

US EPA ARCHIVE DOCUMENT

APPENDIX III

Legislation Checklist

STATE LEGISLATION CHECKLIST

State Maryland

Title(s) of Legislation Health-Environmental Date Enacted July 1, 1982
Article 7, Subtitle 2 Date Amended July 1, 1983
 Date Amended July 1, 1984

Reviewed by _____ DATE _____

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
-------------------	------------	---------------------	---------

DEFINITIONS

The State needs the authority to define the following terms in a manner at least as stringent as the Federal program. If definitions of these terms appear in State statutes, they must be at least as stringent as the analogous Federal Statutory or regulatory definition.

Disposal		COMAR	10.51.01.03 B (13)
Generator			B (24)
Hazardous Waste*	HE7-201 (b),(k)		B (26)
Manifest			B (41)
Person	HE7-201 (m)		B (51)
Storage			B (64)
Transport			B (69-1 thru 70)
Treatment			B (71)
Treatment, Storage or Disposal Facility	HE7-201 (c)		B (19)
Waste (Solid)		COMAR	10.51.02.02, .01.03 B (62-1)

* Note that the State must have authority to regulate the recycling and reuse of hazardous waste in a manner at least as stringent as the Federal program does.

HAZARDOUS WASTE IDENTIFICATION AND LISTING - [See 40 CFR §271.9]

Authority for:			
1. HW characteristics	HE7-208 (e)(2)		.02.09-.13
2. HW list	HE7-208 (e)(1)		.14-.17

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
-------------------	------------	---------------------	---------

STANDARDS FOR GENERATORS - [See 40 CFR §271.10]

The State needs the authority to regulate all generators EPA regulates under 40 CFR Part 262.

Authority to promulgate regulations on:

1. I.D. Numbers	HE7-208 (e)(5)	COMAR	10.51.03.03 A
2. Requiring generator to determine whether waste is hazardous	HE7-208 (e)(5)		.03.02
3. Recordkeeping practices	HE7-208 (e)(5)		.03.06 A
4. Packaging, labeling, marking and placarding practices	HE7-208 (e)(5)		.03.05
5. Use of appropriate containers	HE7-208 (e)(5)		.03.05 A
6. Furnishing information	HE7-208 (e)(5)		.03.06 B
7. Use of manifest consistent with DOT and EPA	HE7-208 (e)(5)		.03.04
8. International Shipments	HE7-208 (e)(5)		.03.07
9. Designation of and delivery to permitted facilities	HE7-208 (e)(5)		.03.03 C
10. Investigation of unreturned shipments	HE7-208 (e)(5)		.03.06 C
11. Submission of reports	HE7-208 (e)(5)		.03.06
			.03.07 A (3)

STANDARDS FOR TRANSPORTERS - [See 40 CFR §271.11]

The State needs the authority to regulate all transporters EPA regulates under 40 CFR Part 263.

Authority to promulgate regulations on:

1. I.D. numbers	HE7-208 (e)(5)		.04.01 B
2. Recordkeeping	HE7-208 (e)(5)		.04.02 C
3. Labeling	HE7-208 (e)(5)		.04.01 A
4. Compliance with manifest system	HE7-208 (e)(5)		.04.02 A
5. Spill notification	HE7-208 (d)(2), (e)(5)		.04.03 A
6. Spill clean-up	HE7-208 (d)(2), (e)(5)		.04.03 B

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
3. Prohibit operation of facilities without permits (State may have an analogue to interim status)	HE7-232 (a) HE7-207 (a)(5)		-
4. Require permit application information	HE7-235 (1), 207 (a)(4)		
5. Require permits to contain all technical and administrative standards	HE7-235 (1), 207 (a)(5)		
6. Provide for permit modifications and termination (revocation)	HE7-238 (a) HE7-257 (a)(b), 207 (a)(5)		
7. Allow public disclosure of name and address of permit applicants and permittees	HE7-207 (7)	COMAR	10.51.01.02

PUBLIC PARTICIPATION

Authority to provide:			
1. Draft permit, fact sheet, etc.	HE7-239		
2. Notice of all draft permits by radio broadcasts and notices in newspapers etc.	HE7-239		
3. 45-day public comment period on all draft permits	HE7-239		
4. Informal hearing with written notice of opposition	HE7-239 (b) HE7-261		
5. Consideration of and response to public comments	HE7-235		

INSPECTIONS

1. Right to enter, inspect and obtain samples (at all regulated premises and where records are kept)	HE7-245 (a) HE7-236 (3)	HE7-256 (a), 256.1	
--	----------------------------	--------------------	--

ENFORCEMENT - [See 40 CFR §271.16]

Authority to:			
1. Immediately restrain unauthorized activity	HE7-263		
2. Sue to enjoin any threatened or continuing program violation without prior revocation of permit	HE7-263		

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
7. Transportation to permitted facility	HE7-208 (e)(4)(5)(6)	COMAR	10.51.04.01 A
8. Consistency with DOT regulations	HE7-208 (e)(5)		.04.01 A

STANDARDS FOR HW STORAGE, TREATMENT, AND DISPOSAL FACILITIES -
[See 40 CFR §271.12]

The State needs the authority to regulate all of the owners and operators of hazardous waste management facilities whom EPA regulates.

Authority to promulgate regulations on:

1. I.D. numbers	HE7-208 (e)(6)		
2. Recordkeeping	HE7-208 (e)(6)		
3. Reporting	HE7-208 (e)(6)		
4. Monitoring	HE7-208 (e)(6)		
5. Inspecting	HE7-208 (e)(6)		
6. Compliance with manifest system	HE7-208 (e)(6)		
7. Operating methods	HE7-208 (e)(6)		
8. Location, design, construction	HE7-208 (e)(6), (d)(3)(ii)		
9. Contingency plans	HE7-208 (e)(6), (d)(2)		
10. Training	HE7-208 (e)(6)		
11. Ownership	HE7-208 (e)(6)		
12. Closure and Post-Closure activities	HE7-208 (e)(6)		
13. Continuity of operation	HE7-208 (e)(6)		
14. Financial responsibility	HE7-208 (e)(8)		
15. General conditions (see 40 CFR §§270.30	HE7-208 (e)(6)		

PERMITS FOR HW STORAGE, TREATMENT AND DISPOSAL FACILITIES - [See 40 CFR §271.15 and 271.13]

1. Require Permits for owners and operators of all TSD facilities	HE7-232 (a)(d) HE7-207 (a)(5)		
2. Impose construction ban	HE7-232 (a)		

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
3. Obtain civil penalties for any violation (maximum no less than \$10K per day)	HE7-266		
4. Obtain criminal penalties for specified violations (maximum no less than \$10K per day and imprisonment with maximum no less than six months); burden of proof no greater than under Federal law	HE7-265 HE7-267 HE7-268		
5. Allow intervention (see 40 CFR §271.16(d))	HE7-207	Language in MOA	

MISCELLANEOUS

1. Authority to share all information with EPA	HE7-207		
2. Variance and waiver provisions*		(No variance beyond that of Federal program)	
3. Importation ban*		(No importation ban)	
4. Exemptions*		(No exemptions beyond that of Federal Program)	
5. Siting*		(Siting criteria compatible with COMAR 10.51)	

* May create problems for a State seeking authorization.