

2.15 CONTROLLED HAZARDOUS SUBSTANCE FACILITY PERMIT

- ❑ *Question: Do I generate or manage hazardous waste? If so, Do I store hazardous waste for more than 90 days, treat hazardous waste, dispose hazardous waste on-site, or accept hazardous waste from off-site?*

Why do I need this approval?

The Controlled Hazardous Substance (CHS) Facility permit is required for the construction and operation of a facility used to treat, store or dispose of hazardous waste, the definition of which is found in COMAR 26.13.02.03.

What laws or regulations give MDE the legal authority to issue this approval?

FEDERAL: Resource Conservation and Recovery Act - Subtitle C.

STATE: Title 7, Subtitle 2, Annotated Code of Maryland; COMAR 26.13.07.

What is the process to get this approval?

- 1) The applicant submits an application fee and an application with supporting documents.
- 2) The Department prepares and publishes notice of receipt of the application and an opportunity to request a public information meeting or includes a date for the scheduled public information meeting. Applicants will be responsible for all costs for publication of public notices.
- 3) The Department conducts a review of the application for completeness, and technical and regulatory sufficiency. This may involve requests for additional information from the applicant. After the review, the Department prepares a tentative determination on the application that includes either a draft permit or a notice of intent to deny the application.
- 4) The Department prepares and publishes notice of the tentative determination that includes either an opportunity to request a public hearing or the date of the scheduled public hearing.
- 5) Following the close of the record for the public hearing, the Department reviews and prepares written responses to comments submitted and prepares a final determination if required. The Department publishes notice of the final determination.

Before I apply for this approval, do I need to get any approvals from the local or federal government?

Local zoning and land use approvals may be required.

Is this approval directly related or contingent on other approvals?

A [corrective action permit](#) may be required under the U.S. Environmental Protection Agency's (EPA's) Hazardous Waste Cleanup Program. Information on

this program and EPA contact information is available by clicking on the Region 3 section of the map posted at <https://www.epa.gov/hwcorrectiveactioncleanups> .

Are there any other requirements?

PRE-APPROVAL: Applications for CHS permits are subject to the public participation requirements of the Administrative Procedure Act (APA) as defined in §1-601 of the Environment Article.

POST-APPROVAL: The permittee must pay an annual permit fee and maintain financial assurance for facility closure and liability.

How long should I expect it to take to get this approval once I submit a complete application?

26 months

Once I get this approval, how long will it last?

Maximum of ten years

How much will this approval cost?

Permit fees are based upon the type and quantity of the CHS, type of operation, i.e. storage, treatment or disposal of CHS, and the anticipated costs of regulatory activities. For the CHS permits currently in effect, the annual permit fees range from \$12,000 - \$65,000. Permit application fees are credited towards the permit fee. The application fee is not refunded if the application is denied or the applicant withdraws the application. If the permit is issued, the application fee is applied towards the first year's permit fee.

Who do I contact with additional questions?

Ed Hammerberg or Al Simkins of MDE's Solid Waste Program at ed.hammerberg@maryland.gov or albert.simkins@maryland.gov, respectively.

They may also be reached at (410) 537-3315.

Persons interested in applying for a CHS Facility permit are strongly encouraged to meet with the Solid Waste Program staff to discuss the application requirements before preparing a permit application.

Related link:

<https://mde.maryland.gov/programs/Land/Pages/landpermits.aspx>