

US EPA ARCHIVE DOCUMENT

PROGRAM DESCRIPTION

ATTACHMENT 2

SECRETARY'S ENFORCEMENT POLICY



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL

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SECRETARY'S ENFORCEMENT POLICY
FOR THE DIVISION OF AIR AND WASTE MANAGEMENT
AND THE DIVISION OF WATER RESOURCES

Dated: April 3, 1987

No. 87-EP-1

I. INTRODUCTION

Achieving and maintaining a high level of compliance with environmental laws and regulations is one of the most important goals of this agency and is an essential prerequisite to realizing the benefits of our regulatory programs. However, in the process of developing an effective enforcement policy at the state level, it is necessary to keep in mind the broad objectives of parallel Federal programs upon which many of our statutes and regulations are based. In addition, we must endeavor to reach an acceptable degree of consistency within the various programs so that the regulated community, as well as concerned and affected parties, will be treated in generally the same manner in similar situations. The following policy therefore, is intended to achieve all 3 objectives - a high degree of compliance, consideration of overall Federal objectives where applicable, and case-by-case consistency within the framework of existing DNREC/DOJ enforcement authorities as set forth in various state statutes.

II. STRUCTURE AND PROCEDURE

Each Division Director shall designate a panel for review of enforcement matters. The Panel shall consist of the Branch Supervisor, the section Manager, the Division Director and/or Deputy Director, Supervisor of Enforcement and a representative of DOJ. It shall be the duty of the Panel to periodically meet and review the status of violations brought to its attention either by program personnel or Environmental Protection Officers. EPO's investigative reports should be filed with the appropriate Branch Supervisor with a copy to the Director. Such reviews shall be performed in accordance with the guidelines set forth in Section III below. Upon completion of the review process, if the decision is made to pursue enforcement action, the matter shall be forwarded to the Secretary with a recommendation as to a proposed enforcement response. After approval or modification of the Panel's recommendation, the Division Director shall refer the violation and approved recommendations to the DOJ for appropriate action, except in the case of minor violations handed by EPO's in J.P. Court as discussed below.

III. GUIDELINES FOR ENFORCEMENT ACTION

In selecting an enforcement response that will be both timely and appropriate for a given violation, the Panel will necessarily have to exercise its collective judgment in a wide variety of factual and legal contexts, many of which cannot be anticipated. When making a determination on the appropriate response in a given case, the Panel will choose from a variety of statutory authorities and will consider a series of fundamental factors.

With respect to enforcement responses, the alternatives available to the Panel are set forth primarily in three statutes:

- 1) 7 Del. C. Ch. 60 - Air, Water, Solid Waste, etc.
- 2) 7 Del. C. Ch. 63 - Hazardous Waste
- 3) 7 Del. C. Ch. 66 - Wetlands

Essentially there are four types of actions under each statute, depending to some extent on the violator's state of mind and the type of harm to be addressed as well as the range of penalties to be sought. These provisions are summarized as follows:

	<u>STATUTE</u>		
<u>RESPONSE</u>	<u>Ch. 60</u>	<u>Ch. 63</u>	<u>Ch. 66</u>
<u>ADMIN. ORDER</u>	\$6018 Cease and Desist Order any violation \$6005(b)(2) Conciliation any violation	\$6309(a) Compliance Order any violation Reasonable penalty based on seriousness and efforts to comply	\$6614 Cease and Desist Order any violation
<u>INJUNCTION</u>	\$6005(b)(2) "continuing or threatening to begin" (Chancery)	\$6309(c) "threatened or continuing or likely to reoccur" (Chancery)	\$6615 Injunction to prevent violation (Chancery)
<u>CIVIL PENALTY</u>	\$6005(b)(1) \$1,000 - 10,000 any violation (Superior Court)	\$6309(b) \$1,000 - 25,000 any violation (Superior Court)	\$6617(c) \$1,000 - 10,000 any violation (Superior Court)

CRIMINAL
PENALTY

<p>\$6013(c) --\$50-- 500 any violation (J.P. Court)</p>	<p>\$6309(f) \$2,500 - 25,000 1 year \$50,000; 2 years "intentional or knowing violation" (Superior Court)</p>	<p>\$6617(b) \$50 - 500 any violation (J.P. Court)</p>
<p>\$6013(b) \$500 - 5,000; 6 months "knowing false statement in application, approval, etc."</p>	<p>\$6309(g) \$500 - 25,000 or 1 year \$50,000; 2 years "knowing false statement" (Superior Court)</p>	<p>\$6617(a) \$500 - 10,000 "intentional or knowing violati (Superior Court</p>
<p>\$6013(a) \$2,500 - 25,000 "willful or negligent violation" (Superior Court)</p>		

It is obvious that all three statutes exhibit the same pattern - a range of responses from administrative orders and J. P. Court Criminal cases through injunctions and civil penalties and finally criminal actions in Superior Court. These Superior Court criminal actions, it should be noted, are the only responses requiring proof of "scienter" or the violator's state of mind. All of the rest merely require evidence that some regulation, order, permit condition etc. has been violated, regardless of any state of mind. This principle serves as a good starting point for a discussion of appropriate responses: Unless there is adequate proof of the requisite state of mind, a criminal prosecution in Superior Court would be ruled out.

Having established the requisite "scienter" however is not necessarily enough to warrant an all out criminal response. The Panel should also consider at least the following factors:

- harm to the environment or health;
- seriousness of the violation;
- duration of the violation;
- notification efforts by the violator;
- previous enforcement history;
- consistency within the program.

After reviewing the matter in light of all of the above, the Panel should then be able to either recommend proceeding with a major criminal effort in Superior Court or to rule out that approach. If the decision is to proceed with a Superior Court criminal case, approval of the Secretary should be immediately obtained and the Department of Justice should be involved through the State Solicitor's office.

Should the Panel rule out Superior Court criminal action, a decision should be made on the remaining options. If the violation is a continuing one or is threatening to begin, some thought should be given to injunctive relief. However, despite clear statutory authority to seek injunctions for any violation, practical experience has shown that such remedies are only available where there is adequate evidence of harm or potential harm to human health or the environment. In the absence of such proof, therefore, such a response should be normally ruled out. As with Superior Court criminal cases, approval of the Secretary and immediate coordination with DOJ is essential.

Generally it will not be difficult to decide on Superior Court criminal cases or injunctions since they usually involve the most extreme violations and environmental harm. If these options have been eliminated, as they usually will be, the more difficult choices will remain among civil penalties in Superior Court, J. P. Court criminal cases and administrative orders. For the most part, Superior Court civil actions should be used for serious violations where the requisite "scienter" is lacking for a major criminal case. Consideration should be given to all of the factors discussed earlier - harm to the environment, seriousness of violations, etc. However, the civil penalty approach raises a variety of issues including the appropriate amount of the penalty, abatement of the problem, installation of pollution control equipment, etc. A decision will also have to be made on whether to litigate the case or resolve it by means of a pre-trial settlement and consent order.

Needless to say, civil penalty cases should usually be settled if the agency's main objectives of achieving compliance, creating a deterrent effect by appropriate penalties and remaining consistent within the framework of each program can be reached. Toward that end, the Division Directors are hereby authorized to develop civil penalty policies which will guide the Panel in arriving at appropriate settlement proposals. These policies shall become part of this enforcement policy once they have been approved by the Secretary and should incorporate the following factors:

- (1) Economic benefit from non-compliance;
- (2) Gravity of the violation;
- (3) Degree of willfulness or negligence;
- (4) Degree of cooperation/noncooperation;
- (5) History of noncompliance;
- (6) Ability to pay;
- (7) Credit projects;
- (8) Unique factors.

Further, any policy must also make special provisions for chronic violators which will include, at a minimum, the concept of escalating penalties for recurring violations. As with the Superior Court criminal and injunctive responses, immediate involvement of DOJ is essential following approval by the Secretary.

In connection with civil cases, it should also be noted that under 7 Del. C. §6005(c) and under 7 Del. C. §6308(4) the Secretary may undertake abatement action and recover the costs from the violator in addition to any other enforcement actions. Cost recovery should always be considered when the Department has expended State funds to address an environmental problem. Since these two statutory provisions differ somewhat in both the circumstances under which cost recovery is available and the scope of recoverable costs, the Panel should carefully review those sections before making a recommendation.

The remaining choices - J. P. Court criminal and administrative orders - have traditionally been handled within this agency without DOJ review although occasionally DOJ guidance may be helpful in more complicated matters or where the case is likely to draw considerable public attention. Presumably, if the Panel has eliminated the three most serious responses, the situation does not yet pose a threat to human health or the environment and each of the factors listed earlier have been discussed and have not yielded significantly negative results. One exception may be the Cease and Desist Order under Chapters 60 and 66 which may be issued unilaterally by the Secretary to bring a serious threat under control and may be used as a first step prior to seeking an injunction.

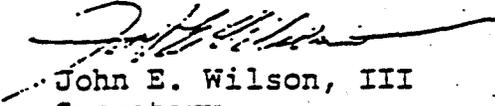
Except for the Cease and Desist situation, administrative orders and J. P. Criminal actions will be reserved for minor violations which do not pose any significant, immediate threat to health or the environment and do not reflect very negative evaluations by the Panel after considering all of the factors listed previously. As a rule of thumb, J.P. Court criminal cases should be used for minor, isolated violations where little or no corrective action is required and where our objective is to bring the matter to the violator's attention. Since it would not be practical or even desirable to require Panel review of every minor violation, the EPO's will continue to prosecute most of these cases directly in J. P. Court, although all of these matters should be reported to the Panel afterward. However, special circumstances such as those having significant public interest, media coverage, involvement of other agencies, etc. may warrant consideration by the Panel. In such cases, the EPO's will be instructed accordingly by the Supervisor of Enforcement after he has consulted with the rest of the Panel to determine if it warrants their attention.

Finally, Administrative Orders are available where there is no immediate threat to health or the environment and our objective is to bring the violator back into compliance so as to avoid further violations. Often, this approach will involve a compliance order with possible penalties and appropriate deadlines for meeting compliance goals and, if unsuccessful, may also be the first step toward more serious enforcement responses.

As noted early on, enforcement must not only be appropriate but must also be timely in order to achieve this agency's objectives. Since no single set of time periods and deadlines may be workable for all programs, the Directors are hereby authorized to develop guidelines which shall become part of this enforcement policy upon approval by the Secretary on what is "timely" enforcement action within each of their respective programs. Necessarily such guidelines will consider resource capabilities, status of investigative efforts, the violator's cooperation or lack thereof, progress toward compliance and enforcement history. Once in place, these guidelines will set the pace for reviewing violations, making recommendations to the Secretary, and referring cases to DOJ for enforcement.

The above enforcement policy shall become effective immediately.

SO ORDERED, this 5th day of April, 1988.


John E. Wilson, III
Secretary

PROGRAM DESCRIPTION

ATTACHMENT 3

HAZARDOUS WASTE MANAGEMENT
ENFORCEMENT STRATEGY

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR AND WASTE MANAGEMENT

HAZARDOUS WASTE MANAGEMENT
ENFORCEMENT STRATEGY

INTRODUCTION

Environmental enforcement is a many-faceted program that ranges from technical advice on correcting deficiencies up to courtroom litigation. The principal objective of enforcement is to achieve an improved environment through compliance with environmental laws and regulations.

The Division's enforcement policy will be firm, fair, and consistent.

We believe that a strong enforcement posture will prove the best deterrent to potential violators. This strategy sets forth a consistent approach for all enforcement cases in Delaware.

The achievement of high rates of environmental compliance in the hazardous waste management program is a primary objective of the State and EPA.

Delaware has received final authorization to administer this program. EPA will provide oversight to ensure that Delaware's program is consistent with national objectives and adequately enforceable.

The Division will place greater emphasis on major polluters of the environment than it has in the past and will find more efficient ways to deal with minor complaints.

The strategy reviews cases where non-compliance is likely to arise and determines the appropriate action by means of a matrix which matches each regulation to the appropriate series of enforcement actions. The intent of this strategy is to provide firm, consistent, equitable, management-supported decisions on violations, preventing decisions from being made reactively and hastily on a case-by-case basis.

STATE-EPA RELATIONSHIPS

It is imperative that all enforcement activities be coordinated closely between the Department and the EPA. (A statement to this effect is included in the memorandum of agreement as part of the State's final authorization. In addition, the state umbrella enforcement agreement with EPA, signed in November, 1984, reiterates the need for close coordination between the two agencies). The Department will use national criteria when evaluating enforcement cases, and the EPA penalty policy will be considered in assessing fines under the RCRA program.

ENFORCEMENT MATRIX

A matrix (shown in the Appendix), which is part of this strategy, defines seven levels of enforcement activity. The levels increase in strength from Letter of Warning, through Notice of Violation, Initial Secretary's Order, Final Secretary's Order, Compliance Order or Compliance Schedule, Civil Action, to Criminal Action. The matrix lists all of the Division's regulations and matches each regulation with an appropriate chain of enforcement actions.

Experience from our inspections and our compliance monitoring program has helped us to determine which enforcement mechanisms are most appropriate for certain kinds of violations. In addition, our permitting process has revealed potential sources of environmentally harmful violations.

EPA strategy establishes a set of minimum standards which the Department must apply. Violations drawing the most severe initial actions will be those which involve danger to human health and the environment, intentional violations, violations that result in a financial gain for the violator, and repeat offenses. These criteria are used throughout the matrix to determine the appropriate enforcement actions for violations of specific regulations. They are also important in considering judicial enforcement as opposed to administrative actions.

To use the matrix, begin by identifying the section of the regulations that has been violated. Then, determine the respective "ranking of violation" by moving from right to left on the matrix. The severity of action increases from a Letter of Warning to a criminal prosecution.

