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
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 5 AS AMENDED BY HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 5
AND
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 2
AND
SENATE AMENDMENT NO. 3

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:

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

§ 6002. Definitions.

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

(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.

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

§ 6003. Permit – Required.

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

HD : MRS : MAW : 2141500145
LC : HVW : NMX : 5081500163
Released: 01/30/2020 04:46 PM

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

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

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

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

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

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

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

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

(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.

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

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

2. Any residential community.

3. Any wetlands.

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