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MARYLAND ATTORNEY GENERAL'S STATEMENT
FOR FINAL AUTHORIZATION TO CHANGES TO THE
FEDERAL RCRA PROGRAM AND
THE ADOPTION OF INTERIM STATUS REGULATIONS

I hereby certify, pursuant to my authority as Attorney General, for the State of Maryland, and in accordance with Section 3006(b) of the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984 (42 U.S.C. 6901 et seq.), and 40 CFR 271, that in my opinion the laws of Maryland provide adequate authority to carry out the revised program set forth in the revised "Program Description" submitted by the Maryland Department of the Environment (hereinafter MDE). The specific authorities provided are contained in statutes or regulations lawfully adopted at the time this Statement is signed and which are in effect now, as specified below. The statutes referenced in this Statement are from the Environment Article of the Annotated Code of Maryland (1996 Replacement Volume and 1999 Cumulative Supplement). Statutory authorities for Maryland are documented in the State's Legislation Checklist and HSWA Statutory Checklist, which are attached to this statement. The regulations are codified in the Code of Maryland Regulations (hereinafter "COMAR") effective October 16, 2000. These authorities and this certification supplement the previously certified authorities described in the Attorney General's certification of June 4, 1984.

This Revised Attorney General's (AG's) Statement supplements the AG's Statement submitted to the U.S. Environmental Protection Agency on June 4, 1984 for Base program authorization. This AG's Statement is divided into two sections. Section 1 contains the statement and certification of the State's interim status provisions. Maryland's Base program did not provide for interim status or specific standards for facilities operating under interim status. Since Base program authorization, the State has adopted interim status regulations analogous to those found in the Federal RCRA program. The State's interim status provisions are documented on Consolidated Checklist C6 and within the text of Section 1 of this Statement.

Section 2 of this AG's Statement contains the statement and certification of the State's provisions addressing changes made to the Federal RCRA program since the Base program was authorized, up to, and including, RCRA Cluster V. Maryland is not seeking final authorization for all changes made during that time. The State is only requesting authorization for the changes addressed by Revision Checklists identified in the body of this AG's Statement. For instance, Maryland is not seeking authorization for the land disposal restrictions, used oil standards, boiler and industrial furnace standards, wood preserving listings, air emission standards, or HSWA corrective action requirements. The State's regulatory provisions are documented on the specified Revision Checklists that are attached to this AG's Statement. In addition, Section 2 identifies State-initiated changes that were not made in response to Federal regulatory changes.

On the checklists attached to this AG's Statement, an "EQ" means that the State's provision is equivalent to the Federal provision. "MS" signifies that the State provision is more stringent than the analogous Federal provision. "BIS" means that the provision contains elements that are beyond the scope of the Federal RCRA program. Explanations are provided on the checklists for all entries marked with an "MS" or a "BIS."

**SECTION ONE – ADOPTION OF REGULATIONS PROVIDING FOR
INTERIM STATUS AND INTERIM STATUS STANDARDS**

I. STANDARDS FOR INTERIM STATUS FACILITIES

State statutes and regulations provide for interim status and include interim status standards for hazardous waste management facilities covered by 40 CFR Part 265 as indicated in Consolidated Checklist C6 (formerly Checklist IV B) which includes the changes made by Revision Checklists 1, 3, 10, 13, 15, 16, 17 F, 17 H, 24, 25, 27, 28, 30, 36, 43, 48, 52, 54, 64, 74, 99, 108, 113, 126, and 131. Specific requirements are as follows:

- (1) *State statutes and regulations authorize owners and operators of hazardous waste management facilities that would qualify for interim status under the federal program to remain in operation until a final decision is made on the permit application;*
- (2) *State law and regulations authorize continued operation of hazardous waste management facilities provided that owners and operators of such facilities comply with standards at least as stringent as EPA's interim status standards at 40 CFR Part 265; and*
- (3) *State law and regulations assure that any facility qualifying for State interim status continues to qualify for Federal interim status.*

Specific provisions amending 40 CFR Part 265 since January 1, 1983 which are included in State regulations are addressed individually in Section Two of this Attorney General's Statement.

Federal Authority: RCRA §3005(e); 40 CFR Part 265, as amended January 28, 1983 (48 FR 3977); November 22, 1983 (48 FR 52718); November 21, 1984 (49 FR 46094); January 4, 1985 (50 FR 614); April 23, 1985 (50 FR 16044); April 30, 1985 (50 FR 18370); July 15, 1985 (50 FR 28702); May 2, 1986 (51 FR 16422); May 28, 1986 (51 FR 19176); July 11, 1986 (51 FR 25350); July 14, 1986 (51 FR 25422); August 8, 1986 (51 FR 28556); August 15, 1986 (51 FR 29430); March 19, 1987 (52 FR 8704); November 18, 1987 (52 FR 44314); July 19, 1988 (53 FR 27164); September 1, 1988 (53 FR 33938); September 2, 1988 (53 FR 34079); September 28, 1988 (53 FR 37912); August 14, 1989 (54 FR 33376); March 29, 1990 (55 FR 11798); July 1, 1991 (56 FR 30200); December 23, 1991 (56 FR 66365); July 10, 1992 (57 FR 30657); September 16, 1992 (57 FR 42832); and August 31, 1993 (58 FR 46040).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208 and 7-232, Environment Article, Annotated Code of Maryland
COMAR 26.13.06
COMAR 26.13.07.23

Remarks of the Attorney General

Under the Maryland statutes, a person is required to hold a facility permit prior to owning, establishing, operating, or maintaining a Controlled Hazardous Substance (CHS) facility in Maryland under § 7-232(a). However, § 7-208(d)(4) provides the Department with authority to adopt a rule or regulation

under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Maryland has adopted interim status standards analogous to those found in 40 CFR Part 265 at COMAR 26.13.06. As indicated on Consolidated Checklist C6, the same facilities qualify for interim status under the Maryland program as under the Federal program. The authority for the adoption of specific standards is found in Section 7-208. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Additionally, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for facility permits.

Note that the Department has made conforming changes throughout its rules relative to the recent adoption of interim status standards. Many provisions have been revised to add references to provisions in COMAR 26.13.06. The following table identifies the specific provisions where references to the new interim status standards have been added:

| | | | |
|------------------------|-----------------------|------------------------|--------------------|
| 26.13.01.01B(4) | 26.13.01.03B(25) | 26.13.01.03B(60) | 26.13.01.03B(62) |
| 26.13.01.04A(1) | 26.13.01.04B(1) | 26.13.01.04B(2)(c) | 26.13.02.05B |
| 26.13.02.05D(2)(b)(ii) | 26.13.02.06A(2)(a)(i) | 26.13.02.06A(2)(a)(ii) | 26.13.02.06A(2)(b) |
| 26.13.02.06A(2)(b)(ii) | 26.13.02.15D | 26.13.03.01D | 26.13.03.01E |
| 26.13.03.05E(1)(h)(i) | 26.13.03.05E(2) | 26.13.03.06B(2) | 26.13.03.07-4 |
| 26.13.05.01A(2) | 26.13.05.06A(4)(a) | 26.13.05.11D(2) | 26.13.05.14B(1) |
| 26.13.07.01A | 26.13.07.13-1A(3) | 26.13.07.13-1A(5) | 26.13.10.01C |
| 26.13.10.01D(1) | 26.13.10.02A(2)(b) | | |

In addition, Maryland has removed the standards previously found at COMAR 26.13.05.15 (existing incinerators), 26.13.05.17 (thermal treatment and open burning), and 26.13.05.18 (chemical, physical, and biological treatment). The activities addressed in those rules are now regulated pursuant to the new interim status standards found at COMAR 26.13.06.23 (incinerators), 26.13.06.24 (thermal treatment and open burning), and 26.13.06.25 (chemical, physical, and biological treatment), or are regulated under the permit standards found at COMAR 26.13.05.16 (thermal destruction of hazardous waste) and 26.13.05.16-1 (miscellaneous units). Due to these changes, conforming changes were made throughout the rules to correct internal references that reflected the old regulatory scheme. The following table identifies the specific provisions where conforming changes have been made:

| | | | |
|------------------------|------------------------|--------------------|--------------|
| 26.13.05.02D(2)(c)(vi) | 26.13.05.02F(2)(d)(iv) | 26.13.05.05D(2)(c) | 26.13.05.07B |
| 26.13.05.07C(1)(b) | 26.13.07.02D(19) | 26.13.07.02D(29) | |

Maryland has also had to add provisions to conform to the new interim status standards at COMAR 26.13.06. These changes include the adoption of analogs to the requirements specifically applicable to interim status in 40 CFR Part 270. In addition, definitions specifically applicable to interim status were needed in COMAR 26.13.01. Such changes are not reflected on the Consolidated Checklist C6 since it only addresses the State's analogs to 40 CFR Part 265. The following table identifies new provisions that have been added outside of the context of 40 CFR Part 265 in order to conform to the adoption of interim status regulations:

| State Citation | Federal Analog | Comment |
|--|---------------------------|--|
| 26.13.01.03B(42-2) "Interim Status" | No direct Federal analog | This definition is necessary for purposes of determining the applicability of the newly adopted interim status standards at COMAR 26.13.06. The definition is consistent with the term interim status as used in the Federal code. |
| 26.13.01.03B(59-1) "Part A" 26.13.01.03B(59-2) "Part B" | No direct Federal analogs | The Federal code identifies the general information requirements for Part A of the permit application in 40 CFR 270.13 and the general information requirements for Part B of the permit application in 40 CFR 270.14. Maryland has listed all general information requirements for permits in COMAR 26.13.07.02. These definitions identify which information must be submitted with Part A and which must be submitted with Part B. The State is equivalent to the Federal code. |
| 26.13.05.01B | 264.3 | The State has added an analog equivalent to 40 CFR 264.3 describing the relationship between the State's analogs to 40 CFR Parts 264 and 265. |
| 26.13.06.01B(1) | 270.10(e)(1) | These provisions are analogous to the Federal provisions at 40 CFR 270.12(e) and (g) which govern the timeline for submittal of Part A of the permit application, the modification of Part A information, and the requirement for submittal of Part B of the permit application for interim status facilities. Maryland is equivalent to the Federal program. |
| 26.13.06.01B(2) | 270.10(g)(1) | |
| 26.13.06.01B(3) | 270.10(e)(2) and (3) | |
| 26.13.06.01B(4) | 270.10(g)(2) | |
| 26.13.06.01B(5) | 270.10(e)(4) and (5) | |
| 26.13.07.23 | 270, Subpart G | The State's provisions are equivalent to those found in 40 CFR Part 270, Subpart G with the exception that the State has not adopted provisions related to the Boiler and Industrial Furnace Standards and the Land Disposal Restrictions since Maryland is not seeking authorization for those program areas at this time. |