At all times, the ranking must be at least as stringent as the requirements of the national criteria for RCRA. The National High Priority Violator Criteria and a determination of National Class I or II Violation must be used when ranking violators.

A National Class I Violation is a violation that:

- 1) results in a release or serious threat of release of hazardous waste to the environment; or
- 2) involves the failure to assure that groundwater will be protected; or
- 3) prevents proper closure and post-closure activities from being undertaken; or
- 4) results in hazardous waste not being delivered to a permitted or interim-status facility.

Any other violations are Class II violations.

The Department's ranking system is at least as stringent as the National Criteria. In general, the Department's criteria are as follows:

I. Letter of Warning (LOW)

A Letter of Warning is issued for paperwork violations where there is no potential hazard to human health or the environment.

II. Notice of Violation (NOV)

A Notice of Violation is issued for a potential hazard to human health and the environment; for example, in case of a paperwork violation or a minor waste management violation. A Notice of Violation would also be issued for failure to comply with a Letter of Warning.

III. Initial Secretary's Order (ISO)

An Initial Secretary's Order is issued to stop operations whenever a hazard exists. The purpose of the order is fact-finding; it may require a plan for corrective actions as detailed in IV, Final Secretary's Order. An ISO is issued for continued or repeated violation after issuance of the Notice of Violation.

IV. Final Secretary's Order (FSO)

A Final Secretary's Order is issued to stop operations and to order the implementation of corrective actions approved by the Department. For example: A company has submitted a correction plan required by an ISO. The Department approves the corrective plan and issues the FSO.

V. Compliance Order/Schedule (CO)

A Compliance Order or Compliance Schedule is issued to allow a facility to operate while implementing corrective actions which would require considerable time to alleviate a violation. For example: an owner or operator has taken all the required corrective actions except for installing a groundwater monitoring system, evaluating any groundwater contamination, and providing a mechanism for groundwater clean-up. The implementation of the groundwater monitoring program will require considerable time. A Compliance Order or Schedule is issued to allow the company to resume normal business operations while implementing the groundwater monitoring program. The Order or Schedule will require the company to meet specific deadlines. If the Order or Schedule is not adhered to, then the Department could pursue litigation under VI(d) below.

VI. Civil Action (CA)

A Civil Action will be undertaken when at least one of the following occurs:

- a. a negligent act that causes injury or produces an imminent or substantial hazard to human health or the environment;
- b. a violation created by financial constraints of the violating party;
- c. a repeat violation where an NOV, ISO, or FSO has been issued in the past;
- d. noncompliance with a Secretary's Order issued by the Department.

VII. Criminal Action (CRA)

Criminal Action requires at least one of the following:

- a. a knowing act that causes injury to human health or the environment;
- b. a violation that results in a profit for the violating party;

SPECIFIC AREAS OF REGULATION

Tanks

The major enforcement concerns contemplated in the tank regulations are:

- a. underground tanks that cannot be entered for inspection, Section 264.190(b);
- b. design of tanks, Section 264.191;
- c. general operating requirements, Sections 264.192/265.192;
- d. inspection of tanks, Sections 264.194/265.194;
- e. closure of tanks, Sections 264.197/265.197;
- f. special requirements for ignitable, reactive, or incompatible wastes, Sections 274.198-199/265.198-199.

The remaining sections deal with the design and closure of the tank, which are handled through the permitting process. General operating requirements (Section 264.192) specify preventive methods for corrosion, wear, and overfilling. If the overfilling controls were disconnected or the required tank liner were removed without authorization, this would require a significant enforcement action, i.e., at least a Secretary's Order if not a CA

The following are several examples of enforcement actions that would be taken for the violations most likely to be discovered during an inspection:

I or II. Letter of Warning or Notice of Violation

The inspection required by Section 264.194 is not being performed as the inspection schedule indicates. It is not anticipated that enforcement action would be taken any further provided the required corrective action (inspection) is initiated.

III. Initial Secretary's Order

Violations of Section 264.194(a)(4) and (5), pertaining to corrosion, erosion, and leakage, would require a NOV and a concurrent ISO if corrective action were not implemented immediately. The ISO would require that the tank be decommissioned, a study be undertaken to determine the extent of damage or leakage, and construction of a new tank be initiated.

IV or V. Final Secretary's Order or Compliance Order

The following operational violation would probably not be discovered until after a release of hazardous waste:

Ignitable, reactive, or incompatible wastes are mixed in a tank; ISO to stop operating the tank would be issued. Depending on whether any other environmental damage (i.e., leakage onto the ground) occurred as a result of the reaction or the mixing, a FSO could be issued to order corrective action.

VI or VII. Civil or Criminal Action

If investigation revealed evidence that:

- a. the violation was intentional;
- b. the violation caused harm to human health or the environment;

- c. the violation resulted in an economic gain for the company; or
- d. the company was a repeat violator;

then a criminal complaint would be filed. If none of these conditions existed, civil sanctions would be sought.

Surface Impoundments

There are currently two facilities in Delaware which are managing hazardous waste in surface impoundments under Section 265: Diamond Shamrock and Dover Air Force Base. Diamond Shamrock is scheduled for permitting under Part 264 in fiscal year 1986; Dover Air Force Base will close its surface impoundments in 1985.

The regulations in Part 264 apply to owners and operators that have been issued permits by DNREC to treat, store, or dispose of hazardous waste in surface impoundments. The regulations of this subpart are divided into five major areas:

- a. design and operating requirements, Section 264.221;
- b. monitoring and inspection, Section 264.226;
- c. emergency repairs, section 264.227;
- d. closure and post-closure care, section 264.228;
- e. requirements for ignitable, reactive, and incompatible wastes, Sections 264.229-230.

Design standards are violated when the surface impoundment is not constructed in accordance with the specifications detailed in the permit and its compliance schedule. The State has the options of halting construction and/or revoking the permit. Revocation would prevent any operation of the surface impoundment. It is probable, however, that any new facility would be constructed according to standards.

I or II. Letter of Warning or Notice of Violation

Operating requirements are specified in the permit. Any violation would in some way involve mismanagement of the surface impoundment, which would, at the very least, warrant issuance of a LOW or a NOV. A NOV could be issued for not maintaining freeboard, not insuring that alarms or level controllers are working properly (e.g., not following maintenance schedule), or minor violations in dike maintenance (e.g., one animal burrow, drying of vegetative cover).

Most monitoring and inspection violations will be paperwork violations-- most likely lapses in the weekly inspection report or in keeping inspection reports on file for three years. We would expect to see this class of violation more frequently than any other. A LOW could be issued for a minor violation (e.g., missing one or two inspections); a NOV for consistent disregard for inspection requirements.

We would expect common closure and post-closure violations to involve maintenance of the integrity of the vegetative cover (LOW; NOV if serious or uncorrected) and prevention of run-on and runoff from eroding or damaging the final cover (LOW; NOV if serious or uncorrected). Observance of the groundwater monitoring requirements is another important facet of post-closure care. A NOV will be issued for missing a required sampling deadline.

III or IV. Initial or Final Secretary's Order

A Secretary's Order would be issued for more serious violations of the operating requirements -- for example, erosion or overtopping of the dike, consistent mismanagement of normal operations which threatens to cause dike failure, or mismanagement of the leachate collection system.

Violations involving emergency repairs warrant, at the very least, an ISO and/or FSO. If a surface impoundment has a sudden drop in volume, or the dike leaks, it must be removed from service immediately. An ISO which prohibits operation of the impoundment would be the minimal course of action.

V, VI, or VII. Compliance Order, Civil, Criminal Action

Placement of ignitable, reactive, or incompatible wastes into a surface impoundment can have serious repercussions on human health and the environment in addition to violating the specific waste management requirements outlined in the permit. An example of this sort of problem might be the emission of toxic fumes from the impoundment. Such an event would warrant nothing less than a Compliance Schedule for corrective action, with the potential for CA or CRA in the case of serious (i.e., negligent or for-profit) or repeated violations.

CA or CRA will be taken if the monitoring wells are allowed to fall into disrepair. CA will be taken if the dike is overtopped during an unusual storm event. CRA would be taken against the permittee if, due to his failure to correct noted operating deficiencies, an accident (dike failure or overtopping) occurred which caused injury to human health and/or the environment.

In the case of a serious leak or drop in volume which causes damage to human health and/or the environment due to carelessness on the part of the permittee, civil action will be taken. Damage resulting from a knowing act will be cause for CRA.

Incinerators

The enforcement criteria given here assume that a facility has been issued a hazardous waste permit for storage and incineration of listed and characteristic wastes. The actions described below are for the violations of incineration regulations only; storage violations are covered elsewhere.

I. Letter of Warning

Not applicable to incinerator violations.

II. Notice of Violation

Some of the cases in which a NOV is issued are as follows:

- a. visible smoke (high particulates) from the stack;
- b. leak in valves or fittings leading to incinerator;
- c. operating record not maintained in proper order for inspection;
- d. inspection record for emergency waste feed cutoff system and associated alarms not available.

These are some of the cases where, though no accident has yet occurred, the incinerator is being operated in a manner that could cause severe health and environmental problems; for example:

- a. the temperature indicating/recording instrument is malfunctioning;
- b. the carbon monoxide monitoring instrument is not working properly;
- c. the waste feed has been changed without notifying the DNREC;
- d. the instrument for indicating air inlet flow has malfunctioned.

III. Initial Secretary's Order

An ISO to cease incineration is issued when the facility has knowingly or repeatedly operated the incinerator in a manner that could cause severe health and environmental problems, as described in I. above.

IV. Final Secretary's Order

If incineration of hazardous waste continues despite the ISO, the FSO will be used.

V. Compliance Order

A Compliance Order may be issued to require the company to comply with a particular schedule. Examples are schedules for:

- a. cleaning up spill areas close to the incinerator;
- b. repairing particulate emission controls.

VI. Civil Action

If the company continues to incinerate in defiance of the ISO/FSO, and/or has caused a severe danger to the environment/human health, a CA will be brought against the company. Also, if the company has knowingly neglected the routine maintenance of the incinerator, leading to a serious accident a CA is necessary.

VII. Criminal Action

A CRA is necessary when a company willfully violates the regulations for financial or other gains. Also, if there has been any loss of life or severe environmental damage due to repetitive negligence by the company, a CRA must be initiated.

Waste Piles

Currently, there are no waste piles in operation in Delaware. The enforcement actions described below are based on the assumption that the waste pile has been permitted under Part 264.

I. Letter of Warning

Not applicable to waste pile violations.

II. Notice of Violation

A NOV will be issued if:

- a. the waste pile liner has cracks or leaks;
- b. the waste has been placed beyond the boundaries of the liner;
- c. free liquids have been placed in the pile;
- d. no proper operating record is available for inspection.

III or IV. Initial or Final Secretary's Order

The ISO and/or FSO will be issued when:

- a. incompatible wastes have been stored in the same waste pile;
- b. the material stored is attacking the liner;
- c. ignitable or reactive waste has been placed in the pile without being treated to render it nonignitable or noncorrosive.

V. Compliance Order

A CO will be issued when major repair or maintenance work on the waste pile is necessary before it can be allowed to operate.

VI. Civil Action

Continuing contamination of groundwater and severe damage to the environment and/or defiance of the ISO/FSO is cause for a CA. If the company has willfully mismanaged the storage or treatment of hazardous waste in a waste pile or has caused severe environmental damage or groundwater contamination leading to contamination of residential wells or causing health effects on human beings, the CA must be taken.

VII. Criminal Action

Intentional mismanagement that leads to severe damage to health or environment will be cause for a CRA.

Landfills

I. Letter of Warning

LOW will be issued in case of.

- a. incomplete disposal logs;
- b. maintenance problems (i.e., slight erosion of dikes or improper grading of final cover);
- c. late reporting (requirement specified in permit, i.e., groundwater data, quantity of waste, etc.).

II. Notice of Violation

NOV will be issued when a company:

- a. does not respond to a LOW;
- b. does not empty the runoff holding facility within time specified in the permit;
- c. allows the run-on/runoff collection system to deteriorate to the extent that there is a potential threat to the environment.

III or IV. Initial or Final Secretary's Order

ISO/FSO will be issued when:

- a. the owner/operator disposes of incompatible wastes in the same landfill;
- b. reactive or unpermitted wastes are placed in the landfill and there is an observed release to the environment (groundwater, surface water, or air).
- c. neglect of the runoff holding facility leads to an observed release.

V. Compliance Order

CO will be issued when:

- a. dikes associated with the landfill have deteriorated to the point at which the stability is questionable (though there has been no breach);
- b. during permit evaluation, the capacity of a portion of the run-on/runoff collection systems (e.g., pump) does not meet minimum specification.

VI or VII. Civil or Criminal Actions

CA or CRA will be initiated when:

- a. improper storage or disposal of incompatible wastes causes damage to human health, the environment, or another's property;
- b. rupture of a leachate collection or holding facility damages human health, the environment, or another's property.

Land Treatment Units

I. Letter of Warning

Not applicable to land treatment violations.

II. Notice of Violation

NOV will be issued when the owner/operator:

- a. does not maintain the correct pH at the unit;
- b. exceeds maximum application rate;
- c. does not operate and maintain the run-on/runoff control system correctly;
- d. is tardy in submitting required information to the Department.

III or IV. Initial or Final Secretary's Order

ISO/FSO will be issued when:

- a. owner/operator does not operate the facility as specified by permit and causes damage to the environment;
- b. soil pore liquid and soil core sampling indicate hazardous constituents (contamination) have left the treatment zone specified in the permit, and groundwater monitoring indicates contamination (facility should be closed under a Secretary's Order).

