

**.06 State Financial Assistance under the Special Education Grant.**

- A. A special education student may be counted as eligible for State aid under the special education grant if the student is:
  - (1)—(2) (text unchanged)
  - (3) Receiving special education services on [the last Friday in] October 1 of the prior fiscal year.
- B.—C. (text unchanged)

KAREN B. SALMON, Ph.D.  
State Superintendent of Schools

## Title 26 DEPARTMENT OF THE ENVIRONMENT

### Subtitle 03 WATER SUPPLY, SEWERAGE, SOLID WASTE, AND POLLUTION CONTROL PLANNING AND FUNDING

**26.03.13 Bay Restoration Fund Implementation**

Authority: Environment Article, §9-1605.2, Annotated Code of Maryland; Chs. 80 and 379, Acts of 2014; Chs. 124 and 153, Acts of 2015

**Notice of Change to Opportunity for Public Comment**  
[21-015-P]

The Opportunity for Public Comment which appeared in 48:2 Md. R. 64 (January 15, 2021) has been changed. The corrected notice follows.

**Opportunity for Public Comment**

Comments may be sent to Jeffrey Fretwell, Program Manager, Water Quality Finance Administration, MDE, 1800 Washington Blvd, Baltimore, MD 21230, or call 410-537-3981, or email to jeffrey.fretwell@maryland.gov. Comments will be accepted through March 1, 2021. A public hearing has not been scheduled.

BENJAMIN H. GRUMBLES  
Secretary of the Environment

(5) Amend Regulation .01 under COMAR 26.13.06 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; and

(6) Amend Regulations .02, .10, .14, and .25 under COMAR 26.13.10 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

**Statement of Purpose**

The purpose of this action is to modify Maryland’s hazardous waste regulations to incorporate provisions of the U.S. Environmental Protection Agency’s “hazardous waste generator improvements” rule, modify the hazardous waste listing for nicotine, and revise requirements for hazardous waste treatability studies.

This action also makes other clarifying and formatting edits.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** Based on the U.S. Environmental Protection Agency’s regulatory impact analysis of the corresponding federal regulations, the proposed action is expected to have only a minimal economic impact. Costs of new requirements that the State is required to adopt to maintain consistency with federal regulations are expected to be offset to a large degree by savings from new flexibilities that the regulations provide.

**II. Types of Economic Impact.**

	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency: Implementation costs	(E+)		Minimal
B. On other State agencies: Incremental costs of compliance	(E+)		Minimal
C. On local governments: Incremental costs of compliance	(E+)		Minimal
D. On regulated industries or trade groups: Incremental cost of compliance	(-)		Aggregate annualized Statewide cost: \$57,000
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:	(+)		Indeterminable

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. The proposed action is not anticipated to require the hiring of any new staff. Implementation is expected to be able to be accomplished using existing resources. There may be minor costs associated with outreach to the regulated community (distribution of compliance assistance materials, for example.)



## Subtitle 13 DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES

**Notice of Proposed Action**  
[21-025-P]

The Secretary of the Environment proposes to:

- (1) Amend Regulations .03 and .05 under COMAR 26.13.01 Hazardous Waste Management System: General;
- (2) Amend Regulations .04-4, .04-5, .05, .19, and .19-2 under COMAR 26.13.02 Identification and Listing of Hazardous Waste;
- (3) Amend Regulations .01—, .03, .05, and .06, and adopt new Regulations .01-1, .02-1, .02-2, .03-1—, .03-11, and .05-1—, .05-5 under COMAR 26.13.03 Standards Applicable to Generators of Hazardous Waste;
- (4) Amend Regulations .01, .03, and .05 under COMAR 26.13.05 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities;

B. The overall net aggregate cost of the proposed action on the regulated community is expected to be minimal, as explained in Section II.D.

C. The overall net aggregate cost of the proposed action on the regulated community is expected to be minimal, as explained in Section II.D.

D. The U.S. Environmental Protection Agency, in its regulatory impact analysis of the generator improvements rule, estimated the net annualized national cost of compliance to range between \$100,000 and \$5,200,000 (80 Fed. Reg. 57988, 9/25/15). Taking the average of these figures, and converting the average to current dollars from 2015 dollars using the U.S. Department of Commerce gross domestic product (GDP) implicit price deflators for 2019 and 2015, the current average national compliance cost is estimated to be \$2,650,000. Based on data obtained from the Department of Commerce Bureau of Economic Analysis, Maryland contributed a 2.0% share to the U.S. GDP in 2015 and in 2019. Taking the state's contribution to overall national economic activity as representative of the share of the national compliance costs that would be borne by Maryland entities, the averaged aggregate annualized compliance cost for Maryland generators would be  $(0.02 \times \$2,650,000) = \$53,000$ . There are approximately 1,500 active hazardous waste generators in Maryland, so the estimated average annual cost per generator is \$35.

