

Secretary's Order No.: **2005-W-0006**

RE: 2004 Proposed Revisions to the Delaware  
Regulations Governing the Control of Water Pollution

Date of Issuance: January 13, 2005

Effective Date of the Amendment: February 11, 2005

I. **Background**

The Department of Natural Resources and Environmental Control held a public hearing on November 22, 2004 to receive comments on a proposed revision to the Department's Regulations Governing the Control of Water Pollution. The proposed changes and a notice advertising the aforementioned public hearing were published in the Delaware Register of Regulations on November 1, 2004.

When the Delaware Regulations Governing Aboveground Storage Tanks became effective on June 11, 2004, an overlap between Delaware's Regulations Governing Aboveground Storage Tanks and Delaware's Regulations Governing the Control of Water Pollution was created. The definition of "Aboveground Storage Tank" as stated in Title 7, Del.C., Chapter 74A and as set forth in the AST Regulations, and the definition

of “Bulk storage facility” in the Water Pollution Regulations encompass the same set of aboveground storage tanks. Therefore, the purpose of this revision is to remove from the Water Pollution Regulations those aboveground storage tanks that are included by definition in the AST Regulations. No comments were received by the Department regarding this proposed revision to these regulations.

Subsequent to the public hearing, the Hearing Officer prepared her report and recommendation in the form of a Hearing Officer’s Report to the Secretary dated January 12, 2005, and that report is expressly incorporated herein by reference. Proper notice of the hearing was provided as required by law.

## II. Findings and Conclusions

All of the findings and conclusions contained in the Hearing Officer’s Memorandum dated January 12, 2005, are expressly incorporated herein and explicitly adopted as the findings and conclusions of the Secretary.

## III. Order

In view of the above, I hereby order that the proposed amendment be promulgated and implemented in the manner and form provided for by law, as recommended in the Hearing Officer’s report.

IV. Reasons

The adoption of these proposed changes in the Delaware Regulations Governing the Control of Water Pollution will be beneficial to the State of Delaware, in that it will clarify and/or correct existing language currently contained within these regulations. Additionally, the adoption of this amendment will help to improve and/or enhance the overall performance of the State of Delaware's Surface Water Discharges Section with the Division of Water Resources, in furtherance of the policies and purposes of 7 Del. C. Ch. 60.

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John A. Hughes  
Secretary