V. Compliance Order

Similar to situations under landfill narrative.

VI or VII. Civil or Criminal Action

CA or CRA will be initiated when owner/operator knowingly places reactive waste in the land treatment unit, resulting in harm to human health or the environment.

Groundwater

In developing this part of the strategy, we assume that, when a permit application is reviewed and the permit subsequently issued, the detection monitoring program under Section 264.98 or the compliance monitoring program under Section 264.99 is adequate--i.e., in fulfillment of the requirements of Section 264.97. Should this not be the case, the matrix gives a permit writer the range of enforcement options available to bring the applicant into compliance before the permit is issued.

Here we will consider several scenarios which, though they have not occurred in the past, seem likely to happen at some point in the future.

Naturally, the State is concerned with those infractions most serious in terms

of their threat to potable water supplies. Hence, these scenarios pertain to violation(s) of Subpart F, requiring enforcement action after the facility begins operation.

I or II. Letter of Warning or Notice of Violation

Only paperwork or well-construction violations would result in a LOW or NOV.

III, IV, or V. Initial or Final Secretary's Order or Compliance Order

When hazardous constituents are detected at the compliance point and the owner or operator refuses to institute a compliance monitoring program, an ISO/FSO will be issued.

For facilities under interim status, the State is most concerned that the monitoring system be properly installed and background levels adequately established. Both are critical to assessing the potential for aquifer contamination. The enforcement options available to make companies obtain and report the required information under Sections 265.90-94 would be an ISO/FSO and possibly a Compliance Schedule.

VI or VII. Civil or Criminal Action

When a hazardous constituent exceeds concentration limits in groundwater between the compliance point and the downgradient facility property boundary, and the owner or operator fails to notify the Secretary pursuant to Sections 264.98-99, civil or criminal proceedings will be started immediately. Although the statistical analysis procedure is the subject of some controversy, the notification requirement should still be explicitly followed; permittees always have the option of attaching an addendum stating why they feel the test results are not valid for a

particular sampling. Giving no, or improper, notification will not be tolerated.

Should a corrective action program under Section 264.100 fail to meet the objectives of that program, the State would take CA asking for a judgment based on the damage done to the aquifer(s) in question.

Closure, post-closure, and financial assurance

This narrative describes the enforcement actions the State will take against a company which has improper or inadequate financial assurance instruments in regard to liability requirements under 264.147/265.147 and closure/post-closure cost estimates under 264.142-143/265.142-143.

The scenarios below deal with companies that have already received a valid permit under Section 264 or are operating under Section 265. We assume correctly worded or structured instruments under 264.151. (Should this not be the case, the permit writer has several classes of administrative actions that can be taken to bring the applicant into compliance.) When waste is not actually on site yet, as with new facilities under 264, these classes of actions should be less severe than those below, since the potential threat to the environment is smaller.

I or II. Letter of Warning or Notice of Violation

Not applicable to closure, post-closure, or financial assurance violations.

III, IV, or V. Initial or Final Secretary's Order or Compliance Order

Should a company with the required sudden liability insurance policy have an accident, a Secretary's Order would immediately be issued to cease operations and begin cleanup of the spill.

To bring into compliance a company which is late in obtaining a new financial instrument, a FSO would be issued (ceasing operations until the new instrument is in place).

VI or VII. Civil or Criminal Actions

Should the commencement of a voluntary or involuntary proceeding under 11 U.S. Code (Bankruptcy) occur and the owner or operator fail to notify the Secretary pursuant to Section 264.148(a)/265.148(a), a CA or CRA would ensue.

For example:

- a. The company is affected by one of the problems listed in Section 264.148(b). Should the owner or operator fail to notify the Secretary or to make the required financial assurance or liability coverage arrangements, civil or criminal charges would be filed.
- b. The company says the insurance company will not pay for the cleanup, even though the instrument (policy) is correct under Section 264.151. A civil suit is started, asking for cleanup to be undertaken by the responsible party.

Inspections and compliance monitoring

Inspection frequency and thoroughness are consistent with the national strategy. Specific actions are noted in annual work programs agreed upon between the Department and EPA. The compliance monitoring program has been closely coordinated with our permitting program. It is the Department's belief that personnel involved with permitting best know the facilities and are most qualified to conduct inspections. It is also important for the compliance monitoring activities to be closely coordinated with the enforcement program. Accordingly, meetings

between compliance and enforcement personnel are conducted on a regular basis to determine where enforcement actions should be taken.

We have found it useful in achieving compliance to conduct various types of inspections beyond those required by the RCRA program. Spot inspections, in which no notice is provided to the generator or facility, have given more satisfactory long-term results than announced inspections. It appears, in some cases, that facilities or generators will do a quick cleanup job to meet the upcoming inspection and then allow compliance activities to lag until the next inspection is scheduled. By looking at facilities that have had minor violations, we can schedule spot inspections and correct these problems. Moreover, it appears that the higher the level of management advised of the problem, the more responsive the action taken.

We look carefully at what we term "troubled companies." These are firms which have received NOV's or committed violations under other environmental programs within DNREC. We identify companies with chronic hazardous waste management problems and carefully focus our attention on these companies.

We also plan to use the results of small-quantity-generator surveys, since there may be companies in Delaware that have not become involved in the program. We feel it is appropriate to look at new companies and bring troubled companies into compliance as soon as possible. With information from the surveys, we expect to be able to identify potential problem companies with which we were previously not familiar.

FUTURE ACTIVITIES

Four areas of future activities are of primary importance to us: the 1984 RCRA amendments, integration of solid waste activities into this enforcement strategy, regulatory revision to strengthen enforcement, and enforcement of the Superfund program.

1. RCRA amendments (HSWA)

The new RCRA amendments have established, at least for the time being, a divided program, in which part of the national program is administered by EPA and part by the State. Close coordination with EPA is needed. Accordingly, the Department will make all efforts to adopt federal requirements as soon as possible and will encourage EPA to develop new programs that the State can readily adopt and administer to avoid a split program. If the split does occur, we recommend that a cooperative agreement be reached between the two agencies, especially regarding compliance monitoring and enforcement actions. In addition, further resources for compliance monitoring and enforcement will be necessary.

2. Solid waste enforcement

Under 7 Del. C. Chapter 60 the Secretary of DNREC is authorized to develop and implement a solid waste management program. In 1974, the Department adopted the Delaware Solid Waste Disposal Regulations, which are currently being updated.

Landfills

There are many similarities between the requirements of the hazardous waste land disposal programs and those of the solid waste disposal regulations. The use of liners, leachate collection systems, and monitoring systems is common to both programs. The Department is including solid waste in this

enforcement strategy for overall consistency beyond the scope of RCRA. The enforcement criteria used in the hazardous waste landfill matrix are applicable to the solid waste landfill enforcement criteria.

An out-of-compliance solid waste disposal facility would typically receive a LOW informing the permittee of the deficiency. An operational problem causing environmental harm would result in an action ranging from a NOV to an administrative order. In a more severe case, e.g., where a sanitary or industrial landfill is causing immediately significant pollution problems and no corrective actions are being taken by the permittee, litigation would be pursued.

We have developed a matrix for solid waste disposal facilities comparable to the matrices developed for hazardous waste disposal facilities. The major areas of program administration are solid and industrial waste landfills, disposal of fly ash from fossil-fuel power plants, sludge disposal, the operation of solid waste transfer stations, and the issuance of Department approvals for disposal of inert and other types of less polluting wastes.

The most critical requirements of solid waste landfill enforcement are that groundwater monitoring networks be installed and that the groundwater not be degraded as a result of landfilling. Groundwater protection criteria include the quality and maintenance of the liner, the leachate collection system, a three-foot separation from the seasonal high water table, control of runoff, run-on, and erosion, and the administration and operation of the landfill. NOVs would be issued for groundwater deficiencies or problems, but more severe enforcement actions would be initiated in response to an insufficient groundwater monitoring program or to degradation of the environment.

Fly ash

Fly ash has been a major area of solid waste concern. Public hearings have been conducted for the last several years on the controversial dusting of fly ash from a power plant landfill. As the matrix shows, dusting would result, initially, in the issuance of a NOV. Stronger enforcement actions would be initiated if dusting continues. Other important areas of concern are the daily cover, the final cover, and the use of a chemical binder to hold the fly ash dust in a solid form.

Regulations now under development will help strengthen the Department's fly ash disposal enforcement program.

Sludge disposal

Sludge disposal is another major problem in Delaware. The sludge results from the operation of wastewater treatment plants. Most such sludge has a beneficial use as a fertilizer when applied to soil. There are, however, concerns about the environmental impacts of sludge disposal in the areas of odor control and adequate wastewater treatment (to insure sludge is properly stabilized for land application). Odors can be a nuisance to residents near a sludge disposal site when sludge is applied that has not been properly treated.

Sludge management plans must consider the long-term nitrogen, phosphorus, and potassium chemical balance in the soil and any impact to groundwater and the food chain, including the possibility of contamination by heavy metals or other persistent toxic substances.

Transfer stations

The operation of transfer stations is one of the areas of critical interest within the Department. Within the past year, we have had extensive

involvement with transfer stations in Delaware. Public hearings were held, and controversy continues on what regulatory powers apply to transfer stations. Our solid waste management committee is drafting regulations that would apply to transfer stations. It is critical to monitor the compliance of transfer stations and when necessary to enforce the requirements of Chapter 60 to see that transfer stations operate in an environmentally sound manner. Again, many of the storage requirements of the hazardous waste program will apply here; leaking leachate from a solid waste storage area may pose an environmental problem and must be addressed.

Solid Waste Approvals

Approvals for exemptions to the regulations are required by Section 3.06(b) of the Delaware Solid Waste Disposal Regulation. Written approvals are required for the disposal of demolition debris, the recycling of solid waste, and the disposal of inert waste. A key aspect is the definition of inert waste; in many cases, the Department requires testing of the waste prior to taking action on the approval request. As a matter of policy, a leachate extraction is normally required. The extraction must be clean enough to meet the drinking water standards in order for disposal to be approved. When this is the case, we can eliminate the requirements for a liner and a leachate collection system.

3. Strengthening and clarifying hazardous waste regulations

The revisions now being considered would change the wording of our regulations from a permissive tone to a prohibitive tone. For example, regulations may state that an owner/operator "may approach" a certain limit. We plan to change the language to state that the owner/operator "may not exceed" a certain limit. It has been proven in court that cases are much more successful when regulations are written in a prohibitive fashion.

Certain regulations newly promulgated by the EPA are complex and not easily interpreted by either lay or technical people. We believe that clear and consistent regulations are essential to achieving protection of the environment through voluntary compliance (particularly in dealing with less technically sophisticated small quantity generators). Therefore, we intend to simplify these new regulations as we adopt them (bearing in mind, of course, that our state regulations must always be at least as stringent as the corresponding federal ones).

4. Superfund

Notice, in the Superfund matrix, that for problems arising prior to November 19, 1980 (the implementation date of the RCRA hazardous waste regulations), the Section 106 or 107 orders of CERCLA and the requirements of 7 Del. Code Chapter 60 would be applicable. After November 19, 1980, various types of enforcement could be applied, depending on the case involved.

When an imminent hazard exists, the avenues of enforcement and corrective action are the CERCLA Section 106 orders and the "imminent hazard" provisions of RCRA Section 7003 and 7 Del. Code 6309.

Within the Superfund program we are currently applying the enforcement standards of Chapter 60, Chapter 63, and the standards of the Delaware Solid Waste Disposal Regulation and the Delaware Regulations Governing Hazardous Waste. In many cases, the EPA will apply its enforcement standards under CERCLA and RCRA.

As sites are evaluated through the Preliminary Assessment/Site Inspection (PA/SI) program and the NPL, it is imperative that remedial actions be considered and taken at these sites. Whenever possible, responsible parties will be found to pay for the cleanup of past disposal sites; in many cases

there are parties that are willing to assume the responsibility and clean up a site by working under compliance orders consistent with CERCLA and RCRA or Chapter 60 or 63. However, in some cases, Superfund will have to provide the funds to conduct remedial activities. Litigation will then follow to attempt to secure restitution of public funds spent.

It is resource-efficient to see that responsible parties become involved and take the lead in achieving compliance. Expenditures are reduced when the company directly corrects the problem and avoids significant government intervention, costly litigation, and the cost of third-party consulting fees.

The Superfund program will further expand both statewide and nationally, and many enforcement issues will develop in this program. The Department hopes to obtain the services of a deputy attorney general on a full-time basis to assist in these areas. A more definitive Superfund enforcement strategy will be developed as we receive additional guidance from EPA.

UNDERGROUND STORAGE TANKS (UST)

Underground storage tanks (UST) are now covered by new state legislation (7 Del. Code Chapter 74) as well as by older laws which regulate the contamination of groundwater resources. Additional developments in the UST program will occur both on the federal and state levels; the recently passed RCRA amendments include requirements for UST, and regulations to implement the new state statute are now being drafted.

