

NOTE: this document presents the text of amendments to COMAR 26.13 that were proposed in the Maryland Register on January 29, 2021 (48:3 Md. R. 107-128). The January 29, 2021 issue of the Maryland Register is temporarily available on the Maryland Division of State Documents website at <http://www.dsd.state.md.us/MDR/mdregister.html>.

The text, as published in the Maryland Register Notice of Proposed Action is the official proposal to modify the State's regulations. This unofficial document is being posted for the convenience of the reader.

In this document, proposed new text appears in italics, and text proposed for deletion is appears between brackets ("[text being deleted]").

Title 26

DEPARTMENT OF THE ENVIRONMENT

Subtitle 13 DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES

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);

(c) 100 kilograms of any waste that is:

(i) Identified in this chapter as an acute hazardous waste by having been assigned a hazard code of (H) in accordance with regulations .09 and .15B of this chapter; and

(ii) Not identified as an acute hazardous waste in 40 CFR Part 261;

[(c)] (d) 1 kilogram of acute hazardous waste that does not meet the criteria of §B(1)(c) of this regulation; or

[(d)] (e) (text unchanged)

(2) The mass of each sample shipment:

(a) (text unchanged)

(b) May consist entirely of media contaminated with nonacute hazardous waste, or may include, in addition to media contaminated with nonacute hazardous waste, up to:

(i) (text unchanged)

(ii) 1,000 kilograms of hazardous waste other than contaminated media; [and]

(iii) 1 kilogram of acute hazardous waste [other than] that is not contaminated media and does not meet the criteria of §B(1)(c) of this regulation; and

(iv) 100 kilograms of acute hazardous waste that meets the criteria of §B(1)(c) of this regulation and is not contaminated media;

(3) — (8) (text unchanged)

C. Allowance for Additional Quantities.

(1) Quantities and Bases for Requests.

(a) The Secretary may grant requests on a case-by-case basis for quantity limits in excess of those specified in §B(1) and (2) of this regulation and Regulation .04-5A(4) of this chapter for up to an additional 500 kilograms of nonacute hazardous waste, 5,000 kilograms of media contaminated with nonacute hazardous waste, 1 kilogram of acute hazardous waste that does not meet the criteria of §B(1)(c) of this regulation, 100 kilograms of acute hazardous waste that meets the criteria of §B(1)(c) of this regulation, and 2,500 kilograms of media contaminated with acute hazardous waste, to conduct further treatability study evaluation in response to requests for authorization to ship, store, and conduct treatability studies on additional quantities.

(b) — (c) (text unchanged)

(2) — (3) (text unchanged)

D. (text unchanged)

E. Return of Samples and Residues from Treatability Studies.

(1) (text unchanged)

(2) Until they are accepted by the sample generator or collector to whom they are being sent, the materials identified in §E(1) of this regulation:

(a) (text unchanged)

(b) Are not included in the quantity determinations of Regulation .05 of this chapter and COMAR [26.13.03.05E(2)]26.13.03.03-4C(3).

(3) — (4) (text unchanged)

.04-5 Samples Undergoing Treatability Studies at Laboratories and Testing Facilities.

A. Samples undergoing treatability studies and the laboratories or testing facility conducting the treatability studies, to the extent those facilities are not otherwise subject to requirements under COMAR 26.13, are not subject to any requirements of COMAR 26.13.02—26.13.07 or 26.13.10 or 40 CFR Part 268 or to the notification requirements of §3010 of RCRA provided that all of the following conditions are met:

(1) — (3) (text unchanged)

(4) The quantity of “as received” hazardous waste stored at the facility for the purpose of evaluation in treatability studies, exclusive of treatment materials, including nonhazardous solid waste, added to “as received” hazardous waste, does not exceed 10,000 kilograms, the total of which may consist entirely of media contaminated with nonacute hazardous waste, or may include, in addition to media contaminated with nonacute hazardous waste, up to:

(a) (text unchanged)

(b) 1,000 kilograms of nonacute hazardous waste other than contaminated media; [and]

(c) 1 kilogram of acute hazardous waste *that does not meet the criteria of Regulation .04-4B(1)(c) of this chapter; and*

(d) *100 kilograms of acute hazardous waste that meets the criteria of Regulation .04-4B(1)(c) of this regulation.*

(5) — (11) (text unchanged)

(12) The facility notifies the Secretary by letter when the facility is no longer planning to conduct any treatability studies at the site; [and]

(13) The treatability study is not being used merely as a means to treat or dispose of hazardous waste[.]; *and*

(14) *If a person intends to use, in a treatability study, more than 1 kilogram of waste identified in Regulation .04-4B(1)(c) of this chapter, the person:*

(a) *Notifies the Department of that intention no later than 30 days before the initiation of the treatability study;*

(b) *Provides the Department with an explanation of why the quantity in excess of 1 kilogram is needed for the study; and*

(c) *Provides the Department with any information that the Department considers necessary to evaluate:*

(i) *The need to use the additional quantity of waste; and*

(ii) *Whether the treatability study will be conducted in a manner consistent with the protection of human health and the environment;*

B. (text unchanged)

.05 Special Requirements for Hazardous Waste Generated by Maryland-defined Small Quantity Generators.

A. Exemptions.

(1) Except for those wastes identified in §§B, C, D, and E(2) of this regulation, and except as specified in §G of this regulation *and COMAR 26.13.03.01A-3*, if a person generates, in a calendar month, a total of less than 100 kilograms (approximately 220 pounds) of hazardous wastes, those wastes are not subject to regulation under COMAR 26.13.03—26.13.07 and 26.13.10 and the notification requirements of §3010 of RCRA, provided the generator complies with the requirements of §§B, D, E, and F of this regulation.

(2) In determining quantities under this chapter and COMAR 26.13.03, a generator shall include all hazardous waste generated, except for hazardous waste that is:

(a) — (d) (text unchanged)

(e) Spent lead-acid batteries managed under the requirements of COMAR 26.13.10.04; [or]

(f) Universal waste managed under Regulation .07-1 of this chapter and COMAR 26.13.10.06—.25[.]; *or*

(g) *Managed as part of an episodic generation event in compliance with the requirements of COMAR 26.13.03.05-2—26.13.03.05-4.*

(3) (text unchanged)

B. — C. (text unchanged)

D. In order for hazardous waste to be excluded from regulation under this chapter, the generator:

(1) Shall comply with COMAR 26.13.03.02—.02-2, *which concern hazardous waste determination*[.];

(2) Shall treat or dispose of the waste in an on-site facility, or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the United States, is:

(a) — (e) (text unchanged)

(f) A facility which:

(i) (text unchanged)

(ii) Treats its waste before beneficial use or reuse, or legitimate recycling or reclamation; [or]

(g) For universal waste managed under COMAR 26.13.10.06—.25, a universal waste handler or destination facility subject to the requirements of COMAR 26.13.10.06—.25[.]; *or*

(h) *A facility that is under the control of the same person as the generator, as described in COMAR 26.13.03.03-11B(1), if the generator marks the generator’s containers of hazardous waste in accordance with the requirements of COMAR 26.13.03.03-10A(1) and (2), and the facility is authorized to accept the waste from the generator for consolidation under the provisions of:*

(i) *COMAR 26.13.03.03-11, if the facility is located in Maryland; or*

(ii) 40 CFR §262.14(a)(5)(viii) or analogous regulations of the destination state, as applicable, if the facility to which the waste is being sent is not located in Maryland; and

(3) May not accumulate hazardous waste on-site if the generator accumulates at any time:

(a) Acute hazardous wastes in quantities greater than those set forth in §C of this regulation[.], [Those]in which case, those accumulated wastes are subject to regulation under COMAR 26.13.03—26.13.07 and 26.13.10 and the applicable notification requirements of §3010 of RCRA[.], and [The]the time period of COMAR [26.13.03.05E] 26.13.03.03-4C for accumulation of wastes on-site begins when the accumulated wastes exceed the applicable exclusion limit[.]; or

(b) More than a total of 100 kilograms of any hazardous waste not otherwise regulated under §D(3)(a) of this regulation[.], in which case, those [Those] accumulated wastes are subject to regulation under COMAR 26.13.03—26.13.07 and 26.13.10 and the applicable notification requirements of §3010 of RCRA[.], and [The]the time period of COMAR [26.13.03.05E] 26.13.03.03-4C for accumulation of wastes on-site begins for a generator when the initial waste is generated.

E. — G. (text unchanged)

.19 Discarded Commercial Chemical Products, Off-Specification Species, Containers, and Spill Residues of These.

A. — D. (text unchanged)

E. The commercial chemical products, or manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in §§A—D of this regulation are identified as acute hazardous wastes (H) and are subject to the small quantity exclusion defined in Regulation .05C of this chapter. These wastes and their corresponding EPA Hazardous Waste Numbers are:

Hazardous Waste Number	Substance*
1080 see P058 — P074 Nickel cyanide (text unchanged)	
P075	Nicotine and salts, <i>except than this listing does not include patches, gums, and lozenges that have been approved by the Food and Drug Administration as over-the-counter nicotine replacement therapies.</i>
P076 Nitric Oxide — P205 Zinc, bis(dimethylcarbamodithioato-S,S’)-, (text unchanged)	

*The Department included in *this list* those trade names of which it was aware. An omission of a trade name does not imply that it is not hazardous. The material is hazardous if it is listed under its generic name.

F. — H. (text unchanged)

.19-2 Comparable Fuel and Synthesis Gas Fuel Exclusion — Implementation.

A.—C. (text unchanged)

D. Blending to Meet the Viscosity Specification. A person seeking to exclude a waste from regulation as a solid waste under §A of this regulation shall ensure that a hazardous waste that is blended to meet the viscosity specification of Regulation .19-1B(1)(a)(ii) of this chapter:

(1) (text unchanged)

(2) Is blended at a facility that is subject to the applicable requirements of COMAR 26.13.05—26.13.07 and COMAR [26.13.03.05E]26.13.03.03-3—,03-10; and

(3) (text unchanged)

E. Treatment to Meet the Comparable Fuel Exclusion Specifications.

(1) A person may treat a hazardous waste to meet the exclusion specifications of Regulation .19-1B(1) of this chapter if the treatment:

(a) (text unchanged)

(b) Is performed at a facility that is subject to the applicable requirements of COMAR 26.13.05—26.13.07 and COMAR [26.13.03.05E]26.13.03.03-3—,03-10; and

(c) (text unchanged)

(2) (text unchanged)

F. Generation of a Syngas Fuel.

(1) A person may generate a syngas fuel by processing hazardous wastes to meet the exclusion specifications of Regulation .19-1B(2) of this chapter if the processing:

(a) (text unchanged)

(b) Is performed at a facility that is:

(i) Subject to the applicable requirements of COMAR 26.13.05—26.13.07 and COMAR [26.13.03.05E]26.13.03-3—,03-10; or

(ii) (text unchanged)

(c) (text unchanged)

(2) (text unchanged)

G. (text unchanged)

26.13.03 Standards Applicable to Generators of Hazardous Waste

Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland

.01 Purpose, Scope, and Applicability.

A. These regulations establish standards for generators of hazardous waste[,], and include:

(1) Requirements that must be met in order for a generator to qualify for exemptions from specified requirements of COMAR 26.13; and

(2) Requirements that a generator must meet independently of those requirements that determine eligibility for a conditional exemption, with these independent requirements including:

(a) Hazardous waste determination and record keeping requirements of Regulations .02, .02-1, and .02-2 of this chapter;

(b) Determination of applicability of requirements of this chapter based on amounts of hazardous waste generated and amounts of hazardous waste accumulated, as specified in §§A-1 and A-2 of this regulation;

(c) Requirements concerning EPA identification numbers and renotification in Regulations .03—.03-2 of this chapter;

(d) Manifest requirements of Regulation .04 of this chapter;

(e) Pre-transport requirements of Regulation .05 of this chapter;

(f) Record keeping and reporting requirements of Regulation .06 of this chapter; and

(g) Requirements of 40 CFR Part 262 Subpart H, concerning transboundary movements of hazardous waste for recovery and disposal.

A-1. To determine the applicability of a provision of this chapter that depends on the amount of hazardous waste generated per calendar month, a person shall use the criteria of COMAR 26.13.02.05A(2) and (3) in calculating the amount of hazardous waste generated.

A-2. A person is subject to the requirements of this chapter if the person meets any of the following criteria:

(1) Generates 100 kilograms or more of hazardous waste in a calendar month;

(2) Accumulates, at any time, more than 100 kilograms of hazardous waste;

(3) Generates in a calendar month or accumulates at any time more than 1 kilogram of acute hazardous waste as specified in COMAR 26.13.02.05C(1), C(2), C(6,) and C(7);

(4) Generates in a calendar month or accumulates at any time:

(a) Any containers identified in COMAR 26.13.02.19C that are larger than 20 liters in capacity;

(b) 10 kilograms or more of inner liners from containers identified in COMAR 26.13.02.19C; or

(c) 100 kilograms or more of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill into or onto any land or water of any acute hazardous waste listed in COMAR 26.13.02.16—.19.