SECTION TWO – ADOPTION OF REVISIONS TO
THE FEDERAL RCRA PROGRAM

I. IDENTIFICATION AND LISTING

A. State statutes and regulations contain lists of hazardous wastes which encompass all wastes controlled under the following Federal regulations as indicated in the designated Revision Checklists:

- (1) *Chlorinated aliphatic hydrocarbons, 40 CFR 261.31 and Part 261 Appendices VII and VIII as amended February 10, 1984 [49 FR 5308], Revision Checklist 4.*
- (2) *Warfarin and zinc phosphide listing, 40 CFR 261.33(e) and (f) as amended May 10, 1984 [49 FR 19923], Revision Checklist 7.*
- (3) *TDI, DNT and TDA wastes, 40 CFR 261.32, 261.33(f), and Part 261 Appendices III, VII and VIII as amended October 23, 1985 [50 FR 42936], Revision Checklist 18.*
- (4) *Spent solvents, 40 CFR 261.31, as amended December 31, 1985 [50 FR 53319] and January 21, 1986 [51 FR 2702], Revision Checklist 20.*
- (5) *EDB wastes, 40 CFR 261.32 and Part 261 Appendices III and VII, as amended February 13, 1986 [51 FR 5330], Revision Checklist 21.*
- (6) *Four spent solvents, 40 CFR 261.31, 261.33(f), and Part 261 Appendices III, VII and VIII as amended February 25, 1986 [51 FR 6541], Revision Checklist 22.*
- (7) *Listing of spent pickle liquor from steel finishing operations, 40 CFR 261.32, as amended May 28, 1986 [51 FR 19320] and September 22, 1986 [51 FR 33612], Revision Checklist 26.*
- (8) *Listing of commercial chemical products and Appendix VIII constituents, 40 CFR 261.33 and Part 261 Appendix VIII, as amended August 6, 1986 [51 FR 28296], Revision Checklist 29; as amended July 10, 1987 [52 FR 26012], Revision Checklist 41; and as amended April 22, 1988 [53 FR 13382], Revision Checklist 46.*
- (9) *EBDC wastes, 40 CFR 261.32 and Part 261 Appendices III and VII, as amended on October 24, 1986 [51 FR 37725], Revision Checklist 33.*
- (10) *Listing of spent potliners from aluminum reduction (K088), 40 CFR 261.32 and Part 261 Appendix VII, as amended September 13, 1988 [53 FR 35412], Revision Checklist 53.*
- (11) *Generic delisting of iron dextran (CAS No. 9004-66-4), 40 CFR 261.33(f) and Part 261 Appendix VIII, as amended October 31, 1988 [53 FR 43878], Revision Checklist 56.*
- (12) *Generic delisting of strontium sulfide (CAS No. 1314-96-1), 40 CFR 261.33(e) and Part 261 Appendix VIII, as amended October 31, 1988 [53 FR 43881] and February 25, 1991 [56 FR*

7567], Revision Checklists 57 and 86.

- (13) *Listing of two wastes (K131 and K132) generated during the production of methyl bromide, 40 CFR 261.32 and 261 Appendices III and VII, as amended October 6, 1989 [54 FR 41402], Revision Checklist 68.*
- (14) *Listing of one generic category (F025) of waste generated during the manufacture of chlorinated aliphatic hydrocarbons by free radical catalyzed processes and amending F024, 40 CFR 261.31 and 261 Appendix VII; adding one toxicant to 261 Appendix VIII; as amended December 11, 1989 [54 FR 50968], Revision Checklist 69.*
- (15) *Amendments to the F019 hazardous waste listing to exclude wastewater treatment sludges from zirconium phosphating in aluminum can washing, when such phosphating is an exclusive conversion coating process, 40 CFR 261.31, as amended February 14, 1990 [55 FR 5340], Revision Checklist 72.*
- (16) *Listing of four wastes (K107-K110) generated during the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides, 40 CFR 261.31 and Part 261 Appendices III and VII, as amended May 2, 1990 [55 FR 18496], Revision Checklist 75.*
- (18) *Listing of two wastes (F037 and F038) generated in the separation of oil/water/solids from petroleum refinery process wastewaters and oily cooling wastewaters, 40 CFR 261.31 and Part 261 Appendix VII, as amended November 2, 1990 [55 FR 46354] and December 17, 1990 [55 FR 51707], Revision Checklist 81.*
- (21) *Redefinition of F037 and F038 listings to exclude 1) sludges from non-contact once-through cooling waters from both listings and 2) floats generated in aggressive biological treatment units from the F038 listing, 40 CFR 261.31 as amended May 13, 1991 [56 FR 21955], Revision Checklist 89.*
- (23) *Listing of seven wastes (K141, K142, K143, K144, K145, K147, and K148) generated during the production, recovery and refining of coke by-products produced from coal, 40 CFR 261.32, and Part 261 Appendix VII as amended August 18, 1992 [57 FR 37284], Revision Checklist 110.*
- (24) *Listing of three wastes (K149, K150, and K151) from the production of chlorinated toluenes, 40 CFR 261.32 and Part 261 Appendix VII, as amended October 15, 1992 [57 FR 47376], Revision Checklist 115.*
- (27) *Listing of three chemicals from wood surface protection processes, 40 CFR 261 Appendix VIII, as amended January 4, 1994 [59 FR 458], Revision Checklist 128.*
- (28) *Listing of Beryllium (P015) is amended to read "Beryllium powder," 40 CFR 261.33, Appendix VIII, as amended June 20, 1994 [59 FR 31551], Revision Checklist 134.*

Federal Authority: RCRA §3001(b).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-201(b), 7-208(a) and (e)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.02.16A, .17, .19C, .19E, .19G, .22, .23, and .24

Remarks of the Attorney General

The Maryland statutes define “controlled hazardous substance” (CHS) at § 7-201(b) as any hazardous substance the MDE identifies as a controlled hazardous substance under Subtitle 2, or low-level nuclear waste. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances.

Pursuant to these authorities, the Department has adopted rules that contain the revisions to the lists of controlled hazardous substances described above as demonstrated on the Maryland Revision Checklists attached to this Attorney General’s Statement. Note that Maryland’s CHS listings are broader in scope than the Federal hazardous waste listings because they address the disposal of PCB wastes in the State. COMAR 26.13.02.19D, F & H.

B. State statutes and regulations define hazardous waste so as to control the generation, transportation, treatment, storage and disposal of hazardous waste produced by small quantity generators of between 100 and 1000 kilograms/month as indicated in Revision Checklist 23 (which supercedes prior amendments by Revision Checklist 17 A) and Revision Checklist 47 (providing technical corrections to Checklist 23). State statutes and regulations also require small quantity generators to certify good faith efforts to minimize waste generation and to select the best available and affordable treatment, storage or disposal alternatives, 40 CFR Part 262 as amended October 1, 1986 [51 FR 35190], Revision Checklist 32 (see Item IX below).

Federal Authority: RCRA §3001(d); 40 CFR Parts 260-263 and 270 as amended March 24, 1986 (51 FR 10146), October 1, 1986 (51 FR 35190), and July 19, 1988 (53 FR 27162).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§7-205(b), 7-208(a), 7-208(e)(5), and 7-209(c), Environment Article, Annotated Code of Maryland
COMAR 26.13.02.01B(1), .05A(1)-(3), .05C, .05D, .05E(1)-(3), and .19G
COMAR 26.13.03.05E(1) and (2)
COMAR 26.13.05.01A(3)(d)
COMAR 26.13.06.01A(4)(d)
COMAR 26.13.07.01A

Remarks of the Attorney General

The MDE is required to adopt rules and regulations to carry out the provisions of Subtitle 2 pursuant to § 7-208(a). Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-209(c) requires that all generators generating greater than 100 kg of CHS

during 1 calendar month comply with the applicable rules and regulations adopted under § 7-208(e) with the exceptions the Secretary considers necessary. Section 7-205(b) prohibits generators from disposing of CHS unless the generator demonstrates to the satisfaction of the MDE that (1) recovery possibilities have been considered, and (2) the CHS cannot be reasonably treated further to reduce the volume or the hazard that the CHS poses to the environment.

Pursuant to these authorities, the Department has adopted rules that regulate the same universe of generators as the Federal program. In addition, the State has adopted waste minimization requirements addressed by Revision Checklist 32. The differences between the Federal program and Maryland's program are documented on the State's Revision Checklists 17A, 23, 32, and 47 which are attached to this Attorney General's Statement.

D. State statutes and regulations define hazardous waste so as to exclude waste pickle liquor sludge generated by lime stabilization, but only to the extent that such waste is excluded by 40 CFR 261.3(c)(2), as indicated in Revision Checklist 8.

Federal Authority: RCRA §3001; 40 CFR 261.3(c) as amended June 5, 1984 (49 FR 23284).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-201(b), 7-208(a), (d)(4), and (e)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.02.03C(2) and (3)

Remarks of the Attorney General

The Maryland statutes define "controlled hazardous substance" (CHS) at § 7-201(b) as any hazardous substance the Department identifies as a controlled hazardous substance under Subtitle 2, or low-level nuclear waste. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances. In addition, § 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Pursuant to these authorities, the MDE has adopted rules that contain the revisions addressed by Revision Checklist 8.