GMD:jw:lmw:gmd

ENFORCEMENT MATRIX
INTERIM STATUS

SECTIONS 261-263, Parts of 261 of DE Regs Governing Hazardous Wastes

Section	Criminal Action	Civil Action	Compliance Order/Sch.	Final Scv Order	Initial Scv Order	Notice of Violation	Letter of Warning
261.5(a)	X	X			X		
51(a)					X		
.6(b)	X	X			X	X	
.7(a)(2)	X	X		X	X	X	
262.10(g)	X	X		X	X	X	Y
.10(c)	X	X		X	X	X	X
.10(f)	X	X		X	X	X	
.11	X	X		X	X	X	Y
.20(a)	X	X		X	X	X	X
.20(b)				X	X	X	
.20(c)						Y	Y
.20(d)	X	X				X	Y
.30	X	X				X	Y
.31	X	X			X	X	Y
.32	X	X			X	X	Y
.33	X	X			X	X	Y
.34(a)(1)				X	X	X	Y
() (1)					X	X	X
() (2)					X	X	X
(a)(3)						X	X
(a)(4)	X	X				X	X
.34(b)	X	X			X	X	Y
.40				X	X	X	X
.41						X	X
.42						X	X
263.10(c)(1)	X	X		X	X	X	Y
.11	X	X		X	X	X	
.12	X	X		X	X	X	
.20(a)	X	X		X	X	X	
.20(b)				X	X	X	
.20(c)	X	X			X	X	X
.20(d)					X	X	
263.22(a)						X	Y
.30(a)	X	X				X	Y
.30(c)(1)	X	X				X	
.30(d)(1)					X		
.31	X	X			X	Y	Y
265.	X	X			X	X	
265.	X	X			X	X	
() (1)		X			X	X	X

ENFORCEMENT MATRIX
INTERIM STATUS

SECTIONS 261-267, Parts of 265 of RCRA Govern'ng Hazardous Wastes

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Scy Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
265.13(a)(3)	X	X					
.13(a)(4)		X			X	X	
.13(b)					X	X	
.14(a)	X	X			X	X	
.14(c)					X	X	Y
.15(a)		X			X	X	X
.15(b)(1)					X	X	
.15(c)	X	X			X	X	Y
.15(d)					X	X	
.16(a)	X	X			X	X	Y
.16(b)	X	X			X	X	Y
.16(c)					X	X	X
.16(d)(1)						X	Y
.16(d)(2)						X	Y
.16(d)(3)						X	Y
.16(d)(4)						X	X
.16(e)						X	X
.17(a)					X	X	
.17(b)	X	X		X	X	X	
.30	X	X		X	X	X	
.32(a)				X	X	X	
.32(b)						X	Y
.32(c)						X	X
.32(d)						X	X
.33						X	X
.34(a)					X	X	X
.36(b)					X	X	X
.35						X	Y
.37(a)(1)					X	X	Y
.37(a)(2)					X	X	X
.37(a)(4)	X				X	X	Y
265.51(a)					X	X	Y
.52(a)					X	X	X
.52(c)						X	X
.52(d)						Y	Y
.52(e)						X	X
.52(f)						Y	Y
.53						X	X
.55						X	Y
.56(a)(2)					X	X	X
.56(b)						Y	X

HAZARDOUS WASTE
ENFORCEMENT MATRIX
TANKS
SUPPORT J

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Scy Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
265.192(a)	X	X		X	X	X	
192(b)	X	X			X	X	
192(c)		X			X	X	
192(d)		X	X		X	X	
193(a)21		X			X	X	
193(a)211		X			X	X	
265.194(a)1					X	X	
2		X	X	X	X	X	
3					X	X	
4		X	X	X	X	X	
5	X	X	X	X	X	X	
265.197	X	X	X	X	X	X	
265.198(a)1	X	X		X	X		
2	X	X			X		
3	X	X			X	X	
(b)	X	X	X	X	X	X	
265.199(a)	X	X		X	X	X	
(b)	X	X			X	X	
264.199(L)	X	X	X		X	X	
264.191(a)			X		X		
264.192(a)	X	X	X		X	X	X
192(a)1		X	X		X	X	
192(b)		X	X		X	X	
192(b)1		X	X		X	X	
192(b)2		X	X		X	X	
264.194(a)(1)					X	X	
(2)		X	X	X	X	X	
(3)					X	X	
(4)		X	X	X	X	X	
(5)	X	X	X	X	X	X	
194(b)		X	X		X	X	
194(c)	X	X	X	X	X	X	
264.197	X	X	X	X	X	X	
264.198(a)1	X	X		X	X		
a(2)	X	X			X		
a(3)	X	X			X	X	
b	X	X	X	X	X	X	
264.199(a)	X	X		X	X		
(b)	X	X			X		

**ENFORCEMENT MATRIX
SURFACE IMPOUNDMENTS**

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Scy Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
264.221(a)				X	X	X	
.221(a)(1)			X			X	
.221(a)(2)			X			X	
.221(a)(3)			X			X	
262.221(b)						X	
.221(b)(1)							
.221(b)(2)							
.221(b)(3)							
.221(b)(4)							
264.221(c)	X	X	X	X	X	X	
.222(d)	X	X	X	X	X	X	
.222(e)							
.226(a)			X	X	X	X	
.226(a)(1)			X	X	X	X	
.226(a)(2)			X	X	X	X	
.226(b)	X	X	X	X	X	X	
.226(b)(1)	X	X	X	X	X	X	
.226(b)(2)	X	X	X	X	X	X	
.226(b)(3)	X	X	X	X	X	X	
.226(c)	X	X	X	X	X	X	
.226(c)(1)	X	X	X	X	X	X	
.226(c)(2)	X	X	X	X	X	X	
.227(a)	X	X	X	X	X	X	X
.227(a)(1)	X	X	X	X	X	X	
.227(a)(2)	X	X	X	X	X	X	
.227(b)	X	X	X	X	X	X	
.227(b)(1)	X	X	X	X	X	X	
.227(b)(2)	X	X	X	X	X	X	
.227(b)(3)	X	X	X	X	X	X	
.227(b)(4)	X	X	X	X	X	X	
.227(b)(5)	X	X	X	X	X	X	
.227(b)(6)	X	X	X	X	X	X	
.227(c)			X				
.227(d)	X	X	X	X	X	X	
.227(d)(1)	X	X	X	X	X	X	
.227(d)(2)							
.227(d)(3)	X	X	X	X	X	X	
.227(d)(4)	X	X	X	X	X	X	
.227(d)(5)	X	X	X	X	X	X	
.228(a)	X	X	X	X	X	X	
.228(a)(1)	X	X	X	X	X	X	
.228(a)(2)	X	X	X	X	X	X	

ENFORCEMENT MATRIX
SURFACE IMPOUNDMENTS

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Scy Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
.228(a)(2)(11)X		X	X				
.228(a)(2)(111) X		X	X				
.228(a)(2)(111)(A)X		X	X				
.228(a)(2)(111)(B)X		X	X			X	
.228(a)(2)(111)(C)X		X	X			X	
.228(a)(2)(111)(D)X		X	X			X	
.228(a)(2)(111)(E)X		X	X			X	
.228(b)	X	X	X			X	
.228(b)(1)	X	X	X			X	
.228(b)(2)	X	X	X			X	
.228(b)(3)	X	X	X			X	
.228(c)(1)						X	
.228(c)(1)(1)			X				
.228(c)(1)(1i)			X			X	
.228(c)(2)			X			X	
.229(a)	X	X	X	X	X	X	
.229(a)(1)	X	X	X	X	X	X	
.229(a)(2)	X	X	X	X	X	X	
.229(b)	X	X	X	X	X	X	
.229(c)	X	X	X	X	X	X	
.330	X	X	X	X	X	X	

**ENFORCEMENT MATRIX
INCINERATOR**

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Secy Order</u>	<u>Initial Secy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
263.340(a)							
(b)(1)	X	X		X	X	X	
(b)(2)	X	X		X	X	X	
(b)(3)	X	X		X	X	X	
(b)(4)	X	X		X	X	X	
.341(a)					X	X	
(b)					X	X	X
(c)					X	X	X
.345	X	X			X	X	X
.347(a)	X	X		X	X	X	
(b)				X	X	X	
.351	X	X		X	X	X	
264.340(a)					X		
(b)	X	X		X	X	X	
(c)	X	X		X	X	X	
(d)	X	X		X	X	X	
.341(a)					X		
(b)					X	X	
.342(a)					X	X	
(b)(1)							
(b)(2)							
.342(b)	X	X		X	X	X	
(b)	X	X		X	X	X	
(c)	X	X		X	X	X	
(d)	X	X		X	X	X	
.344(a)(1)	X	X		X	X	X	
(a)(2)	X	X		X	X	X	
(b)	X	X		X	X	X	
(c)(1)	X	X		X	X	X	
(c)(2)					X	X	
(c)(3)		X		X	X	X	
(c)(4)		X		X	X	X	
.345(a)	X	X		X	X	X	
(b)(1)	X	X		X	X	X	
(b)(2)	X	X		X	X	X	
(b)(3)	X	X		X	X	X	
(b)(4)	X	X		X	X	X	
(b)(5)	X	X		X	X	X	
(b)(6)	X	X		X	X	X	
(c)	X	X		X	X	X	
(d)(1)	X	X		X	X	X	

ENFORCEMENT MATRIX
INCINERATOR

PAGE 2

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Rcy Order</u>	<u>Initial Scv Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
(d)(7)	X	X		X	X	X	
(d)(3)	X	X		X	X	X	

ENFORCEMENT MATRIX
WASTE PILE

<u>Section</u>	<u>Primal</u> <u>Action</u>	<u>Civil</u> <u>Action</u>	<u>Compliance</u> <u>Order/Sch.</u>	<u>Final</u> <u>Rev</u> <u>Order</u>	<u>Initial</u> <u>Rev Order</u>	<u>Notice of</u> <u>Violation</u>	<u>Letter of</u> <u>Warning</u>
264.20(a)							
(c)(1)	X	X		X	X	X	
(c)(2)	X	X		X	X	X	
(c)(3)	X	X		X	X	X	
(c)(4)	X	X		X	X	X	
251(a)(1)	X	X		X	X	X	
(a)(2)	X	X		X	X	X	
(b)							
(c)	X	X		X	X	X	
(d)	X	X		X	X	X	
(e)	X	X		X	X	X	
(f)	X	X		X	X	X	
(g)							
254(a)(1)	X	X		X	X	X	
(2)	X	X		X	X	X	
(b)(1)	X	X		X	X	X	
(2)	X	X		X	X	X	
(3)	X	X		X	X	X	
256(a)(1)	X	X		X	X	X	
(2)	X	X		X	X	X	
(b)	X	X		X	X	X	
57(a)	X	X		X	X	X	
(b)	X	X		X	X	X	
(c)	X	X		X	X	X	
58(a)	X	X		X	X	X	
(b)	X	X		X	X	X	
(c)(1)(A)	X	X		X	X	X	
(c)(1)(B)	X	X		X	X	X	
(2)	X	X		X	X	X	
264.20(a)	X	X		X	X	X	
(b)	X	X		X	X	X	
(c)	X	X		X	X	X	
(d)	X	X		X	X	X	
(e)	X	X		X	X	X	
(f)	X	X		X	X	X	
259	X	X		X	X	X	
264.20	X	X		X	X	X	
2				X	X	X	

ENFORCEMENT MATRIX
WASTE FILE

Page 2

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Rev Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
265.252		X		X	X	X	
265.253(a)(1)	X	X		X	X	X	
265.253(a)(2)	X	X		X	X	X	
265.253(a)(3)	X	X		X	X	X	
265.253(a)(4)	X	X		X	X	X	
265.253(b)(1)	X	X		X	X	X	
265.253(b)(2)	X	X		X	X	X	
265.256(a)(1)	X	X		X	X	X	
265.256(a)(2)	X	X		X	X	X	
265.257(a)	X	X		X	X	X	
265.257(b)	X	X		X	X	X	
265.257(c)	X	X		X	X	X	
265.258(a)	X	X		X	X	X	
265.258(b)	X	X		X	X	X	

ENFORCEMENT MATRIX
LANDFILL

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Rcy Order</u>	<u>Initial Rcy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
265.302a	X	X	X	X	X	X	X
.302b	X	X	X	X	X	X	X
.302c	X	X	X	X	X	X	X
.302d	X	X	X	X	X	X	X
.302e	X	X	X	X	X	X	X
.309a							
.309b							
.310a	X	X	X	X	X	X	X
.310b			X		X	X	
.310c			X		X	X	X
.310d	X	X	X	X	X	X	X
.312a	X	X	X	X	X	X	X
.312b	X	X	X	X	X	X	X
.313	X	X	X	X	X	X	X
.314a	X	X	X	X	X	X	X
.314b	X	X	X	X	X	X	X
.315	X	X	X	X	X	X	X
.316	X	X	X	X	X	X	X
264.301a	X	X	X	X	X	X	X
.301b	X	X	X	X	X	X	X
.301c	X	X	X	X	X	X	X
.301d	X	X	X	X	X	X	X
.301e	X	X	X	X	X	X	X
.301f	X	X	X	X	X	X	X
.303a	X	X	X	X	X	X	X
.303b	X	X	X	X	X	X	X
.309a			X			X	X
.309b			X			X	X
.310a	X	X	X	X	X	X	X
.310b	X	X	X	X	X	X	X
.312a	X	X	X	X	X	X	X
.312b	X	X	X	X	X	X	X
.313	X	X	X	X	X	X	X
.314a	X	X	X	X	X	X	X
.314b	X	X	X	X	X	X	X
.315a	X	X	X	X	X	X	X
.315b	X	X	X	X	X	X	X
.316a	X	X	X	X	X	X	X
.316b	X	X	X	X	X	X	X
.316c	X	X	X	X	X	X	X