A-3. Requirements for Maryland-defined Small Quantity Generators.

(1) A person who does not meet any of the criteria in §A-2 of this regulation is referred to as a “Maryland-defined small quantity generator”.

(2) A Maryland-defined small quantity generator is subject to the requirements of COMAR 26.13.02.05 rather than this chapter, except:

(a) For the requirements of Regulations .05-2 and .05-3 of this chapter, regarding episodic generation; and

(b) As specified in COMAR 26.13.02.05;

(3) A person’s eligibility to operate under the requirements applicable to Maryland-defined small quantity generators under COMAR 26.13.02.05 may be determined on a month-to-month basis, based on the amounts of hazardous waste and acute hazardous waste that:

(a) Are generated in a given month; and

(b) Have been accumulated on site at any time during that month.

(4) Renotification Requirements for Maryland-defined Small Quantity Generators. Except as provided in Regulation .03H of this chapter, a person in possession of an EPA identification number issued under Regulation .03B of this chapter is not required to notify the Department of a change in the person’s generator status if the generator status changes as a result of the person either newly qualifying as a Maryland-defined small quantity generator or no longer qualifying as a Maryland-defined small quantity generator. However, if the person expects the new status to remain unchanged for an extended period, the person is encouraged to notify the Department of the change in status by completing EPA Form 8700-12 with current information and submitting the revised form to the Department.

B. A generator who treats, stores, or disposes of hazardous wastes on-site shall [only] comply with the following sections of this chapter with regards to that waste:

(1) [Regulation .02 of this chapter for determining whether or not he has a hazardous waste;

(2) Regulation .03 for obtaining an identification number;

(3) Regulation .06A(3) and (4) for record keeping;

(4) Regulation .06D for additional reporting]Requirements identified in §A(2) of this regulation;

[(5)] (2) If applicable, Regulation .07-4 of this chapter for farmers; [and]

[(6)] Regulation .05E for accumulation time.]

(3) Regulations .03-3—.03-10 of this chapter, concerning accumulation of hazardous waste; and

(4) Applicable requirements of §§C—J of this regulation.

[B-1. To determine the applicability of a provision of this chapter that depends on the amount of hazardous waste generated per calendar month, a person shall use the criteria of COMAR 26.13.02.05A(2) and (3) in calculating the amount of hazardous waste generated.]

C. — D. (text unchanged)

E. A person who generates a hazardous waste as defined by COMAR 26.13.02 is subject to the compliance requirements and penalties prescribed in Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland, if that person does not comply with the requirements of this chapter.[A generator of a hazardous waste who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit requirements set forth in COMAR 26.13.05, 26.13.06, and 26.13.07.]

F. (text unchanged)

G.[Regulation by Reference. Reference to 49 CFR in this chapter is to 49 CFR as it has been adopted as of October 1, 2007] A generator of hazardous waste who treats, stores, or disposes hazardous waste on-site shall comply with the applicable standards and permit requirements of COMAR 26.13.05, 26.13.06, and 26.13.07, but may be exempted from certain of these requirements under Regulation .03-4 of this chapter.

H. (text unchanged)

I. A generator subject to regulation under this chapter shall follow the notification requirements of Section 3010 of RCRA by complying with the requirements of Regulation .03A—C of this chapter, or, if applicable, Regulation .03F of this chapter.

J. (text unchanged)

.01-1 Federally-defined Hazardous Waste Generator Categories — Applicability in Maryland.

A. Federal hazardous waste regulations in 40 CFR Parts 260—270 define and use the terms “very small quantity generator”, “small quantity generator”, and “large quantity generator”. This regulation:

- (1) Restates the definitions of the federally-defined hazardous waste generator categories;
- (2) Identifies certain requirements for which the applicability of the requirements to a Maryland generator of hazardous waste depends on the generator’s federally-defined hazardous waste generator category; and
- (3) Identifies certain reduced requirements that a Maryland generator of hazardous waste may take advantage of if the generator meets the federal definition of a small quantity generator.

B. Federal Categories for Hazardous Waste Generators. Under federal regulations at 40 CFR §260.10, a:

(1) “Very small quantity generator” is a generator who generates less than or equal to the following amounts in a calendar month:

- (a) 100 kilograms (220 lbs) of nonacute hazardous waste;
- (b) 1 kilogram (2.2 lbs) of acute hazardous waste listed in 40 CFR §261.31 or 40 CFR §261.33(e); and
- (c) 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 40 CFR §261.31 or 40 CFR §261.33(e);

(2) “Small quantity generator” is a generator who generates that following amounts in a calendar month:

(a) Greater than 100 kilograms (220 pounds) but less than 1,000 kilograms (2,200 pounds) of non-acute hazardous waste;

(b) Less than or equal to 1 kilogram (2.2 pounds) of acute hazardous waste listed in 40 CFR §261.31 or 40 CFR §261.33(e); and

(c) Less than or equal to 100 kilograms (220 pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 40 CFR §261.31 or 40 CFR §261.33(e);

(3) “Large quantity generator” is a generator who generates any of the following amounts in a calendar month:

(a) Greater than or equal to 1,000 kilograms (2200 pounds) of non-acute hazardous waste;

(b) Greater than 1 kilogram (2.2 pounds) of acute hazardous waste listed in 40 CFR §261.31 or 40 CFR §261.33(e) of this chapter; or

(c) Greater than 100 kilograms (220 pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 40 CFR §261.31 or 40 CFR §261.33(e).

C. A Maryland generator of hazardous waste shall:

(1) Determine the applicable generator category under federal regulations using the procedures in 40 CFR §262.13, except that the generator shall:

(a) Use the provisions of COMAR 26.13.02.05A(2) instead of the provisions of 40 CFR §262.13(c) in identifying waste that should not be counted in determining the federal generator category;

(b) Exclude from the quantity of waste that determines the generator’s federal generator category any hazardous waste that is regulated as a hazardous waste under Maryland regulations but not federal regulations; and

(c) Use the provisions of COMAR 26.13.02.05A(3) instead of the provisions of 40 CFR §262.13(d) in identifying the quantity of hazardous waste generated in a calendar month.

(2) Use the federal generator category determined under §C(1) of this regulation for the purposes of:

(a) Completing forms associated with:

(i) Obtaining an EPA identification number under Regulation .03 of this chapter;

(ii) Satisfying the renotification requirement of Regulation .03-1 of this chapter; and

(iii) Reactivating an EPA identification number under Regulation .03-2 of this chapter;

(b) *Completing forms associated with the biennial report of hazardous waste activity required by Regulation .06B of this chapter; and*

(c) *Determining eligibility for exemptions from certain requirements that are available to persons who qualify as a small quantity generator under federal regulations, as specified in §D of this regulation.*

D. *Exemptions from Certain Requirements Based on a Generator's Federal Generator Category. A generator who qualifies as a small quantity generator under federal regulations, and who does not accept hazardous waste from off site for consolidation under the provisions of Regulation .03-11 of this chapter, is not required to comply with:*

(1) *The requirement of Regulation .03-5D(1) of this chapter and COMAR 26.13.05.04D(2) regarding submission of copies of the contingency plan;*

(2) *The requirement of Regulation .03-5E of this chapter to prepare and distribute a quick reference guide to the facility contingency plan;*

(3) *The requirement of Regulation .03-6G(1) of this chapter that containers holding ignitable or reactive waste are to be located at least 15 meters (50 feet) from the facility property line;*

(4) *The requirements of Regulations .03-6J and .03-7B(1)(d) of this chapter to comply with air emissions standards in 40 CFR Part 265 Subparts AA, BB, and CC; and*

(5) *The closure notification requirements of regulation .05-2B of this chapter.*

.02 Hazardous Waste Determination — Generator's Obligations.

A. *A person who generates a solid waste, as defined in COMAR 26.13.02.02[, shall determine if that waste is a hazardous waste using the following method:*

(1) *The person should first determine if the waste is excluded from regulation under COMAR 26.13.02.04—04-5;*

(2) *The person shall then determine if the waste is listed as a hazardous waste in COMAR 26.13.02.15—.19;*

Agency Note: *Even if the waste is listed, the generator still has an opportunity under COMAR 26.13.02.09A(3) to demonstrate to the Secretary that the waste from his particular facility or operation is not a hazardous waste.*

(3) *If the waste is not listed as a hazardous waste in COMAR 26.13.02.15—.19, the person shall determine whether the waste is identified by either:*

(a) *Testing the waste according to the methods set forth in COMAR 26.13.02.10-.14, or according to an equivalent method approved by the Secretary under COMAR 26.13.01.04B; or*

(b) *Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.];*

(1) *Shall:*

(a) *Make an accurate determination as to whether that waste is a hazardous waste, with an "accurate determination" being a determination that allows the person to determine the requirements that are applicable to the waste and the generator of the waste under the provisions of COMAR 26.13.01—26.13.10 and federal hazardous waste regulations; and*

(b) *Take into account, when the determination required by §A(1)(a) of this regulation is made, changes in the properties of the waste that are known or likely to occur before the ultimate disposition of the waste due to:*

(i) *Exposure of the waste to the environment; or*

(ii) *Other factors;*

(2) *Shall, in complying with §A(1) of this regulation, make the determination for each solid waste:*

(a) *At the point of waste generation before any dilution, mixing, or other alteration of the waste occurs; and*

(b) *At any time in the course of the management of the waste when:*

(i) *The properties of the waste have, or may have, changed as a result of exposure of the waste to the environment or because of other factors; and*

(ii) *The change or potential change to the properties of the waste may cause a change to the classification of the waste made under §A(2)(a) of this regulation;*

(3) *May, subject to the requirements of §A(4) of this regulation, designate the solid waste to be a hazardous waste if the person:*

(a) *Assumes that the solid waste is a hazardous waste without having made a formal determination following the procedures in Regulation .02-1 of this chapter; or*

(b) *Has decided to voluntarily designate and manage the solid waste as a hazardous waste despite a determination, using the procedures in Regulation .02-1 of this chapter, that the waste does not have to be managed as a hazardous waste; and*

(4) *Shall, if the person has made the assumption that the waste is hazardous, as specified in §A(3)(a) of this regulation:*

(a) *Determine whether the waste is an acute hazardous waste, as specified in Regulation .02-1 of this chapter;*

(b) *Comply with the record keeping requirements of Regulation .02-2 of this chapter, if applicable; and*

(c) *Identify all hazardous waste numbers that may be associated with the waste, in accordance with the requirements of §D(1) of this regulation, if applicable.*

B. *[If the person determines that the waste is a hazardous waste, the person shall refer to COMAR 26.13.02, 26.13.05, 26.13.06, and 26.13.10 for possible exclusions or restrictions pertaining to management of the specific waste.]A person making the determination required by §A of this regulation shall:*

(1) *Follow the procedures specified in Regulation .02-1 of this chapter in characterizing the waste; and*

(2) *Unless the person qualifies as a Maryland-defined small quantity generator, comply with the record keeping requirements specified in Regulation .02-2 of this chapter.*

C. If the result of the determination required by §A of this regulation is that the waste is a hazardous waste, the generator of the waste shall refer to COMAR 26.13.02, 26.13.05, 26.13.06, and 26.13.10 for possible exclusions or restrictions pertaining to management of the specific waste.

D. A person who generates hazardous waste and who does not meet the criteria to be considered a Maryland-defined small quantity generator shall:

(1) Identify, for each hazardous waste generated, all hazardous waste numbers and EPA hazardous waste numbers, as specified in COMAR 26.13.02.11—.19, that apply to the hazardous waste; and

(2) Comply with the record keeping requirements of Regulation .02-2 of this chapter.

Agency Note: information from the complete determination of applicable hazardous waste numbers required by §D(1) of this regulation is needed in order to comply with the container marking requirements of Regulation .03-10 of this chapter.

.02-1 Hazardous Waste Determination — Procedures.

A. This regulation specifies procedures that a person shall follow in determining whether a solid waste is a hazardous waste, and establishes record keeping requirements with respect to hazardous waste determinations.

B. In order to determine whether a solid waste is a hazardous waste, a person shall, in accordance with the requirements of §§C—D of this regulation:

(1) Determine if the waste is excluded from regulation under COMAR 26.13.02.04—.04-5;

(2) If the waste is not excluded from regulation under COMAR 26.13.02.04—.04-5:

(a) Determine if the waste is listed as a hazardous waste in COMAR 26.13.02.15—.19; and

(b) Determine whether the waste exhibits any of the characteristics of hazardous waste specified in COMAR 26.13.02.10—.14.

