  
17 singular.

18 And that concludes my presentation.

19 THE HEARING OFFICER: Thank you,  
20 Ms. Kiliszek. And just to confirm -- the  
21 Exhibit Number 12, as you said, is all of the  
22 corrections that will be eventually posted on the  
23 state register once it's finalized, and you can view  
24 that within Exhibit 12.

1                   And obviously, that concludes your  
2 presentation tonight. I appreciate all the  
3 information that you provided. I have received all  
4 exhibits that were just listed a few minutes ago, and  
5 I hereby mark these exhibits as Department's  
6 Exhibits 1 through 12.

7                   (Department Exhibits 1 through 12 were  
8 marked for identification.)

9                   THE HEARING OFFICER: Now that the  
10 presentation has concluded, we will turn our attention  
11 to those who pre-registered for the opportunity to  
12 offer verbal comment at tonight's hearing. Per of the  
13 protocol set forth on DNREC's public hearing webpage,  
14 those wishing to offer verbal comment during virtual  
15 hearings must have preregistered with DNREC no later  
16 than noon the day of the hearing, which is today.

17                   The order of the commenting tonight was  
18 established as a result of the department's  
19 preregistration process. There are five  
20 pre-registered commenters that will be called upon in  
21 the following order to offer their verbal comment.  
22 First to speak will be Roby Ansted; second, Barbara  
23 Bose; third, Dee Durham; fourth, Elisa King; and  
24 fifth, Bridget Gregory.



1           To assist the commenters with regards  
2 to the amount of time they have, there is a visual  
3 timer that has appeared on the screen, and it will  
4 count down the three minutes. When it is that  
5 speaker's turn to comment, that speaker's audio will  
6 be unmuted, their identity will be confirmed, and the  
7 timer will begin.

8           At the end of the three minutes, the  
9 speaker's audio will be automatically placed on mute.  
10 We will then move on to the next person to be  
11 acknowledged to offer comment. If that speaker is not  
12 able to finish their comment within that three-minute  
13 time period, the department does encourage them to  
14 submit their completed comment in writing no later  
15 than January 21st.

16           All commenters must adhere to the  
17 department's protocols with regard to offering verbal  
18 comment, including respecting the three-minute time  
19 limit, making their comments as concise as possible,  
20 and limiting their comments to this subject matter of  
21 this hearing. There is no yielding of time from one  
22 commenter to another commenter within that three  
23 minutes. No commenter will be granted more than three  
24 minutes to speak for any reason.

1                   If your comment has already been said  
2 by another commenter, please consider not repeating  
3 the same points that are already made. It is  
4 important to note that multiple comments saying the  
5 same thing do not outweigh one singular comment.  
6 Simply put, comments are not votes.

7                   While the department appreciates all  
8 comments received, we will be -- there will be a  
9 zero-tolerance policy in effect for disruptive  
10 behaviors, disparaging remarks, offensive language, or  
11 personal attacks. Also, please note there is no live  
12 video feed of the commenter; it is going to be audio  
13 only. All comments will be transcribed by the court  
14 reporter and thereby be incorporated into the hearing  
15 record.

16                   With that being said, may I please have  
17 Roby Anstett unmuted?

18                   MR. LOOK: As this time, it looks like  
19 Roby is not currently in attendance.

20                   THE HEARING OFFICER: Okay. We do have  
21 one raising their hand. Mr. Look, that may be Roby  
22 Anstett, possibly. Could we have them unmuted to  
23 verify?

24                   MR. LOOK: Of course. One moment.

1 MS. GASTON: I'm -- this is not Roby.  
2 I was raising my hand because I had submitted for  
3 verbal comment earlier. And --

4 THE HEARING OFFICER: Okay. Sorry  
5 about that. So we don't have any registration. If  
6 you did not register prior to 12 p.m. today, then  
7 we --

8 MS. GASTON: I did.

9 THE HEARING OFFICER: You did. Okay.

10 MS. GASTON: Yes.

11 THE HEARING OFFICER: Let me verify  
12 with our system while we move on to the next speaker.  
13 And then -- can I have your first and last name?

14 MS. GASTON: Tiffany Gaston.

15 THE HEARING OFFICER: Okay. Tiffany,  
16 if we can verify your registration, we'll call you --  
17 upon you in that -- at the end. But if not, I do  
18 encourage you to please submit your comment in writing  
19 if we don't have the registration for you.

20 MS. GASTON: Okay. Thank you.

21 THE HEARING OFFICER: No problem.  
22 Thank you.

23 All right. We'll move on to the next  
24 speaker. May I have Barbara Boese please unmuted?

1                   And if you could state your first and  
2                   last name for the record and the company you are  
3                   representing, and then you may begin your comment.

4                   MS. BOESE: I'm -- okay. Let's try  
5                   this again. I'm Barbara Boese; I'm with Claymont  
6                   Community Center, and I am working alongside with  
7                   Plastic Free Delaware. And I believe that they have  
8                   submitted some written comments to DNREC for the  
9                   proposed changes that impact small scale composting.  
10                  I hope you heard me.

