



Proposed Changes – Hazardous Waste Generator Regulations

What You Need to Know

On January 29, 2021, the Maryland Department of the Environment (MDE) proposed significant amendments to the state’s hazardous waste generator regulations. This fact sheet provides an overview of the proposed changes, and provides information on how to comment on the proposal.

Who is affected by the proposed changes?

The proposed changes affect anyone who generates hazardous waste in Maryland.

Why are these changes being proposed?

The proposal would implement, at the state level, changes that the U.S. Environmental Protection Agency (EPA) made to federal hazardous waste regulations. The changes made by EPA are referred to as the “Hazardous Waste Generator Improvements Rule”. The state is required to keep Maryland’s hazardous waste regulations consistent with federal regulations.

What are the major changes that are being proposed?

- Changes intended to improve the understandability of the regulations
 - Reorganizing the regulations so that they appear in a more logical order
 - Stating requirements directly rather than relying on references to other sections of the regulations
 - More clearly defining Maryland’s hazardous waste generator categories
 - Explaining the relationship between Maryland’s generator categories and the generator categories under the federal regulations,
 - Explaining when a Maryland generator’s federal generator category matters for compliance purposes
- Changes to adopt new, more stringent requirements adopted at the federal level
 - periodic renotification requirement for generators
 - additional labeling/marketing requirements to better indicate the hazards of wastes being managed
 - record keeping requirements for hazardous waste determinations
 - notification of closure by generators



Proposed Changes – Hazardous Waste Generator Regulations

What You Need to Know

- Changes allowing greater flexibility
 - “Episodic” generation provisions, allowing Maryland-defined small quantity generators to maintain that generator status under certain conditions despite a temporary increase in waste generation
 - Relaxation of a 50-foot setback requirement for ignitable wastes for generators who would not be categorized as a large quantity generator under federal regulations
 - Allowance for additional time for waste to be kept in a “satellite accumulation area” at or near the point of generation of the waste
 - Subject to certain requirements, allowing consolidation of waste from off-site generators without having to obtain a hazardous waste facility permit if the off-site generators are Maryland-defined small quantity generators under the control of the person operating the consolidation point

Where can I find a copy of the proposal?

The proposal was published in the January 29, 2021 issue of the Maryland Register (48:3 Md. R. 107–128). A copy is posted on the MDE Land and Materials Administration Regulations webpage at <https://mde.maryland.gov/programs/Regulations/land/Pages/Proposed.aspx>

How can I comment on the proposal?

Written comments may be submitted to the attention of Edward Hammerberg at: Maryland Department of the Environment/RMP, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or by email to ed.hammerberg@maryland.gov. Comments will be accepted through March 1, 2021.

What are the next steps in the administrative process?

MDE will review and respond to public comments. In order for the proposed changes to become effective, MDE will have to publish a Notice of Final Action in the Maryland Register. The notice will identify any changes to the proposal, which may only be nonsubstantive changes, such as correction of typos. (Any substantive changes will require a reproposal.) The notice will also specify an effective date.

When are the changes expected to become effective?

It is anticipated that the changes would become effective in late spring or early summer 2021.

Questions may be directed to Mr. Edward Hammerberg at (410) 537-3356 or ed.hammerberg@maryland.gov.