



**Department of the Environment**

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# Controlled 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 (26.14.02-1(A))?

- Responsible Person (7-201(u) Owner, operator, transporter, etc.)
- Other persons (general public, etc.) may submit report of a release or threatened release



## What Must Be Reported (26.14.02-1(B))?

- Regulation applies to release or threat of release of “hazardous substance” into environment above established notification standards
- Hazardous substance is any substance defined by CERCLA §101(14) or identified as a controlled hazardous substance by MDE
- Releases to soils (surface or subsurface), groundwater, surface water, or wells
- Other categories of releases





## When Must Reports be Submitted (26.14.02-1(B))?

- Responsible persons must notify MDE within 30 days of discovery a release on or after the date the regulations are finalized
- If a responsible person possesses evidence of a release occurring before the date the regulations are finalized, the person must notify MDE within 15 days of discovery.





## What Releases are Exempt from Notification (26.14.02-1(C))?

- Application of pesticides and fertilizers subject to FIFRA;
- Lawful and non-negligent use of a hazardous substance by an individual for personal or domestic purposes;
- Release previously reported to the Department or releases authorized by federal or Maryland permits or approvals;
- Release previously reported to the United States Environmental Protection Agency (EPA) in accordance with requirements of Section 103(c) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9603(c);





## What Releases are Exempt from Notification?

- Release of oil that is subject to regulation under COMAR 26.10;
- Release that is being addressed under State or federal response authorities in compliance with instructions given by the Department, EPA, or the on-scene coordinator or remedial project manager acting on behalf of the Department or EPA;
- Release in a public water system regulated by the Department of the Environment; and
- Release into a publicly owned treatment works.





## What Are the Notification Standards (26.14.02-3)?

- Notification Standards are based on the U.S. EPA Risk-Based Criteria (RBC)
  - For carcinogens, threshold notification standard calculated as 10 times the EPA RBC
  - 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







# Implementation

- Notification Submitted to MDE
- Acknowledgement of receipt letter (w/in 2 days)
  - Informs Responsible Person that review conducted under authority of Controlled Hazardous Substance Statute
  - MDE will cost recover for time spent reviewing notification
- MDE will notify responsible person whether additional information required **OR** will issue No Further Action letter (w/in 45 days)
- Future assessment or cleanup activities occur under CHS enforcement division 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: 'Controlled Hazardous Substance Act Notification Regulations Stakeholders' Meeting - December 4, 2012 from 9 a.m. to 11 a.m. at Montgomery Park'. Below this are several bullet points with links to draft regulations, forms, standards, meeting minutes, and review processes. There is also a link for 'Updated Cleanup Standards for Soil and Groundwater'. At the bottom of the page, there is a logo for the 'INTERSTATE TECHNOLOGY & REGULATORY COUNCIL' with the tagline 'Advancing Environmental Solutions' and a brief description of the council's mission.

Proposed Controlled Hazardous  
Substance (CHS)  
Notification Regulations  
Land Restoration Program  
Land Management Administration  
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