

## SECTION 2. SCOPE AND APPLICABILITY

### A. AUTHORITY

1. These regulations are enacted pursuant to 7 Del. C., Chapter 60.
2. These regulations shall be known as "Regulations Governing Solid Waste" and shall repeal the "Delaware Solid Waste Disposal Regulation".

### B. APPLICABILITY

1. These regulations apply to any person using land or allowing the use of land for the purposes of storage, collection, processing, transfer, or disposal of solid waste; and to any person transporting solid waste in or through the State of Delaware. The following shall be subject to the provisions of these regulations:
  - a. Sanitary landfills
  - b. Industrial landfills
  - c. Resource recovery facilities
  - d. Transfer stations
  - e. Special wastes handling
  - f. Transportation of solid waste
  - g. Storage of solid waste
2. These regulations do not apply to those agricultural wastes that are subject to regulations promulgated by the Division of Water Resources.
3. For the purposes of these regulations, all wastes defined herein and that are subject to regulations promulgated by the Division of Water Resources shall not be regulated as solid wastes.
4. These regulations do not apply to any waste which meets the criteria of hazardous waste as described in the Delaware Regulations Governing Hazardous Waste.

C. EXEMPTIONS

The following activities are exempted from these regulations:

1. Disposal or land application on a farm of the agricultural wastes that are generated on the farm or result from the operation of the farm. The disposal or land application must be conducted in a manner that is in compliance with all federal, state, and local regulatory requirements and that does not threaten human health or the environment.
2. Composting, on a private property, the leaves, grass clippings, and other vegetation originating on the property.
3. Disposal of clean fill.
4. Creation of brush piles on the property on which the material was generated.
5. The use of vegetative matter and untreated ground wood products to construct berms on the property on which the materials were generated. (Notification must be made to the Department prior to commencing this activity.)

D. COMPLIANCE

1. Existing facilities

All existing facilities must comply with the provisions of these regulations with the following exceptions:

- a. Closed facilities or closed portions of facilities will not be required to disturb or replace their cap or cover system for the purpose of coming into compliance with these regulations.
- b. Facilities currently operating under a permit which does not require a liner and/or a leachate detection system will not be required to install a liner or leachate detection system in closed or currently active areas for the purpose of coming into compliance with these regulations.

2. New facilities and expansions of existing facilities

All new facilities and all expansions of existing facilities shall comply with the provisions of these regulations.

E. Composting and Recycling Approvals

1. Composting Approvals

Other than individual household composting, all other composting operations must obtain written approval from the Department prior to commencing a composting operation. To obtain an approval, a person must submit the following information to the Department:

- a. A written plan of operation demonstrating to the Department that the requestor of the approval and the person responsible for operating the composting facility understand and will apply the principles and proper methods of composting. The plan of operation must also demonstrate that the composting facility will be operated in a manner that will not pose a threat to human health and the environment; and
- b. A written statement explaining how the applicant intends to use the compost.

2. Recycling Approvals

Recycling solid waste into specific market applications requires written approval prior to commencing this activity. To obtain an approval, a person must submit the following information to the Department:

- a. A written plan of operation describing the types and quantities of materials that will be accepted at the facility, the processing methods and equipment that will be used, and the products that will be produced, and
- b. Documentation demonstrating the existence of a market or markets for the product(s).

F. Other Applicable Requirements. Nothing in these regulations shall be construed as relieving an owner or operator of a facility from the obligation of complying with any other laws, regulations, orders, or requirements which may be applicable.