



## START ACTION NOTICE (SAN)

SAN # 2024-17

DOCKET # 2024-R-WH-0021

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

Amendments to DE Admin. Code 1203, Reporting of a Discharge of a Pollutant or Air Contaminant.

2. PURPOSE OF ACTION:

The Division of Waste and Hazardous Substances is proposing to amend regulatory requirements for reporting the discharge of a pollutant or an air contaminant as mandated in 7 **Del.C.**, Section 6028. The primary reason for amending this regulation is to point a person to the EPA List of Lists to reflect an accurate chemical list and reportable quantities for those chemicals. Currently, reporting requirements and reportable quantities are provided through the use of a table in the regulation that identifies Delaware specific chemicals and reportable quantities as well as federal chemicals and reportable quantities listed under CERCLA, Section 112(r) of the Clean Air Act (CAA), or Section 311 of the Clean Water Act of 1980.

However, the table published under this regulation is static and has not been updated since 2004. Moreover, when chemicals or amounts of chemicals are added to any federal list identified in the previous paragraph, those changes are not reflected in this regulation.

Amending the table in DE Admin. Code 1203 by removing federal chemicals and associated reportable quantities and pointing the regulated community to the EPA List of Lists that will provide a current list of chemicals and reportable quantities is more efficient and will result in a more effective regulation. Additionally, requiring the Department to review Delaware specific chemicals and reportable quantities is appropriate to account for any regulatory or programmatic changes within the Department.

3. STATUTORY BASIS:

7 **Del.C.**, Chapter 60, Section 6028.

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

No.

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

This regulation was last amended on 7/1/04. This review is not pursuant to 29 Del.C. §10407.

6. LIKELY AFFECTED PUBLIC:

Any person who causes or contributes to an environmental release or to the discharge of an air contaminant into the air, or a pollutant, including petroleum substances, into surface water, groundwater or on land, or disposal of solid waste in excess of any reportable quantity specified under either regulations implementing § 102 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended [42 U.S.C. § 9602], § 311 of the Clean Water Act of 1980, as amended [33 U.S.C. § 1321], or Department regulations.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Workshops – January, 2025  
Publication in Register – March, 2025  
Public Hearing – May, 2025

8. REVIEW COMMITTEE:

Department staff within the Divisions of Water, Air Quality, and Hazardous Substances.

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

Eileen M. Butler, 391 Lukens Drive, New Castle, DE 19720, 302-395-2520, Eileen.Butler@delaware.gov

10. APPROVALS:



10/24/24

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Eileen M. Butler  
Responsible Staff Member

Date

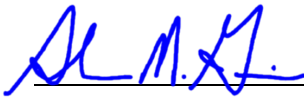


10/24/2024

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Timothy Ratsep  
Director, Division of Waste and Hazardous Substances

Date



1/6/25

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Shawn M. Garvin  
Secretary

Date