

US EPA ARCHIVE DOCUMENT

SECTION A

ATTORNEY GENERAL'S STATEMENT



M. JANE BRADY
ATTORNEY GENERAL

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

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PLEASE REPLY TO :

STATE OF DELAWARE

ATTORNEY GENERAL'S STATEMENT
FOR FINAL AUTHORIZATION FOR CHANGES
TO THE FEDERAL HAZARDOUS WASTE PROGRAM

I hereby certify, pursuant to my authority as Deputy Attorney General and in accordance with Section 3006(b) of the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984 (42 USC 6901 *et seq.*), and 40 CFR 271, that in my opinion the laws of the State of Delaware provide adequate authority to carry out the hazardous waste program set forth in the Program Description submitted by Delaware Department of Natural Resources and Environmental Control on January 9, 2002, and supplemented by the State's Authorization Revision 5 Application, and to meet the requirements of 40 CFR, Part 271, Subpart A. The specific authorities provided are contained in statutes or regulations lawfully adopted at the time this Statement is signed and which are in effect now. The statutory authorities for the State of Delaware are documented in the State's RCRA Statutory Checklist, dated June 19, 2003 and attached to this statement (See Attached). In my opinion, statutes relied on in previously approved authorization applications have not been amended, modified or revised by statute or judicial decision in a way that diminishes and interferes with the authority to carry out the previously authorized hazardous waste program to meet the requirements of 40 CFR, Part 271, Subpart A.

The provisions for which the State is seeking authorization are documented in the attached RCRA Revision Checklists and State initiated Miscellaneous Changes. Differences between the State's provisions and the Federal provisions are noted on the Miscellaneous Changes. The official State regulations may be found in Delaware Regulations Governing Hazardous Waste, effective July 1, 2002 and July 11, 2002. This certification supplements prior certifications of July 26, 1983, March 20, 1996, June 12, 1998, January 21, 2000 and January 31, 2002.

The undersigned executes this Attorney General's Statement on authority delegated by M. Jane Brady, Attorney General of the State of Delaware.

Seal of Office



Matthew P. Chesser
Deputy Attorney General

November 6, 2003

Attachments

E/env unit/mpc/haz waste cert

cc: M. Jane Brady, Attorney General