

Opportunity for Public Comment

Comments may be sent to Pamela Fuller, Senior Paralegal, Maryland Environmental Service, 259 Najoles Road, Millersville, MD 21108, or call 410-729-8243, or email to pfuller@menv.com, or fax to 410-729-8220. Comments will be accepted through August 2, 2021. A public hearing has not been scheduled.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (7) (text unchanged)

(8) “Director” means the *Executive* Director of the Maryland Environmental Service.

(9) — (25) (text unchanged)

.04 Contract Authority.

A. — B. (text unchanged)

C. Procurement Approval.

(1) If the Service estimates that a procurement will result in the award of a contract that exceeds [\$250,000] \$200,000, the Service may obtain the approval of the Board for contract award before distributing a solicitation notice for the procurement.

(2) The Service shall obtain the approval of the Board before awarding a contract for more than [\$250,000] \$200,000 if the:

(a) — (b) (text unchanged)

CHARLES C. GLASS, Ph.D.
Executive Director

(7) Amend Regulations .02-4, .02-5, .02-8, and .13-2 under **COMAR 26.13.07 Permits for CHS Facilities;**

(8) Adopt new Regulations .01 — .03 under a new chapter, **COMAR 26.13.09 Land Disposal Restrictions;** and

(9) Amend Regulations .03, .04, .18, and .21—.24 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 maintain consistency with the federal hazardous waste regulatory program. The main elements of the proposal are the adoption of land disposal restriction regulations from Title 40 Part 268 of the Code of Federal Regulations (40 CFR Part 268), adoption of criteria for what constitutes “legitimate” recycling of hazardous waste, adoption of federal provisions regarding the national electronic manifest system for hazardous waste tracking, adoption of federal requirements on international shipments of hazardous waste, adoption of additional requirements for liners, leak detection, and leachate collection for hazardous waste land disposal units, repeal of provisions that allowed the burning of certain waste materials if they met criteria to be considered “comparable” to commercial fuels (provisions that were vacated at the federal level as a result of a court decision), addition of a waste in the organic chemicals industry category, and revision of “delisting” provisions for hazardous waste to clarify that the State’s authority is limited to wastes listed as hazardous by Maryland but not the EPA.

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. The proposed action is expected to have only a minimal economic impact. Most of the requirements proposed for adoption are already in effect in Maryland as a matter of federal law (compliance with the federal electronic manifest provisions, land disposal restriction requirements, and requirements on international shipments of hazardous waste.) Other requirements affect limited segments of the regulated community.

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:	NONE	Not applicable
C. On local governments:	NONE	Not applicable
	Benefit (+)	
	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Minimal
E. On other industries or trade groups:	NONE	Not applicable
F. Direct and indirect effects on public:	(+)	Indeterminable


Title 26
DEPARTMENT OF THE ENVIRONMENT
Subtitle 13 DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES

Notice of Proposed Action

[21-073-P]

The Secretary of the Environment proposes to:

(1) Amend Regulations .02, .03, .04, and .05 and adopt new Regulation .03-1 under **COMAR 26.13.01 Hazardous Waste Management System: General;**

(2) Amend Regulations .01, .02, .04, .04-3, .04-4, .05, .06, .10, .15, .17, .19-6, and .23, repeal existing Regulations .19-1—.19-5, .19-7, and .19-8 and adopt new .19-7 and .19-8 under **COMAR 26.13.02 Identification and Listing of Hazardous Waste;**

(3) Amend Regulations .01, .04, .06, and .07-4, repeal existing Regulations .07—.07-3 and .07-5, and adopt new Regulation .07 under **COMAR 26.13.03 Standards Applicable to Generators of Hazardous Waste;**

(4) Amend Regulations .01 and .02 under **COMAR 26.13.04 Standards Applicable to Transporters of Hazardous Waste;**

(5) Amend Regulations .01, .02, .05, and .11—.14, and adopt new Regulation .02-2 under **COMAR 26.13.05 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities;**

(6) Amend Regulations .01, .02, .19 — .22, and .25 under **COMAR 26.13.06 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities;**

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. Principal implementation costs include the costs associated with compliance monitoring and compliance assistance.