ENFORCEMENT MATRIX
LAND TREATMENT

<u>Section</u>	<u>Drainage Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Sec Order</u>	<u>Initial Sec Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
265-272b	X	X	X	X	X	X	
.272c	X	X	X	X	X	X	
.272d	X	X	X	X	X	X	
.272e	X	X	X	X	X	X	
.273a	X	X	X	X	X	X	
.273b	X	X	X	X	X	X	Y
.276a			X	X	X	X	Y
.276b			X	X	X	X	Y
.276c			X	X	X	X	
.278a	X	X	X	X	X	X	
.278b	X	X	X	X	X	X	X
.278c			X	X	X	X	Y
.279			X			X	Y
.280a			X			X	Y
.280b			X			X	Y
.280c			X			X	Y
.280d	X	X	X	X	X	X	Y
.280e			X			X	Y
.280f			X			X	Y
.280g	X	X	X	X	X	X	X
.281a	X	X	X	X	X	X	
.281b	X	X	X	X	X	X	
.281c	X	X	X	X	X	X	
266-271a	X	X	X	X	X	X	Y
.272a			X			X	Y
.272b			X			X	Y
.272c			X			X	Y
.272d	X	X	X	X	X	X	X
.272e	X	X	X	X	X	X	Y
.272f	X	X	X	X	X	X	Y
.272g	X	X	X	X	X	X	Y
.272h	X	X	X	X	X	X	Y
.272i	X	X	X	X	X	X	Y
.272j	X	X	X	X	X	X	Y
.272k	X	X	X	X	X	X	Y
.272l	X	X	X	X	X	X	Y
.272m	X	X	X	X	X	X	Y
.272n	X	X	X	X	X	X	Y
.272o	X	X	X	X	X	X	Y
.272p	X	X	X	X	X	X	Y
.272q	X	X	X	X	X	X	Y
.272r	X	X	X	X	X	X	Y
.272s	X	X	X	X	X	X	Y
.272t	X	X	X	X	X	X	Y
.272u	X	X	X	X	X	X	Y
.272v	X	X	X	X	X	X	Y
.272w	X	X	X	X	X	X	Y
.272x	X	X	X	X	X	X	Y
.272y	X	X	X	X	X	X	Y
.272z	X	X	X	X	X	X	Y
.273a	X	X	X	X	X	X	Y
.273b	X	X	X	X	X	X	Y
.273c	X	X	X	X	X	X	Y
.273d	X	X	X	X	X	X	Y
.273e	X	X	X	X	X	X	Y
.273f	X	X	X	X	X	X	Y
.273g	X	X	X	X	X	X	Y
.273h	X	X	X	X	X	X	Y
.273i	X	X	X	X	X	X	Y
.273j	X	X	X	X	X	X	Y
.273k	X	X	X	X	X	X	Y
.273l	X	X	X	X	X	X	Y
.273m	X	X	X	X	X	X	Y
.273n	X	X	X	X	X	X	Y
.273o	X	X	X	X	X	X	Y
.273p	X	X	X	X	X	X	Y
.273q	X	X	X	X	X	X	Y
.273r	X	X	X	X	X	X	Y
.273s	X	X	X	X	X	X	Y
.273t	X	X	X	X	X	X	Y
.273u	X	X	X	X	X	X	Y
.273v	X	X	X	X	X	X	Y
.273w	X	X	X	X	X	X	Y
.273x	X	X	X	X	X	X	Y
.273y	X	X	X	X	X	X	Y
.273z	X	X	X	X	X	X	Y

ENFORCEMENT MATRIX
LAND TREATMENT

PAGE 2

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Scy Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
.277			X			X	X
.278g	X	X	X	X	X	X	X
.278h	X	X	X	X	X	X	X
.279			X			X	X
.280a	X	X	X	X	X	X	X
.280b	X	X	X	X	X	X	X
.280c	X	X	X	X	X	X	X
.281a	X	X	X	X	X	X	X
.281b	X	X	X	X	X	X	X
.24?	X	X	X	X	X	X	X

ENFORCEMENT MATRIX
GROUNDWATER PROTECTION
SUBPART F

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Scy Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
264.91(a)(1)	X	X	X	X	X		
(2)	X	X	X	X	X		
(3)	X	X	X	X	X		
(4)	X	X	X	X	X		
(c)1-4	X	X	X	X	X		
.92	X	X	X	X	X	X	
.97(a)(1)	X	X	X	X	X		
(2)	X	X	X	X	X	X	
(b)-(h)		X	X	X	X	X	X
.58(a)			X	X		X	
(b)	X	X	X	X		X	X
(d)	X	X	X	X	X		
(e)				X	X	X	
(f)				X	X	X	X
(g)	X	X		X	X	X	X
(h)(1)	X			X	X	X	
(2)	X	X					
(3)1-11		X	X	X		X	
(4)	X	X	X	X	X		
(5)	X	X	X	X	X	X	X
(1)(1)	X			X	X	X	X
(2)-(4)	X	X	X	X	X		
.99(a)(1)-(4)	X	X	X	X	X	X	
(b)	X	X	X	X	X	X	X
(c)(1)1-11				X	X		
(d)	X	X		X	X	X	X
(e)	X	X		X	X	X	
(f)	X	X		X	X	X	
(g)				X	X	X	
(h)				X	X	X	X
(1)(1)	X			X		X	
(2)1-11		X	X		X	X	
(1)(1)-(2)		X	X		X	X	
100(b)	X		X		X	X	

ENFORCEMENT MATRIX
GROUNDWATER PROTECTION
SUPPORT V

PAGE 2

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Scy Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
264.101 - 264.109 (Reserved)							
265.90(a)	X	X	X	X	X		
(b)	X	X	X	X	X		
(c)	X	X	X	X	X		
(2)(1)	X	X		X			
(2)	X	X		X		X	Y
(3)	X	X		X		X	X
(4)	X	X		X		X	Y
(5)				X		X	X
.91(a)-(d)	X	X	X	X	X	X	
.92(a)-(e)			X	X	X	X	X
.93(a)-(f)	X	X	X	X	X	X	
.94(a)	X	X	X	X	X	X	
(b)				X	X	X	X

ENFORCEMENT MATRIX
 CLOSURE AND POST CLOSURE
 SUPPORT G

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Scy Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
265.111(a)(b)	X	X		X			
.112(a)1-4	X	X		X			
.112(c)	X				X	X	X
.113(b)	X	X	X	X	X		
.114	X			X	X		
.117(a)-(d)	X	X	X	X	X		
.113(a)	X	X	X	X	X	X	X
.113(b)	X	X	X	X	X	X	X
.113(c)	X	X		X		X	X
.113(f)	X	X		X		X	X
.119		X		X		X	X
.120		X		X			
264.111(a)(b)	X	X	X	X			
.112(a)1-4	X	X	X	X	X		
.112(c)	X				X	X	X
.113(b)	X	X	X	X	X		
.114	X		X				
.117(c)1-2	X	X	X	X	X	X	
.118(a)	X	X	X	X	X	X	X
.118(b)	X	X	X	X	X	X	X
.118(c)	X	X		X		X	
.119	X	X		X		X	X
.120(a)		X		X		X	
.120(b)		X		X			

ENFORCEMENT MATRIX
FINANCIAL REQUIREMENT
SUBPART H

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Sec Order</u>	<u>Initial Sec Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
265.142(a)	X	X		X	X	X	Y
.142(b)	X	X		X	X	X	X
.142(c)	X	X		X	X	X	X
.143(a)-(g)	X	X	X	X	Y	X	Y
.144(a)				X		X	X
.144(b)				X		X	X
.144(c)				X		X	X
.144(d)				X		X	X
i .145(a)-(e)	X	X	X	X	Y	X	X
.145(g)	X	Y					X
.147(a)	X	X		X			
.147(a)(1)							
.147(b)	X	X		X		X	Y
.147(d)	X			X			
.147(f)				X			
.148(a)	X	X					
264.142(a)	Y	X		X			
(b)	Y	X			X	X	X
.142(c)	X	X		X	X	X	X
.142(d)				X	X	X	X
.143(a)-(g)	X	X	X	X	X	X	X
.144(a)				X	X	X	X
.144(b)				X	X	X	X
.144(c)				X	X	X	X
.144(d)				X	X	X	X
.145(a)-(e)	Y	X	X	X	X	X	X
.145(g)	X	X		X	X	X	X
.147(a)	X	X		X			
.147(1)(1)							
.147(b)	X	X		X		X	Y
.147(c)	X			X			
.147(d)				X			
.147(e)				X		X	X
.148(a)	X	X					
.151(a)-(1)	X	X		X	X	X	Y

SOLID WASTE
ENFORCEMENT MATRIX
LANDFILLS

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Sec Order</u>	<u>Initial Sec Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
6.03 & 7.03 Permit Application					X	X	Y
Wt. & Daily Volumee				X	X	X	Y
Access Control	X	X		X	X	X	Y
Equipment	X	X	X	X	X	X	Y
Personnel, Superv.	X	X		X	X	X	Y
Liner	X	X	X	X	X	X	Y
Leach. Col.	X	X	X	X	X	X	Y
Ground Water Mon.	X	X	X	X	X	X	X
Three (3) ft. sep. from Water Table	X	X	X	X	X	X	
100 ft. from surf. water	X	X	X	X	X	X	Y
Rainwater drainage & Standing Water Control	X	X	X	X	X	X	Y
Erosion Control	X	X	X	X	X	X	Y
Gas Control	X	X	X	X	X	X	Y
Compaction of Wastes		X	X	X	X	X	X
Daily Cover	X	X	X	X	X	X	X
Final Cover	X	X	X	X	X	X	X
Cover Material	X	X	X	X	X	X	Y
Salvage		X	X	X	X	X	Y
Scavenging & Animal Feeding	X	X	X	X	X	X	X
Completed Sections for cracks & erosion	X	X	X	X	X	X	Y
Bulky Wastes		X	X	X	X	X	X
Odorous Wastes	X	X	X	X	X	X	Y
Special Solid Waste	X	X	X	X	X	X	X
6.03(i) & 7.03(h)			X	X	X	X	X
Completion of Landfill Notification	X	X	X	X	X	X	Y
Crack & Erosion Control	X	X	X	X	X	X	X
Groundwater Mon.	X	X	X	X	X	X	X
Gas Mon.	X	X	X	X	X	X	X
Leach. Treatment	X	X	X	X	X	X	Y

SOLID WASTE
ENFORCEMENT MATRIX
FLY ASH

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Scy Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
Reuse	X	X	X	X	X	X	X
Air Quality	X	X	X	X	X	X	X
Noise	X	X	X	X	X	X	X
Groundwater Qual.	X	X	X	X	X	X	X
FROM PAST PERMITS							
Dusting	X	X	X	X	X	X	X
Daily Cover (Chem binder)	X	X	X	X	X	X	X
Final Cover (Chem Binder)	X	X	X	X	X	X	X
Runoff Control	X	X	X	X	X	X	X
Access Control	X	X	X	X	X	X	X
Emergency System	X	X	X	X	X	X	X
Personnel Superv.	X	X	X	X	X	X	X
Spillage Control	X	X	X	X	X	X	X

SOLID WASTE
ENFORCEMENT MATRIX
SLUDGE DISPOSAL

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Scy Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
Permit	X	X	X	X	X	X	X
Pathogen Reduction	X	X		X	X	X	X
Soil	X	X	X	X	X	X	X
2 ft. sep. from water table	X	X		X	X	X	X
Infection, Grazing	X	X	X	X	X	X	X
Pasture application	X	X	X	X	X	X	X
Pasture application	X	X	X	X	X	X	X
100 ft. from stream	X	X	X	X	X	X	X
AND							
300 ft. from occupied buildings	X	X	X	X	X	X	X
Lining & Odor Control	X	X	X	X	X	X	X
Class I sludge, appl. food chain	X	X	X	X	X	X	X
Class II Sludge appl. nonfood chain	X	X	X	X	X	X	X
Class III sludge landfill	X	X	X	X	X	X	X
Sludge Analysis	X	X	X	X	X	X	X
Soil Analysis	X	X	X	X	X	X	X
Crops	X	X	X	X	X	X	X
Groundwater Mon.	X	X	X	X	X	X	X
Reporting	X	X	X	X	X	X	X
Public Distrib. of sludge	X	X	X	X	X	X	X

**SOLID WASTE
ENFORCEMENT MATRIX
TRANSFER STATIONS**

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Scy Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
Permits		X	X	X	X	X	X
Leach & Surf. water Col. & Disposal	X	X	X	X	X	X	X
Enclosure	X	X	X	X	X	X	X
Pad & Hopper	X	X	X	X	X	X	X
Water for washdown	X	X	X	X	X	X	X
Odor Control	X	X	X	X	X	X	
Vector Control	X	X	X	X	X	X	
S.O.	X	X	X	X	X	X	X
Daily cleaning		X	X	X	X	X	X
Waste pick-up		X	X	X	X	X	X
PA by waste operator	X	X	X	X	X	X	X
Operator	X	X	X	X	X	X	X
Water treatment							
Disp.	X	X	X	X	X	X	X
Police	X	X	X	X	X	X	

SOLID WASTE
ENFORCEMENT MATRIX
APPROVALS

<u>Section</u>	<u>Criminal Action</u>	<u>Civil Action</u>	<u>Compliance Order/Sch.</u>	<u>Final Scy Order</u>	<u>Initial Scy Order</u>	<u>Notice of Violation</u>	<u>Letter of Warning</u>
Disposal of agric. wastes on farm			EXEMPT				
Disposal of dirt, sand, etc for land elevating			EXEMPT				
Demolition Debris	X	X	X	X	X	X	X
One time demolition debris		X		X	X	X	X
Composting	EXEMPT						
Recycling		X	X	X	X	X	X
Brush Piles	EXEMPT						
Storage of inert	EXEMPT						
Disposal of inert	X	X	X	X	X	X	X