E. State statutes and regulations define hazardous waste so as not to exclude household waste other than those household wastes excluded in 40 CFR 261.4(b)(1), as indicated in Revision Checklists 9 and 17 C.

Federal Authority: RCRA §3001; 40 CFR 261.4(b)(1) as amended November 13, 1984 (49 FR 44980) and July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-201(b), 7-208(a) and (e)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.02.04-1A(1) and B(1)

Remarks of the Attorney General

The Maryland statutes define “controlled hazardous substance” (CHS) at § 7-201(b) as any hazardous substance the Department identifies as a controlled hazardous substance under Subtitle 2, or low-level nuclear waste. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances. Pursuant to these authorities, the MDE has adopted rules that contain the revisions addressed by Revision Checklists 9 and 17C.

F. State statutes and regulations incorporate the second edition and updates to "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846) as indicated in Revision Checklists 11 and 35.

Federal Authority: RCRA §§2002, 3001; 40 CFR 260.11, 260.21 and 270.6(a) as amended December 4, 1984 (49 FR 47390) and March 16, 1987 (52 FR 8072).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), 7-208(e)(1) and (e)(2), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.04B and .05A(4)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances. In addition, § 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 11 and 35. Note that the provision at COMAR 26.13.01.05A(4) has been extensively revised by subsequent checklists as addressed in this Attorney General's Statement.

G. State statutes and regulations define solid wastes to include the hazardous components of radioactive mixed wastes, July 3, 1986 [51 FR 24504]. See State Program Advisory (SPA) #2.

Federal Authority: RCRA §§1004(27) and 3001(b).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-201(b), (m) and (t), Environment Article, Annotated Code of Maryland

Remarks of the Attorney General

The State of Maryland defines “solid waste” in 7-201(t)(1). Certain wastes excluded from that definition are listed in 7-201(t)(2). The Maryland statutory definition of solid waste is similar to that found in Section 1004(27) of RCRA, 42 U.S.C. §6903(27), in that it mirrors many of the same

exclusions such as domestic sewage, industrial discharge and so on. However, there is no specific exclusion related to source, special nuclear or byproduct material found in the law. There is, however, a catchall provision under 7-201(t)(2)(v) that excludes any material that is excluded by any rule or regulation adopted under the subtitle.

Maryland uses the term “Controlled Hazardous Substance” (CHS) in its statutes and regulations. The statutory term, found at § 7-201(b) includes: 1) any hazardous substance identified by the Department or, 2) low-level nuclear waste. The statutory definition of hazardous substances is defined as any substance defined as a hazardous substance under CERCLA, as amended, or identified as a controlled hazardous substance under Maryland regulation. See § 7-201(m).

The regulatory definition of hazardous waste is found in COMAR 26.13.02.03. The regulatory definition of solid waste is found at COMAR 26.13.02.02 and the exclusions to solid waste are found at COMAR 26.13.02.04-1. There is no exclusion for mixed waste. Like the Federal regulations, Maryland also has a “mixture” rule found at COMAR 26.13.02.03A(2)(c).

Radioactive hazardous substances (RHS) are regulated under COMAR 26.15.02.01 – 26.15.03.08. COMAR 26.15.03.02 of the RHS regulations specifically provides that if an RHS waste also contains a controlled hazardous substance, that person shall also manage the materials in compliance with the CHS regulations. Moreover, waste which is not subject to RHS disposal requirements, but which also contains a Controlled Hazardous Substance must still be managed in accordance with CHS regulations. See COMAR 26.15.03.06C. Therefore, Maryland law allows for the regulation of the hazardous component of mixed waste by MDE.

H. State statutes and regulations exempt (with certain limitations) waste samples used in small scale treatability studies from Subtitle C regulation as indicated in Revision Checklist 49.

Federal Authority: RCRA §3001; 40 CFR 260.10 and 261.4(e)&(f) as amended July 19, 1988 (53 FR 27290).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), and (e)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.03B(85)
COMAR 26.13.02.04-4 and .04-5

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances. In addition, § 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 49.

I. State statutes and regulations exclude from the mining waste exemption the six wastes listed at 40 CFR 261.4(b)(7)(i) through 261.4(b)(7)(vi), as indicated in Revision Checklist 53.

Federal Authority: RCRA §3001(b); 40 CFR 261.4(b)(7) as amended September 13, 1988 (53 FR 35412).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), and (e)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.02.04-1A(7), .04-1E, and .04-1F

Remarks of the Attorney General

Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances. In addition, the Department is authorized under § 7-208(d)(4) to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Note that the changes made by Revision Checklist 53 to 40 CFR 261.4(b)(7) have been superseded by changes made by Revision Checklist 65 as addressed in the following Attorney General's Statement entry.

J. State statutes and regulations that:

- (1) provide final criteria to define Bevill-excluded mineral processing wastes, finalize the Bevill status of nine mineral processing waste streams, and list those mineral processing wastes subject to conditional retention as indicated in Revision Checklist 65.***

Federal Authority: RCRA §3001(b); 40 CFR 261.3 and 261.4 as amended September 1, 1989 (54 FR 36592).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), and (e)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.02.03A(2)(a), .03A(2)(c), and .03A-1
COMAR 26.13.02.04-1A(7), .04-1E, and .04-1F

Remarks of the Attorney General

Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances. In addition, the Department is authorized under § 7-208(d)(4) to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 65.

- (2) remove five conditionally retained mineral processing wastes from the exemption from hazardous waste regulation under the Bevill exclusion, and amend the definitions of "beneficiation" and "designated facility" as indicated in Revision Checklists 71 and 90.***

Federal Authority: RCRA §3001(b)(3)(A)(ii); 40 CFR 260.10 and 261.4(b)(7) as amended January 23, 1990 (55 FR 2322) and June 13, 1991 (56 FR 27300).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (d)(4), and (e)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.03B(12)
COMAR 26.13.02.04-1A(7), .04-1E, and .04-1F

Remarks of the Attorney General

Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances. In addition, the Department is authorized under § 7-208(d)(4) to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 71 and 90.

K. State statutes and regulations incorporate 47 new testing methods as approved methods for use in meeting the regulatory requirements under Subtitle C of RCRA as indicated in Revision Checklists 67 and 73.

Federal Authority: RCRA §§3001, 3004, 3005, and 3006; 40 CFR 260.11 and Part 261 Appendix III as amended September 29, 1989 (54 FR 40260) and March 9, 1990 (55 FR 8948).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a) and (e)(2), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.05A(4)
COMAR 26.13.02.22

Remarks of the Attorney General

Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 67 and 73. Note that the provision at COMAR 26.13.01.05A(4) has been extensively revised by subsequent checklists as addressed in this Attorney General's Statement.

L. State statutes and regulations revise the existing toxicity characteristic by replacing the Extraction Procedure (EP) leach test with the Toxicity Characteristic Leaching Procedure (TCLP) for identifying wastes that are defined as hazardous and subject to regulation under Subtitle C of RCRA as indicated in Revision Checklists 74 and 108. State statutes and regulations also provide for the addition of 25 organic chemicals and their regulatory levels to the list of toxic constituents of concern as indicated in Revision Checklist 74.

Federal Authority: RCRA §§1006, 2002(a), 3001, 3002, 3004, 3005 and 3006; 40 CFR Parts 261, 264, 265 and 268 as amended March 29, 1990 (55 FR 11798), June 29, 1990 (55 FR 26986), and July 10, 1992 (57 FR 30657).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (e)(1), and (e)(2), Environment Article, Annotated Code of Maryland
 COMAR 26.13.02.04-1A(9), (10)(a)-(b), and (12)
 COMAR 26.13.02.14A and B
 COMAR 26.13.02.15B and C
 COMAR 26.13.02.21
 COMAR 26.13.05.11D(6) and .14B(5)(a)
 COMAR 26.13.06.19D(1) - (2)
 COMAR 26.13.06.21A, B(1), and B(2)
 COMAR 26.13.06.22C(2)

Remarks of the Attorney General

Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances, and § 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 74 and 108.

Note that Maryland does not have an analog to 40 CFR 261.8, which allows PCB-containing dielectric fluid that also exhibits the toxicity characteristic to be managed under the Toxic Substances Control Act rather than RCRA. The State regulates PCBs in concentrations of 50 ppm or greater as CHS making the State program broader in scope.

M. State statutes and regulations contain the language to result in consistent interpretation of the criteria for listing wastes as hazardous under RCRA as indicated in Revision Checklist 76.

Federal Authority: RCRA §3001(a); 40 CFR 261.11(a)(3) as amended May 4, 1990 (55 FR 18726).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (e)(1), and (e)(2), Environment Article, Annotated Code of Maryland
 COMAR 26.13.02.09A(3)

Remarks of the Attorney General

Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances, and § 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 76.

P. State statutes and regulations include definitions of oil/water/solids and aggressive biological treatment units and a statement concerning the point of generation for F037 and F038 sludges as indicated on Revision Checklist 81.

Federal Authority: RCRA §3001; 40 CFR 261.31(b) as amended November 2, 1990 (55 FR 46354) and December 17, 1990 (55 FR 51707).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (e)(1), and (e)(2), Environment Article, Annotated Code of Maryland
COMAR 26.13.02.16B

Remarks of the Attorney General

Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances, and § 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 81.

S. State statutes and regulations exclude from being hazardous used chlorofluorocarbon (CFC) refrigerants from totally enclosed transfer equipment (including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems) that use chlorofluorocarbons as the heat transfer fluid in the refrigeration cycle, provided the refrigerant is reclaimed for further use as indicated in Revision Checklist 84.