C. To determine if a waste is listed as a hazardous waste in COMAR 26.13.02.15—.19, a person shall:

(1) Use knowledge of the waste to determine if the waste meets any of the listing descriptions in COMAR 26.13.02.10—.14; and

(2) Ensure that the information that the person uses in making the determination is sufficient to result in an accurate characterization that can serve as the basis for determining the management standards that apply, such as information on:

(a) The origin of the waste;

(b) Waste composition;

(c) The process that produced the waste;

(d) The feedstock for the process from which the waste is derived; and

(e) Other reliable and relevant information.

Agency Note: Even if the waste is listed as a hazardous waste, the generator still has an opportunity under 40 CFR 260.20 and 260.22 for a waste listed as hazardous by the federal government, and COMAR 26.13.01.04A and C for a Maryland-only listed waste, to demonstrate that the waste from the generator's particular facility or operation does not meet the criteria for listing. However, the waste must be managed as a hazardous waste until a petition to delist the waste under these provisions is successful.

D. Determining Whether a Waste Exhibits a Characteristic of Hazardous Waste.

(1) To determine whether a waste exhibits a characteristic of hazardous waste, a person shall:

(a) Apply knowledge of the characteristics of the waste in accordance with §D(2) of this regulation;

(b) Test the waste in accordance with §D(3) of this regulation; or

(c) Use a combination of both application of knowledge of the waste and testing of the waste.

(2) In using knowledge of waste characteristics as the basis for determining whether a waste exhibits any of the characteristics of hazardous waste defined in COMAR 26.13.02.10—.14, a person:

(a) Shall apply knowledge of the hazard characteristics of the waste in light of the materials and the processes used to generate the waste;

(b) Shall ensure that the information that the person uses in making the determination is sufficient to result in an accurate characterization that can serve as the basis for determining the management standards that apply, relying on such things as:

(i) Process knowledge, such as information about the identities and properties of chemical feedstocks and other inputs to the production process and the transformations that occur as part of the process;

(ii) Knowledge of products, by-products, and intermediates produced by the manufacturing process;

(iii) Chemical or physical characteristics of wastes;

(iv) Information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste;

(v) Testing that illustrates the properties of the waste; or

(vi) Other reliable and relevant information about the properties of the waste or its constituents; and

(c) May use a test method other than a test method specified in COMAR 26.13.02.10—.14, or an equivalent test method approved by the Secretary under COMAR 26.13.01.04A and B, as part of the person's knowledge if the person:

(i) Understands that such tests, by themselves, do not provide definitive results; and

(ii) Ensures that any testing that is performed is done on a representative sample as defined in COMAR 26.13.01.03B.

(3) If available knowledge is insufficient to allow an accurate determination of whether a waste exhibits a characteristic of hazardous waste, a person required to characterize the waste shall:

(a) Test the waste according to the applicable methods specified in COMAR 26.13.02.10—14, or an equivalent test method approved by the Department under COMAR 26.13.01.04A and B; and

(b) Perform the testing on a representative sample as defined in COMAR 26.13.01.03B.

(4) The results from a properly performed test using a test method that is specified in COMAR 26.13.02.10—14 are definitive for determining the regulatory status of the waste.

(5) If a person who is required to characterize a waste concludes, based on the person's knowledge of the characteristics of the waste, that the waste does not exhibit a characteristic of hazardous waste specified in COMAR 26.13.02.10—14, but subsequent testing of a representative sample of the waste using a test method specified in COMAR 26.13.02.10—14 shows the waste to exhibit a characteristic of hazardous waste, the person is subject to any liability that applies as a result of the person's mischaracterization of the waste.

.02-2 Hazardous Waste Determination — Record Keeping Requirements.

A. A person who generates hazardous waste and who does not meet the criteria to be considered a Maryland-defined small quantity generator shall maintain records that support the generator's hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste as defined by COMAR 26.13.02.03.

B. Record Retention Period.

(1) A generator who is required under §A of this regulation to maintain records of a hazardous waste determination shall maintain the records for at least 3 years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

(2) The period of record retention specified in §B(1) of this regulation is extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department.

C. A person required to maintain records under §A of this regulation shall ensure that the records:

(1) Comprise the generator's knowledge of the waste and support the generator's determinations made in accordance with Regulation .02-1B—D of this chapter; and

(2) Include, at a minimum, the following types of information:

(a) The results of any tests, sampling, waste analyses, or other determinations made in accordance with Regulations .02 and .02-1 of this chapter;

(b) Records documenting the tests and sampling referenced in §C(2)(a) of this regulation, and information on analytical methods used to demonstrate the validity and relevance of such tests;

(c) Records that were consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and

(d) Records that explain the basis for the knowledge that the generator relied on in determining whether a waste exhibits a characteristic of hazardous waste, in accordance with Regulation .02-1D of this chapter.

.03 EPA Identification Numbers — General Requirements for Generators.

A. A generator may not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the [Secretary] Department.

B. A generator who has not received an EPA identification number may obtain one by applying to the [Secretary] Department using EPA Form 8700-12 or another form specified by the Department.

C. Upon receiving [the]a request for an EPA identification number, the [Secretary] Department will:

(1) [assign]Assign an identification number to the generator[.]; or

(2) Inform the generator that an EPA identification number has previously been assigned to the site for which the generator is applying for a number, provide the previously assigned number to the generator, and instruct the generator to use the previously assigned number for the purposes of compliance with this chapter.

D. In completing EPA Form 8700-12, a generator:

(1) Shall determine the generator's federally defined hazardous waste generator category as specified in Regulation .01-1B—C of this chapter; and

(2) May elect to identify on the form as being in a more stringently regulated category of generator than is actually the case based on the generator's current rate of hazardous waste generation, such as identifying as a large quantity generator when the generator's current rate of generation corresponds to the small quantity generator category.

[C.]E. A generator may not offer [his] the generator's hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.

F. A recognized trader may not arrange for import or export of hazardous waste without having received an EPA identification number from the Department.

G. Temporary EPA Identification Number.

(1) A generator who is required to obtain an EPA identification number in order for a shipment of hazardous waste to be made from a particular location may apply to the Department for a temporary EPA identification number if the location has not previously been issued an EPA identification number or a temporary EPA identification number.

(2) To obtain a temporary EPA identification number, a person shall contact the Department and provide the Department with any information that the Department considers to be relevant to the request for the temporary EPA identification number,

including information on the site location, information about the generator, information about the waste, information about the person who will transport the waste, and information about the destination facility to which the waste will be sent.

(3) If additional hazardous waste is generated at the site subsequent to the completion of shipment off site of the hazardous waste that necessitated issuance of a temporary EPA identification number for the site, the generator:

(a) May not continue to use the temporary EPA identification number that had been issued for the site; and

(b) Shall obtain an EPA identification number for the site as specified in §B of this regulation, unless the generator is otherwise excluded from the requirement to obtain an EPA identification number for the site.

.03-1 Renotification.

A. *Periodic Renotification Requirement.* Periodically, except as specified in §B of this regulation, the hazardous waste generator or the owner or operator associated with a site for which an EPA identification number has been issued shall file a renotification with the Department to provide current information about the generator and the site, as specified in §§C and D of this regulation.

B. *Exclusions.* The renotification requirement of §A of this regulation does not apply with respect to a site:

(1) With an EPA identification number that has been deactivated in accordance with Regulation .03-2 of this chapter, unless a person has initiated or resumed a hazardous waste activity at the site that requires an EPA identification number; or

(2) For which only a temporary EPA identification number has been issued under Regulation .03G of this chapter.

C. *Initial Renotification.*

(1) *Applicability.* Except as provided in §B of this regulation, this initial renotification requirement applies with respect to each site with an EPA identification number where:

(a) A person qualified as a fully regulated generator of hazardous waste, as defined in COMAR 26.13.01.03B, at any time during the period running from January 1, 2011 through December 31, 2020; or

(b) As of December 31, 2020, the hazardous waste generator status was identified in the U.S. Environmental Protection Agency's RCRAInfo data base as a federally-defined small quantity generator or a large quantity generator.

(2) *Initial Renotification Requirement.* For a site identified in §C(1) of this regulation, the owner, the operator, and the hazardous waste generator associated with the site shall jointly ensure that one of them satisfies the renotification requirement of §A of this regulation by either:

(a) Having submitted a biennial report of hazardous waste activity for 2019; or

(b) Submitting, to the Department, by September 1, 2021, a subsequent notification of hazardous waste activity using EPA Form 8700-12.

D. *Subsequent Renotifications.*

(1) *Applicability.* Except as provided in §B of this regulation, a subsequent notification requirement applies with respect to each site with an EPA identification number where:

(a) A person qualified as a fully regulated generator of hazardous waste, as defined in COMAR 26.13.01.03B, at any time during a 4-year period specified in §D(2) of this regulation; or

(b) As of January 1 of the last calendar year of a 4-year period specified in §D(2) of this regulation, the hazardous waste generator status was identified in the U.S. Environmental Protection Agency's RCRAInfo data base as a federally-defined small quantity generator or a large quantity generator.

(2) *Periods of Activity for Subsequent Renotifications.* The subsequent renotification requirements of §D(1) and §D(3) of this regulation apply to the 4-year period that runs from September 1, 2021 to September 1, 2025 and to each successive 4-year period defined by adding whole number multiples of 4 years to these starting and ending dates.

(3) *Subsequent Renotification Requirements.* For a site identified in §D(1) of this regulation, the owner, operator, and hazardous waste generator associated with the site shall jointly ensure that one of them satisfies the renotification requirement of §D(1) of this regulation by either:

(a) Having submitted a biennial report of hazardous waste activity for the full odd-numbered year that falls in the 4-year period specified in §D(2) of this regulation, such as 2023 for the period September 1, 2021 to September 1, 2025; or

(b) Submitting, to the Department, a subsequent notification of hazardous waste activity using EPA Form 8700-12 during the period that runs from January 1 to September 1 of the last calendar year of the 4-year period specified in §D(2) of this regulation, such as 2025 for the period September 1, 2021 to September 1, 2025.

.03-2. Deactivation and Reactivation of an EPA Identification Number.

A. *Deactivation at the Request of the Holder of an EPA Identification Number.*

(1) If, at a site that has been issued an EPA identification number, no hazardous waste activity that requires possession of an EPA identification number is being conducted, the owner or the operator of the site may request that the Department deactivate the EPA identification number.

(2) To request deactivation of an EPA identification number, a person shall:

(a) Complete EPA Form 8700-12 with current information;

(b) Indicate that the form is being submitted in order to deactivate the specific EPA identification number associated with the site because no hazardous waste activities that require an EPA identification number are being conducted at the site; and

(c) Submit the completed form to the Department.

(3) An EPA identification number that has been deactivated:

(a) Will remain associated with the location to which it was assigned for tracking purposes in State and federal databases to indicate that hazardous waste activity has occurred at the site; and

(b) Shall be reactivated in accordance with §C of this regulation if any activities that require an EPA identification number are conducted at the site subsequent to the deactivation.

B. Deactivation on the Initiative of the Department. The Department may deactivate an EPA identification number on the Department's own initiative if the Department determines that no activity that requires an EPA identification number is being conducted at the location associated with the EPA identification number, and no such activity is likely to be conducted for the foreseeable future.

C. Reactivation. If a person initiates or resumes an activity that requires possession of an EPA identification number at a site at which the EPA identification number has been deactivated, the person shall request that the EPA identification number be reactivated by:

(1) Completing EPA Form 8700-12 with current information;

(2) Indicating on the form that the form is being submitted in order to reactivate the specific EPA identification number associated with the site; and

(3) Submitting the completed form to the Department.

.03-3 Satellite Accumulation Areas.

A. Applicability.

(1) This regulation establishes conditions under which a person may accumulate a limited quantity of hazardous waste in containers at or near the point of generation of the waste without having to:

(a) Manage the area where the waste is being accumulated under the hazardous waste accumulation requirements of Regulations .03-4—.03-10 of this chapter, except as otherwise specified in this regulation;

(b) Obtain a CHS permit issued under COMAR 26.13.07 for the area in which the hazardous waste is being accumulated; or

(c) Qualify for interim status, as defined in COMAR 26.13.01.03B, with respect to the area where the hazardous waste is being accumulated.

(2) A hazardous waste management area referred to in §A(1) of this regulation is known as a satellite accumulation area.

B. Eligible Locations. A location is only eligible to be used as a satellite accumulation area for hazardous waste if the location is:

(1) At or near a point of generation where the waste initially accumulates; and

(2) Under the control of the operator of the process generating the waste.

C. Satellite Accumulation Area Waste Removal Triggers.

(1) If a person accumulates more than the following amounts of hazardous waste in a satellite accumulation area, the person shall take the actions specified in §D of this regulation with respect to that waste:

(a) 55 gallons of nonacute hazardous waste; or

(b) Acute hazardous waste in excess of:

(i) 1 quart of liquid acute hazardous waste;

(ii) Either 1 kilogram of solid acute hazardous waste or 1 quart of solid acute hazardous waste, at the discretion of the person who is accumulating the waste; or

(iii) 1 kilogram of any combination of solid and liquid acute hazardous waste.