SUPERFUND AND OTHER LEGAL ACTIONS

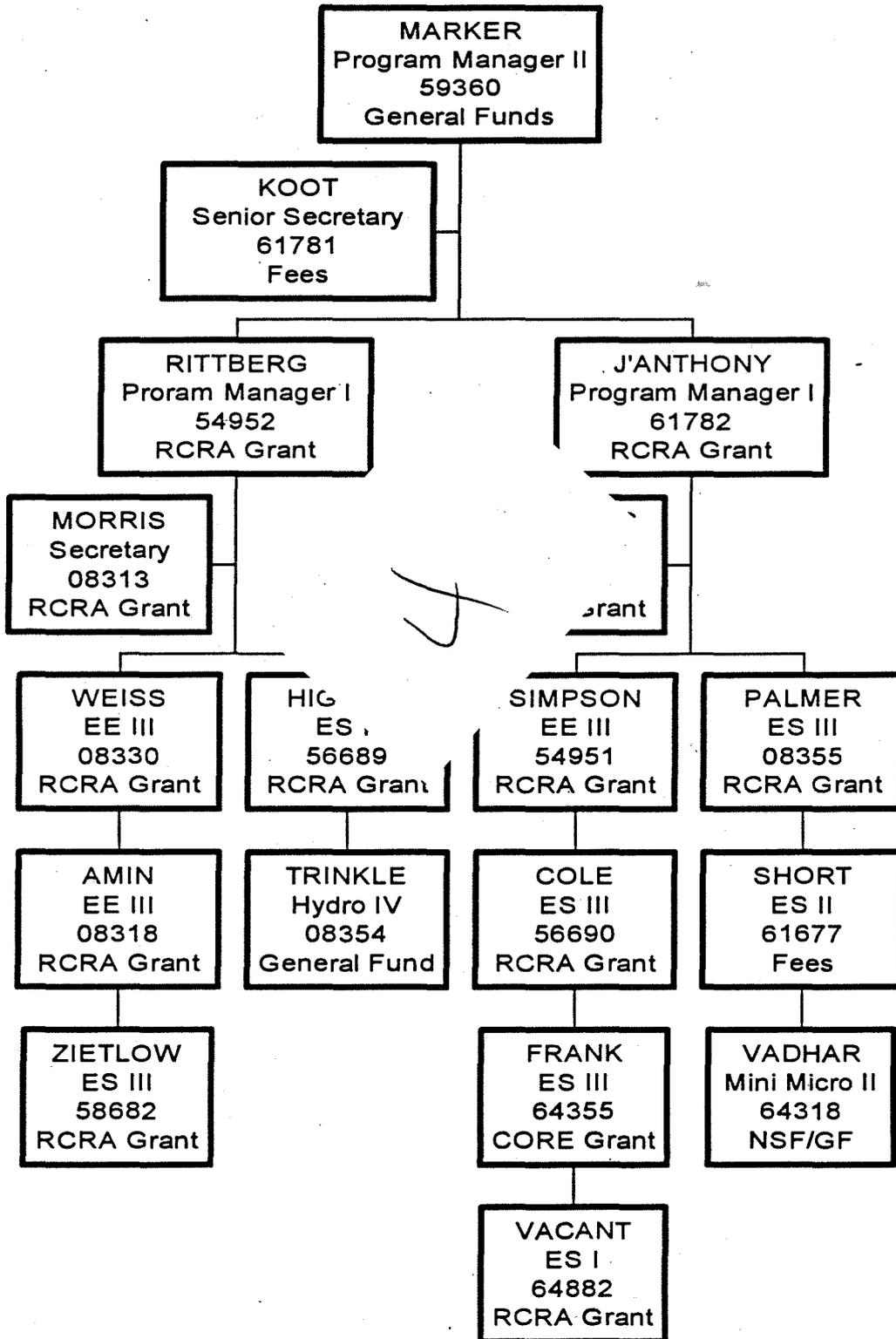
	<u>106 CERCLA Orders</u>	<u>107 CERCLA Orders</u>	<u>7003 RCRA Suits</u>	<u>7 Del. C. ch. 67</u>	<u>7 Del. C. ch. 60</u>
Substance prob prior to Nov. 19, 1980	X	X			X
Substance prob after Nov. 19, 1980	X	X	X	X	X
Waste prob prior to Nov. 19, 1980	X	X			X
Waste prob after after Nov. 19, 1980			X	X	X
Imminent Hazard	X		X	X	
Hot Site	X	X		X	X
LUST					X

PROGRAM DESCRIPTION

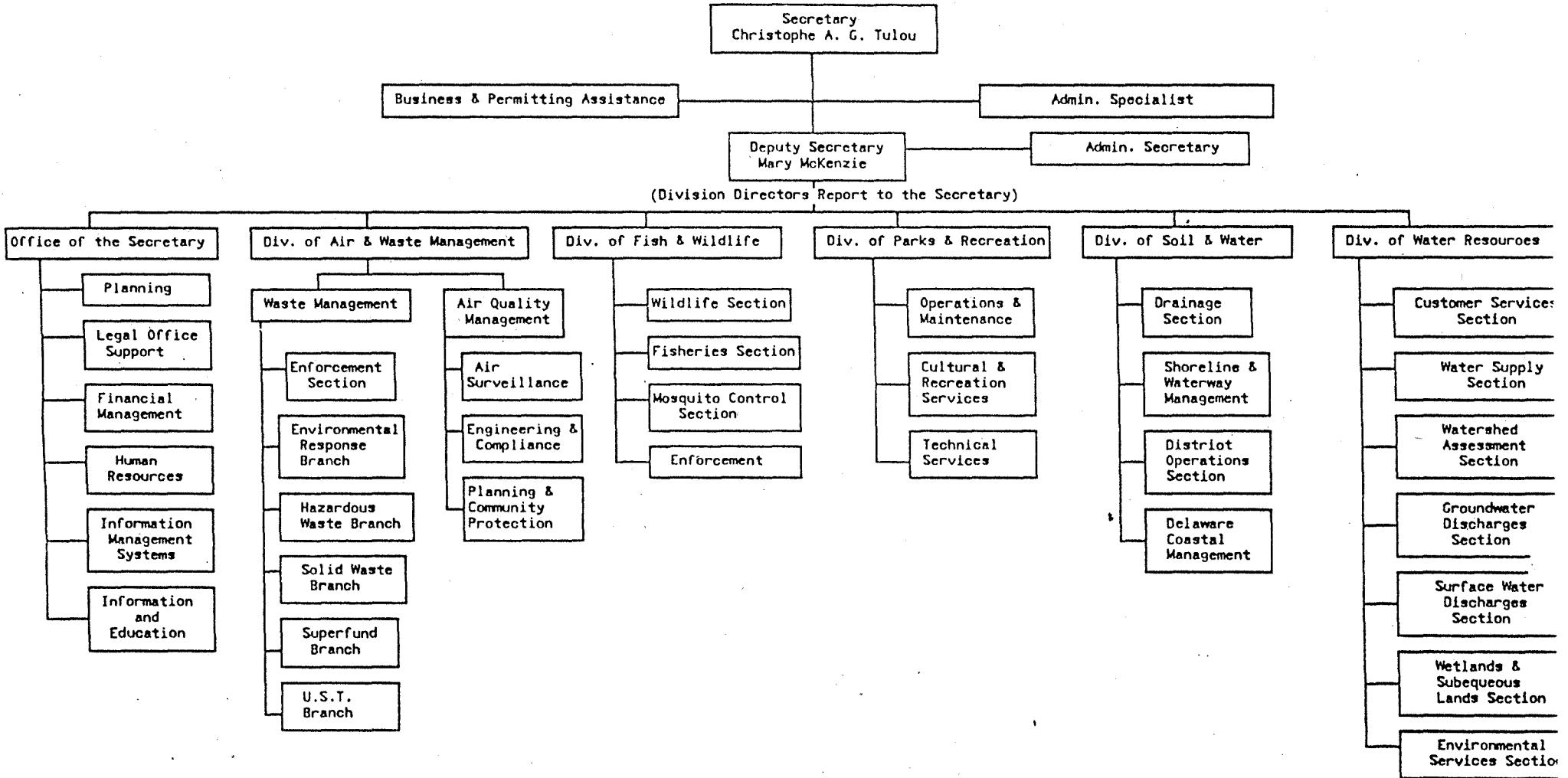
ATTACHMENT 4

HAZARDOUS WASTE MANAGEMENT
ORGANIZATION CHART

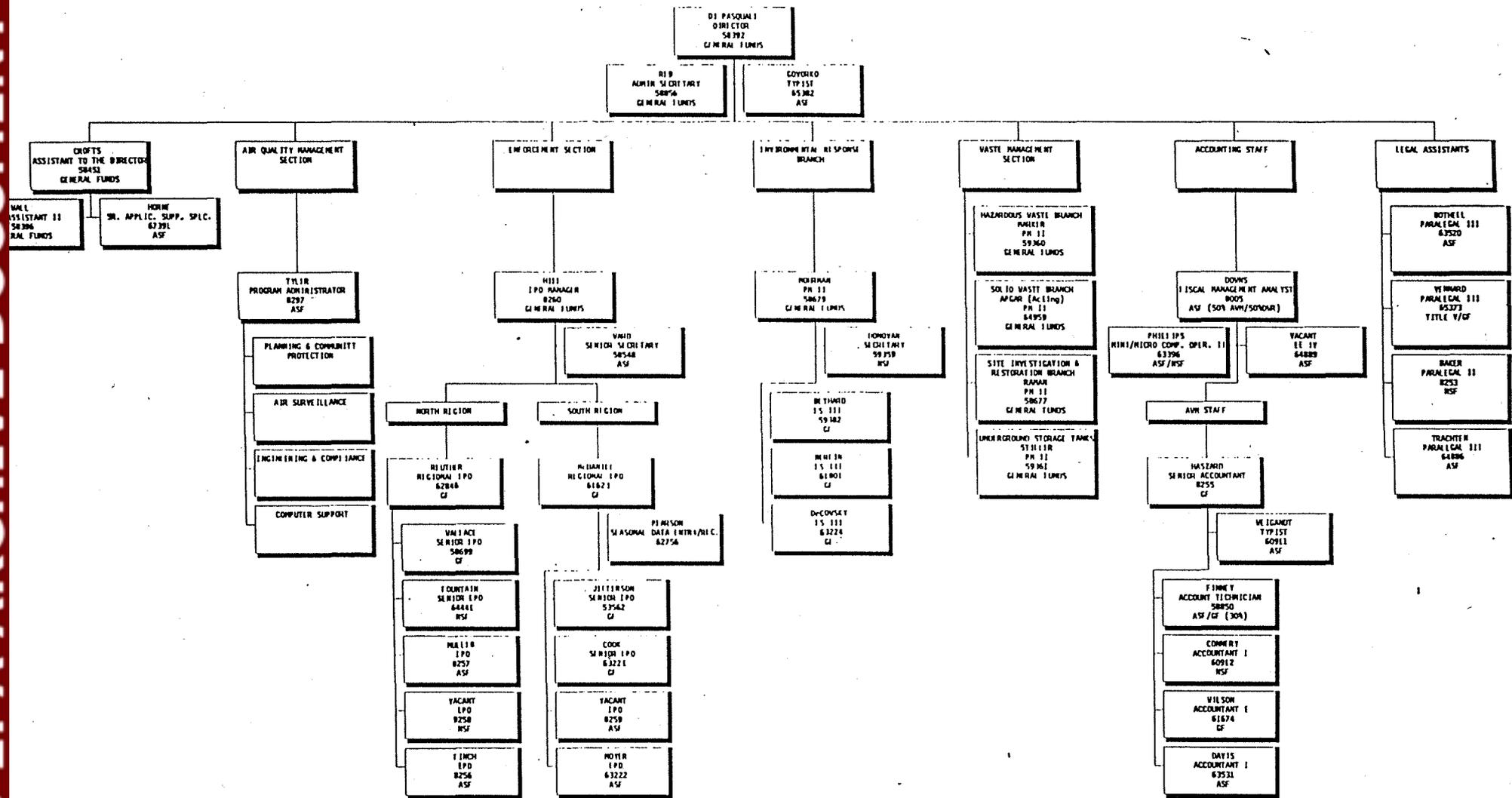
HAZARDOUS WASTE MANAGEMENT BRANCH
6/1/98



Delaware Department of Natural Resources and Environmental Control



DIVISION OF AIR & WASTE MANAGEMENT
DIRECTOR'S OFFICE
JUNE 1, 1998



PROGRAM DESCRIPTION

ATTACHMENT 5

STAFFING AND FUNDING

FY97
CALCULATED SALARIES, FRINGE INDIRECTS

RCRA GRANT POSITIONS									
	SALARY	FRINGE	AHI		ANNUAL	INDIRECT	TOTAL FRINGE		
	7/1/96	20.69%	PER PAY		AHI	26.80%	& ANNUAL		
			PERIOD		X 22 MOS		AHI		
Karen J Anthony	49004	10139	244.81		5386	13133	15525		
E. Alex Rittberg	48121	9956	210.28		4626	12896	14582		
Ken Weiss	46542	9630	210.28		4626	12473	14256		
Bhavesh Amin	43265	8952	262.52		5775	11595	14727		
Alan Simpson	49736	10290	262.52		5775	13329	16066		
Matthew Higgins	28670	5932	103.09		2268	7684	8200		
Patti Zietlow	34097	7055	154.84		3406	9138	10461		
Bruce Cole	34821	7204	274.32		6035	9332	13240		
Robert Palmer	34152	7066	262.52		5775	9153	12841		
Tracy Hamburg	22278	4609	274.32		6035	5971	10644		
Susan Morris	18927	3916	210.28		4626	5072	8542		
Bobbie Jo Watts (.25)	5907	1222	38.71		852	1536	2074		
	415520	85971			55187	111313	141158		
	SALARY	415520							
	FRINGE	141158							
	INDIRECTS	111313							
	TOTAL	667991							
STATE SALARIES									
	SALARY	FTE	FRINGE		AHI	ANNUAL	INDIRECTS	TOTAL FRINGE	TOTAL
	7/1/96	%	0.21		PER PAY	AHI	26.80%	& AHI	FRINGE, AHI
					PERIOD	X 22 MOS			& INDIRECT
Nancy Marker (.50)	56101	28051	5803.65	262.64	131	2889	7518	8693	16210
Donald Short (.75)	36292	27219	5631.61	262.64	197	4334	7295	9965	17260
Eric Trinkle (.84)	46764	39282	8127.40	263.00	221	4860	10528	12988	23515
Richard Jefferson (.75)	28638	21479	4443.90	262.64	197	4334	5756	8777	14534
Mary Lisa Koot (.75)	20635	15476	3202.04	274.64	206	4532	4148	7734	11881
Bobbie Jo Watts (.25)	23628	5907	1222.16	156.00	39	858	1536	2080	3617
TOTAL		137413	28430.75			21806	36780	50237	87017
	FTE SALARY	137413							
	FRINGE	50237							
	INDIRECTS	36780							
	TOTAL	224430							
(Bobbie Jo's Indirects are calculated at 26.01%)									