Federal Authority: RCRA §3001; 40 CFR 261.4(b)(12) as amended February 13, 1991 (56 FR 5910).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), and (e)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.02.04-1A(13)

Remarks of the Attorney General

Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled

hazardous substances. In addition, § 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 84.

X. State statutes and regulations exempt, from the definition of hazardous, used oil filters meeting the 40 CFR 261.4(b)(15) criteria as indicated in Revision Checklists 104 and 107.

Federal Authority: RCRA §§1004, 1006, 2002, 3001 and 3014; 40 CFR 261.4(b)(15) as amended May 20, 1992 (57 FR 21524) and July 1, 1992 (57 FR 29220).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), and (e)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.02.04-1A(14)

Remarks of the Attorney General

Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances. In addition, § 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 104 and 107.

Y. State statutes and regulations exclude from being a solid waste K060, K087, K141, K142, K143, K144, K145, K147 and K148, and those coke by-product residues that are hazardous only because they exhibit the Toxicity Characteristic when, subsequent to generation, these wastes are recycled by being returned to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar as specified in Revision Checklists 105 and 110.

Federal Authority: RCRA §§3001(e)(2) and (h); 40 CFR 261.4(a)(10) as amended June 22, 1992 (57 FR 27880) and August 18, 1992 (57 FR 37284).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-201(t), 7-208(a), (d)(4), and (e)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.02.04A(8)

Remarks of the Attorney General

The State of Maryland defines "solid waste" in 7-201(t)(1). Certain wastes excluded from that definition are listed in 7-201(t)(2). The Maryland statutory definition of solid waste is similar to that found in Section 1004(27) of RCRA, 42 U.S.C. §6903(27), in that it mirrors many of the same exclusions such as domestic sewage, industrial discharge and so on. Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-

208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances. In addition, § 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 105 and 110.

AA. State statutes and regulations do not require the use of the spike recovery correction as part of the Toxicity Characteristic Leaching Procedure as indicated in Revision Checklist 119.

Federal Authority: RCRA §§1006, 2002, 3001, 3002 and 3006; 40 CFR 261, Appendix II, as amended November 24, 1992 (57 FR 55114) and February 2, 1993 (58 FR 6854).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a) and (e)(2), Environment Article, Annotated Code of Maryland
COMAR 26.13.02.21

Remarks of the Attorney General

Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2, and § 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS. Note that the provision at COMAR 26.13.02.21 has been extensively revised by subsequent checklists as addressed in this Attorney General's Statement.

BB. State statutes and regulations replace the current Second Edition (including Updates I and II) of the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, by incorporating by reference the Third Edition (and its first update) of this test methods manual. Throughout the State's code, references to test methods directly refer to the methods as they are found in SW-846, as indicated in Revision Checklist 126.

Federal Authority: RCRA §§1006; 2002, 3001, 3002, 3004, 3005, 3006, 3010, and 3014; 40 CFR 260.11(a); 260.22(d)(1)(i); 261.22(a)(1)&(2); 261.24(a); 261 Appendices II, III, and X; 264.190(a); 264.314(c); 265.190(a); 265.314(d); 268.7(a); 268.40(a); 268.41(a); 268 Appendices I & IX; 270.6(a); 270.19(c)(1)(iii)&(iv); 270.62(b)(2)(i)(C)&(D); and 270.66(c)(2)(i)&(ii) as amended August 31, 1993 (58 FR 46040) and September 19, 1994 (59 FR 47980).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a) and (e)(2), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.04C(4)(a)(i) and .05A(4)
COMAR 26.13.02.12A(1) – (2), .14A, .21, and .22
COMAR 26.13.05.10A(2) and .14N(2)
COMAR 26.13.06.18A and .22F(2)
COMAR 26.13.07.02-6C(1)(c)-(e) and .17B(3)(a)(iii)-(vi)

Remarks of the Attorney General

Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 126. Note that the provision at COMAR 26.13.01.05A(4) has been extensively revised by subsequent checklists as addressed in this Attorney General's Statement.

CC. State statutes and regulations incorporate by reference "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, the Third Edition (November 1986), as amended by Updates I, II, IIA, and IIB as indicated in Revision Checklists 128, 132, 139, and 141.

Federal Authority: RCRA §§2002(a), 3001(b), and 3001(e)(1); 40 CFR 260.11(a) as amended January 4, 1994 (59 FR 458), June 2, 1994 (59 FR 28484), January 13, 1995 (60 FR 3089), and April 4, 1995 (60 FR 17001).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a) and (e)(2), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.05A(4)

Remarks of the Attorney General

Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 128, 132, 139 and 141.

II. DEFINITION OF SOLID WASTE

A. State statutes and regulations define hazardous waste and impose management standards so as to control all the hazardous waste controlled under 40 CFR Parts 261, 264, 265 and 266 as indicated in Revision Checklists 13, 17J, and 37.

Federal Authority: RCRA §§3001 and 3004; 40 CFR Parts 260, 261, 264, 265, and 266 as amended January 4, 1985 (50 FR 614), April 11, 1985 (50 FR 14216), July 15, 1985 (50 FR 28702), August 20, 1985 (50 FR 33541) and June 5, 1987 (52 FR 21306).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-201(t); 7-208(a), (d)(3)(i), (d)(4), (e)(1), and (e)(4) – (6), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.03B(5), (12), (33), and (40)
COMAR 26.13.01.04D(1)-(3), .04E(1)-(3), .04F, and .04G(1)-(2)

COMAR 26.13.01.04H and .04I
 COMAR 26.13.02.01C(1)-(3), .02A, .02B, .02C(1)-(4), .02D, .02E, and .02F
 COMAR 26.13.02.03C(2)-(3), .04A(5)-(6), .05A(2), .06A(1), .06A(2)(b), and .06A(3)(a)
 COMAR 26.13.02.06A(1), .06A(2)(b), .06A(3)(a), .06A(3)(b)(i)-(iii), .06B, and .06C
 COMAR 26.13.02.16A and .19 intro
 COMAR 26.13.05.01A(3)(c) and .16B(1)
 COMAR 26.13.06.01A(4)(c), .23A, .24A, and .24B(2)
 COMAR 26.13.10.01A(1)-(3), B, C, and D(1)
 COMAR 26.13.10.02A(1)-(2), C, D, E, and F(4)
 COMAR 26.13.10.03A, .03B, .03C, .03D, .04B, and .04C

Remarks of the Attorney General

The State of Maryland defines "solid waste" in 7-201(t)(1). Certain wastes excluded from that definition are listed in 7-201(t)(2). The Maryland statutory definition of solid waste is similar to that found in Section 1004(27) of RCRA, 42 U.S.C. §6903(27), in that it mirrors many of the same exclusions such as domestic sewage, industrial discharge and so on. Section 7-208(a) requires the Department to adopt rules and regulations to carry out the provisions of Subtitle 2.

Section 7-208(e)(1) requires the MDE, by rule or regulation, to identify all controlled hazardous substances, and § 7-208(e)(4) states that the Department, by rule or regulation, shall establish types and quantities of CHS that may be disposed. The Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. Section 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 13, 17J, and 37.

IV. SATELLITE ACCUMULATION

A. State statutes and regulations allow generators to accumulate at the site of generation, without a permit or interim status, as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste provided that the generator complies with the requirements specified in §262.34(c) as indicated in Revision Checklist 12.

Federal Authority: RCRA §§2002, 3002, 3004 and 3005; 40 CFR 262.34(c) as amended December 20, 1984 (49 FR 49571).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), 7-208(e)(5), and 7-209(c), Environment Article, Annotated Code of Maryland
 COMAR 26.13.03.05E(3)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). Section 7-209(c) subjects any generator that generates more than 100 Kg of CHS in a calendar month to the applicable rules and regulations adopted under § 7-208(e). Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 12. Differences between the State and Federal programs are noted on the checklist attached to this Statement.

V. APPLICABILITY OF INTERIM STATUS STANDARDS

A. State statutes and regulations contain the following requirements regarding interim status standards as indicated in Revision Checklists 3 and 10:

- (1) Interim status standards apply to facilities identified in 40 CFR 265.1(b).

Federal Authority: RCRA §3004; 40 CFR Part 265 as amended November 22, 1983 (48 FR 52718) and November 21, 1984 (49 FR 46095).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), (e)(6), (e)(7), and 7-232(a), Environment Article, Annotated Code of Maryland COMAR 26.13.06.01A(1) - (3)

Remarks of the Attorney General

A person is required to hold a facility permit prior to owning, establishing, operating, or maintaining a CHS facility in Maryland under § 7-232(a). However, § 7-208(d)(4) provides the Department with authority to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 3 and 10. Any differences between the State and Federal programs are noted on the checklists attached to this Statement.

VI. PAINT FILTER TEST

A. State statutes and regulations require the use of a paint filter test to determine the absence or presence of free liquids in either a containerized or bulk waste as indicated in Revision Checklists 16, 17 F and 25.

Federal Authority: RCRA §§3004 and 3005; 40 CFR Parts 260, 264, 265, and 270 as amended April 30, 1985 (50 FR 18370), July 15, 1985 (50 FR 28702) and May 28, 1986 (51 FR 19176).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (e)(2), (e)(4), and (e)(6), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.02D(2)(a)(vi), .05D(2)(c), and .14N(1) & (2)
COMAR 26.13.06.02B, .02C, .05B(1), and .22F(1) & (2)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, § 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS. Section 7-208(e)(4) states that the Department, by rule or regulation, shall establish types and quantities of CHS that may be disposed. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 16, 17 F, and 25. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

VII. NATIONAL UNIFORM MANIFEST SYSTEM AND RECORDKEEPING

A. State statutes and regulations require generators to use the national uniform manifest as indicated in Revision Checklists 5 and 32.