11                  THE HEARING OFFICER: I -- we can hear  
12                  you. Go ahead.

13                  MS. BOESE: Okay. The -- our view is  
14                  that the application process for composting, that is  
15                  not -- that it is too onerous, and that it could be  
16                  streamlined to make it more efficient and to encourage  
17                  more composting that is useful to the community as in  
18                  urban gardening, but also that it reduces the landfill  
19                  situation for Delaware.

20                  Can you confirm that you've received  
21                  written comments from Plastic Free Delaware?

22                  THE HEARING OFFICER: All comments that  
23                  have been received so far have been posted to the  
24                  hearing webpage.

1 MS. BOESE: Okay. Then that is the sum  
2 total of my verbal comments.

3 THE HEARING OFFICER: Thank you,  
4 Ms. Boese.

5 May I have Dee Durham unmuted?

6 And then you may begin your comment.  
7 Please state your first and last name and who you're  
8 representing, if you are representing an organization.

9 MS. DURHAM: Yes. Thank you so much.  
10 This is Dee Durham, representing Plastic Free  
11 Delaware. To answer Barbara's question, we haven't  
12 submitted written comments yet, but we will before the  
13 21st -- more detailed comments then we'll provide here  
14 tonight.

15 But we just wanted to thank you for the  
16 opportunity to provide comments and suggestions on the  
17 proposed regulatory changes. We are -- we appreciate  
18 the changes that are proposed but feel they really  
19 need to go a couple steps further, which we will  
20 outline. And we're grateful to the many conversations  
21 we've had with DNREC personnel this year about the  
22 challenges and barriers in the state code and regs and  
23 their, you know, kind of daily interpretation of -- of  
24 those regs.

1                   We've been leading the way in community  
2     composting for the past three years and testing the  
3     code as it applies. It's a relatively new thing in  
4     Delaware, but these sites are not Peninsula, an -- an  
5     operation like Peninsula, that really set back food  
6     scrap composting in Delaware by decades, which is  
7     unfortunate because of its environmental impacts.

8                   Our small community composting sites,  
9     as Barbara alluded to, never have more than 10 and  
10    frankly probably no more than 1 or 2 cubic yards of --  
11    of food scraps and -- and not more than 10 cubic yards  
12    of material total. And they should not be treated as  
13    a -- in the same way as a site like Peninsula.

14                  More in keeping with our neighbors,  
15    such as in Maryland, where they exempt such sites with  
16    no fees and no permit -- onerous permitting processes.  
17    I have some examples where -- you know, one of the  
18    examples is from Barbara's site, the Claymont  
19    Community Center, which because it's zoned  
20    residential -- or it's not -- sorry. It's not zoned  
21    residential. She needs to go through an onerous  
22    permitting and expensive permitting process.

23                  So one of our requests -- I'll just  
24    list them quickly right now. In short, we ask that

1 DNREC revise the regulations again before finalizing  
2 them to make small community composting sites in any  
3 zoning category exempt from fees, and require at most  
4 a simple registration form, rather than a lengthy  
5 complicated permitting application and process.

6 And additionally, we would ask DNREC to  
7 allow small quantities of food scraps being moved from  
8 any zoning category or property type to a community  
9 composting site to not need a waste hauling permit.  
10 Examples of this include the fact that, at our  
11 community composting site at Talley Day Park, our  
12 volunteer members aren't even technically allowed to  
13 pick up coffee grounds at the "Brew HaHa!"

14 And there's another curbside pickup --  
15 small program called WasteWell -- that has a couple  
16 trash cans. It's just a very small quantity. And we  
17 just think, in order to remove significant barriers  
18 and -- which discourage small scale composting and  
19 begin to increase diversion of the large amount of  
20 food scraps -- food scraps going to the landfill,  
21 DNREC needs to take these regs a -- one step further.

22 THE HEARING OFFICER: I appreciate your  
23 comment Ms. Durham. Unfortunately, you did run out of  
24 time. We do encourage you to please submit your

1 comment in writing.

2 We will now move on to the fourth  
3 registered commenter, Elisa King.

4 MS. KING: Hi, my name is Elisa King.  
5 I am the compost program director at Plastic Free  
6 Delaware. I manage our Delaware Community Composting  
7 Initiative to divert food scraps from landfills  
8 through community composting. These sites are small;  
9 they're less than 10 cubic yards of organic materials.

10 Over the last year, I've gained a lot  
11 of insight into how composting is one highly  
12 beneficial way that we can reduce landfill waste, take  
13 direct action to address climate change, improve soil  
14 health and structure, improve water quality and  
15 management. So many benefits, and we can collectively  
16 work together for a common cause improving the social  
17 fabric of Delaware.

