



START ACTION NOTICE (SAN)

SAN # 2023-02

DOCKET # 2023-R-WH-0005

1. TYPE OF ACTION AND THE REGULATION NUMBER AND NAME:

Amendments to 7 DE Admin. Code 1302, Regulations Governing Hazardous Waste

2. PURPOSE OF ACTION:

The purpose of this action is to adopt federal regulatory amendments required to maintain a delegated, authorized program. The planned revisions include updating the regulations to adopt required federal rules, including the following:

- (1) Modernizing Ignitable Liquids Determinations – Checklist 243
- (2) Canada Import Export Recovery and Disposal Code Changes – Checklist 244

The action will also include state-only amendments, including but not limited to:

- (1) Replacing a state-only requirement that used oil containers and tanks be closed with the requirement that used oil containers and tanks be handled and stored in a manner to prevent ruptures, overfilling, leaks, and spills
- (2) Including a requirement that leaks and spills in satellite accumulation areas be cleaned up immediately

Additionally, the amendments will include corrections to typographical and grammatical errors and corrections to ensure consistency with the *Delaware Administrative Code Drafting and Style Manual*. Examples of these amendments include, but are not limited to:

- (1) Correcting spelling errors
- (2) Correcting punctuation errors
- (3) Correcting formatting errors, including the ensuring proper formatting of references to Delaware Code
- (4) Eliminating the use of the term “and/or”
- (5) Eliminating the use of “(s)” at the end of a word to mean either the singular or plural version of the word
- (6) Addressing the use of “owner or operator,” “owner/operator,” and “owner and operator” to ensure consistency
- (7) Eliminating the use of the section symbol for regulatory references and replacing with the word “Section”
- (8) Replacing “percent” with “%” when referring to a specific number
- (9) Replacing references to “Solid and Hazardous Waste Management Section” with “Compliance and Permitting Section” to reflect the Division’s reorganization

3. STATUTORY BASIS:

Amendments to Delaware’s hazardous waste regulations are proposed and amended in accordance with the provisions found at 7 *Del. C.* §§ 6010(a) and 6305.

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE.

Yes, 42 U.S. Code § 6926 (<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section6926&num=0&edition=prelim>) and 40 CFR Part 271 (<https://www.ecfr.gov/cgi-bin/text-idx?SID=149391fa0b83832ae69b3f9847afb850&mc=true&node=pt40.29.271&rgn=div5>)

5. DATE OF MOST RECENT AMENDMENT/REVIEW (please indicate if review was pursuant to 29 Del.C. §10407):

Most recently amended on January 1, 2021 (effective January 21, 2021). The most recent amendments were not pursuant to 29 Del.C. §10407.

6. LIKELY AFFECTED PUBLIC:

Those affected by the proposed amendments are persons who generate, handle, transport, or dispose of listed or characteristic hazardous waste within the State of Delaware.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Draft amendments – Spring 2023
Publish proposed amendments in Register of Regulations – late Summer 2023
Public Hearing – Fall 2023


8. REVIEW COMMITTEE:

Compliance and Permitting Section staff

9. RESPONSIBLE STAFF MEMBER (name, physical address, phone number and e-mail address):

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Dover, DE 19901
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10. APPROVALS:

 2/28/23
Date

Melissa A. Ferree
Responsible Staff Member

 2/28/23
Date

Timothy T. Ratsep
Director, Division of Waste and Hazardous
Substances

 03/15/23
Date

FOR Shawn M. Garvin
Secretary