Federal Authority: RCRA §§2002, 3002 and 3003; 40 CFR Parts 260 and 262 as amended March 20, 1984 (49 FR 10490) and October 1, 1986 (51 FR 35190).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), 7-208(e)(5), 7-209(b), and 7-253(2), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.03B(50) and (51)
COMAR 26.13.03.04A(1) and B(1)-(4)

Remarks of the Attorney General

Section 7-209(b) specifically requires the use of a manifest for shipments of CHS. In addition, § 7-253(2), requires generators to provide each CHS vehicle a manifest if the generator desires to have CHS transported to a CHS facility. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5).

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 5 and 32. Any differences between the State and Federal programs are noted on the checklists attached to this Statement.

B. State statutes and regulations require that generators, of between 100 and 1000 kg/mo of hazardous waste, file an exception report in those instances where the generator does not receive confirmation of delivery of his hazardous waste to the designated facility as indicated in Revision Checklist 42.

Federal Authority: RCRA §§3001(d) and 3002(a)(5); 40 CFR Parts 262.42 and 262.44 as amended September 23, 1987 (52 FR 35894).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), 7-208(e)(5), and 7-209(c), Environment Article, Annotated Code of Maryland
COMAR 26.13.03.06C(1) and (2)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). Section 7-209(c) subjects any generator that generates more than 100 Kg of CHS in a calendar month to the applicable rules and regulations adopted under § 7-208(e).

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 42. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

C. State statutes and regulations require that the following be recorded, as it becomes available, and maintained in the operating record, until facility closure, as indicated in Revision Checklist 45: monitoring, testing or analytical data, corrective action where required by Subpart F and §§264.226, 264.253, 264.254, 264.276, 264.278, 264.280, 264.303, 264.309, 264.347, and 264.602.

Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.73(b) as amended December 10, 1987 (52 FR 46946).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (e)(5), and (e)(6), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.05D(2)(h)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 45. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

D. State statutes and regulations include a burden disclosure statement with each uniform manifest form and renew the use of this form as indicated in Revision Checklist 58.

Federal; Authority: RCRA §§2002, 3002, and 3003; 40 CFR 262.20 and Part 262 Appendix as amended November 8, 1988 (53 FR 45089).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), 7-208(e)(5), 7-209(b), 7-209(c), and 7-253(2), Environment Article, Annotated Code of Maryland
COMAR 26.13.03.04A(1)

Remarks of the Attorney General

Section 7-209(b) specifically requires the use of a manifest for shipments of CHS. And in § 7-253(2), generators are required to provide each CHS vehicle a manifest if the generator desires to have CHS transported to a CHS facility. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). Section 7-209(c) subjects any generator that generates more than 100 Kg of CHS in a calendar month to the applicable rules and regulations adopted under § 7-208(e).

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 58. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

E. State statutes and regulations require that generators who ship hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as a hazardous waste assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility, as indicated in Revision Checklist 71.

Federal Authority: RCRA §§2002, 3002 and 3003; 40 CFR 262.23(e) as amended on January 23, 1990 (55 FR 2322).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), 7-208(e)(5), 7-209(b)(2), and 7-209(c), Environment Article, Annotated Code of Maryland
COMAR 26.13.03.04E(6)

Remarks of the Attorney General

Section 7-209(b) specifically requires the use of a manifest for shipments of CHS. The manifest must contain any information considered necessary by the Department in accordance with § 7-209(b)(2)(viii). Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). Section 7-209(c) subjects any generator that generates more than 100 Kg of CHS in a calendar month to the applicable rules and regulations adopted under § 7-208(e).

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 71. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

F. State statutes and regulations incorporate updates to the recordkeeping instructions so that the codes used by hazardous waste treatment, storage and disposal facilities to maintain records on-site match the codes used by these facilities on the Part A Permit Application Form as indicated on Revision Checklist 131. The new handling codes for Miscellaneous Units and Boilers and Industrial Furnaces, addressed by Checklist 131, are also incorporated into the statutes and regulations.

Federal Authority: RCRA §§ 3004 and 3005; 40 CFR 264 Appendix I, 265 Appendix I as amended March 24, 1994 (59 FR 13891).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (e)(5), and (6), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.20B(3)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the

generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 131. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

VIII. BIENNIAL REPORT

A. State statutes and regulations contain the following reporting requirements as indicated in Revision Checklists 1 and 30.

- (1) *The biennial report contains the information indicated in 40 CFR 262.41(a), 264.75 and 265.75.*
- (2) *Facilities must submit groundwater monitoring data annually to the State Director as indicated in 40 CFR 265.94.*

Federal Authority: RCRA §§3002 and 3004; 40 CFR Parts 262, 264 and 265 as amended January 28, 1983 (48 FR 3977) and August 8, 1986 (51 FR 28566).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), 7-208(e)(5), 7-208(e)(6), 7-209(c), and 7-253(5), Environment Article, Annotated Code of Maryland
 COMAR 26.13.03.06A(2) and B(1) – (3)
 COMAR 26.13.05.05F, G, and H
 COMAR 26.13.06.05A, .05B, and .06
 COMAR 26.13.07.15E(3)

Remarks of the Attorney General

Section 7-253(5) requires reporting information about shipments of CHS. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. Section 7-209(c) subjects any generator that generates more than 100 Kg of CHS in a calendar month to the applicable rules and regulations adopted under § 7-208(e).

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 1 and 30. Any differences between the State and Federal programs are noted on the checklists attached to this Statement.

IX. WASTE MINIMIZATION

A. State statutes and regulations contain the following requirements regarding waste minimization as indicated in Revision Checklists 17 D, 30 and 32 (see Item I B above).

- (1) *Generators must submit report and manifest certifications regarding efforts taken to minimize the amounts and toxicity of wastes.*

Federal Authority: RCRA §3002(a)(6), (b); 40 CFR 262.41, 264.75 and 265.75 as amended July 15, 1985 (50 FR 28702), August 8, 1986 (51 FR 28556) and October 1, 1986 (51 FR 35190).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-205(b), 7-208(a), 7-208(e)(5), 7-209(b), and 7-209(c), Environment Article, Annotated Code of Maryland
COMAR 26.13.03.06B(1)(d)(vi) – (viii)
COMAR 26.13.05.05F(4)(h), (j), (k), and .05F(5)
COMAR 26.13.06.05A

Remarks of the Attorney General

In addition, § 7-209(b) specifically requires the use of a manifest for shipments of CHS. Section 7-205(b) prohibits generators from disposing of CHS unless the generator demonstrates to the satisfaction of the MDE that (1) recovery possibilities have been considered, and (2) the CHS cannot be reasonably treated further to reduce the volume or the hazard that the CHS poses to the environment. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). Section 7-209(c) subjects any generator that generates more than 100 Kg of CHS in a calendar month to the applicable rules and regulations adopted under § 7-208(e).

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 17D, 30 and 32. Any differences between the State and Federal programs are noted on the checklists attached to this Statement.

- (2) *RCRA permits for the treatment, storage, or disposal of hazardous waste on the premises where the waste was generated must contain a certification by the permittee regarding efforts taken to minimize the amount and toxicity of the generated wastes.*

Federal Authority: RCRA §3005(h); 40 CFR 264.70, 264.73 and 270.30(j)(2) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-205(b), 7-208(a), 7-208(e)(5)-(7), Environment Article, Annotated Code of Maryland

COMAR 26.13.05.05A(1) – (3) and .05D(2)(i)
COMAR 26.13.07.04J(2)

Remarks of the Attorney General

Section 7-205(b) prohibits generators from disposing of CHS unless the generator demonstrates to the satisfaction of the MDE that (1) recovery possibilities have been considered, and (2) the CHS cannot be reasonably treated further to reduce the volume or the hazard that the CHS poses to the environment. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 17D, 30 and 32. Any differences between the State and Federal programs are noted on the checklists attached to this Statement.

X. LIQUIDS IN LANDFILLS

A. State statutes and regulations contain the following requirements regarding liquids in landfills as indicated in Revision Checklists 17 F and 25.

- (1) Effective May 8, 1985, there is a ban on the placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids in any landfill pursuant to 40 CFR 264.314 and 265.314 as amended July 15, 1985 and May 28, 1986.*
- (2) Effective November 8, 1985, there is a ban on the placement of non-hazardous liquids in landfills unless the owner or operator satisfies the criteria set forth in 40 CFR 264.314(e) and 265.314(f) as amended July 15, 1985 and May 28, 1986.*
- (3) For bulk or non-containerized liquid wastes or wastes containing free liquids they may be placed in a landfill prior to May 8, 1985, only if the requirements of 40 CFR 264.314(a) and 265.314(a) are met.*

Federal Authority: RCRA §3004(c); 40 CFR 264.314, 265.314 and 270.21(h) as amended July 15, 1985 (50 FR 28702) and May 28, 1986 (51 FR 19176).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (e)(2), (e)(4), and (e)(6), Environment Article, Annotated Code of Maryland

COMAR 26.13.05.14N(1)
COMAR 26.13.06.22F(1) and (2)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, § 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS. Section 7-208(e)(4) states that the Department, by rule or regulation, shall establish types and quantities of CHS that may be disposed. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 17 F and 25. Note that the State's program is more stringent than the Federal program because Maryland has an absolute prohibition on the disposal of waste containing free liquids in landfills. All differences between the State and Federal programs are noted on the checklists attached to this Statement.

XI. GROUND-WATER MONITORING

C. State statutes and regulations provide that with regard to ground-water monitoring, all land based hazardous waste treatment, storage, and disposal facilities analyze for a specified core list (Part 264, Appendix IX) of chemicals plus those chemicals specified by the Regional Administrator on a site-specific basis as indicated in Revision Checklist 40.

Federal Authority: RCRA §§1006, 2002(a), 3001, 3004, and 3005; 40 CFR 264.98, 264.99, Part 264 Appendix IX, and 270.14 as amended July 9, 1987 (52 FR 25942).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (e)(2), (e)(5), (e)(6), (e)(7), and (e)(9)(iii), Environment Article, Annotated Code of Maryland
COMAR 26.13.02.25C
COMAR 26.13.05.06-4H(2), (3), and (4)(a)
COMAR 26.13.05.06-5A(9) and (10)
COMAR 26.13.07.02-1B(4)(b)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, § 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS. The Department must also establish procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and

supervision of any CHS facility. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits. The Department must establish rules or regulations that set health and safety standards that relate specifically to the site of a CHS facility after consideration of hydrology pursuant to § 7-208(e)(9)(iii).