B. No new requirements would be imposed on these entities. Provisions are already in effect in Maryland as a matter of federal law, with the U.S. Environmental Protection Agency having enforcement authority.

C. No new requirements would be imposed on these entities. Provisions are already in effect in Maryland as a matter of federal law, with the U.S. Environmental Protection Agency having enforcement authority.

D. Other than the listing of a waste from the organic chemicals industry as hazardous, no new requirements would be imposed on these entities. Most of the provisions being proposed are already in effect in Maryland as a matter of federal law, with the U.S. Environmental Protection Agency (EPA) having enforcement authority. The waste listing is not expected to affect Maryland entities – the EPA’s economic impact analysis for the adoption of the federal listing identified only 37 affected facilities nationwide, none of which was located in Maryland.

E. Not applicable.

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 410-537-3314, or email to ed.hammerberg@maryland.gov, or fax to 410-537-3321. Comments will be accepted through August 2, 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

.02 Availability of Information Confidentiality of Information.

A. Except in accordance with §E or F of this regulation, the [department] Department shall protect any information contained in the application, or other records, reports, or plans as confidential upon a showing by any person that the information, if made public, would divulge methods or processes entitled to protection as trade secrets, or proprietary business information relating to processes of production, methods of manufacturing, or production volume which are of financial or commercial value.

B. — E. (text unchanged)

F. Manifest Information.

(1) After August 6, 2014, a person may not assert a claim of business confidentiality with respect to information entered on:

(a) A hazardous waste manifest (EPA Form 8700–22);

(b) A hazardous waste manifest continuation sheet (EPA Form 8700–22A); or

(c) An electronic manifest format that may be prepared and used in accordance with COMAR 26.13.03.04A(1)(b) or 40 CFR §262.20(a)(3).

(2) EPA, as the designated custodian of the electronic manifest system under federal law:

(a) Is responsible for making available to the public any:

(i) Electronic manifest that is prepared and used in accordance with COMAR 26.13.03.04A(1)(b) or 40 CFR §262.20(a)(3); and

(ii) Paper manifest that is submitted to the system under COMAR 26.13.05.05B(1)(e), COMAR 26.13.06.05A, 40 CFR §264.71(a)(6), or 40 CFR §265(a)(6); and

(b) Will make the information identified in §F(2)(a) of this regulation for an electronic or paper manifest that has been submitted to the electronic manifest system available to the public:

(i) When EPA considers the manifest to be a complete and final document, as specified in §F(2)(b)(ii) of this regulation; and

(ii) After 90 days have passed since the delivery of the hazardous waste shipment identified in the manifest to the designated facility, the time at which EPA considers the manifest to be a complete and final document.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (8) (text unchanged)

(8-1) “Contained” means held in a unit, including a land-based unit, that meets the criteria of Regulation .04L(4) of this chapter;

(9) — (16-2) (text unchanged)

(16-3) “Electronic manifest (e-manifest)” means the electronic format of the hazardous waste manifest that is obtained from EPA’s national electronic manifest system and transmitted electronically to the system, and that is the legal equivalent of EPA Forms 8700–22 (manifest) and 8700–22A (continuation sheet).

(16-4) “Electronic manifest system (e-manifest system)” means EPA’s national information technology system through which the electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

(17) — (30-1) (text unchanged)

(30-2) “Hazardous secondary material” means a secondary material, such as a spent material, by-product, or sludge, that, if discarded, would be identified as a hazardous waste under COMAR 26.13.02.

(31) — (43-2) (text unchanged)

(43-3) Land-Based Unit.

(a) “Land-based unit” means an area where a hazardous secondary material is placed in or on the land before recycling.

(b) “Land-based unit” does not include a land-based production unit.

(44) — (49) (text unchanged)

(50) “Manifest” means the shipping document EPA Form 8700-22, including, if necessary, EPA Form 8700-22A, originated and signed [by the generator or offeror] in accordance with the [instructions in the appendix to 40 CFR Part 262 and the] applicable requirements of:

(a) — (c) (text unchanged)