(2) If a waste removal trigger has been reached in a satellite accumulation area for nonacute hazardous waste but not for acute hazardous waste, or vice versa, the actions specified in §D of this regulation are only required for the waste for which the waste removal trigger has been exceeded.

D. Actions Required if a Waste Removal Trigger is Exceeded.

(1) The requirements of this section apply separately to containers of acute hazardous waste and containers of nonacute hazardous waste.

(2) Upon accumulation in a satellite accumulation area of an amount of hazardous waste that exceeds a quantity specified in §C(1) of this regulation, the generator of the waste shall:

(a) Immediately mark each container of hazardous waste that is contributing to the exceedance with the date on which the exceedance occurred; and

(b) If the generator begins using an additional container for the accumulation of hazardous waste in the satellite accumulation area, contributing to the exceedance of the waste removal trigger, before the actions required by §D(2)(c) of this regulation are taken, the generator shall mark the container with the date identified in §D(2)(a) of this regulation.

(3) Not later than the end of the third day after the date of exceedance identified in §D(2)(a) of this regulation, the generator shall either:

(a) Begin operating the satellite accumulation area as a hazardous waste accumulation area in accordance with the requirements of Regulation .03-4 of this chapter; or

(b) Remove all waste required to have been marked with the date of exceedance from the satellite accumulation area and transfer it to:

(i) A hazardous waste accumulation area operated in accordance with the requirements of Regulation .03-4 of this chapter;

- (ii) An on-site interim status or permitted hazardous waste treatment, storage, or disposal facility; or
- (iii) An off-site designated facility authorized to accept the waste.

E. Management Standards.

(1) The generator of a hazardous waste that is being managed in a satellite accumulation area shall ensure that the waste is managed in accordance with the requirements of this section. If the generator fails to do so, then, during the period of noncompliance, the generator will lose the exemption from the requirement to have a CHS permit or interim status, and may be subject to enforcement action for operating a CHS facility without a permit or interim status authorization.

(2) If a container of hazardous waste in a satellite accumulation area is not in good condition, or if it begins to leak, the generator shall immediately:

(a) Transfer the hazardous waste from the container to a container that is in good condition and that does not leak; or

(b) Transfer the hazardous waste to a hazardous waste accumulation area operated in compliance with the requirements of Regulation .03-4 of this chapter.

(3) Special Standards for Incompatible Wastes. A person:

(a) May not place incompatible wastes, or incompatible wastes and materials, examples of which are found in COMAR 26.13.05.24, in the same container unless the requirements of COMAR 26.13.05.02H(2) are met;

(b) May not place hazardous waste in an unwashed container that previously held an incompatible waste or material unless the requirements of COMAR 26.13.05.02H(2) are met; and

(c) Shall ensure that a container that holds hazardous waste that is incompatible with any waste or other materials accumulated nearby in other containers is separated from the other materials or protected from them by any practical means.

(4) A container holding hazardous waste shall be kept closed at all times during accumulation except when:

(a) Adding, removing, or consolidating waste; or

(b) Temporary venting of the container is necessary:

(i) For the proper operation of equipment; or

(ii) To prevent dangerous situations, such as the buildup of extreme pressure.

(5) The generator shall mark or label a container that is being used to accumulate hazardous waste with

(a) The words "Hazardous Waste"; and

(b) An indication of the hazards of the contents of the container, with the marking or label communicating the hazards

by:

(i) Listing the hazardous waste characteristic or characteristics that the waste exhibits;

(ii) Providing hazard communication information consistent with the U.S. Department of Transportation requirements at 49 CFR Part 172 Subpart E (labeling) or Subpart F (placarding);

(iii) Providing a hazard statement or pictogram consistent with the U.S. Occupational Health and Safety Administration Hazard Communication Standard at 29 CFR §1910.1200;

(iv) Providing a chemical hazard label consistent with the National Fire Protection Association code 704; or

(v) Some other method that is at least as effective as any of the methods listed in §E(5)(b)(i)—(iv) of this regulation.

(6) The generator shall ensure that the satellite accumulation area is operated in accordance with the preparedness and prevention requirements of Regulation .03-5C of this chapter.

.03-4 Accumulation of Hazardous Waste — Exemption from Permit Requirement.

A. General.

(1) Except as specified in §A(2) of this regulation, this regulation and Regulations .03-5—.03-11 of this chapter, Regulation .05E of this chapter, and Regulations .05-1—.05-2 of this chapter specify requirements with which a person subject to this chapter shall comply in order for the person to be allowed to temporarily accumulate hazardous waste on-site without having met the requirement to either:

(a) Obtain a CHS permit issued under COMAR 26.13.07 for the unit in which the hazardous waste is being managed; or

(b) Qualify for interim status, as defined in COMAR 26.13.01.03B, with respect to the unit in which the hazardous waste is being managed.

(2) The requirements specified in this regulation and Regulations .03-5—.03-11 of this chapter, Regulation .05E of this chapter, and Regulations .05-1—.05-2 of this chapter do not apply to the management of hazardous waste:

(a) In a satellite accumulation area in accordance with the requirements of Regulation .03-3 of this chapter; or

(b) In accordance with the alternative standards for episodic generation events in Regulations .05-2—.05-4 of this chapter.

(3) A person who fails to comply with a requirement of this regulation, Regulations .03-5—.03-11 of this chapter, Regulation .05E of this chapter, or Regulations .05-1—.05-2 of this chapter while accumulating hazardous waste:

(a) Shall, while out of compliance, lose the exemption from the requirement to have a CHS permit or be operating under interim status authority; and

(b) May be subject to enforcement action for operating a CHS facility without a permit or having qualified for interim status.

(4) A person who is accumulating hazardous waste without a permit or without having qualified for interim status under the exemption provided by this regulation shall, before the time limit specified in §C of this regulation is exceeded:

(a) Ship the waste to an off-site facility permitted or authorized to accept it;

(b) Place the waste in an on-site permitted hazardous waste management unit; or

(c) Otherwise arrange for final disposition of the waste in accordance with State and federal regulations regarding hazardous waste management.

B. *Types of Waste Management Units Authorized for Accumulation of Hazardous Waste.* A person may accumulate hazardous waste under the exemption from permit requirements provided by this regulation:

- (1) In containers, as specified in Regulation .03-6 of this chapter;
- (2) In tanks, as specified in Regulation .03-7 of this chapter;
- (3) On drip pads, as specified in Regulation .03-8 of this chapter, if the waste is drippage from a wood preserving process, precipitation, or surface water run-on; or
- (4) In a containment building, as specified in Regulation .03-9 of this chapter.

C. *Limits on Time of Accumulation of Hazardous Waste.* A person may accumulate a hazardous waste on site for no more than 90 days, unless:

- (1) The generator has been granted an extension on accumulation time by the Department, in accordance with §D of this regulation;
- (2) The waste is being managed in a satellite accumulation area under the provisions of Regulation .03-3 of this chapter;
- (3) The waste is being managed in a container or a tank by a person who qualifies for an additional 90 days of accumulation time under the provisions of §D(2) of this regulation, for a maximum accumulation limit of 180 days, by being a person who:
 - (a) Meets the federal definition of a small quantity generator;
 - (b) Never accumulates more than:
 - (i) 1,000 kilograms of hazardous waste; and
 - (ii) 1 kilogram of acute hazardous waste; and
 - (c) Does not receive hazardous waste from an off-site Maryland-defined small quantity generator under the provisions of Regulation .03-11 of this chapter;
- (4) The waste is being managed in a unit that has:
 - (a) Been approved for management of the waste under the terms of a CHS permit; or
 - (b) Qualified for interim status; or
- (5) The waste is being managed under the provisions for an episodic generation event in Regulations .05-2—.05-4 of this chapter.

D. *Allowance for Accumulation of Hazardous Waste for Additional Periods of Time.*

(1) The Department may grant an extension of up to 30 days to the 90-day accumulation time limit of §C of this regulation or the 180 day accumulation time limit of §D(2) of this regulation if the Department determines that an extension is necessary due to temporary, unforeseen, and uncontrollable circumstances.

(2) A generator who meets the criteria in §C(3) of this regulation may accumulate hazardous waste for up to 90 days beyond the 90 day limit specified in §C of this regulation.

E. In order to be eligible for the exemption from permitting and interim status requirements with respect to accumulation of hazardous waste identified in §A of this regulation, a person shall comply with all requirements of this regulation and Regulations .03-5—.03-11 of this chapter, Regulation .05E of this chapter, and Regulations .05-1—.05-2 of this chapter.

.03-5 General Requirements for Persons Accumulating Hazardous Waste.

A. Except as provided in Regulation .03-4A(2) of this chapter, a person who is accumulating hazardous waste without authorization provided by a permit or interim status, or under the exclusions applicable to Maryland-defined small quantity generators shall comply with all provisions of this regulation.

B. *Personnel Training.* The generator of a hazardous waste that is being accumulated:

- (1) Shall:
 - (a) Implement a personnel training program that meets the requirements of COMAR 26.13.05.02G, as modified by §B(1)(b), §B(2), and §B(3) of this regulation; and
 - (b) Ensure that the training program is designed to teach facility personnel how to:
 - (i) Perform their duties in a way that ensures compliance with State and federal regulations regarding hazardous waste management; and
 - (ii) Respond effectively and appropriately to emergencies that may involve hazardous waste;
- (2) May implement the personnel training program required by §B(1) of this regulation through a program of online training, classroom instruction, on-the-job training, or all of these; and
- (3) Is not required to provide separate emergency response training to facility personnel who receive emergency response training in accordance with the requirements of 29 CFR §1910.120(p)(8) and 29 CFR §1910.120(q) if the overall training program otherwise meets the requirements of §B(1) and B(2) of this regulation.

C. *Preparedness and Prevention.*

- (1) Except as provided in §C(2) of this regulation, a person subject to this regulation:
 - (a) Shall ensure that, for each area at a site where hazardous waste is generated or accumulated, the requirements of COMAR 26.13.05.03 for preparedness and prevention at a hazardous waste facility are met; and
 - (b) May determine the most appropriate locations within the facility to locate equipment necessary to prepare for and respond to emergencies.

(2) A person is not required to have a particular kind of equipment specified in COMAR 26.13.05.03C at a given location at a site if the person can demonstrate to the Department that, for safety reasons, the location does not lend itself to having the particular kind of equipment.

D. Contingency Plan and Emergency Procedures.

(1) Except as provided in §D(2) of this regulation, a person subject to this regulation shall comply with the requirements of COMAR 26.13.04.0B—G.

(2) A hazardous waste generator is exempt from the requirement of COMAR 26.13.05.04D(2) regarding submission of copies of the contingency plan, and the requirements of §E of this regulation regarding a quick reference guide for emergency responders if the generator:

(a) Meets the federal definition of a small quantity generator; and

(b) Does not receive hazardous waste from an off-site Maryland-defined small quantity generator under the provisions of Regulation .03-11 of this chapter.

(3) In addition to submitting a copy of the contingency plan to the persons identified in COMAR 26.13.05.04B(2), the generator may also submit the plan to a local emergency planning committee, as appropriate.

E. Quick Reference Guide for Emergency Responders.

(1) Except for persons identified in §D(2) of this regulation, a generator shall, by the deadline specified in §E(3) of this regulation, submit a quick reference guide for emergency responders that meets the requirements of this section.

(2) The generator shall submit the quick reference guide to:

(a) All local emergency responders who may be called upon to provide emergency services, such as police departments, fire departments, hospitals, and State and local emergency response teams; or

(b) As appropriate, a local emergency planning committee.

(3) Deadlines for Submission.

(a) A person who was accumulating hazardous waste under the provisions of Regulation .03-4 of this chapter before December 1, 2021 shall distribute the quick reference guide in accordance with §E(1) of this regulation when the generator first amends the generator's contingency plan after December 1, 2021; and

(b) A person who begins accumulating hazardous waste under the provisions of Regulation .03-4 of this chapter on or after December 1, 2021 shall have distributed the quick reference guide before having begun the accumulation of hazardous waste.

