



START ACTION NOTICE (SAN)

SAN # 2024-13

DOCKET # 2024-R-WH-0017

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

NEW REGULATION – 1377, REGULATIONS GOVERNING THE TRANSFER OR CLOSURE OF CHEMICAL OR HAZARDOUS SUBSTANCE ESTABLISHMENTS

2. PURPOSE OF ACTION:

In 2008 the General Assembly passed legislation to effectively manage the transfer or closure of establishments that report 1 million pounds of chemicals or hazardous substances that would only become effective upon regulatory promulgation.

In response, and pursuant to the authority granted to the Secretary by Section 9203 of 7 **Del.C.** Ch. 92, Transfer or Closure of Chemical or Hazardous Substance Establishments, the regulations will detail a process for a party seeking to transfer an establishment to submit proper documentation assessing conditions of the site to the Secretary of the Department and other parties to a property transfer prior to that property transfer. Additionally, these regulations will describe financial assurance requirements necessary to ensure appropriate coverage is available to guarantee site stabilization and security.

There may be a financial cost to an establishment associated with obtaining adequate financial assurance to guarantee site stabilization and security.

3. STATUTORY BASIS:

7 **Del.C.** Ch. 92, Transfer or Closure of Chemical or Hazardous Substance Establishments.

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

This proposed regulatory action is not required as a result of federal statute or regulation.

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

This is a new regulation and is not pursuant to 29 **Del. C.** §10407.

6. LIKELY AFFECTED PUBLIC:

Any large quantity hazardous waste generator and any establishment that has reported 1 million pounds or more of chemicals or hazardous substances.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Initiate SAN – January 2025

Prepare draft proposed regulation – June 2025

Hold public workshop – Fall 2025

Publish in monthly Register of Regulations – Winter 2025/2026

Hold public hearing – Spring 2025

8. REVIEW COMMITTEE:

Division of Waste and Hazardous Substances Staff

