



SPONSOR: Rep. Cooke & Rep. Longhurst & Rep. Minor-Brown &
Sen. Brown
Reps. Chukwuocha, Dorsey Walker, Kowalko; Sens.
Cloutier, Ennis, Lockman

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 212

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ENVIRONMENTAL CONTROL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 6002, Title 7 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 6002. Definitions.

4 The following words and phrases shall have the meaning ascribed to them in this chapter unless the context clearly
5 indicates otherwise:

6 (27) "Industrial landfill" means a land site at which industrial waste is deposited on or into the land as fill for the
7 purpose of permanent disposal, except that it will not include any facility that has been approved for the disposal of
8 hazardous wastes under the Delaware Regulations Governing Hazardous Wastes.

9 Section 2. Amend § 6003, Title 7 of the Delaware Code by making deletions as shown by strike through and
10 insertions as shown by underline as follows:

11 § 6003. Permit – Required.

12 (c) The Secretary shall grant or deny a permit required by subsection (a) or (b) of this section in accordance with
13 duly promulgated regulations ~~and~~ provided all of the following:

14 (1) No permit may be granted unless the county or municipality having jurisdiction has first approved the
15 activity by zoning procedures provided by law; ~~and~~ .

16 (2) No permit may be granted to any incinerator unless all of the following apply:

17 a. The property on which the incinerator is or would be located is within an area which is zoned
18 for heavy industrial activity and shall be subject to such process rules, regulations or ordinances as the
19 county, municipality or other government entity shall require by law, such as a conditional use, so that
20 conditions may be applied regarding the health, safety and welfare of the citizens within the ~~jurisdiction;~~
21 ~~and jurisdiction.~~

22 b. Every point on the property boundary line of the property on which the incinerator is or would
23 be located is all of the following:

24 1. At least 3 miles from every point on the property boundary line of any ~~residence~~;
25 residence.

26 2. At least 3 miles from every point on the property boundary line of any residential
27 ~~community~~; and community.

28 3. At least 3 miles from every point on the property boundary line of any church,
29 school, park, or hospital.

30 (3) No permit or modification to a permit may be granted for an industrial landfill that authorizes a
31 maximum height, including the cap and cover vegetation, of more than 130 feet above the mean sea level of the
32 area.

SYNOPSIS

This bill defines “industrial landfill” in conformity with the Department of Natural Resources and Environmental Control’s Regulations Governing Solid Waste. This bill also establishes a height restriction, or vertical limit, for an industrial landfill at 130 feet above the mean sea level of the area.