(4) The generator shall include the following in the quick reference guide:

(a) Identification, in layman's terms, of the types or names of hazardous wastes being managed, such as "toxic paint waste", "spent ignitable solvent", or "corrosive acid";

(b) The maximum amount of hazardous waste that may be present at any time;

(c) Identification of any hazardous waste for which an exposure to the waste would require unique or special treatment by medical or hospital staff;

(d) A map of the facility that shows where hazardous wastes are generated, accumulated, and treated, and routes for accessing these wastes;

(e) A street map that shows the location of the facility in relation to surrounding businesses, schools, and residential areas, with sufficient detail to allow emergency response personnel to determine how best to:

(i) Get to the facility; and

(ii) Evacuate citizens and workers;

(f) The locations and capacities of sources of water supply, such as fire hydrants and their flow rates;

(g) Identification of on-site emergency notification systems, such as smoke alarms or a fire alarm that rings off-site; and

(h) The name of each emergency coordinator and the telephone number at which each emergency coordinator can be reached at any time, or, if the facility continuously has an emergency coordinator on duty, the telephone number at which the on-duty emergency coordinator can be reached.

(5) Revisions. The generator shall:

(a) Update, if necessary, the quick reference guide to the contingency plan whenever the generator amends the contingency plan; and

(b) Submit the revised contingency plan and quick reference guide to the persons identified in §E(2) of this regulation.

F. Status of Recovered Material Following an Emergency. Unless the generator can demonstrate, in accordance with COMAR 26.13.02.03C and D and COMAR 26.13.02.04-1 that material recovered following an emergency is not a hazardous waste, then the recovered material is a newly generated hazardous waste, and the generator shall manage the waste in accordance with all applicable requirements and conditions of this chapter, COMAR 26.13.04, and COMAR 26.13.06.

.03-6 Requirements for Accumulation of Hazardous Waste in Containers.

A. Except as provided in §B of this regulation, a hazardous waste generator who is accumulating hazardous waste in a container without authorization provided by a permit or interim status shall comply with all provisions of this regulation and the requirements of Regulation .03-10 of this chapter.

B. The requirements of this regulation do not apply to a container being managed in accordance with the requirements for satellite accumulation areas in Regulation .03-3 of this chapter.

C. Condition of Containers. If a container holding hazardous waste is not in good condition, or if a container holding hazardous waste begins to leak, the generator shall immediately:

- (1) Transfer the hazardous waste from the container to a container that is in good condition; or
- (2) Manage the waste in some other way that complies with the requirements identified in Regulation .03-4 of this chapter.

D. **Compatibility of Waste with Container.** The generator shall use a container made of or lined with materials that do not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

E. **Management of Containers.** The generator shall ensure that a container holding hazardous waste:

- (1) Is always closed during storage, except when it is necessary to add or remove waste; and
- (2) Is not opened, handled, or stored in a manner that may rupture the container or cause it to leak.

F. **Inspections.** The generator shall:

(1) Inspect each area where a container is stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors; and

(2) Maintain an inspection log or summary in accordance with the following:

- (a) The log or summary documents inspections performed in accordance with §F(1) of this regulation;
- (b) The log or summary includes the date and time of each inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs made or other remedial actions taken; and
- (c) The generator keeps the log on file for a minimum of 3 years from the date of inspection.

G. **Special Conditions for Accumulation of Ignitable Waste and Reactive Waste.** The generator shall:

(1) Ensure that all containers holding ignitable waste or reactive waste are located at least 15 meters (50 feet) from the facility's property line unless the generator:

(a) Has obtained a written approval from the authority having jurisdiction over the local fire code allowing ignitable or reactive waste to be accumulated within the restricted area; or

(b) Qualifies for the exemption from this requirement under Regulation .01-1D(3) of this chapter that is available to certain persons who qualify as a federally-defined small quantity generator;

(2) Maintain a record of the written approval required by §G(1)(a) of this regulation for as long as the ignitable or reactive waste is accumulated in the otherwise-restricted area; and

(3) Take precautions to prevent accidental ignition or reaction of ignitable or reactive waste by complying with the requirements of COMAR 26.13.05.03G.

H. **Special Conditions for Accumulation of Incompatible Wastes.** The generator shall comply with the requirements of COMAR 26.13.05.09G.

I. **Containment.** The generator shall ensure that each area in which hazardous waste is being accumulated in containers meets the requirements of COMAR 26.13.05.09H.

J. **Air Emission Standards.** The generator shall comply with all applicable requirements of Subparts AA, BB, and CC of 40 CFR Part 265 unless the generator qualifies for the exemption that is available under Regulation .01-1D(4) of this chapter to certain persons who qualify as a federally-defined small quantity generator.

.03-7 Requirements for Accumulation of Hazardous Waste in Tanks.

A. A hazardous waste generator who is accumulating hazardous waste in a tank without authorization provided by a permit or interim status shall comply with all provisions of this regulation and the requirements of Regulation .03-10B of this chapter.

B. A person subject to this regulation shall:

(1) Comply with the requirements of:

- (a) COMAR 26.13.05.10A and C—E, .10-1, .10-2, .10-6A, and COMAR 26.13.06.18D(1)—(3);
- (b) COMAR 26.13.05.10-3B, except that the person need not obtain approval by the Department of the written assessment required by COMAR 26.13.05.10-3B(1) before managing hazardous waste in the tank system;
- (c) COMAR 26.13.05.10-4, except that the generator may not seek a variance from the requirements of COMAR 26.13.05.10-4 under the provisions of COMAR 26.13.05.10-5; and
- (d) All applicable requirements of Subparts AA, BB, and CC of 40 CFR Part 265 unless the generator qualifies for the exemption that is available under Regulation .01-1D(4) of this chapter to certain persons who qualify as a federally-defined small quantity generator.

(2) Inspect overfill controls at least once each operating day;

(3) Maintain an inspection log or summary in accordance with the following:

(a) The log or summary documents inspections performed in accordance with §B(2) of this regulation and COMAR 26.13.05.10D;

(b) The log or summary includes the date and time of each inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs made or other remedial actions taken; and

(c) The generator keeps the log on file for a minimum of 3 years from the date of inspection;

(4) Use inventory logs, monitoring equipment, or other records to demonstrate that:

(a) If using a batch process, hazardous waste has been emptied within 90 days of first entering the tank; and

(b) If using a continuous flow process, the volumes of hazardous waste that are estimated to be entering the tank each day are exiting the tank within 90 days of first entering the tank;

(5) Keep inventory logs or records with the information required by §B(4) of this regulation on site and available for inspection;

(6) Submit to the Department, by the deadline specified in §B(7) of this regulation, the following information for each tank being used to accumulate hazardous waste:

- (a) Date of installation of the tank, or, if the date of installation is unknown, the age of the facility;
 - (b) Tank capacity;
 - (c) Secondary containment capacity;
 - (d) Whether the tank is an above-ground tank, on-ground tank, in-ground tank, or underground tank;
 - (e) For underground tanks, whether the tank can be entered for inspection; and
 - (f) Waste code of each waste managed in the tank; and
- (7) Provide the information required by §B(6) of this regulation by the following deadlines:
- (a) For an existing tank system, as defined in COMAR 26.13.01.03B by January 1, 1994;
 - (b) For a new tank system, as defined in COMAR 26.13.01.03B, before the tank is used to manage hazardous waste.

.03-8 Requirements for Accumulation of Hazardous Waste on Drip Pads.

A. A hazardous waste generator who is accumulating hazardous waste on a drip pad without authorization provided by a permit or interim status shall comply with all provisions of this regulation.

B. If hazardous waste is placed on a drip pad, the generator shall:

- (1) Manage the waste in accordance with the requirements of COMAR 26.13.05.17-1—17-4;
- (2) Remove all wastes from the drip pad at least once every 90 days;
- (3) Manage any waste removed from the drip pad by:
 - (a) Accumulating the waste for no more than 90 days in containers, tanks, or a containment building in accordance with the requirements of Regulation .04-1 of this chapter;
 - (b) Managing the waste in accordance with the requirements for satellite accumulation areas in Regulation .03-3 of this chapter;
 - (c) Shipping the waste to an off-site facility permitted or authorized to accept it;
 - (d) Placing the waste in an on-site permitted hazardous waste management unit; or
 - (e) Otherwise arranging for final disposition of the waste in accordance with State and federal regulations regarding hazardous waste management.
- (4) Maintain, at the facility, the following records readily available for inspection:
 - (a) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad, the sump, and the collection system at least once every 90 days; and
 - (b) Documentation, for each waste removal, of the date, the time, and the quantity of waste removed from the drip pad, the sump, and the collection system; and
- (5) Notify the Department in writing of the intent to close the drip pad at least 45 days before closure begins.

.03-9 Requirements for Accumulation of Hazardous Waste in Containment Buildings.

A. A hazardous waste generator who is accumulating hazardous waste in a containment building without authorization provided by a permit or interim status shall comply with all provisions of this regulation.

B. If hazardous waste is placed in a containment building, the generator shall:

- (1) Manage the waste in accordance with the requirements of COMAR 26.13.05.18—18-3;
- (2) Label the containment building with the words “Hazardous Waste” in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, and other persons on site;
- (3) Provide, in a conspicuous place, a label or signage that:
 - (a) Indicates the hazards of the waste that is being accumulated;
 - (b) Communicates the hazards associated with the waste by:
 - (i) Listing the hazardous waste characteristic or characteristics that the waste exhibits;
 - (ii) Providing hazard communication information consistent with the U.S. Department of Transportation requirements at 49 CFR Part 172 Subpart E (labeling) or Subpart F (placarding);
 - (iii) Providing a hazard statement or pictogram consistent with the U.S. Occupational Health and Safety Administration Hazard Communication Standard at 29 CFR §1910.1200;
 - (iv) Providing a chemical hazard label consistent with the National Fire Protection Association Code 704; or
 - (v) Some other method that is at least as effective as one of the methods listed in §B(3)(b)(i)—(iv) of this regulation;
- (4) Before accumulating hazardous waste in the unit, obtain and place in the facility’s operating record a certification by a qualified registered professional engineer that the containment building design meets the requirements of COMAR 26.13.05.18-1; and
- (5) Maintain records at the facility documenting that hazardous waste is not accumulated in the containment building for periods of accumulation longer than 90 days, with the records:
 - (a) Being generated by use of inventory logs, monitoring equipment, or another equally effective means;
 - (b) Consisting of either:
 - (i) Documentation that the containment building is emptied at least once every 90 days; or
 - (ii) A written description of the procedures that are followed to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices at the facility that shows these practices are consistent with respecting the 90-day limit, and documentation demonstrating that the procedures have been followed; and

(c) Being readily available for inspection.

.03-10 Labeling and Marking of Containers and Tanks.

A. Containers. A person accumulating hazardous waste in a container shall mark or label the container with:

(1) The words "Hazardous Waste";

(2) An indication of the hazards of the contents of the container, with the marking or label communicating the hazards by:

(a) Listing each hazardous waste characteristic of those identified in COMAR 26.13.02.11—14 that the waste exhibits;

(b) Providing hazard communication information consistent with the U.S. Department of Transportation requirements at 49 CFR Part 172 Subpart E (labeling) or Subpart F (placarding);

(c) Providing a hazard statement or pictogram consistent with the U.S. Occupational Health and Safety Administration Hazard Communication Standard at 29 CFR §1910.1200;

(d) Providing a chemical hazard label consistent with the National Fire Protection Association Code 704; or

(e) Some other method that is at least as effective as any of the methods listed in §A(2)(a)—(d) of this regulation; and

(3) The date upon which each period of accumulation begins, with the date clearly visible for inspection.

B. Tanks. A person accumulating hazardous waste in a tank shall mark or label the tank with:

(1) The words "Hazardous Waste"; and

(2) An indication of the hazards of the contents of the tank, with the marking or label communicating the hazards by one of the methods identified in §A(2)(a)—(e) of this regulation.

.03-11 Consolidation of Waste Received from Maryland-Defined Small Quantity Generators and Others.

A. Purpose. This regulation establishes conditions under which a person may accept hazardous waste from an off-site generator who is under the control of the person:

(1) Without having to obtain a hazardous waste storage facility permit under COMAR 26.13.05 and COMAR 26.13.07, or having to qualify as an interim status storage facility under COMAR 26.13.06;

(2) Without having to comply with requirements of Chapters .05—.07 of this subtitle and 40 CFR Part 268 to which facilities are subject if they hold a hazardous waste storage facility permit or operate as a hazardous waste storage facility under interim status; and

(3) Without having to comply with the notification requirements of Section 3010 of RCRA that apply to facilities that require a hazardous waste storage facility permit or authorization to operate a hazardous waste storage facility under interim status.