ATTACHMENT 1		
FFY97 HAZARDOUS WASTE MANAGEMENT GRANT BUDGET BREAKDOWN		
	FEDERAL	STATE
PERSONNEL (see attachment II for breakdown)		
Salaries	415520	137413
Fringe	141158	50237
Indirects (26.8%)	111313	36780
Subtotal	667991	224430
TRAVEL		
In-State Travel	0	0
Out of State Travel (2 trips @ \$500 per trip avg.)	1000	0
Subtotal	1000	0
EQUIPMENT		
Office Equipment	0	0
Subtotal	0	0
SUPPLIES		
Office Supplies	1038	0
Health and Safety/Sampling Supplies	0	0
Personal Computers	0	0
Subtotal	1038	0
CONTRACTUAL		
Training - Course Registration (does not include travel)	500	0
Legal	0	0
Laboratory Services	0	0
Contractual (Professional) Services (MBE/WBE Eligible)	0	0
Vehicle Rental	0	0
Vehicle Maintenance	0	0
Telephone	0	0
Audit Fee (.1% of Federal)	671	0
State Personnel Charges	0	0
Public Notices	0	0
Film Developing	0	0
Subtotal	1171	0
TOTAL FEDERAL, STATE	671200	224430
COMBINED TOTAL		895630
25.05833882 (Match %)		

ATTACHMENT II					
FFY97 HAZARDOUS WASTE MANAGEMENT GRANT					
SALARIES/OEC/INDIRECT BREAKDOWN					
Position					
Number	Position	FTEs	Federal Salary	State Salary	% FTE TOWARD PPA KEY GOAL 2.4 ¹
59360	Env Program Manager II - NCM	0.50		28050	100
61782	Env Program Manager I - KGJ	1.00	49004		100
54952	Env Program Manager I - EAR	1.00	48121		100
08330	Environmental Engineer III - KRW	1.00	46542		100
08318	Environmental Engineer III - BVA	1.00	43265		100
54951	Environmental Engineer III - AHS	1.00	49736		100
56689	Environmental Scientist III - MDH	1.00	28670		100
58682	Environmental Scientist III - PLZ	1.00	34097		100
61677	Environmental Scientist II - DKS	0.75		27219	100
56690	Environmental Scientist III - BBC	1.00	34821		100
8355	Environmental Scientist III - RRP	1.00	34152		100
64882	Environmental Scientist II (Vacant)	1.00	0	0	100
08354	Hydrologist IV - EJT	0.84		39282	100
53562	Senior Env Protection Officer II - RJ	0.75		21479	100
61781	Senior Secretary - MLK	0.75		15476	100
08315	Secretary - TRH	1.00	22278		100
08313	Secretary - SLM	1.00	18927		100
64318	Mini-Micro Computer Operator II - BJW	0.25	5907		100
64318	Mini-Micro Computer Operator II - BJW	0.25		5907	100
		16.09	415520	137413	
	FRINGE		141158	50237	
	INDIRECTS (26.8% OF SALARIES)		111313	36780	
	TOTAL (SALARY, OEC, INDIRECTS)		667991	224430	

¹ - Key Goal 2.4 - Ensure Adequate and Sound Management of Hazardous Waste

<u>TOTAL PPG BUDGET</u>			
<u>10/1/97 TO 9/30/98</u>			
	GRANT FUNDING		STATE MATCH
SALARY	\$	404,853	\$ 138,259
FRINGE	\$	142,363	\$ 48,043
(See Attached)			
TRAVEL	\$	1,500	
EQUIPMENT	\$	-	
(See Attached)			
CONTRACTUAL SERVICES	\$	8,277	
SUPPLIES & MATERIALS	\$	4,000	
OTHER:	\$	-	\$ -
(See Attached)			
INDIRECT COST	\$	118,419	\$ 40,441
(See Attached)			
AUDIT FEES (.1%)	\$	680	
TOTAL:	\$	680,092	\$ 226,743
FY 98 Hazardous Waste Management Program			
Program Contact:	Nancy Marker, PM II		(302) 739-3689
Financial Contact:	Sandra J. Downs, FAO		(302) 739-3478

Prepared by SJD, DWR/DAWM Accounting

PPG BUDGET INFORMATION: CONTRACTUAL SERVICES			
	GRANT FUNDING	STATE MATCH	GOAL
Audit Charge	\$ 680		
Staff Training	\$ 1,000		
State Personnel Charges	\$ 3,000		
General Contractual Services	\$ 4,277		
TOTAL:	\$ 8,957		

BUDGET INFORMATION - SALARY & FRINGE

GOAL #	% PER GOAL	% PER GOAL	POS #	POSITION TITLE	SALARY	FRINGE COSTS	% of FTE	FEDERAL FUNDING	STATE MATCH
2.05	100%		08313	Secretary	\$ 19,690	\$ 9,016	1.00	\$ 28,706	
2.05	100%		08315	Secretary	\$ 23,176	\$ 11,256	1.00	\$ 34,432	
2.05	100%		08318	Environmental Engineer III	\$ 45,009	\$ 15,374	1.00	\$ 60,383	
2.05	100%		08330	Environmental Engineer III	\$ 48,418	\$ 14,808	1.00	\$ 63,226	
2.05	100%		54961	Environmental Engineer III	\$ 51,740	\$ 16,731	1.00	\$ 68,471	
2.05	100%		54952	Environmental Program Manager I	\$ 50,060	\$ 15,132	0.50		\$ 32,596
2.05	100%		61782	Environmental Program Manager I	\$ 50,979	\$ 16,153	1.00	\$ 67,132	
2.05	100%		08355	Environmental Scientist III	\$ 35,528	\$ 13,463	1.00	\$ 48,991	
2.05	100%		56689	Environmental Scientist III	\$ 31,007	\$ 8,725	1.00	\$ 39,732	
2.05	100%		56690	Environmental Scientist III	\$ 36,224	\$ 13,886	1.00	\$ 50,110	
2.05	100%		58682	Environmental Scientist III	\$ 35,471	\$ 10,867	1.00	\$ 46,338	
2.05	100%		64882	Environmental Scientist III(Vacant)			1.00	\$ -	
2.05	100%		64318	Mini/Micro Computer Operator II	\$ 24,580	\$ 11,244	0.25	\$ 8,956	
2.05	100%		59360	Environmental Program Manager II	\$ 58,362	\$ 18,070	0.55		\$ 42,038
2.05	100%		61677	Environmental Scientist II	\$ 37,755	\$ 13,914	0.75		\$ 38,752
2.05	100%		08354	Hydrologist III	\$ 48,649	\$ 16,120	0.50		\$ 32,385
2.05	100%		61781	Senior Secretary	\$ 21,467	\$ 9,272	1.00	\$ 30,739	
2.05	100%		64318	Mini/Micro Computer Operator II	\$ 24,580	\$ 11,244	0.25		\$ 8,956
2.05	100%		53562	Sr. Environmental Protection Officer	\$ 29,792	\$ 12,309	0.75		\$ 31,576
SALARY TOTAL:					\$ 672,487	\$ 237,584	15.55	\$ 547,216	\$ 186,302

Prepared by SJD, DWR/DAWM Accounting

PROGRAM DESCRIPTION

ATTACHMENT 6

NOTIFICATION OF REGULATED WASTE
ACTIVITY FORM

PROGRAM DESCRIPTION

ATTACHMENT 7

UNIFORM HAZARDOUS WASTE MANIFEST

V. Line-by-Line Instructions for Completing EPA Form 8700-12

Type or print in black ink all items except item X, "Signature," leaving a blank box between words. The boxes are spaced at 1/4" intervals which accommodate elite type (12 characters per inch). When typing, hit the space bar twice between characters. If you print, place each character in a box. Abbreviate if necessary to stay within the number of boxes allowed for each Item. If you must use additional sheets, indicate clearly the number of the Item on the form to which the information on the separate sheet applies.

Note: When submitting a subsequent notification form, notifiers must complete in their entirety Items I, II, IV, VI, VII, VIV and X. Other sections that are being added to (i.e., newly regulated activities) or altered (i.e., installation contact) must also be completed. All other sections may be left blank.

Item I -- Installations EPA ID Number:

Place an "X" in the appropriate box to indicate whether this is your first or a subsequent notification *for this site*. If you have filed a previous notification, enter the EPA Identification Number assigned to this site in the boxes provided. Leave EPA ID Number blank if this is your first notification *for this site*.

Note: When the owner of an installation changes, the new owner must notify DNREC of the change, even if the previous owner already received a U.S. EPA Identification Number. Because the U.S. EPA ID Number is site-specific, the new owner will keep the existing ID number. If the installation moves to another location, the owner/operator must notify DNREC of this change. In this instance a new U.S. EPA Identification Number will be assigned, since the installation has changed location.

Items II and IV -- Name and Location of Installation:

Complete Items II and IV. Please note that the address you give for Item IV, Location of Installation, must be a physical address, *not a post office box or route number*.

County Code and Name: Give the county code.

New Castle County, Delaware: 003

Kent County, Delaware: 001

Sussex County, Delaware: 005

Item IV -- Installation Mailing Address:

Please enter the Installation Mailing Address. If the Mailing Address and the Location of Installation (Item IV) are the same, you can print "Same" in the box for Item IV.

Item V -- Installation Contact:

Enter the name, title and business telephone number of the person who should be contacted regarding information submitted on this form.

Item VI -- Installation Contact Address:

- A. **Code:** If the contact address is the same as the location of installation address listed in Item IV or the installation mailing address listed in Item IV, place an "X" in the appropriate box to indicate where the contact may be reached. If the location of installation address, the installation mailing address, and the installation contact address are all the same, mark the "Location" box. If the contact address is *not* the same as those addresses in either Item III or IV, place an "X" in the "Other" box and complete Item VI.B. If an "X" is entered in either the location or mailing box, Item VI.B. should be left blank.
- B. **Address:** Enter the contact address *only* if the contact address is different from either the location of installation address (Item IV) or the installation mailing address (Item IV), and if Item VI.A. was marked "Other."

Item VII -- Ownership:

- A. **Name:** Enter the name of the legal owner(s) of the installation, including the property owner. Also enter the address and phone number where this individual can be reached. Use the comment section in XI or additional sheets if necessary to list more than one owner.
- B. **Land Type:** Using the codes listed below, indicate in VII.B. the code which *best describes* the current legal status of the land on which the installation is located:
 - F = Federal
 - S = State
 - I = Indian
 - P = Private
 - C = County
 - M = Municipal*
 - D = District
 - O = Other

Notification of Regulated Waste Activity

**Note: If the Owner Type is best described as Indian, County or District, please use those codes. Otherwise, use Municipal.*

C. Owner Type: Using the codes listed below, indicate in VII.C. the code which *best describes* the legal status of the current owner of the installation:

F = Federal
S = State
I = Indian
P = Private
C = County
M = Municipal*
D = District
O = Other

**Note: If the Owner Type is best described as Indian, County or District, please use those codes. Otherwise, use Municipal.*

D. Change of Owner Indicator: *(If this is your installation's first notification, leave Item VII.D. blank and skip to Item VIII. If this is a subsequent notification, complete Item VII.D. as directed below.)*

If the owner of this installation has changed since the installation's original notification, place an "X" in the box marked "Yes" and enter the date the owner changed.

If the owner of this installation has not changed since the installation's original notification, place an "X" in the box marked "No" and skip to Item VIII.

If an additional owner(s) has been added or replaced since the installation's original notification, place an "X" in the box marked "Yes." Use the comment section in XI to list any additional owners, the dates they became owners, and which owner(s) (if any) they replaced. If necessary attach a separate sheet of paper.

Item VIII -- Type of Regulated Waste Activity:

A. Hazardous Waste Activity: Mark an "X" in the appropriate box(es) to show which hazardous waste activities are going on at this installation.

- 1. Generator:** If you generate a hazardous waste that is identified by characteristic or listed in the *Delaware Regulations Governing Hazardous Waste (DRGHW)*, Part 261, mark an "X" in the appropriate box for the quantity of non-acutely hazardous waste that is generated per calendar month. If you generate acutely hazardous waste please refer to the DRGHW, Part 262 for further information.

