



SPONSOR: Sen. McBride

DELAWARE STATE SENATE  
150th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 2  
TO  
HOUSE BILL NO. 212

AMEND House Bill No. 212, as amended, by striking House Amendment No. 1 to House Bill No. 212, Senate Amendment No. 1 to House Bill No. 212, House Amendment No. 5 to House Bill No. 212, and House Amendment No. 1 to House Amendment No. 5 to House Bill No. 212 in their entirety.

FURTHER AMEND House Bill No. 212, as amended, by deleting lines 6 through 8 in their entirety and inserting in lieu thereof the following:

“(27) “Industrial landfill” means a landsite at which industrial waste is deposited on or into the land as fill for the purpose of permanent disposal. “Industrial landfill” does not mean a facility approved for any of the following:

a. The disposal of hazardous waste under § 6307 of this title.

b. A sanitary landfill under § 6010 of this title.”

FURTHER AMEND House Bill No. 212 by deleting lines 30 through 32 in their entirety and inserting in lieu thereof the following:

“(j) For any industrial landfill not approved by the Department to accept waste as of [the effective date of this Act], the Secretary shall grant or deny a permit for an industrial landfill under subsection (a) or (b) of this section in accordance with duly promulgated regulations and:

(1) The county, municipality, or other governmental entity having jurisdiction is satisfied that all the following have been established:

a. The property on which the industrial landfill is or would be located is within an area which is zoned for heavy industrial activity.

b. The property on which the industrial landfill is or would be located is subject to such process rules, regulations, or ordinances as the county, municipality, or other government entity shall require by law.

c. The necessary conditions may be applied in order to ensure the health, safety, and welfare of citizens within the jurisdiction.

23                    d. Every point on the property boundary line of the property on which the industrial landfill is or will be  
24                    located is at least a ¼ mile from all of the following property boundary lines:

25                    1. Any residence, school, park, and hospital.

26                    2. Any residential community.

27                    3. Any federally designated wetlands.

28                    (2) No permit or modification to a permit may be granted by the Secretary for an industrial landfill that  
29                    authorizes a maximum height, including the cap and cover vegetation of more than 140 feet above the mean sea level  
30                    of the area.”

#### SYNOPSIS

First, this Amendment strikes House Amendments 1 and 5 and House Amendment 1 to House Amendment 5. This Amendment also strikes Senate Amendment 1.

Additionally, this Amendment clarifies that the definition of industrial landfill does not include a sanitary landfill or a disposal of hazardous waste.

Moreover, this Amendment makes restrictions for any industrial landfill that has not been approved by the Department to accept waste as of the effective date of the Act. Those restrictions include that the county, municipality, or other governmental entity having jurisdiction must be satisfied that all of the following have been established:

(1) The property on which the industrial landfill is or would be located is within an area which is zoned for heavy industrial activity.

(2) The property is subject to such process rules, regulations or ordinances as the county, municipality, or governmental entity requires by law.

(3) Necessary conditions may be applied in order to ensure the health, safety, and welfare of citizens within the jurisdiction.

(4) The industrial landfill is at least ¼ mile from any residence, school, park, hospital, residential community, and federally designated wetlands.

Finally, this Amendment provides that no permit or modification to a permit may be granted for an industrial landfill that authorizes a maximum height of more than 140 feet. This height restriction applies to any industrial landfill that has not been approved by the Department to accept waste as of the effective date of the Act.

Author: Senator McBride