B. Scope. This regulation conditionally authorizes a person to accept, at a site of hazardous waste generation, hazardous waste from an off-site generator for consolidation, if:

(1) The generator associated with the point of consolidation and the off-site generator are under the control of the same person, subject to the following:

(a) "Person" has the meaning given by the definition in COMAR 26.13.01.03B; and

(b) For the purposes of this regulation, "control":

(i) Means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise; and

(ii) Does not include the situation where a contractor operates a proposed site of consolidation and an off-site generator facility on behalf of a different person;

(2) The generator from whom the waste is being accepted is located:

(a) In Maryland and is regulated as a Maryland-defined small quantity generator;

(b) Outside of Maryland, located in a jurisdiction in which the U.S. Environmental Protection Agency is the primary implementing authority of the hazardous waste regulatory program, and qualifies as a very small quantity generator as defined in 40 CFR §260.10; or

(c) Outside of Maryland and is:

(i) Classified by the state or other implementing authority as being in a category that is equivalent to the federal very small quantity generator category; and

(ii) Allowed, under the regulations of the implementing authority, to send hazardous waste to the Maryland point of consolidation;

(3) The generator at the site that is accepting the off-site waste does not take advantage of any of the exemptions that are identified in Regulation .01-1D of this chapter that are available to generators who qualify as a small quantity generator under federal regulations; and

(4) The requirements of §§C—E of this regulation are met.

C. Notification. A generator who wishes to accept hazardous waste from an off-site generator, as allowed under §§A—B of this regulation, shall:

(1) Notify the Department:

(a) At least 30 days before receiving the first shipment of hazardous waste from the off-site generator; and

(b) Using EPA Form 8700-12, unless the Department specifies an alternate method;

(2) As part of the notification, identify the name and the address of each off-site generator from whom hazardous waste will be accepted; and

(3) Submit an updated notification to the Department within 30 days after a change in the name or in the site address of an off-site generator from whom hazardous waste is accepted under this regulation, using EPA Form 8700-12 unless the Department specifies an alternate method.

D. *Record Keeping.* A generator who accepts hazardous waste from an off-site generator under this regulation shall:

(1) Maintain a record of each shipment received from off-site for 3 years from the date the hazardous waste was received from the off-site generator;

(2) Include in the record of each shipment received:

(a) The name, site address, and contact information for the off-site generator; and

(b) A description of the hazardous waste received, along with information on the quantity of waste and the date received.

E. *Waste Management Requirements.* A generator who accepts hazardous waste from off-site under this regulation shall, in managing that waste:

(1) Comply with the requirements of this chapter that apply to a hazardous waste generator independently of any conditional exemptions, as specified in Regulation .01A(2) of this chapter;

(2) Comply with the requirements of Regulations .03-4—.03-11 of this chapter, Regulation .05E of this chapter, and Regulations .05-1—.05-2 of this chapter, consistent with the limitation in §B(3) of this regulation that prevents a person from taking advantage of certain exemptions available to persons who qualify as a small quantity generator under federal regulations; and

(3) For the purposes of the labeling and marking requirements of Regulation .03—.10 of this chapter, label the container or unit with:

(a) The date that the waste was received from the off-site generator as the date on which accumulation started; or

(b) If the generator is consolidating waste from the off-site generator with the generator's own waste, or with hazardous waste from other off-site generators, label the container or unit with the starting date for accumulation as the earliest of the following dates:

(i) The earliest date of receipt of any of the off-site waste that has been consolidated in the container or unit; or

(ii) The start date of waste accumulation in the generator's container or unit into which the off-site waste is being consolidated.

.05 Pretransport Requirements.

A. — B. (text unchanged)

C. **Marking.**

(1) (text unchanged)

(2) [Before]Except as provided in §C(4) of this regulation, before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall mark each container of 119 gallons or less used in the transportation with the following words and information displayed in accordance with the requirements of 49 CFR §172.304:

“HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U. S. Environmental Protection Agency.

Generator's Name and Address _____.

Generator's EPA Identification Number _____.

Manifest Tracking Number _____.[“]

EPA Hazardous Waste Number(s) _____.”

(3) To satisfy the requirement of §C(2) of this regulation to mark a container with the EPA hazardous waste numbers of the wastes in the container, a generator may use an electronic system for data capture, storage, and retrieval, such as bar coding, if the electronic system allows the destination facility to be informed of the container's contents for the purposes of compliance with applicable hazardous waste management regulations.

(4) A generator is not required to mark EPA Hazardous Waste Numbers on a lab pack container that will be incinerated in compliance with 40 CFR §268.42(c), except for EPA Hazardous Waste Numbers D004, D005, D006, D007, D008, D010 and D011, when applicable.

D. (text unchanged)

[E. **Accumulation Time.**

(1) A generator may accumulate hazardous waste on-site without a permit or without holding interim status for 90 days or less if:

(a) The waste is shipped off-site within 90 days to a permitted facility or placed in an on-site permitted facility;

(b) The generator accumulates the waste:

(i) In containers;

(ii) In tanks;

(iii) On drip pads, if the waste is drippage from a wood-preserving process, precipitation, or surface water run-on; or

(iv) In a containment building;

(c) Containers used to accumulate the waste meet the standards of §A of this regulation;

(d) The generator accumulates the waste in containers in accordance with COMAR 26.13.05.09;

(e) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(f) Each container is:

(i) Properly labeled according to §§B and C of this regulation; and

(ii) Labeled or marked clearly with the words “Hazardous Waste”, while being accumulated on site.

- (g) The generator complies with the requirements for owners or operators in COMAR 26.13.05.02G, .03, and .04;
- (h) The generator, in accumulating waste in tanks:
 - (i) Complies with the requirements of COMAR 26.13.05.10A and C—E, .10-1, .10-2, .10-3B, .10-6A, and COMAR 26.13.06.18D(1)—(3);
 - (ii) Complies with the requirements of COMAR 26.13.05.10-4, except that the generator may not seek a variance from the requirements of COMAR 26.13.05.10-4 under the provisions of COMAR 26.13.05.10-5;
 - (iii) Inspects overfill controls at least once each operating day;
 - (iv) Clearly marks or labels the tanks with the words “Hazardous Waste”, while waste is being accumulated in the tanks;
- and
 - (v) Need not obtain approval by the Secretary of the written assessment required by COMAR 26.13.05.10-3B before managing hazardous waste in the tank system;
- (i) The generator, if accumulating hazardous waste in tanks, submits the following information to the Secretary for each tank exempted from permit requirements under this section:
 - (i) Date of installation of the tank, or, if the date of installation is unknown, the age of the facility;
 - (ii) Tank capacity;
 - (iii) Secondary containment capacity;
 - (iv) Whether the tank is an above-ground tank, on-ground tank, in-ground tank, or underground tank;
 - (v) For underground tanks, whether the tank can be entered for inspection; and
 - (vi) Waste code of each waste managed in the tank;
- (j) The generator provides the information required by §E(1)(i) of this regulation by the following deadlines:
 - (i) For existing tanks, by January 1, 1994;
 - (ii) For new tanks, before the tank is used to manage hazardous waste;
- (k) The generator maintains an inspection log or summary in accordance with the following:
 - (i) The log or summary documents inspections performed in accordance with §E(1)(d) and (h) of this regulation;
 - (ii) The log or summary includes the date and time of each inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs made or other remedial actions taken; and
 - (iii) The generator keeps the log on file for a minimum of 3 years from the date of inspection;
- (l) The generator, if accumulating hazardous waste on drip pads:
 - (i) Accumulates the waste in accordance with COMAR 26.13.05.17-1—17-4;
 - (ii) Maintains, at the facility, a description of procedures that are followed to ensure that all wastes are removed from the drip pad, the sump, and the collection system at least once every 90 days;
 - (iii) Maintains documentation at the facility, for each waste removal, of the date, the time, and the quantity of waste removed from the drip pad, the sump, and the collection system; and
 - (iv) Notifies the Secretary of the intent to close a drip pad at least 45 days before closure begins;
- (m) The generator, if accumulating waste in a containment building:
 - (i) Complies with the requirements of COMAR 26.13.05.18—18-3; and
 - (ii) Before accumulating hazardous waste in the unit, obtains and places in the facility’s operating record a certification by a qualified registered professional engineer that the containment building design meets the requirements of COMAR 26.13.05.18-1; and
- (n) The generator maintains records at the facility documenting that hazardous waste is managed for no longer than 90 days in containment buildings, with the records consisting of either:
 - (i) Documentation that the containment building is emptied at least once every 90 days; or
 - (ii) A written description of the procedures that are followed to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices at the facility that shows these practices are consistent with respecting the 90-day limit, and documentation demonstrating that the procedures have been followed.
- (2) A generator who accumulates hazardous waste is an operator of a storage facility and is subject to the requirements of COMAR 26.13.05 or 23.13.06, unless the hazardous waste:
 - (a) Is accumulated for 90 days or less; or
 - (b) Accumulated:
 - (i) Is less than 500 kilograms;
 - (ii) Contains less than 1 kilogram of acute hazardous waste;
 - (iii) Is accumulated for 180 days or less from the date of initial generation or accumulation; and
 - (iv) Is generated by a person who generates less than 1,000 kilograms of hazardous waste in a calendar month.
- (3) Satellite Accumulation. A generator may accumulate as much as 55 gallons of hazardous waste or 1 quart of acutely hazardous waste listed in COMAR 26.13.02.19E in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit and without complying with §E(1) provided the generator:
 - (a) Complies with COMAR 26.13.05.09B—D; and
 - (b) Marks his containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.
- (4) *E. Returned, Rejected Loads.*

[(a)] (1) A generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste, and later receives that shipment or part of that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of COMAR 26.13.05.05C, COMAR 26.13.06.05A, 40 CFR §264.72, 40 CFR §265.72, or analogous regulations of the designated facility's state, may accumulate the returned waste onsite in accordance with [§E(1) and (2) of this regulation] *Regulations .03-3—.03-10 of this chapter.*

[(b)] (2) Upon receipt of a shipment returned in accordance with [§E(4)(a)] §E(1) of this regulation, the generator shall:

[(i)] (a)—[(ii)] (b) (text unchanged)

[(5)] A generator who accumulates hazardous waste under the provisions of §E(1) of this regulation is exempt from the following requirements with respect to that waste:

- (a) COMAR 26.13.06.07A;
- (b) COMAR 26.13.06.08—.09; and
- (c) COMAR 26.13.06.11—.16.]

.05-1 Closure Requirements—Hazardous Waste Accumulation Areas and Waste Management Units.

A. Purpose and Scope. This regulation:

(1) *Establishes requirements with which a hazardous waste generator must comply in connection with the permanent removal from service, for the purposes of hazardous waste management, of:*

(a) *An area in which hazardous waste was accumulated in a manner that was subject to the requirements of this chapter, other than accumulation in a satellite accumulation area;*

(b) *A waste management unit, such as a tank, used to manage hazardous waste in an accumulation area described in §A(1)(a) of this regulation; and*

(c) *A site or facility that had an area or waste management unit of the type described in §A(1)(a) or (b) of this regulation;*

(2) *Establishes a general closure performance standard that a hazardous waste generator must meet for all hazardous waste accumulation areas and hazardous waste management units identified in §A(1) of this regulation;*

(3) *Identifies specific requirements that must be met in implementing closure, including requirements:*

(a) *That apply to all types of accumulation units; and*

(b) *Specific to particular types of accumulation units; and*

(4) *Identifies:*

(a) *Record keeping requirements with respect to closure; and*

(b) *Closure notification requirements that apply to a generator who qualified as a federally-defined large quantity generator for significant periods of time.*

B. Closure Requirements.

(1) *Applicability. The general closure performance standard and other requirements of this section:*

(a) *Apply to an area or waste management unit in which hazardous waste was managed, as described in §A(1)(a) of this regulation; and*

(b) *Apply to a site or facility that had an area or waste management unit identified in §A(1)(a) of this regulation and at which the generator:*

(i) *Will no longer be generating or accumulating hazardous waste; or*

(ii) *Is ceasing operations entirely;*

(c) *May be deferred for an accumulation area or unit if the generator anticipates that the area or unit may again be used to accumulate hazardous waste, if the:*

(i) *Notification requirements of Regulation .05-2 of this chapter are met; and*

(ii) *Closure performance standard and other requirements of this section are met before the facility is closed.*

(2) *General Closure Performance Standard. A generator shall ensure that, if a hazardous waste accumulation area, a hazardous waste management unit, or a facility or site at which hazardous waste was generated or accumulated is closed by being permanently removed from service for the purposes of hazardous waste management:*

(a) *The closure is conducted in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, to ground water, to surface water, or to the atmosphere; and*

(b) *Any hazardous waste that is generated in closing the generator's facility or a portion of the facility is managed in accordance with all applicable requirements of:*

(i) *This chapter, including, for hazardous waste that is being accumulated in a unit that is being closed, accumulation time limits of Regulation .03-4C of this chapter;*

(ii) *Chapters .04 and .06 of this subtitle; and*

(iii) *40 CFR Part 268.*

(3) *Additional Unit-specific Closure Requirements for Container, Tank System, and Containment Building Accumulation Units. For the closure of a hazardous waste accumulation unit in which hazardous waste was managed in a container, a tank system, or a containment building:*

(a) *The generator shall ensure that closure of the unit provides, to the extent necessary to meet the general closure performance standard of §B(2) of this regulation, for the removal or decontamination of:*

(i) All contaminated equipment, structures, and soil, and any remaining hazardous waste residues from waste accumulation units, including containment system components such as pads or liners;

(ii) Contaminated soils, subsoils, bases, and structures; and

(iii) Structures and equipment contaminated with waste; and

(b) If the generator is unable to practicably remove or decontaminate contaminated soils or wastes as required by §B(3)(a) of this regulation, then the waste accumulation unit is considered to be a landfill for the purposes of closure, post-closure, and financial responsibility, and the generator shall:

(i) Close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure requirements of COMAR 26.13.05.14J, which apply to landfills;

(ii) Meet all of the requirements for landfills specified in COMAR 26.13.05.07 and 26.13.05.08; and

(iii) Submit a complete and sufficient application to the Department for a CHS post-closure permit in accordance with a deadline to be specified by the Department.