Notification of Regulated Waste Activity

2. **Transporter:** If you transport hazardous waste, indicate if it is your own waste, for commercial purposes, or mark both boxes if both classifications apply. mark an "X" in each appropriate box to indicate the method(s) of transportation you use. Transporters do not have to complete Item IX of this form, but must sign the certification in Item X. The Delaware regulations for hazardous waste transporters are found in the DRGHW, Part 263.
3. **Treater/Storer/Disposer:** If you treat, store or dispose of regulated hazardous waste, then mark an "X" in this box. You are reminded to contact the Delaware DNREC, Hazardous Waste Management Branch to request Part A of the RCRA Permit Application. The Delaware regulations for hazardous waste installation owners/operators are found in the DRGHW, Parts 264 and 265.
4. **Hazardous Waste Fuel:** If you market hazardous waste fuel, place an "X" in the appropriate box(es). If you burn hazardous waste fuel on-site, place an "X" in the appropriate box and indicate the type(s) of combustion devices in which hazardous waste fuel is burned. (Refer to the definition section for complete descriptions of each device).

Note: Generators are required to notify for waste-as-fuel activities only if they market directly to the burner.

"Other Marketer" is defined as any person, other than a generator marketing hazardous waste, who markets hazardous waste fuel.

5. **Underground Injection Control:** The disposal of hazardous waste through underground injection wells is prohibited in the State of Delaware.
- B. Used Oil Recycling Activities:** Mark an "X" in the appropriate box(es) to indicate which used oil recycling activities are taking place at this installation.
1. **Used Oil Fuel Marketer:** If you market off-specification used oil, mark an "X" in box 1a. If you are the first to claim the used oil meets the used oil specification established in the DRGHW, Part 266 Subpart E, mark an "X" in box 1b. If either of these boxes are marked, you must also notify (or have previously notified) as a used oil transporter, off-specification used oil fuel burner, or used oil processor/re-refiner, unless you are a used oil generator. (Used oil generators are not required to notify.)
 2. **Used Oil Burner:** If you burn off-specification used oil fuel, place an "X" in the box(es) to indicate the type(s) of combustion device(s) in which off-specification used oil fuel is burned.

Notification of Regulated Waste Activity

3. **Used Oil Transporter:** If you transport used oil and/or own/operate a used oil transfer facility, place an "X" in the appropriate box(es) to indicate this used oil recycling activity.
4. **Used Oil Processor/Re-refiner:** If you process and/or re-refine used oil, place an "X" in the appropriate box(es) to indicate this used oil activity.

Item IX -- Description of Hazardous Wastes:

Note: Only persons involved in hazardous waste activity (Item VIII.A.) need to complete this item. Transporters requesting a U.S. EPA Identification Number do not need to complete this item, but must sign the "Certification" in Item X.

You will need to refer to the DRGHW, Part 261 in order to complete this section. Part 261 identifies those wastes that EPA defines as hazardous. If you need help completing this section, please contact the Delaware DNREC, Hazardous Waste Management Branch at (302) 739-3689.

- A. **Characteristics of Nonlisted Hazardous Wastes:** If you handle hazardous wastes which are not listed in the DRGHW, Part 261, Subpart D, but do exhibit a characteristic of hazardous waste as defined in the DRGHW, Part 261, Subpart C, you should describe these wastes by the EPA hazardous waste number for the characteristic. Place an "X" in the box next to the characteristic of the wastes that you handle. If you mark "4. Toxicity Characteristic," please list the contaminant(s) in the box(es) provided.
- B. **Listed Hazardous Wastes:** If you handle hazardous wastes that are listed in the DRGHW, Part 261, Subpart D, enter the appropriate 4-digit numbers in the boxes provided.

Note: If you handle more than 12 listed hazardous wastes, please contact DNREC for additional listed waste sheets.

- C. **Other Wastes:** If you handle other regulated wastes that have a waste code, enter the appropriate code number in the boxes provided.

Item X -- Certification:

This certification must be signed by the owner, operator, or an authorized representative of your installation. An "authorized representative" is a person responsible for the overall operation of the installation (i.e., a plant manager or superintendent, or a person of equal responsibility). *All notifications must include this certification to be complete.*

Notification of Regulated Waste Activity

Item XI – Comments:

Use this space for any additional comments.

Please mail the completed form to:

The Delaware Department of Natural Resources and Environmental Control
Division of Air and Waste Management
Hazardous Waste Management Branch
P.O. Box 1401
89 Kings Highway
Dover, Delaware 19903
Attn: Notification Coordinator

VI. Definitions

The following definitions are included to help you to understand and complete the Notification Form:

Act or RCRA means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. Section 6901 *et seq.*

Authorized Representative means the person responsible for the overall operation of the installation or an operational unit (i.e., part of an installation), e.g., superintendent or plant manager, or person of equivalent responsibility.

Boiler means an enclosed device using controlled flame combustion and having the following characteristics:

1. The unit has physical provisions for recovering and exporting energy in the form of steam, heated fluids, or heated gases;
2. The units combustion chamber and primary energy recovery section(s) are of integral design (i.e., they are physically formed into one manufactured or assembled unit);
3. The unit continuously maintains an energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel;
4. The unit exports and utilizes at least 75 percent of the recovered energy, calculated on an annual basis (excluding recovered heat used internally in the same unit, for example, to preheat fuel or combustion air or drive fans or feedwater pumps); and
5. The unit is one which the DNREC Secretary has determined on a case-by-case basis, to be a boiler after considering the standards in the DRGHW 260.32.

Burner means the owner or operator of any boiler or industrial furnace that burns hazardous waste fuel for energy recovery and that is not regulated as a RCRA hazardous waste incinerator.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Notification of Regulated Waste Activity

Disposal Installation means an installation or part of an installation at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure.

DRGHW means the *Delaware Regulations Governing Hazardous Waste*.

EPA Identification (I.D.) Number means the number assigned by EPA to each generator, transporter, and treatment, storage, or disposal installation.

Generator means any person, by site, whose act or process produces hazardous waste identified or listed in the DRGHW Part 261.

Hazardous Waste means a hazardous waste as defined in the DRGHW 261.3.

Hazardous Waste Fuel means hazardous waste and any fuel that contains hazardous waste that is burned for energy recovery in a boiler or industrial furnace that is not subject to regulation as a RCRA hazardous waste incinerator. However, the following hazardous waste fuels are subject to regulation as used oil fuels:

1. Used oil fuel burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in Subpart C of the DRGHW Part 261; and
2. Used oil fuel mixed with hazardous wastes generated by a small quantity generator subject to the DRGHW 261.5.

Hazardous Waste Fuel Marketer is a person who markets hazardous waste fuel. However, generators and initial transporters (i.e., transporters who receive hazardous waste directly from generators including initial transporters who operate transfer stations) who do not market directly to persons who burn the fuels are not subject to waste-as-fuel requirements (including notification) under Subpart D of the DRGHW Part 266.

Industrial Boiler means a boiler located on the site of an installation engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes.

Industrial Furnace means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame combustion to accomplish recovery of materials or energy: cement kilns, lime kilns, aggregate kilns (including asphalt kilns), phosphate kilns, coke ovens, blast furnaces, smelting furnaces, refining furnaces, titanium dioxide chloride process oxidation reactors, methane reforming furnaces, pulping liquor recovery furnaces, combustion devices used in the recovery of sulfur values from spent sulfuric acid, and other devices as the Administrator may add to this list.

Notification of Regulated Waste Activity

Installation means all contiguous land, structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. An installation may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

Municipality means a city, village, town, borough, county, parish, district, association, Indian tribe or authorized Indian tribal organization, designated and approved management agency under Section 208 of the Clean Water Act, or any other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

Operator means the person responsible for the overall operation of an installation.

Owner means a person who owns an installation or part of an installation, including landowner.

Processing means chemical or physical operations designed to produce from used oil, or to make used oil more amendable for production of fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, and chemical or physical separation.

Smelter Deferral means that the mandate in section 3000(g) of the Resource Conservation and Recovery Act to regulate facilities burning hazardous waste for energy recovery as may be necessary to protect human health and the environment does not apply to devices burning for the purpose of material recovery.

Storage means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

Transportation means the movement of hazardous waste by air, rail, highway, or water.

Transporter means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

Treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste; or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or composition of hazardous waste so as to render it nonhazardous.

Underground Injection Control means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

Notification of Regulated Waste Activity

Used Oil means any oil that has been refined from crude oil, or any synthetic oil, that has been used, and as a result of such use, is contaminated by physical or chemical impurities.

Used Oil Burner means a facility where used oil not meeting the specification requirements in the DRGHW 266 Subpart E is burned for energy recovery in devices identified in Section 266 Subpart E.

Used Oil Processor means a facility that process on- or off- specification used oil.

Used Oil Recycling Activities, for the purposes of this form, include used oil transportation, processing, and re-refining; burning off-specification used oil fuel; and used oil fuel marketing.

Used Oil Re-refiner is a person who produces lubricating oils and greases, industrial fuel, asphalt extender, gasoline, and other products from on- or off-specification used oil.

Used Oil Transporter means any person who transports used oil, any person who collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil-derived products or used oil fuel.

Used Oil Fuel Marketer means any person who conducts either of the following activities:

1. Directs a shipment of off-specification used oil from their facility to a used oil burner; or
2. First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in the DRGHW 266 Subpart E.

Utility Boiler means a boiler that is used to produce electricity, steam or heated or cooled air or other gases or fluids for sale.

ID - For Official Use Only											

VIII. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes; Refer to instructions)

A. Hazardous Waste Activity		B. Used Oil Recycling Activities
<input type="checkbox"/> 1. Generator (See instructions) <input type="checkbox"/> a. Greater than 1000kg/mo (2,200 lbs.) <input type="checkbox"/> b. 100 to 1000 kg/mo (200-2,200 lbs.) <input type="checkbox"/> c. Less than 100 kg/mo (220 lbs) <input type="checkbox"/> 2. Transporter (Indicate Mode in boxes 1-5 below) <input type="checkbox"/> a. For own waste only <input type="checkbox"/> b. For commercial purposes Mode of Transportation <input type="checkbox"/> 1. Air <input type="checkbox"/> 2. Rail <input type="checkbox"/> 3. Highway <input type="checkbox"/> 4. Water <input type="checkbox"/> 5. Other - specify <input type="checkbox"/> 3. Treater, Storer, Disposer (at installation) Note: A permit is required for this activity; see instructions. <input type="checkbox"/> 4. Hazardous Waste Fuel <input type="checkbox"/> a. Generator Marketing to Burner <input type="checkbox"/> b. Other Marketers <input type="checkbox"/> c. Boiler and/or Industrial Furnace <input type="checkbox"/> 1. Smelter Deferral <input type="checkbox"/> 2. Small Quantity Exemption Indicate Type of Combustion Device(s) <input type="checkbox"/> 1. Utility Boiler <input type="checkbox"/> 2. Industrial Boiler <input type="checkbox"/> 3. Industrial Furnace <input type="checkbox"/> 5. Underground Injection Control	<input type="checkbox"/> 1. Used Oil Fuel Marketer <input type="checkbox"/> a. Marketer Directs Shipment of Used Oil to Off-Specification Burner <input type="checkbox"/> b. Marketer Who First Claims the Used Oil Meets the Specifications <input type="checkbox"/> 2. Used Oil Burner - Indicate Type(s) of Combustion Device(s) <input type="checkbox"/> a. Utility Boiler <input type="checkbox"/> b. Industrial Boiler <input type="checkbox"/> c. Industrial Furnace <input type="checkbox"/> 3. Used Oil Transporter - Indicate Type(s) of Activity(ies) <input type="checkbox"/> a. Transporter <input type="checkbox"/> b. Transfer Facility <input type="checkbox"/> 4. Used Oil Processor/Re-refiner - Indicate Type(s) of Activity(ies) <input type="checkbox"/> a. Process <input type="checkbox"/> b. Re-refine	

IX. Description of Hazardous Wastes (Use additional sheets if necessary)

A. Characteristics of Nonlisted Hazardous Wastes. (Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles; See 40 CFR Parts 261.20 - 261.24)

1. Ignitable (D001)	2. Corrosive (D002)	3. Reactive (D003)	4. Toxicity Characteristic (List specific EPA hazardous waste number(s) for the Toxicity characteristic contaminant(s))
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. Listed Hazardous Wastes. (See 40 CFR 261.31 - 33; See instructions if you need to list more than 12 waste codes.)

1	2	3	4	5	6
7	8	9	10	11	12

C. Other Wastes. (State or other wastes requiring a handler to have an I.D. number; See instructions.)

1	2	3	4	5	6

X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature	Name and Official Title (Type or print)	Date Signed

XI. Comments

Note: Mail completed form to the appropriate EPA Regional or State Office. (See Section III of the booklet for addresses.)



STATE OF DELAWARE
 DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
 HAZARDOUS WASTE MANAGEMENT BRANCH, 89 KINGS HIGHWAY
 P.O. BOX 1401, DOVER, DELAWARE 19903

Base print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-94

**UNIFORM HAZARDOUS
 WASTE MANIFEST**

1. Generator's US EPA ID No.

Manifest Document No.

2. Page 1 of

Information in the shaded areas is not required by Federal law.

3. Generator's Name and Mailing Address

A. State Manifest Document Number
DE-A- 31328

B. State Generator's ID

4. Generator's Phone ()

5. Transporter 1 Company Name

6. US EPA ID Number

C. State Transporter's ID

D. Transporter's Phone

7. Transporter 2 Company Name

8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address

10. US EPA ID Number

G. State Facility's ID

H. Facility's Phone

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers
 No. Type

13. Total Quantity

14. Unit Wt/Vol

I. Waste No.

a.

b.

c.

d.

J. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

a.

b.

c.

d.

15. Special Handling Instructions and Additional information

16. **GENERATOR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; **OR**, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

Signature

Month Day Year

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

Signature

Month Day Year

CASE OF SPILL IMMEDIATELY CALL THE DELAWARE EMERGENCY RESPONSE CENTER (800) 424-6622 AND THE NATIONAL RESPONSE CENTER (800) 424-9592

GENERATOR

TRANSPORTER

FACILITY

07CTC