E. Significant impacts are not expected on industries or trade groups not directly affected by the proposed action.

F. The public will continue to benefit from the safe management of hazardous waste and the associated avoidance of adverse impacts to human health and the environment, but a specific value for any incremental change in this benefit that would result from the proposed action is impossible to quantify.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Edward Hammerberg, Technical Specialist/RCE Supervisor, Maryland Department of the Environment/RMP, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or call 410-537-3356, or email to ed.hammerberg@maryland.gov, or fax to 410-537-3321. Comments will be accepted through March 1, 2021. A public hearing has not been scheduled.

**26.13.01 Hazardous Waste Management System: General**

Authority: Environment Article, §6-905.3 and Title 7, Subtitle 2, Annotated Code of Maryland

**.03 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) — (2-1) (text unchanged)

(2-1-1) *“Acute hazardous waste” means a hazardous waste that meets the listing criteria in COMAR 26.13.02.09A(2) and has therefore been assigned a hazard code of (H) in accordance with COMAR 26.13.02.15B;*

(2-2) — (24-2) (text unchanged)

(25) *“Final closure” means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities*

*under COMAR 26.13.05 and 26.13.06 are no longer conducted at the facility unless subject to the provisions in COMAR [26.13.03.05E] 26.13.03.03-3—.03-10.*

(26) — (28) (text unchanged)

(28-1) *“Fully regulated generator” means a person who generates hazardous waste and does not meet the definition of a Maryland-defined small quantity generator;*

(29) — (51-1) (text unchanged)

(51-1-1) *“Maryland-defined small quantity generator (MDSQG)” means a person who does not meet any of the criteria specified in COMAR 26.13.03.01A-2.*

(51-2) — (96) (text unchanged)

**.05 Incorporation by Reference.**

A. (text unchanged)

B. Incorporation of Federal Regulations by Reference.

(1) As qualified by §B(2) of this regulation, certain federal regulations are incorporated by reference as follows:

(a) When used in COMAR 26.13.05, 40 CFR §§144.3 and 264.140—264.151 as of July 1, [2014] 2019, are incorporated by reference;

(b) When used in COMAR 26.13.06, the federal regulations as of July 1, [2014] 2019, in 40 CFR §§265.90—265.94, 265.140—265.148, 265.270—265.282, 265.340—265.351, 265.370—265.382, and 265.400—265.406 are incorporated by reference;

(c) When used in COMAR 26.13.01—26.13.10, the federal regulations as of July 1, [2014] 2019, in 40 CFR Part 264, Appendix IX Ground Water Monitoring List, 40 CFR Part 261, Appendix III Chemical Analysis Test Methods, and 49 CFR 173, 178, and 179 are incorporated by reference;

(d) When used in COMAR 26.13.03.07-5, the federal regulations as of July 1, [2014] 2019, in 40 CFR §§262.81—262.89 are incorporated by reference; [and]

(e) When used in COMAR 26.13.02, Appendix IX of 40 CFR Part 261, as amended, is incorporated by reference[.]; and

(f) *When used in COMAR 26.13.01—26.13.10, 49 CFR 171—180, 387, and 396, as amended, are incorporated by reference.*

(2) (text unchanged)

C. (text unchanged)

**26.13.02 Identification and Listing of Hazardous Waste**

Authority: Environment Article, §6-905.3 and Title 7, Subtitle 2, Annotated Code of Maryland

**.04-4 Treatability Study Samples.**

A. Except as provided in §B of this regulation, persons who generate or collect samples for the purpose of conducting treatability studies as defined in COMAR 26.13.01.03B are not subject to any requirement of COMAR 26.13.02—.04 or to the notification requirements of Section 3010 of RCRA, nor are those samples included in the quantity determinations of Regulation .05 of this chapter and COMAR [26.13.03.05E(2)]26.13.03.03-4C(3) when one of the following conditions is met:

(1) — (3) (text unchanged)

B. The exemption in §A of this regulation is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies, provided that all of the following conditions are met:

(1) [The]For each process being evaluated for each generated waste stream, the generator or sample collector [does not use]uses, in treatability studies, no more than[ the following amounts for each process being evaluated for each generated waste stream]:

(a) — (b) (text unchanged);