(4) Unit Specific Closure Requirements for Drip Pads. At the closure of a drip pad waste accumulation unit, as defined in COMAR 26.13.01.03B, the generator shall:

(a) Comply with the closure requirements of COMAR 26.13.05.17-4A—C; and

(b) If required to close the facility and provide post-closure care as a landfill, in accordance with COMAR 26.13.05.17-4B, submit a complete and sufficient application to the Department for a CHS post-closure permit in accordance with a deadline to be specified by the Department.

(5) Closure Plan. A generator who is closing a waste accumulation area, waste accumulation unit, or facility under this regulation shall:

(a) Perform the closure in accordance with a written closure plan;

(b) Ensure that the closure plan includes:

(i) A description of how the requirements of §B(2) —B(4) of this regulation will be met in performing the closure, taking into account the nature of facility operations and the history of any spills or releases of hazardous wastes;

(ii) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard; and

(iii) A detailed description of other activities necessary during the closure to ensure that closure activities satisfy the closure performance standard, including, but not limited to, groundwater monitoring, and run-on and runoff control; and

(c) For each implemented closure action:

(i) Maintain, as part of the generator's facility operating record, a copy of the written closure plan that was followed in implementing the closure;

(ii) Make a copy of the written closure plan available to the Department on request; and

(iii) Retain a copy of the written closure plan for a period of 3 years following the date of final closure of the facility.

.05-2 Closure Notification Requirements.

A. Applicability.

(1) This regulation applies to a generator who is closing, in accordance with Regulation .05-1 of this chapter, a hazardous waste accumulation area, a hazardous waste management unit, or a site or facility where hazardous waste was accumulated.

(2) Sections B—C of this regulation apply to a generator and to a site at which the generator either:

(a) At the time of initiation of a closure activity, qualifies as a large quantity generator under federal regulations, as described in Regulation .01-1 of this chapter; or

(b) For a significant period of time before initiation of the closure action, generated quantities of hazardous waste that met the threshold for the federal large quantity generator category, with "significant period of time" determined by the criteria of §A(4) of this regulation.

(3) Section D of this regulation applies to a generator and a site at which the generator at the time of initiation of a closure activity:

(a) Does not qualify as a Maryland-defined small quantity generator as defined in COMAR 26.13.01.03B; and

(b) Did not meet the criteria of §A(2) of this regulation.

(4) For the purposes of §A(2)(b) of this regulation, a generator is considered to have operated for a significant period of time as a generator who would qualify as a large quantity generator under federal regulations if any of the following apply:

(a) At any time during the 12 months before the initiation of the closure activity, the generator qualified as a large quantity generator under federal regulations in 5 or more months; or

(b) During any 24-month period, the generator qualified as a large quantity generator under federal regulations in 10 or more months.

B. Closure Notification Requirements for a Waste Accumulation Unit.

(1) A generator who qualified as a large quantity generator under federal regulations as described in §A(2) of this regulation, shall, before closing a unit that was used to accumulate hazardous waste in a container, in a tank, on a drip pad, or in a containment building, shall either:

(a) Place a notice in the facility's operating record within 30 days after closure identifying the location of the unit within the facility, and temporarily defer full implementation of required closure activities and notification of the Department; or

(b) Meet the closure requirements and the closure performance standard of Regulation .05-1 of this chapter and notify the Department as specified §C of this regulation.

(2) A generator may remove from the facility operating record a notification of closure of an area or unit made in accordance with §B(1)(a) of this regulation if the generator resumes using the area or unit for the accumulation of hazardous waste.

C. Facility Closure Notification Requirements.

(1) A generator who qualified as a large quantity generator under federal regulations as described in §A(2) of this regulation shall, if intending to close a facility:

(a) Notify the Department of the intent to close:

(i) No later than 30 days before closing the facility; and

(ii) Using EPA Form 8700-12, unless another method is specified by the Department;

(b) Within 90 days after closing the facility, or by a later deadline specified by the Department under the provisions of §C(2) of this regulation, either:

(i) Notify the Department, using EPA Form 8700-12 or another method specified by the Department, that the generator has complied with the closure performance standard and closure requirements of Regulation .05-1 of this chapter; or

(ii) If unable to meet the closure requirements and closure performance standard of Regulation .05-1 of this chapter, notify the Department using EPA Form 8700-12 or another method specified by the Department that the generator will close as a landfill under COMAR 26.13.05.14J in the case of a container unit, tank unit, or containment building unit, or, for a facility with a drip pad, that the generator will close under the standards of COMAR 26.13.05.17-4.

(2) A generator:

(a) May request additional time to clean close, which the Department may or may not grant; and

(b) If requesting additional time to clean close, shall do so by notifying the Department within 75 days after the date of notification under §C(1)(a)(i) of this regulation, using EPA Form 8700-12 or another method specified by the Department to make the notification, and providing an explanation as to why the extra time is required.

D. Closure Notification – Generators Who Do Not Meet Criteria to be Considered a Large Quantity Generator. A generator who does not meet the criteria of §A(2) of this regulation, and who intends to cease accumulating hazardous waste throughout a site, either by permanently ending the on-site operation of hazardous waste accumulation units, or by ceasing operation at the site entirely, shall:

(1) Notify the Department by submitting a subsequent site notification using EPA Form 8700-12, indicating the change in generator status, and, if applicable, requesting that the Department deactivate the EPA identification number associated with the site; and

(2) Submit the notification required by §D(1) of this regulation not later than 30 days before the scheduled date of cessation of the accumulation of hazardous waste or 30 days before the anticipated final date of facility operations.

.05-3 Special Provisions for Episodic Generation Events—Purpose and Scope.

A. This regulation and Regulations .05-4 and .05-5 of this chapter:

(1) Establish provisions that, if followed, allow a generator of hazardous waste to maintain the generator's status as a Maryland-defined small quantity generator despite the occurrence of an event that causes the generator to exceed an upper limit on waste generation or accumulation that defines the generator's current hazardous waste generator category; and

(2) Are not applicable to a person who meets the federal definition of a small quantity generator.

B. This regulation and Regulations .05-4 and .05-5 of this chapter address waste that is generated in connection with an episodic generation event, which is an event that:

(1) Is either:

(a) A planned event, as described in §C of this regulation; or

(b) An unplanned event, as described in §D of this regulation;

(2) Does not normally occur during the operations of the waste generator; and

(3) Results in an increase in the amount of hazardous waste generated or accumulated that causes the generator to exceed waste generation or accumulation limits for the generator's current generator category.

C. For the purposes of this regulation and Regulations .05-4 and .05-5 of this chapter, a planned episodic generation event:

(1) Is an activity that the generator scheduled in advance, and made arrangements, plans, and preparations to conduct; and

(2) Includes such things as:

(a) Periodic maintenance of facility equipment or features;

(b) Tank cleanouts;

(c) Short-term projects; and

(d) Removal of excess chemical inventory.

D. For the purposes of this regulation and Regulations .05-4 and .05-5 of this chapter, an unplanned episodic generation event:

(1) Is an event that the generator:

(a) Did not plan; and

(b) Reasonably did not expect to occur; and

(2) Includes such things as:

- (a) A production process upset;
- (b) An emergency product recall;
- (c) An accidental spill; and
- (d) A catastrophic, naturally occurring event, such as a tornado, hurricane, or flood.

.05-4 Episodic Generation Events—Maryland-Defined Small Quantity Generators.

A person who qualifies as a Maryland-defined small quantity generator may maintain that generator status following an episodic generation event, as described in regulation .05-3 of this chapter, by complying with the requirements of §§B—D of this regulation.

B. General Requirements.

(1) Limit on Number of Episodic Generation Events.

(a) A generator may maintain the generator's status as a Maryland-defined small quantity generator following, at most, one episodic generation event during a calendar year, unless the Department grants a petition for an additional episodic generation event under Regulation .05-5 of this chapter.

(b) For an episodic generation event beyond the one or two allowed by §B(1)(a) of this regulation, the generator is subject to all applicable requirements of this chapter, based on the amount of hazardous waste generated and accumulated as a result of the event, in addition to any other hazardous waste generated or accumulated.

(2) Notification. The generator shall:

(a) Notify the Department using EPA Form 8700-12 no later than 30 days before initiating a planned episodic generation event, as described in Regulation .05-3C of this chapter;

(b) For an unplanned episodic generation event, as described in Regulation .05-3D of this chapter, notify the Department within 72 hours of the unplanned event, contacting the unit in the Department that is responsible for oversight of hazardous waste management, making the notification:

- (i) Initially, by phone, email, or fax communication; and
- (ii) Subsequent to the initial notification, by submitting a notification using EPA Form 8700-12; and

(c) Include, as part of the notification:

- (i) The start date of the episodic generation event;
- (ii) The anticipated end date of the episodic generation event;
- (iii) The reason or reasons for the event;
- (iv) The types and estimated quantities of hazardous waste expected to be generated as a result of the event;
- (v) Contact information for a facility contact with whom the Department may discuss the submittal; and
- (vi) Contact information for an emergency coordinator with 24-hour telephone access who will respond to emergencies in compliance with §B(4) of this regulation.

(3) EPA ID Number. If the generator does not have an EPA identification number, the generator shall obtain one from the Department using EPA Form 8700-12.

(4) Emergency Coordinator. The generator shall ensure that at all times when hazardous waste is being managed under the provisions for an episodic generation event, there is an employee who has been designated as the emergency coordinator who:

- (a) Has the responsibility for coordinating all emergency response measures specified in §B(5) of this regulation;
- (b) Is either on the premises or is on-call by being able to be readily contacted; and
- (c) If is on-call rather than at the premises, is available to respond to an emergency by reaching the facility within a short period of time.

(5) Response to Emergencies. The generator shall ensure that appropriate actions, as specified in §B(6) of this regulation, are taken in response to an emergency, with the actions being taken by:

- (a) The generator;
- (b) The emergency coordinator;
- (c) A person working for the generator at the site of the episodic generation event who is confronted with the emergency;
- (d) A contractor operating on behalf of the generator; or
- (e) Any of these.

(6) Emergency Response Measures. A person identified in §B(5) of this regulation shall, in responding to an emergency, respond as follows:

- (a) In the event of a fire:
 - (i) Call the fire department;
 - (ii) Attempt to extinguish the fire using the appropriate fire extinguisher; or
 - (iii) Both;
- (b) In the event of a spill:
 - (i) Contain the flow of hazardous waste to the extent possible; and
 - (ii) As soon as is practical, clean up materials contaminated with spilled hazardous waste, and any contaminated soil or other contaminated environmental media resulting from the spill; and

(c) In the event of a fire, explosion, or other release that could threaten human health outside the facility, or if the generator or an agent of the generator has knowledge that a spill has reached surface water, immediately notify the National Response Center using the 24-hour toll free number (800) 424-8802, and include, as part of the notification:

- (i) The name, address, and EPA identification number of the generator;
- (ii) The date and time of the incident;
- (iii) The type of incident, such as a spill or fire;
- (iv) The quantity and type of hazardous waste involved in the incident;
- (v) The extent of injuries, if any; and
- (vi) The estimated quantity and disposition of recovered materials, if any.

(7) *Record Keeping.* The generator shall maintain the following information for 3 years from the end date of the episodic generation event:

- (a) The starting date and the end date of the event;
- (b) A description of the event;
- (c) A description of the types and quantities of hazardous waste generated during the event;
- (d) A description of how the hazardous waste that was generated during the event was managed;
- (e) The name of the designated facility, as defined in COMAR 26.13.01.03B, that received the hazardous waste from the event;
- (f) The name of each transporter that transported hazardous waste from the event; and
- (g) A copy of the approval letter issued by the Department if the event is a second episodic generation event during the same calendar year.

