

Hazardous Wastes

EPA Subcategory Number 66



NPS
DELAWARE

INTRODUCTION

Hazardous wastes are produced as a result of current manufacturing processes that supply products we use daily; from food, clothing and shelter to health care products. Hazardous wastes may be lawfully managed in tanks and containers and in permitted units such as landfills, surface impoundments, and land treatment areas. However, when improperly managed, hazardous wastes or hazardous constituents may be released into air, soils, ground and surface waters.

It is the responsibility of the state's hazardous waste program to ensure that generators of hazardous waste properly manage the hazardous waste they generate, transport, treat or dispose of within the State of Delaware. Thus, in 1980, Delaware adopted 7 Del. C., Chapter 63, the Hazardous Waste Management Act. The statutory authority of 7 Del. C., Chapter 63 lead to the promulgation of the Delaware Regulations Governing Hazardous Waste (DRGHW), by which the state strives to protect human health and the environment. The scope of the DRGHW include all federal facilities located in the state. Proper management of hazardous waste is monitored via permitting activities for treatment, storage and disposal facilities (TSDFs), as well as transporter activities, and the incorporation of regulatory compliance assessment of sites and facilities which generate and manage hazardous wastes. Delaware is also active in RCRA corrective action, working jointly with EPA to address remediation of solid waste management units at eight current/former TSDFs.

There are no commercial hazardous waste management facilities in the state and thus commercial wastes are not imported into Delaware for treatment or disposal. Delaware has four active treatment, storage and/or disposal facilities (TSDFs). Each manages only on-site generated waste in storage units. One is also permitted to accept both on and off-site company generated hazardous wastes for incineration. None of the facilities are currently permitted to dispose of wastes in on-site hazardous waste units. DNREC has the authority to regulate

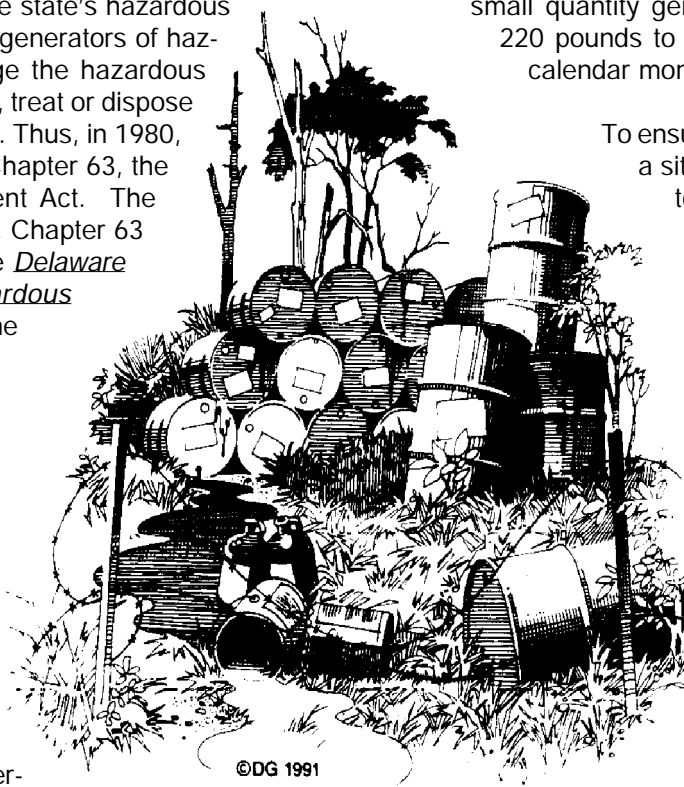
and permit the physical siting, design, construction and operation of hazardous waste disposal facilities and in August of 1991 developed a document that expands the existing regulatory criteria of hazardous waste facility siting. The Hazardous Waste Management Branch maintains a data base of generators and TSDFs statewide.

In addition to the permitted TSDFs, there are roughly 80 large quantity generators (producers of at least one ton of hazardous waste per calendar month) and over 400 small quantity generators (generators of between 220 pounds to one ton of hazardous waste per calendar month) located in Delaware.

To ensure hazardous waste generated by a site are managed properly, a cradle to grave manifest tracking system is required. The system tracks the waste from the point of generation to the ultimate point of disposal. Over the road transportation from point of origin to the disposal facility is conducted by state permitted transporters, with some railway transportation being employed as well.

