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SPONSOR Rep. Terry and Sen.
Zimmerman

STATE OF DELAWARE
HOUSE OF REPRESENTATIVES
132ND GENERAL ASSEMBLY

JUN 27 1983

HOUSE BILL NO. 353

AN ACT TO AMEND CHAPTER 63, TITLE 7 OF THE DELAWARE CODE
CLARIFYING CERTAIN STATUTORY AUTHORITY OF THE SECRETARY
OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL WITH RESPECT TO HAZARDOUS WASTE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend §6305(a)(3), Chapter 63, Title 7 of the
2 Delaware Code, by inserting immediately after the word
3 "duration" the words "and schedules of compliance".

4 Section 2. Amend §6305(a)(8), Chapter 63, Title 7 of
5 the Delaware Code, by removing the semi-colon ";" and by
6 substituting in lieu thereof the following:

7 "and during such other phases of hazardous waste management
8 as the Secretary deems necessary;"

9 Section 3. Amend §6305(a)(11), Chapter 63, Title 7 of
10 the Delaware Code, by striking the words "permit issuance
11 under §6307(h)(1) of this Title" and by substituting in lieu
12 thereof the following language:

13 "hazardous waste management facilities".

14 Section 4. Amend §6305(a), Chapter 63, Title 7 of the
15 Delaware Code, by replacing the period "." at the end of
16 paragraph (11) with a semi-colon ";" and by adding the
17 following paragraphs to read as follows:

18 "(12) Regulations regarding the reuse, recycling and
19 reduction of hazardous waste;

20 "(13) Regulations, applicable to generators of hazardous
21 waste, as may be necessary to protect human health and the
22 environment, including regulations on recordkeeping practices
23 to identify the types, quantities and constituents of

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1 hazardous waste generated and the disposition of those
2 wastes; regulations on use of appropriate containers for
3 hazardous waste; regulations regarding the furnishing of
4 information of the chemical composition of hazardous waste
5 to persons involved in the management of such hazardous
6 waste; regulations on the use of a manifest system by
7 generators; regulations on submission of reports to the
8 Secretary regarding quantities and disposition of hazardous
9 waste generated during a particular period;

10 (14) Regulations regarding pre-operation review and
11 inspection of hazardous waste management facilities;

12 (15) Regulations regarding location, design, construction
13 and remedial action standards for hazardous waste management
14 facilities;

15 (16) Regulations regarding such public notice and
16 hearing requirements and other related matters as may be
17 deemed necessary to maintain equivalence of the State's
18 program under the Resource Conservation and Recovery Act of
19 1976, P.L. 94-580 including requirements for public notice
20 of draft permits, for public comment periods and requests
21 for hearings and for informal hearings."

22 Section 5. Amend §6306, Chapter 63, Title 7 of the Delaware
23 Code, by adding a new subsection (f) to read as follows:

24 "(f) Any person transporting hazardous waste must report a
25 hazardous waste discharge to appropriate officials and clean up
26 any hazardous waste discharge that occurs during transportation
27 or take such other action as may be required or approved by
28 appropriate officials so that the discharge no longer presents a
29 hazard to human health or the environment."

30 Section 6. Amend §6307(a), Chapter 63, Title 7 of the Delaware
31 Code, by inserting the words "owning or" between the word "person"
32 and the word "operating" where they appear therein.

33 Section 7. Amend §6307(b), Chapter 63, Title 7 of the
34 Delaware Code, by inserting a comma "," and the word "own" between
35 the words "alter" and "or" where they appear therein.

36 Section 8. Amend §6307(h)(1), Chapter 63, Title 7 of the
37 Delaware Code, by striking said subparagraph in its entirety

1 and by substituting a new paragraph (1) to read as
2 follows:

3 "(1) Evidence of financial responsibility including lia-
4 bility insurance in such form and amount as the Department may
5 determine pursuant to duly promulgated regulations, to be necessary
6 to insure that during operation or upon abandonment, cessation or
7 interruption of the operation of the facility or site, all appro-
8 priate measures are taken to remedy or prevent present and future
9 damage to the public health and safety to the environment."

10 Section 9. Amend §6307(j), Chapter 63, Title 7 of the
11 Delaware Code, by striking the comma "," after the word
12 "surveillance" in line 2 and by substituting the words "during
13 operation,".

14 Section 10. Amend §6309(c), Chapter 63, Title 7 of the
15 Delaware Code, by inserting the words " threatened or" between
16 the word "is" and the word "continuing".

17 Section 11. Amend §6312, Chapter 63, Title 7 of the
18 Delaware Code, by striking the period "." and by substituting
19 a comma "," and adding the following language:

20 "except where the Secretary has adopted additional
21 notice and hearing requirements by regulation."

22 Section 12. Amend §6314, Chapter 63, Title 7 of the
23 Delaware Code, by inserting the words "temporary emergency
24 variance or" between the words "no" and "variance".

SYNOPSIS

The purpose of this Act is to clarify the Secretary's authority to promulgate regulations in certain areas of the Hazardous Waste program in order to better protect Delaware's environment and to insure that Delaware's statute is sufficient for final authorization from EPA.