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 40. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

D. State statutes and regulations specify statistical methods, sampling procedures, and performance standards that can be used in groundwater monitoring procedures to detect groundwater contamination at permitted hazardous waste facilities as indicated in Revision Checklist 55.

Federal Authority: RCRA §§1006, 2002(a), 3004 and 3005; 40 CFR 264.91, 264.92, 264.97, 264.98 and 264.99 as amended October 11, 1988 (53 FR 39720).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (e)(2), and (e)(5)-(7), Environment Article, Annotated Code of Maryland
 COMAR 26.13.05.06B(1)(a)(i)-(v) and (b)(i)
 COMAR 26.13.05.06-1A
 COMAR 26.13.05.06-2B, C(2), and J – M
 COMAR 26.13.05.06-3
 COMAR 26.13.05.06-4C – E and G – L
 COMAR 26.13.05.06-5A(4)-(5) and (7)-(11)
 COMAR 26.13.05.06-5B(1) and C

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 55. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

E. State statutes and regulations allow owners and operators to demonstrate that an alternate hydraulically downgradient monitoring well location will meet 40 CFR 265.91(a)(3)(I)-(iii) criteria as specified in Revision Checklist 99.

Federal Authority: RCRA §§1006, 2002(a), 3001, 3004, 3005 and 3015; 40 CFR 260.10 and 265.91(a)(3) as amended December 23, 1991 (56 FR 66365).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), (e)(2), (e)(5)-(7), and (e)(9)(iii), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.03B(65-1)
COMAR 26.13.06.06

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(2) requires the MDE, by rule or regulation, to set standards and describe tests to identify lethal, toxic, and other injurious effects of CHS. In addition, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5) and establish rules or regulations that set health and safety standards that relate specifically to the site of a CHS facility after consideration of hydrology pursuant to § 7-208(e)(9)(iii). Section 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits. Section 7-208(d)(4) allows the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 99. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

XII. BURNING AND BLENDING OF HAZARDOUS WASTES

A. State statutes and regulations provide the following requirements:

- (1) The burning of fuel containing hazardous waste in a cement kiln is prohibited as specified in 40 CFR 266.31 and Revision Checklist 17 J.***

Federal Authority: RCRA §3004(q); 40 CFR 266.31 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-201(v), 7-208(a), 7-208(e)(5)-(6), and 7-224(a), Environment Article, Annotated Code of Maryland
COMAR 26.13.10.02B(3)

Remarks of the Attorney General

Section 7-224(a) prohibits the treatment of CHS except in a CHS facility and in accordance with Subtitle 2. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. "Treatment" is defined statutorily in § 7-201(v) to include burning of CHS.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 17 J. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

XIII. CORRECTIVE ACTION

B. State statutes and regulations provide for additional information and engineering feasibility plan requirements regarding groundwater contamination detected at the time of Part B permit application as indicated in Revision Checklist 38.

Federal Authority: RCRA §§3004 and 3005; 40 CFR 270.14 as amended June 22, 1987 (52 FR 23447) and September 9, 1987 (52 FR 33936).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-207(a)(4), 7-208(a), (e)(3), (6), (7), and (9)(iii), Environment Article, Annotated Code of Maryland
COMAR 26.13.07.02F(7) and (9)

Remarks of the Attorney General

The Department is authorized pursuant to § 7-207(a)(4) to require prior submission of plans, specifications, and other information that is relative to disposal or treatment works in connection with issuing permits or approvals. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. The Department is specifically required to adopt rules and regulations to set minimum design standards for CHS facilities pursuant to § 7-208(e)(3). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving

and applying for permits. The Department must establish rules or regulations that set health and safety standards that relate specifically to the site of a CHS facility after consideration of hydrology pursuant to § 7-208(e)(9)(iii).

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 38. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

F. State statutes and regulations require that miscellaneous units comply with regulations (Subpart F) regarding releases from solid waste management units when necessary to comply with §§264.601 through 264.603 as indicated in Revision Checklist 45.

Federal Authority: RCRA §3004(u); 40 CFR 264.90(d) as amended December 10, 1987 (52 FR 46946).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a) and (e)(5)-(7), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.06A(5)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 45. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

XIV. HAZARDOUS WASTE EXPORTS

A. State statutes and regulations require generators and transporters of hazardous waste destined for export outside the United States to comply with standards equivalent to those as indicated in Revision Checklists 17 R, 31, 48, and 97 (with the latter providing technical corrections to Checklist 31).

Federal Authority: RCRA §3017; 40 CFR 262.50 as amended July 15, 1985 (50 FR 28702), August 8, 1986 (51 FR 28664), July 19, 1988 (53 FR 27164), and September 4, 1991 (56 FR 45704).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), 7-208(e)(5), and 7-209(c), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.03B(7-1), (17-1), (64-1), (66-1), and (81-1)

COMAR 26.13.02.05D(2)
 COMAR 26.13.02.06A(3)(a)(i), .06A(3)(b)(i), and .06D
 COMAR 26.13.03.01B(1)-(6), .01D, .06B(1)-(3), .07A(1)-(3), .07B(2)-(3), and .07-1 – .07-4
 COMAR 26.13.04.02A(1), (3), (5)(b), (6)(b), (7)(d), and (7)(e)
 COMAR 26.13.05.01A(3)(e)
 COMAR 26.13.06.01A(4)(e)
 COMAR 26.13.07.01A

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). Section 7-209(c) subjects any generator that generates more than 100 Kg of CHS in a calendar month to the applicable rules and regulations adopted under § 7-208(e).

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 17R, 31, 48, and 97. Any differences between the State and Federal programs are noted on the checklists attached to this Statement.

XV. STANDARDS FOR FACILITIES

C. State statutes and regulations prohibit the use of waste oil or other materials contaminated with hazardous wastes (except ignitable wastes) as a dust suppressant as indicated in Revision Checklist 17 G.

Federal Authority: RCRA §3004(1); 40 CFR 266.23 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), 7-208(e)(4), and 7-224(a), Environment Article, Annotated Code of Maryland
 COMAR 26.13.10.01D(1) and (2)

Remarks of the Attorney General

Section 7-224(a) prohibits the treatment of CHS except in a CHS facility and in accordance with Subtitle 2. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(4) states that the Department, by rule or regulation, shall establish types and quantities of CHS that may be disposed.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 17 G. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

D. State statutes and regulations require the permittee to take steps to minimize releases to the environment in accordance with 40 CFR Part 270.30(d) as indicated in Revision Checklist 2.

Federal Authority: RCRA §3005(c); 40 CFR Part 270 as amended September 1, 1983 (48 FR 39622).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a) and (e)(5)-(7), Environment Article, Annotated Code of Maryland
COMAR 26.13.07.03A(1), .03A(3), .03D, and .04D

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Specifically, the Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 2. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

E. State statutes and regulations require that closure and post-closure requirements and special requirements for containers apply to interim status landfills as indicated in Revision Checklist 15.

Federal Authority: RCRA §3004; 40 CFR 265.310 and 265.315 as amended April 23, 1985 (50 FR 16044).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a) and (e)(4)-(6), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.11C(2) and .11I(1)-(2)
COMAR 26.13.05.14J(1)-(2) and .14O(1)-(2)
COMAR 26.13.06.19B, B(1), B(5), and C
COMAR 26.13.06.21A, B(1), B(2), and B(5)
COMAR 26.13.06.22B(3) and (6)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(4) states that the Department, by rule or regulation, shall establish types and quantities of CHS that may be disposed. Also, the MDE shall establish procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS

facility.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 15. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

F. State statutes and regulations require compliance with closure/post-closure and financial responsibility requirements applicable to owners and operators of hazardous waste treatment, storage and disposal facilities, as indicated in Revision Checklists 24, 36, and 45.

Federal Authority: RCRA §§3004 and 3005; 40 CFR Parts 260, 264, 265, and 270 as amended May 2, 1986 (51 FR 16422), March 19, 1987 (52 FR 8704) and December 10, 1987 (52 FR 46946).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (e)(6)-(7), 7-236(a), and 7-242(a)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.03B(1-1), (25), (34), and (60)
COMAR 26.13.05.07A(1)-(2), B, C(1)-(5), D(1)-(5), E, F(1)-(2), G(1)-(5), H(1)-(4), I(1)-(3), and J
COMAR 26.13.05.08
COMAR 26.13.05.11G(1) and (2)
COMAR 26.13.06.07 - .16
COMAR 26.13.06.19B(4)
COMAR 26.13.07.02D(30)-(32), .13-2A(1)(d), .13-2B, and .23C(1)(d)

Remarks of the Attorney General

As a prerequisite to the issuance of a CHS facility permit, § 7-236(a)(1) requires applicants to provide evidence of financial ability to properly establish, operate, and maintain a CHS facility. Section 7-236(a)(2) requires applicants to file with the Department evidence of a bond or other security that complies with § 7-242(a). Section 7-242(a)(1) requires permit holders to maintain a bond or other security to cover any cost for closing the facility and assuring security of the CHS facility after closure. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 24, 36, and 45. Any differences between the State and Federal programs are noted on the checklists attached to this Statement.

G. State statutes and regulations allow qualified companies that treat, store or dispose of hazardous waste to use a corporate guarantee to satisfy liability assurance requirements as indicated in Revision Checklists 27 and 43.

