



**Maryland Department of the Environment**

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# Hazardous Substance Reporting Requirements

**Draft Regulations for COMAR 26.14.02**



# Purpose of Public Workshop

- Provide regulated community and public with opportunity to comment on draft regulations



## Who Must Report?

- A Responsible Person defined in §7-201(t)...
- Possessing a sample result or other environmental assessment...
- Indicating the presence of hazardous substance at or above established threshold.



# What Must Be Reported?

- “Hazardous substance” is any substance defined by CERCLA §101(14) or identified as a controlled hazardous substance by MDE
- Regulation applies to sample result at or above hazardous substance notification standards
  - Concentrations in soils (subsurface or surface ), groundwater, surface water, or wells above standards
  - Other categories of releases, e.g., underground free product, buried containers with more than trace amounts



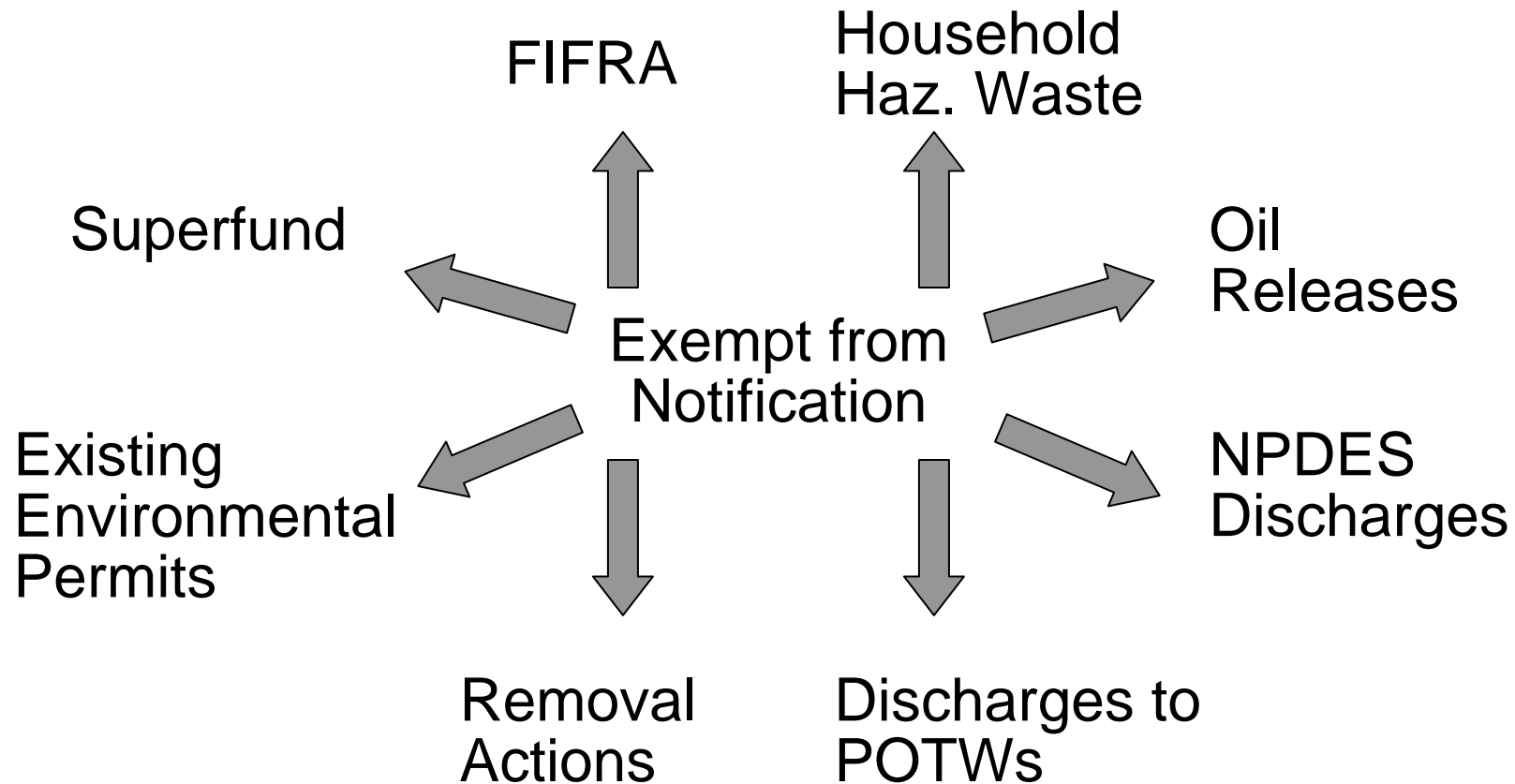
## When Must Reports be Submitted?

- As soon as practicable, but no later than
  - 15 days after the responsible person discovers that the reporting criteria have been met; or
  - 30 days after
    - the effective date of these regulations or
    - The discovery of a sample result or environmental assessment collected or performed before October 1, 2009 that meets the reporting criteria





# What Releases are Exempt from Notification?



## What Are the Notification Standards ?

- Notification Standards are based on the U.S. EPA Risk-Based Criteria (RBC)
  - For carcinogens, threshold notification standard based on the EPA RBC and adjusted to  $10E-5$ .
  - Notification standards do not constitute known risk at site and are not a substitute for site-specific risk assessment
- Residential and Industrial Land Uses
  - Residential Notification Standard applies to sites zoned for residential use/not restricted from being used for residential use
  - Industrial Notification Standard applies to sites not available for residential because of zoning requirements or land use restrictions

# Changes to Draft Regulations

- Modified notification form
  - “Responsible Person” changed to “Name of Person Filing Notification”
  - Changed Statement of Certification Language
  - Reduced information requested in form
  - Included space for identifying “Naturally Occurring Substance”
- Reporting deadlines changed
- Provided timelines for responding to notifications
- Interim Final Guidance Document includes Reporting Notification Standards and Frequently Asked Questions





# Implementation

- Notification Submitted to MDE
- Acknowledgement of receipt letter (w/in 2 working days)
  - Informs Responsible Person that review conducted under authority of Controlled Hazardous Substance Statute
  - MDE will cost recover for time spent reviewing notification
- MDE notifies responsible person whether additional action required **OR** will issue No Further Action letter (w/in 45 working days)
- Sites requiring additional action divided into two categories:
  - Assessment and/or cleanup activities needed to address potential environmental issues; or
  - Assessment and/or cleanup activities needed but can be performed on a transactional basis
- Additional actions conducted under CHS Enforcement Program or Voluntary Cleanup Program oversight





# For Further Information:

The screenshot shows the Maryland Department of the Environment website. The header includes the MDE logo and navigation links like 'HOME', 'MARYLANDER', 'BUSINESS', 'RESEARCH CENTER', and 'NEWSROOM'. The main content area is titled 'LRP NEWS AND RESOURCES' and features a 'News!' section with a headline about 'Controlled Hazardous Substance Act Notification Regulations Stakeholders' Meeting - December 4, 2012'. Below this are several bullet points with links to draft regulations, forms, standards, meeting minutes, and review processes. There is also a section for 'Updated Cleanup Standards for Soil and Groundwater' and 'Additional LRP Resources' with links to various documents and information. At the bottom, there is a logo for the 'INTERSTATE TECHNOLOGY & REGULATORY COUNCIL' with the tagline 'Advancing Environmental Solutions'.

Proposed Hazardous Substance (CHS)  
Notification Regulations  
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Land Management Administration  
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