The Delaware Department of Transportation (DelDOT) and the Department of Public Safety jointly enforce federal laws on hazardous waste transportation by the use of truck inspections at selected transportation sites. Delaware law allows the state to regulate the transportation of these wastes, but there is no legislation to control the routing network throughout the state.

Current state authority includes a Delaware hazardous waste program encouraging waste minimization through education, permit requirements, enforcement and waste fees. The waste end assessment law was established to charge a fee based on the amount of hazardous wastes generated and the method of disposal, with land-disposed hazardous wastes incurring the highest fee. The fee affords a waiver for wastes reclaimed or reused under the resource recovery provision. This aids in industry awareness of effective waste minimization as an incentive tool.





INTRODUCTION (continued)

As required by the EPA and the Delaware Hazardous Waste Management Plan, the Hazardous Waste Management Branch developed a Hazardous Waste Capacity Assurance Plan (CAP) for Delaware. The CAP presents a detailed picture of how waste is managed within the State of Delaware. The CAP details Delaware's plan to ensure capacity via mechanisms such as interstate agreements, waste minimization, and siting facilities. As an extension to the plan, Delaware has undertaken a pollution prevention initiative in an attempt to decrease hazardous waste generation within the state. While in 1991 state hazardous waste generation was estimated at 20,500 tons, in 1996 22,517 tons were generated. Of this amount, approximately 88% of the hazardous wastes were exported to out-of-state disposal sites.

Delaware has regulations for the purpose of establishing requirements for the proper management of hazardous waste. These regulatory requirements also establish the basis for activities within the Hazardous Waste Management Branch. The foremost activities within the Hazardous Waste Management Branch follow.

- A. Conduct compliance assessments at hazardous waste generator sites to ensure compliance with regulatory and technical standards.
- B. Provide compliance assistance to hazardous waste generators through on-site visits, workshop and classroom instruction to encourage regulatory compliance.
- C. Enforce the provisions of the regulations and law to remedy non-compliance through informal and formal enforcement actions, as necessary

- D. Review hazardous waste transporter permit applications for completeness and technical appropriateness.
- E. Maintain equivalent regulatory authority with those of the federal program and maintain program authorization.
- F. Implement the hazardous waste permitting program via application review and the appropriateness of proposed treatment, storage and disposal methodologies and post closure monitoring.
- G. Provide adequate opportunity for public participation in permitting and legal actions.
- H. Implement a program of pollution prevention assistance to minimize hazardous waste generation within the state.
- I. Remediate past releases of hazardous waste at TSDF's to protect ground water resources via implementation of the corrective action program.

Delaware's Hazardous Waste Management Branch provides for regulation of hazardous waste management activities within the state in a manner that reflects the policies established under the federal RCRA Subtitle C Program. Delaware has elected to require standards for performance on certain administrative methods which are "more stringent" than federal requirements. The scope of the Delaware HWMB activities is as broad in scope as that of the federal program.

Milestones for Implementation:

WORK ACTIVITIES	LEAD IMPLEMENTATION AND COOPERATING AGENCIES	TARGET DATE FOR COMPLETION	FUNDING SOURCES
Education of Hazardous Waste Generators through workshops and classroom instruction	DNREC/DAWM/HWMB	On-going	PPG
Conduct compliance assessments and offer compliance assistance	DNREC/DAWM/HWMB	On-going	PPG
Perform multi-program assessments (air,water,waste)	DNREC/DAWM/HWMB	On-going	PPG
Identify non-notifiers and achieve compliance	DNREC/DAWM/HWMB	On-going	PPG
Implement the hazardous waste transporter program	DNREC/DAWM/HWMB	On-going	Fees
Maintain TSDF permitting program	DNREC/DAWM/HWMB	On-going	PPG/Fees
Implement RCRA Corrective Action Program	DNREC/DAWM/HWMB	On-going	PPG
Waste end assessment program to encourage waste minimization and recycling	DNREC/DAWM/HWMB	On-going	Fees
Implement pollution prevention program to encourage utilization of best management practices and encourage waste reduction	DNREC/DAWM/HWMB	On-going	Core Grant CAP Section
Develop guidance document to encourage best management practices at salvage yards	DNREC/DAWM/HWMB DNREC/DWR/NPDES	1998	NPS Implementation Program Section 319