Federal Authority: RCRA §§2002, 3004, and 3005; 40 CFR 264.147, 264.151, and 265.147 as amended July 11, 1986 (51 FR 25350) and November 18, 1987 (52 FR 44314).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (e)(6)-(7), 7-236(a), and 7-242(a)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.08
COMAR 26.13.06.16

Remarks of the Attorney General

As a prerequisite to the issuance of a CHS facility permit, § 7-236(a)(1) requires applicants to provide evidence of financial ability to properly establish, operate, and maintain a CHS facility. Section 7-236(a)(2) requires applicants to file with the Department evidence of a bond or other security that complies with § 7-242(a). Section 7-242(a)(1) requires permit holders to maintain a bond or other security to cover any cost for closing the facility and assuring security of the CHS facility after closure. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 27 and 43. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

H. State statutes and regulations require companies that generate, treat or store hazardous waste in tanks to comply with tank standards equivalent to those indicated in Revision Checklists 28 and 52.

Federal Authority: RCRA §§1006, 2002, 3001 - 3007, 3010, 3014, 3017 - 3019 and 7004; 40 CFR Parts 260, 261, 262, 264, 265, and 270 as amended July 14, 1986 (51 FR 25422), August 15, 1986 (51 FR 29430) and September 2, 1988 (53 FR 34079).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (e)(3), (e)(5), and (e)(6), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.03B(1), (2-1), (6-1), (10-1), (17), (22-1), (40-1), (42-1), (47-1), (55-1), (55-2), (76-1), (78-1), (87-1), (87-2), (92), and (96)
COMAR 26.13.01.04A(7)
COMAR 26.13.03.05E(1) and (2)
COMAR 26.13.05.02F(2)(d), .05D(2)(h), .07A(2)(c), .07E, .08, .10A - D, and .10-1 - .10-7
COMAR 26.13.06.02B - E, .05B(1), .05B(3), .07A, .10, .12A, .16B(1), .16B(2), and .18
COMAR 26.13.07.02D(19), .02D(29), .02E(2)(c)- (l), and .23C(3)(a)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. The Department is specifically required to adopt rules and regulations to set minimum design standards for CHS facilities pursuant to § 7-208(e)(3). The Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 28 and 52. Any differences between the State and Federal programs are noted on the checklists attached to this Statement.

I. State statutes and regulations require environmental performance standards; monitoring, testing, analytical data, inspection, response and reporting procedures; and post-closure care for miscellaneous units as indicated in Revision Checklist 45.

Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.600, 264.601, 264.602, and 264.603 as amended December 10, 1987 (52 FR 46946).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (e)(3), (e)(5), and (e)(6), Environment Article, Annotated Code of Maryland
COMAR 26.13.01.03B(44) and (53)
COMAR 26.13.05.02F(2)(d) and .16-1

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. The Department is specifically required to adopt rules and regulations to set minimum design standards for CHS facilities pursuant to § 7-208(e)(3). The Department must establish, by rule or regulation, procedures for monitoring the generation, transportation, treatment, storage or disposal of CHS pursuant to § 7-208(e)(5). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 45. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

J. State statutes and regulations allow owners and operators of landfills, surface impoundments, or land treatment units, under limited circumstances, to remain open after the final receipt of hazardous wastes in order to receive non-hazardous wastes in that unit as indicated in Revision Checklist 64.

Federal Authority: RCRA §§1006, 2002(a), 3004, 3005 and 3006; 40 CFR 264.13, 264.112, 264.113, 264.142, 265.13, 265.112, 265.113, 264.142 and Appendix I to 270.42 as amended August 14, 1989 (54 FR 33376).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), and (e)(6), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.02D(1)(a), .02D(1)(c)(i), and .02D(2)(c)(i)
COMAR 26.13.05.07C(4)(b)-(e), D(1), D(2)(b)(i), D(3), D(4)(b)(ii), and D(5)-(8)
COMAR 26.13.05.08
COMAR 26.13.06.02A and .08E(3)-(6)
COMAR 26.13.06.09A, B, D, E, G – O, and .16

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. Section 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 64. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

O. State statutes and regulations allow the use of additional financial instruments (letter of credit, a surety bond, a guarantee, trust fund, and purchase of insurance by other firms) to meet the liability coverage requirements as specified in Revision Checklist 113.

Federal Authority: RCRA §§2002(a), 3004 and 3005; 40 CFR 264.141, 264.147, 264.151, 265.141, 265.147 and 265.151 as amended September 1, 1988 (53 FR 33938), July 1, 1991 (56 FR 30200), and September 16, 1992 (57 FR 42832).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (e)(6), (e)(8), 7-236(a), and 7-242(a)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.08
COMAR 26.13.06.16

Remarks of the Attorney General

As a prerequisite to the issuance of a CHS facility permit, § 7-236(a)(1) requires applicants to provide evidence of financial ability to properly establish, operate, and maintain a CHS facility. Section 7-236(a)(2) requires applicants to file with the Department evidence of a bond or other security that complies with § 7-242(a). Section 7-242(a)(1) requires permit holders to maintain a bond or other security to guarantee fulfillment of all requirements related to the permit. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. The MDE is required by § 7-208(e)(8) to adopt specific rules or regulations that set standards for bond values and fees under Subtitle 2.

Note that Maryland incorporates the Federal text by reference pursuant to these authorities. Any differences between the State and Federal programs are noted on Revision Checklist 113 attached to this Statement.

P. State statutes and regulations include conforming changes to 264.147(f)(6) and 265.147(f)(6) to expand the instruments available to owners and operators that no longer meet the requirements of the financial test for liability coverage as indicated in Revision Checklist 113.

Federal Authority: RCRA §3004; 40 CFR 264.147(f)(6) and 265.147(f)(6) as amended September 16, 1992 (57 FR 42832).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (e)(6), (e)(8), 7-236(a), and 7-242(a)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.08
COMAR 26.13.06.16

Remarks of the Attorney General

As a prerequisite to the issuance of a CHS facility permit, § 7-236(a)(1) requires applicants to provide evidence of financial ability to properly establish, operate, and maintain a CHS facility. Section 7-236(a)(2) requires applicants to file with the Department evidence of a bond or other security that complies with § 7-242(a). Section 7-242(a)(1) requires permit holders to maintain a bond or other security to guarantee fulfillment of all requirements related to the permit. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. The MDE is required by § 7-208(e)(8) to adopt specific rules or regulations that set standards for bond values and fees under Subtitle 2.

Note that Maryland incorporates the Federal text by reference pursuant to these authorities. Any differences between the State and Federal programs are noted on Revision Checklist 113 attached to

this Statement.

Q. State statutes and regulations require reporting of third-party claims against an owner's or operator's liability coverage as indicated by Revision Checklist 113.

Federal Authority: RCRA §§2002(a), 3004 and 3005; 40 CFR 264.147(a)(7)&(b)(7) and 265.147(a)(7)&(b)(7) as amended September 1, 1988 (53 FR 33938) and September 16, 1992 (57 FR 42832).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (e)(6), (e)(8), 7-236(a), and 7-242(a)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.08
COMAR 26.13.06.16

Remarks of the Attorney General

As a prerequisite to the issuance of a CHS facility permit, § 7-236(a)(1) requires applicants to provide evidence of financial ability to properly establish, operate, and maintain a CHS facility. Section 7-236(a)(2) requires applicants to file with the Department evidence of a bond or other security that complies with § 7-242(a). Section 7-242(a)(1) requires permit holders to maintain a bond or other security to guarantee fulfillment of all requirements related to the permit. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. The MDE is required by § 7-208(e)(8) to adopt specific rules or regulations that set standards for bond values and fees under Subtitle 2.

Note that Maryland incorporates the Federal text by reference pursuant to these authorities. Any differences between the State and Federal programs are noted on Revision Checklist 113 attached to this Statement.

U. State statutes and regulations indicate that the "Uniform Customs and Practice for Documentary Credits" is a copyrighted document of the International Chamber of Commerce as indicated in Revision Checklist 133.

Federal Authority: RCRA §§2002(a), 3004, 3005 and 3006; 40 CFR 264.151(d) & (k) as amended June 10, 1994 (59 FR 29958).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (e)(6), (e)(8), 7-236(a), and 7-242(a)(1), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.08

Remarks of the Attorney General

As a prerequisite to the issuance of a CHS facility permit, § 7-236(a)(1) requires applicants to provide evidence of financial ability to properly establish, operate, and maintain a CHS facility. Section 7-236(a)(2) requires applicants to file with the Department evidence of a bond or other security that complies with § 7-242(a). Section 7-242(a)(1) requires permit holders to maintain a bond or other security to guarantee fulfillment of all requirements related to the permit. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. In addition, the MDE is required by § 7-208(e)(8) to adopt specific rules or regulations that set standards for bond values and fees under Subtitle 2.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 133. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

XVI. REQUIREMENTS FOR PERMITS

C. State statutes and regulations require permits to contain any conditions necessary to protect human health and the environment in addition to any conditions required by regulations as indicated in Revision Checklist 17 O.