18 Community composting is a way for  
19 multiple households and/or businesses, organizations,  
20 schools to participate in the entire process, from  
21 food scrap and plant residue generation to finished  
22 and applied compost. Community composting is low tech  
23 and low cost, providing an easy learning experience  
24 and an economically accessible way of composting.



1 Plastic Free Delaware has one up-and-  
2 running site -- community composting site at the  
3 Talley Day Park in partnership with New Castle County  
4 that currently provides composting opportunity to 30  
5 households that are trained in the process. This year  
6 we aim to expand the program. Currently working with  
7 seven different community partners with potential  
8 community composting sites.

9 The interest to participate in  
10 community composting is great; we've been reaching  
11 thousands of people over the last year with  
12 educational materials. It's generated interest from  
13 residents to schools to businesses and other nonprofit  
14 organizations.

15 Community composting can be the gateway  
16 to larger statewide composting initiatives, proving to  
17 composting businesses that the state is prioritizing a  
18 culture of composting through education and  
19 engagement. But the state and DNREC should prioritize  
20 community composting accessibility in order to  
21 accomplish this essential step.

22 So we of the composting community and  
23 Plastic Free Delaware ask to follow in the footsteps  
24 of neighboring states, such as Maryland and New

1 Jersey, who allow small scale and community composting  
2 sites to be exempt from permanent fees, and include a  
3 scaled down permit application and registration  
4 process. This will also show that DNREC is empowering  
5 Delawareans to address the climate, land, soil, and  
6 water issues impacted by food waste generation.

7 In addition, we ask that school  
8 composting programs to also be exempt from permit fees  
9 and the lengthy permit process. Schools generate a  
10 lot of food that end up in the landfill. Meanwhile,  
11 the process and science of composting can be a  
12 practical and experiential component of STEM  
13 education. And it's really important to reach this  
14 younger generation to create the culture shift from  
15 food waste to food waste prevention, and food as a  
16 resource for composting.

17 And then I will just add, again, that  
18 we would like to have DNREC exempt small and community  
19 scale composting sites from permit fees and assurance  
20 fees, and also to scale back that permit application  
21 process to a simple one-page application or  
22 registration. And also -- there we go.

23 THE HEARING OFFICER: Thank you,  
24 Ms. King. Again, I encourage you to please submit

1 your full written comments, if you wish to do so.

2 We will now move on to Brigid Gregory.

3 MS. GREGORY: Hi there. This is Brigid  
4 Gregory. I am representing myself, public interest.

5 I second all of the comments that were made by  
6 Ms. Durham and Ms. King and Barbara Boese about the  
7 composting. I won't repeat everything they said.

8 But what I will say is I -- one of the,  
9 I think, difficulties is that there is -- because  
10 there is no large food scrap composting in the state  
11 of Delaware and the regulations are challenging and  
12 not inviting for businesses to start in the state,  
13 regardless of whether it's small or large composting,  
14 we are shipping -- a lot of institutions -- large  
15 institutions are shipping their food scraps out of the  
16 state to other states. And therefore, it's becoming  
17 another state's problem.

18 And you know, I kind of have a personal  
19 problem with that, and -- you know, think that the  
20 state needs to do a better job of making handling this  
21 type of material a priority, and -- and coming up with  
22 ways to do it that is both protective of the  
23 environment, but also accessible at multiple levels.

24 And that's where I will end my comment.

1 Thank you.

2 THE HEARING OFFICER: Thank you,  
3 Ms. Gregory.

4 I have checked our registration list,  
5 and those five who had pre-registered were the only  
6 registrants that we had today. Ms. Gaston, if you  
7 could please submit your comment in writing, we'd  
8 appreciate that.

9 That now concludes our comment portion  
10 of tonight's hearing and concludes our hearing.  
11 Again, the record will remain open through Wednesday,  
12 January 21, 2026, for all comments to be submitted.  
13 In a moment, we will get the screen back up for you to  
14 view the various ways to submit your comment that I  
15 went over earlier in the hearing.

16 This hearing has now concluded at  
17 6:53 p.m. Thank you for joining.

18 (Whereupon, at 6:53 p.m., the  
19 proceeding was concluded.)  
20  
21  
22  
23  
24

CERTIFICATE

I, CARLO FLORIO, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



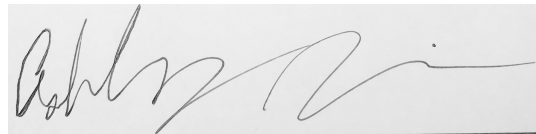
CARLO FLORIO

Notary Public in and for the

State of Delaware

CERTIFICATE OF TRANSCRIBER

I, ASHLEY JEMISON, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A handwritten signature in black ink, appearing to read 'Ashley Jemison', is written over a light gray rectangular background.

ASHLEY JEMISON

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<b>10.6</b> 27:7	37:13	<b>6:02</b> 1:9	<b>accessible</b>
<b>100</b> 1:13	<b>26,000</b> 22:19	<b>6:53</b> 44:17,18	40:24 43:23
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