



START ACTION NOTICE (SAN)

SAN # 2025-02
DOCKET # 2025-R-WH-0006

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

Amendments to DE Admin. Code 1201, Accidental Release Prevention Regulation

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) Program Levels 2 and 3 emergency planning coordination activities
- (2) Worst case release scenario analysis
- (3) Hazard review
- (4) Operating procedures
- (5) Compliance audits
- (6) Third party audits
- (7) Incident investigation
- (8) Employee participation
- (9) Process hazard analysis
- (10) Hot work permit
- (11) Applicability

Additionally, the amendments will update regulatory requirements specific to Delaware's Accidental Release Prevention program and will include corrections to typographical and grammatical errors and corrections to ensure consistency with the *Delaware Administrative Code Drafting and Style Manual*.

3. STATUTORY BASIS:

Title 7 **Del.C.** Ch. 77, Extremely Hazardous Substances Risk Management Act, and 40 Code of Federal Regulations (CFR) Part 68, Chemical Accident Provisions.

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 required as a result of federal statute or regulation, 40 CFR Part 68.

Federal Register link to 1/13/2017 rule change:

<https://www.govinfo.gov/content/pkg/FR-2017-01-13/pdf/2016-31426.pdf#page=103>

Federal Register link to 12/19/2019 rule change:

<https://www.govinfo.gov/content/pkg/FR-2019-12-19/pdf/2019-25974.pdf#page=81>

Federal Register link to 3/11/2024 rule change:

<https://www.govinfo.gov/content/pkg/FR-2024-03-11/pdf/2024-04458.pdf#page=64>

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

The most recent amendment/review for Admin. Code 1201 was dated April 9, 2004 and was not pursuant to 29 Del. C. §10407.

6. LIKELY AFFECTED PUBLIC:

Owners and operators of facilities that are subject to the requirements outlined in 7 **Del.C.** Chapter 77 in the State of Delaware.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Workshops – June, 2025
Publication in Register – September, 2025
Public Hearing – December, 2026

8. REVIEW COMMITTEE:

Accidental Release Prevention Staff

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:



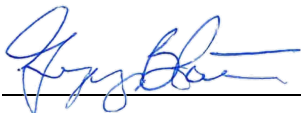
2/26/25

Eileen M. Butler
Responsible Staff Member



2/27/25

Timothy Ratsep
Director, Division of Waste and Hazardous
Substances



March 30, 2025

Gregory Patterson
Secretary