



Background Information – Federal Authorization of Maryland’s Hazardous Waste Regulatory Program

1. How is federal authority for hazardous waste management delegated to states?

The Resource Conservation and Recovery Act (RCRA) is the federal law that governs management of solid waste and hazardous waste. Subtitle C of RCRA establishes national requirements for management of hazardous waste.

RCRA allows states to become the primary implementer of the federal hazardous waste regulatory program through a process known as “RCRA State Authorization”. The U.S. Environmental Protection Agency (EPA) may authorize a state to become the primary implementer of elements of the federal program if the state demonstrates that:

- State regulations on hazardous waste management are at least as stringent as the corresponding federal regulations and are consistent with the federal program;
- The state’s laws and regulations provide adequate legal authority to carry out the hazardous waste regulatory program; and
- The state has the capability to effectively implement its hazardous waste regulatory program.

2. What is Maryland’s current authorization status for its hazardous waste regulatory program?

Maryland received “base program” authorization for the State’s hazardous waste regulatory program in 1985. Revisions to Maryland’s hazardous waste regulatory program were authorized by the EPA in 2001 and 2004. Maryland has applied for authorization for additional revisions to the State’s program, and the EPA is proposing to approve the application (see the EPA fact sheet and public notice that are appended to this background information document.)

3. What are the implications if a Maryland hazardous waste regulation has not been authorization by the EPA through the RCRA State Authorization process?

- Compliance with a lawfully adopted Maryland regulation is required as a matter of State law, independent of whether the regulation has been formally authorized by the EPA.
- Once a Maryland hazardous waste regulation is authorized, it also becomes part of the federal hazardous waste regulatory program, and may be enforced by the EPA. However, “broader in scope” provisions do not become part of the federal regulatory program, but are still enforceable by the State as a matter of Maryland law (see https://www3.epa.gov/epawaste/laws-regs/state/policy/broadr_scope_mor_stingnt_122314.pdf for more details on distinguishing “more stringent” provisions from “broader in scope” provisions.)

THIS IS YOUR CHANCE TO SPEAK UP ON THE REVISIONS TO MARYLAND'S HAZARDOUS WASTE MANAGEMENT PROGRAM

The United States Environmental Protection Agency (EPA) has scheduled a thirty (30) day public comment period.

- How is Maryland Involved?** The Maryland Department of the Environment (MDE) submitted an official application (with subsequent corrections) for EPA approval of State Hazardous Waste Management Program Revisions on July 31, 2015.
- What is the Purpose of this Notice?** The purpose of this notice is to announce that: (1) EPA has received a complete application from the State of Maryland requesting approval of revisions to its hazardous waste management program; (2) EPA has reviewed Maryland's application and has made a determination that Maryland's hazardous waste program revisions satisfy all of the requirements necessary to qualify for approval; (3) Maryland's application for approval is now available for public inspection; and (4) public comments may be submitted by September 29, 2016.
- What is Necessary For Program Approval?** Hazardous wastes are regulated under Federal law pursuant to Subtitle C of the Resource Conservation and Recovery Act (RCRA). Section 3006 of RCRA authorizes EPA to approve a State hazardous waste program to operate in lieu of the Federal hazardous waste program. Authorization ensures that State programs are consistent with and at least as stringent as, the Federal program. Therefore, approval will be granted when EPA determines that a State hazardous waste management program is consistent with and "no less stringent" than the Federal hazardous waste management program.
- What is EPA's Determination?** EPA has reviewed Maryland's hazardous waste management program revision application (with subsequent corrections) submitted on July 31, 2015 and has determined that it meets all the requirements necessary to qualify for approval.
- Where Can I See the Final Authorization Application?** Copies of Maryland's Final Revision Authorization Application are available at the following two addresses for inspection: Maryland Department of the Environment, Land Management Administration, Resource Management Program, 1800 Washington Blvd., Suite 610, Baltimore, Maryland, 21230-1719, Phone number: (410) 537-3314, Attn: Ed Hammerberg; OR U.S. Environmental Protection Agency, Region III Library, 1650 Arch Street, Philadelphia, PA 19103-2029, (215) 814-5254.
- How Am I Involved?** The public may provide written comments on EPA's decision to approve Maryland's Final Authorization Application for hazardous waste management program revisions. The deadline for submitting written comments is September 29, 2016. Comments may be sent to: **Stacie Pratt, Office of State Programs (3LC50), U.S. EPA - Region III, 1650 Arch Street, Philadelphia, PA 19103-2029**; OR
Via email to: **pratt.stacie@epa.gov**; OR
Facsimile to: **(215) 814-3163**; OR
eRulemaking: **www.regulations.gov** (Search docket#: **EPA-R03-RCRA-2015-0674**)

(EPA Public Notice, August, 2016)

NOTICE OF PUBLIC COMMENT PERIOD
MARYLAND HAZARDOUS WASTE MANAGEMENT
PROGRAM REVISIONS

The United States Environmental Protection Agency, Region III has scheduled a thirty (30) day public comment period on Maryland's Final Authorization Revisions of its hazardous waste management program under the Resource Recovery and Conservation Act. EPA intends to approve this authorization which addresses regulatory updates through August 5, 2005 to make Maryland's program equivalent to the federal program. The Federal Register notice is available at <http://www.regulations.gov> identified by Docket ID No. EPA-R03-RCRA-2015-0674.

Copies of Maryland's Application for Revised Authorization are available for inspection and copying from 8:00 a.m. to 4:30 p.m., Monday through Friday, at the following addresses:

Maryland Department of the Environment
Land Management Administration, Resource Management Program
1800 Washington Blvd., Suite 610
Baltimore, MD 21230-1719
(410) 537-3314
Attn: Ed Hammerberg

U.S. Environmental Protection Agency, Region III
EPA Library, 2nd Floor
Philadelphia, PA 19103-2029
(215) 814-5254

Interested parties are encouraged to submit written comments, identified by Docket ID No. EPA-R03-RCRA-2015-0674 by September 29, 2016 to:

Stacie Pratt (3LC50)
U.S. EPA – Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Comments may also be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov>, by email to pratt.stacie@epa.gov or by facsimile at (215) 814-3163.