



Resource Recovery Exemption Policy

Division of Waste and Hazardous Substances (WHS), Compliance and Permitting Section (CAPS)

Hazardous waste generators participating in resource recovery may be eligible to receive an exemption from certain waste-end assessment (WEA) fees assessed by the State of Delaware, Compliance and Permitting Section (CAPS) under the authority of 7 Del. Code, Chapter 63, Section 6319.

Resource recovery shall be interpreted as either the recovery of usable product(s) from hazardous waste or the regeneration of a material from hazardous waste. To be eligible for the resource recovery exemption, at least 75% of the waste stream must be recovered as usable product or regenerated. Acutely toxic wastes are not eligible for this exemption.

For hazardous waste generators to be considered for the resource recovery exemption, they must show a voluntary interest in the exemption by indicating "Resource Recovery" in the comments section of each applicable Waste Generation and Management Form (GM Form) of the Hazardous Waste Report. The comment must also include the percent of usable product recovered or the percent of material regenerated. Generators must continue to report the total quantity of hazardous waste generated prior to resource recovery on each GM Form.

The resource recovery exemption will only apply to the recovered usable product or regenerated material and will not include unrecoverable or unregenerated hazardous waste. All unrecoverable or unregenerated hazardous waste will remain subject to WEA fees. For generators that are eligible for this exemption, CAPS will calculate WEA fees based on the percentage of the unrecoverable and unregenerated hazardous waste.

The CAPS will make the determination of the appropriateness of the generator's claim of resource recovery based on the information provided and will notify the generator of the eligibility for exemption.



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