C. Management Standards.

(1) *A Maryland-defined small quantity generator managing hazardous waste from an episodic generation event:*

- (a) *May accumulate the waste in a:*
 - (i) *Container, if the requirements of §C(2) and §C(3) of this regulation are met; or*
 - (ii) *Tank, if the requirements of §C(4) of this regulation are met; and*
- (b) *May not accumulate the waste on a drip pad or in a containment building.*

(2) *Container Management Standards.* The generator shall ensure that if a container is being used to accumulate hazardous waste from an episodic generation event, the container is :

- (a) *In good condition;*
- (b) *Compatible with the waste that is being accumulated;*
- (c) *Kept closed, except to add or remove waste; and*
- (d) *Marked or labeled with the following information clearly visible for inspection:*
 - (i) *The words "Episodic hazardous waste";*
 - (ii) *An indication of the hazards of the contents of the container, as specified in §C(3) of this regulation; and*
 - (iii) *The date on which the episodic generation event began.*

(3) *The following are acceptable indications of hazards for the purposes of labeling containers under §C(2)(ii) of this regulation:*

- (a) *The hazardous waste characteristic or characteristics of those identified in COMAR 26.13.02.11—14 that the waste exhibits;*
- (b) *Hazard communication information consistent with the U.S. Department of Transportation requirements at 49 CFR Part 172 Subpart E (labeling) or Subpart F (placarding);*
- (c) *A hazard statement or pictogram consistent with the U.S. Occupational Health and Safety Administration Hazard Communication Standard at 29 CFR §1910.1200;*
- (d) *A chemical hazard label consistent with the National Fire Protection Association Code 704; or*
- (e) *Some other method that is at least as effective as any of the methods listed in §C(3)(a)—(d) of this regulation.*

(4) *Tank Management Standards.* The generator shall ensure that if a tank is being used to accumulate hazardous waste from an episodic event, the tank is:

- (a) *In good condition;*
- (b) *Compatible with the waste that is being accumulated in the tank;*
- (c) *Provided with design features and operational procedures that will prevent overflow of the tank, such as the tank being equipped with a high-level alarm and a means to quickly stop waste inflow; and*
- (d) *Inspected at least once each operating day to ensure that:*
 - (i) *All applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order;*
 - (ii) *The tank is operated according to its design, as determined by reviewing the data gathered from monitoring equipment, associated with the tank, such as level gauges, pressure gauges, and temperature gauges; and*
- (e) *Marked or labeled:*
 - (i) *With the words "Episodic Hazardous Waste"; and*
 - (ii) *An indication of the hazards of the contents of the tank using one of the methods listed in §C(3)(a)—(e) of this regulation*

(5) *Manifest Requirements.* The generator shall comply with the hazardous waste manifest provisions of Regulation .04 of this chapter and applicable provisions of 40 CFR Part 262 Subpart B when the generator sends hazardous waste from an episodic event off site to a designated facility as defined in COMAR 26.13.01.03B.

(6) *Time Limit on Waste Accumulation.* Not later than 60 calendar days after the starting date of the episodic generation event, the generator shall have manifested and sent all hazardous waste from the episodic generation event to a designated facility as defined in COMAR 26.13.01.03B.

.05-5 Petitions to Operate under Episodic Event Provisions for an Additional Event.

A. A generator may petition the Department to be allowed to operate under the provisions applicable to an episodic generation event for a second event in a calendar year under the following conditions:

(1) If the generator has already held a planned episodic generation event in a calendar year; the generator may petition the Department for an additional event that is an unplanned episodic generation event within 72 hours of the beginning of the unplanned event; and

(2) If the generator has already operated under provisions for an episodic generation event for an unplanned event in a calendar year, the generator may petition the Department for an additional event that is a planned episodic event that will occur in that calendar year.

B. A generator submitting a petition under this regulation shall include, as part of the petition:

(1) The reason or reasons why the generator needs to operate under the provisions for an episodic generation event for a second event;

(2) Information on the nature of the second episodic generation event;

(3) An estimate of the amount of hazardous waste to be managed in connection with the episodic generation event;

(4) A description of how the waste from the episodic generation event is to be managed;

(5) The estimated length of time, not to exceed 60 days, of the period needed to complete management of the hazardous waste generated from the episodic generation event; and

(6) Information about the generator's previous episodic generation event from the current calendar year, including the nature of the event, whether it was a planned event or an unplanned event, and how the generator complied with the conditions of this chapter with which the event was required to have been conducted.

C. The generator shall make the petition to the Department in writing, either on paper or electronically.

D. The generator shall:

(1) Retain in the generator's records a copy of a written approval by the Department of a petition submitted by the generator under this regulation; and

(2) Retain the copy of the Department's written approval for 3 years from the date the second episodic generation event ended.

.06 Record Keeping and Reporting.

A. Record Keeping.

(1) — (2) (text unchanged)

(3) A generator shall keep records [of any test results, waste analyses, or other determinations made in accordance with Regulation .02 of this chapter for at least 3 years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal] documenting hazardous waste determinations in accordance with the requirements of Regulation .02-1 of this chapter.

(4) (text unchanged)

B. Annual or Biennial Reporting.

(1) Except as provided in §B(5) of this regulation, [A] a person who generates hazardous waste and ships it off-site to a facility within the United States shall:

(a) Periodically, submit reports to the Secretary concerning hazardous waste generated during the preceding calendar year on EPA [or State] Form [8700-13A]8700-13A/B, or on an alternate form provided by the [Secretary]Department;

(b) — (c) (text unchanged)

(d) Assure that the reports required by §B(1)(a) of this regulation contain, at a minimum, the following information, unless otherwise specified in the currently available currently applicable version of EPA Form 8700-13A/B:

(i) — (vii) (text unchanged)

(viii) The certification on EPA [or State] Form [8700-13A]8700-13A/B signed by the generator or authorized representative.

(2) — (4) (text unchanged)

(5) The reporting requirement of this section does not apply to person who qualifies as a Maryland-defined small quantity generator in every month of a year for which a report under this section would otherwise have to be submitted, but does apply if the person did not qualify as a Maryland-defined small quantity generator in any month of that year.

C.—D. (text unchanged)

26.13.05 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

.01 General.

A. Purpose, Scope, and Applicability.

(1) — (2) (text unchanged)

(3) The requirements of this chapter do not apply to

(a) — (c) (text unchanged)

(d) A generator accumulating waste on-site in compliance with COMAR [26.13.03.05E]26.13.03.03-3—.03-10, except to the extent that a provision in COMAR [26.13.03.05E]26.13.03.03-3—.03-10 requires the generator to comply with the requirements in this chapter;

(e) — (l) (text unchanged)

B. — D. (text unchanged)

.03 Preparedness and Prevention.

A. — D. (text unchanged)

E. Access to Communications or Alarm System.

(1) (text unchanged)

(2) If there is ever just one employee on the premises while the facility is operating, [he]the employee shall have immediate access to a device, such as a telephone [(immediately available at the scene of operation)] or a hand-held two-way radio, capable of summoning external emergency assistance, unless the Secretary has ruled that such a device is not required under §C of this regulation.

F. (text unchanged)

G. Special Handling for Ignitable or Reactive Waste. The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste[.] by:

(1)[This waste shall be separated and protected] *Separating and protecting the waste* from sources of ignition or reaction including but not limited to:

(a)[open] *Open* flames[.];

(b)[smoking.] *Smoking*;

(c)[cutting] *Cutting* and welding[.];

(d)[hot] *Hot* surfaces[.];

(e)[friction] *Frictional* heat[.];

(f)[sparks (static, electrical, or mechanical).] *Sparks, including electrical sparks, sparks caused by static electricity, and mechanically-caused sparks*;

(g)[spontaneous] *Spontaneous* ignition, [(for example, from)]*such as ignition caused by heat-producing chemical reactions*[.]; and

(h)[radiant] *Radiant* heat[.];

(2) [While ignitable or reactive waste is being handled, the owner or operator shall confine] *Confining* smoking and open flame, *while ignitable or reactive waste is being handled*, to specially designated locations *where smoking or open flame will not create a risk of causing the waste to ignite or react*; [.]and

(3) *Conspicuously placing* “No Smoking” signs [shall be conspicuously placed]wherever there is a hazard from ignitable or reactive waste.

H. (text unchanged)

.05 Manifest System, Record Keeping, and Reporting.

A. (text unchanged)

B. Use of Manifest System.

(1) — (2) (text unchanged)

(3) *Shipments of Hazardous Waste Initiated from a Facility.*

(a) [Whenever] *If a facility owner or operator initiates* a shipment of hazardous waste [is initiated]from a facility, the facility owner or operator [of that facility]shall comply with the requirements of COMAR 26.13.03.

(b) *The provisions of COMAR 26.13.03-3—.03-10 are applicable to the on-site accumulation of hazardous waste by generators, and therefore only apply to the owner or operator of a facility who is shipping hazardous waste that the owner or operator:*

(i) *Generated at the facility; or*

(ii) *Consolidated at the facility under the provisions of COMAR 26.13.03.11-3 that apply to wastes accepted from off-site generators that are under control of the same person that controls the facility.*

(4) — (5) (text unchanged)

C. — E. (text unchanged)

F. Annual or Biennial Reporting. An owner or operator shall:

(1) Periodically, submit reports to the [Secretary] *Department* concerning hazardous waste generated during the preceding calendar year on EPA or State Form 8700-13B, or on an alternate form [provided] *specified* by the [Secretary] *Department*.

(2) — (4) (text unchanged)

G. — H. (text unchanged)

26.13.06 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland

.01 General.

A. Purpose, Scope, and Applicability.

- (1) — (3) (text unchanged)
 - (4) The requirements of this chapter do not apply to:
 - (a) — (c) (text unchanged)
 - (d) A generator accumulating waste on-site in compliance with COMAR [26.13.03.05E]26.13.03.03-3—03-10, except to the extent that a provision of COMAR [26.13.03.05E]26.13.03.03-3—03-10 requires the generator to comply with the requirements of this chapter;
 - (e) — (k) (text unchanged)
 - (5) — (6) (text unchanged)
- B. — C. (text unchanged)

26.13.10 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

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

.02 Hazardous Waste Burned for Energy Recovery.

A. — D. (text unchanged)

E. Standards Applicable to Marketers of Hazardous Waste Fuel. Persons who market hazardous waste fuel are termed “marketers”. Marketers include generators who market hazardous waste fuel directly to a burner, persons who receive hazardous waste from generators and produce, process, or blend hazardous waste fuel from these hazardous wastes, and persons who distribute but do not process or blend hazardous waste fuel. These persons are subject to the following requirements:

- (1) — (2) (text unchanged)
- (3) Storage. COMAR [26.13.03.05E]26.13.03.03-3—03-10, 26.13.05.01—12, and 26.13.07.
- (4) — (6) (text unchanged)

F. Standards Applicable to Burners of Hazardous Waste Fuel. Owners and operators of industrial furnaces and boilers identified in §B(2) that burn hazardous waste fuel for energy recovery are “burners”, and are subject to the following requirements:

- (1) — (3) (text unchanged)
- (4) Storage.
 - (a) For short term accumulation by generators who burn their hazardous waste fuel on-site, the applicable provisions of COMAR [26.13.03.05E]26.13.03.03-3—03-10.
 - (b) (text unchanged)
- (5) — (6) (text unchanged)

.10 Applicability — Household and Small Quantity Generator Waste.

A. A person managing the following wastes may, at the person’s option, manage the waste under the requirements of Regulations .06—.25 of this chapter:

- (1) (text unchanged)
- (2) Hazardous wastes that are generated by a Maryland-defined small quantity [generators]generator as [described]defined in COMAR [26.13.02.05A]26.13.01.03B and are also identified among the universal wastes listed in Regulation .06B of this chapter.

B. (text unchanged)

.14 Small Quantity Handlers of Universal Waste Mercury-Containing Equipment — Specific Management Standards.

A. (text unchanged)

B. A small quantity handler of universal waste:

- (1) — (2) (text unchanged)
- (3) May remove mercury-containing ampules from universal waste mercury-containing equipment, if the handler:
 - (a) — (c) (text unchanged)
 - (d) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device required by §B(3)(b) of this regulation to a container that meets the requirements of COMAR [26.13.03.05E]26.13.03.03-3—03-10;
 - (e) — (h) (text unchanged)
- (4) — (6) (text unchanged)

.25 Petitions to Include Other Wastes as Universal Wastes.

A. (text unchanged)

B. Evaluative Factors for Petitions to Include Other Wastes as Universal Wastes. In considering whether to grant or deny a petition to add a hazardous waste or a category of hazardous waste to the universal waste regulations of Regulations .06—.25 of this chapter, the Secretary shall consider:

(1) The extent to which:

(a) — (b) (text unchanged)

(c) The waste or category of waste is:

(i) (text unchanged)

(ii) Commonly generated by a wide variety of types of establishments, including, for example, households, retail and commercial businesses, office complexes, *Maryland-defined* small quantity generators, small businesses, government organizations, and large industrial facilities;

(d) — (i) (text unchanged)

(2) (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

DRAFT