Federal Authority: RCRA §3005(c)(3); 40 CFR 270.32(b) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (e)(6), (e)(8), and 7-242(a)(3), Environment Article, Annotated Code of Maryland
COMAR 26.13.07.05B

Remarks of the Attorney General

Section 7-242(a)(3) requires permit holders to establish emergency procedures and safeguards to prevent accidents and reasonably foreseeable harm to human beings or the environment. In addition, § 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, and § 7-208(e)(8) requires the Department to adopt specific rules or regulations that set standards for bond values and fees under Subtitle 2.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 17 O. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

D. State statutes and regulations require that:

- (1) ***For land disposal facilities granted interim status prior to 11/8/84, interim status terminated 11/8/85; unless a Part B application and certification of compliance with applicable groundwater monitoring and financial responsibility requirements were submitted by 11/8/85, as indicated in Revision Checklist 17 P.***

Federal Authority: RCRA §3005(e); 40 CFR 270.73(c) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (d)(4), (e)(6), (e)(7), and 7-232(a), Environment Article, Annotated Code of Maryland
COMAR 26.13.07.23D(2)(a)

Remarks of the Attorney General

Under the Maryland statutes, a person is required to hold a facility permit prior to owning, establishing, operating, or maintaining a CHS facility in Maryland under § 7-232(a). However, § 7-208(d)(4) provides the Department with authority to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 17 P. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

- (2) ***For land disposal facilities in existence on the effective date of statutory or regulatory changes under this Act that render the facility subject to the requirement to have a permit and which is granted interim status, interim status terminates 12 months after the date the facility first becomes subject to such permit requirement unless a Part B application and certification of compliance with applicable groundwater monitoring and financial responsibility requirements are submitted by that date as indicated in Revision Checklist 17 P.***

Federal Authority: RCRA §3005(e); 40 CFR 270.73(d) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (d)(4), (e)(6), (e)(7), and 7-232(a), Environment Article, Annotated Code of Maryland
COMAR 26.13.07.23D(2)(b)

Remarks of the Attorney General

Under the Maryland statutes, a person is required to hold a facility permit prior to owning, establishing, operating, or maintaining a CHS facility in Maryland under § 7-232(a). However, § 7-208(d)(4) provides the Department with authority to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 17 P. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

- (3) ***Interim status terminates for incinerator facilities on 11/8/89 unless the owner/operator submits a Part B application by 11/8/86 as indicated in Revision Checklist 17 P.***

Federal Authority: RCRA §3005(c)(2)(C); 40 CFR 270.73(e) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (d)(4), (e)(6), (e)(7), and 7-232(a), Environment Article, Annotated Code of Maryland
COMAR 26.13.07.23D(2)(d)

Remarks of the Attorney General

Under the Maryland statutes, a person is required to hold a facility permit prior to owning, establishing, operating, or maintaining a CHS facility in Maryland under § 7-232(a). However, § 7-208(d)(4) provides the Department with authority to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 17 P. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

- (4) ***Interim status terminates for any facility other than a land disposal or an incineration facility on 11/8/92 unless the owner/operator submits a Part B application by 11/8/88 as indicated in Revision Checklist 17 P.***

Federal Authority: RCRA §3005(c)(2)(C); 40 CFR 270.73(f) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (d)(4), (e)(6), (e)(7), and 7-232(a), Environment Article, Annotated Code of Maryland
COMAR 26.13.07.23D(2)(e)

Remarks of the Attorney General

Under the Maryland statutes, a person is required to hold a facility permit prior to owning, establishing, operating, or maintaining a CHS facility in Maryland under § 7-232(a). However, § 7-208(d)(4) provides the Department with authority to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 17 P. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

E. State statutes and regulations allow facilities to qualify for interim status if they (1) are in existence on the effective date of statutory or regulatory changes that render the facility subject to the requirement to have a permit and (2) comply with §270.70(a) as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(e); 40 CFR 270.70(a) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (d)(4), (e)(6), (e)(7), and 7-232(a), Environment Article, Annotated Code of Maryland
COMAR 26.13.06.01B(1) and (4)
COMAR 26.13.07.02A, .02C, and .23A(1)

Remarks of the Attorney General

Under the Maryland statutes, a person is required to hold a facility permit prior to owning, establishing, operating, or maintaining a CHS facility in Maryland under § 7-232(a). However, § 7-208(d)(4) provides the Department with authority to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 17 P. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

F. State statutes and regulations provide that facilities may not qualify for interim status under the State's analogue to Section 3005(e) if they were previously denied a Section 3005(c) permit or if authority to operate the facility has been terminated as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(c)(3); 40 CFR 270.70(c) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (d)(4), (e)(6), (e)(7), and 7-232(a), Environment Article, Annotated Code of Maryland
COMAR 26.13.07.23A(3)

Remarks of the Attorney General

Under the Maryland statutes, a person is required to hold a facility permit prior to owning, establishing, operating, or maintaining a CHS facility in Maryland under § 7-232(a). However, § 7-208(d)(4) provides the Department with authority to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility, while § 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 17 P. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

J. Facility owners or operators are given the opportunity to cure deficient Part A applications in accordance with 40 CFR 270.70(b) before failing to qualify for interim status as indicated in Revision Checklist 6.

Federal Authority: RCRA §3005; 40 CFR Part 270 as amended April 24, 1984 (49 FR 17716).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-208(a), (d)(4), (e)(7), Environment Article, Annotated Code of Maryland
COMAR 26.13.07.23A(2)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle

2. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits. In addition, § 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 6. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

O. State statutes and regulations require that all owners and operators of units that treat, store, or dispose of hazardous waste in miscellaneous units must comply with the general application requirements (including Part A permit requirements), the Part B general application requirements of §270.14, and specific Part B information requirements for miscellaneous units as indicated in Revision Checklists 45 and 59.

Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.600, 270.14 and 270.23 as amended December 10, 1987 (52 FR 46946) and January 9, 1989 (54 FR 615).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a) and (e)(7), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.16-1
COMAR 26.13.07.02D(19) and (29)
COMAR 26.13.07.08E(8)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 45 and 59. Any differences between the State and Federal programs are noted on the checklists attached to this Statement.

P. State statutes and regulations provide owners and operators more flexibility to change specified permit conditions, to expand public notification and participation opportunities, and allow for expedited approval if no public concern exists for a proposed permit modification. Owner/operator permit modifications are categorized into three classes with administrative procedures for approving modifications established in each class. These changes are as indicated in Revision Checklist 54.

Federal Authority: RCRA §§2002(a), 3004, 3005, and 3006; 40 CFR Parts 124, 264, 265, and 270 as amended September 28, 1988 (53 FR 37912) and October 24, 1988 (53 FR 41649).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), and (e)(7), Environment Article, Annotated Code of Maryland

COMAR 26.13.01.03B(6-1)
 COMAR 26.13.05.04E(5), .07C(3)(a)-(c), and .07H(4)(a)-(c)
 COMAR 26.13.06.08D(7)-(10) and .13F(5)-(8)
 COMAR 26.13.07.04L(2), .10, .11A, .11B(3), .13-1, .13-2, .13-3, and .15C
 COMAR 26.13.07.17A(1), .17B(11), .18D(2)-(4), .20B(3), .20B(5), and .20G

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits. In addition, § 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation.

Note that the State of Maryland has not adopted all provisions of this rule. Permit modifications continue to be processed by the State as either minor or major, a system of classification that is somewhat more stringent than federal requirements. However, the State has incorporated all Class 1 modifications from the rule into the Code of Maryland Regulations (COMAR) 26.13.07.13-2 as minor modifications. Additionally, under COMAR 26.13.07.13-3, a permittee may request that other modifications be considered and processed as minor. For these minor modifications, lengthy administrative procedures, including public notice and comment, are not required. For major modifications, an entirely new and complete application and public comment period are required. These differences between the State and Federal programs are noted on the checklist attached to this Statement.

Q. State statutes and regulations make it clear that existing incinerator facilities must either conduct a trial burn or submit other information as specified in 270.19(a) or (c) before a permit can be issued for that facility as indicated in Revision Checklist 60.

Federal Authority: RCRA §3005(b); 40 CFR Part 270 as amended January 30, 1989 (54 FR 4286).

Citation of Laws and Regulations; Date of Enactment and Adoption

§§ 7-207(a)(4), 7-208(a), and 7-208(e)(7), Environment Article, Annotated Code of Maryland
 COMAR 26.13.07.17D

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits. The Department is authorized pursuant to § 7-207(a)(4) to require prior submission of plans, specifications, and other information that is relative to disposal or treatment works in connection with issuing permits or approvals.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 60. Any differences between the State and Federal programs are noted on the

checklist attached to this Statement.

R. State statutes and regulations allow greater flexibility to interim status facilities to make changes during interim status following director approval as indicated in Revision Checklist 61.

Federal Authority: RCRA §§2002(a), 3004, 3005 and 3006; 40 CFR 270.72 as amended March 7, 1989 (54 FR 9596).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), and (e)(7), Environment Article, Annotated Code of Maryland
COMAR 26.13.07.23C and .23D(2)(c) – (e)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits. In addition, § 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 61. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

S. State statutes and regulations lift the reconstruction limit for changes: 1) to certain interim status units necessary to comply with Federal, State, or local requirements, 2) necessary to allow continued handling of newly listed or identified hazardous waste, 3) made in accordance with an approved closure plan, and 4) made pursuant to a corrective action order as indicated in Revision Checklist 61.

Federal Authority: RCRA §§2002(a), 3004, 3005, and 3006; 40 CFR 270.72 as amended March 7, 1989 (54 FR 9596).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), and (e)(7), Environment Article, Annotated Code of Maryland
COMAR 26.13.07.23C and .23D(2)(c) – (e)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits. In addition, § 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 61. Any differences

between the State and Federal programs are noted on the checklist attached to this Statement.

T. State statutes and regulations that clarify that a permit can be denied for the active life of a facility while a decision on post closure permitting is pending as indicated in Revision Checklist 61.

Federal Authority: RCRA §§2002(a), 3004, 3005, and 3006; 40 CFR 124.1, 124.15, 124.19, 270.1, 270.10 and 270.29 as amended March 7, 1989 (54 FR 9596).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), (e)(7), and 7-240, Environment Article, Annotated Code of Maryland
COMAR 26.13.07.01A
COMAR 26.13.07.02C
COMAR 26.13.07.03-1
COMAR 26.13.07.20L(1)-(3)

Remarks of the Attorney General

Section 7-240 establishes the grounds for denial of an application for a facility permit. There is no limitation on the authority of the Department to deny the permit application for the active life of the facility while a decision on the post-closure permit remains pending. Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits. In addition, § 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 61. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

U. State statutes and regulations that classify as Class 1 certain permit modifications requested by owners/operators necessary to enable permitted facilities to comply with the land disposal restrictions as indicated in Revision Checklist 61. Specifically these modifications include 1) adding restricted wastes treated to meet applicable 40 CFR Part 268 treatment standards or adding residues from treating "soft hammer" wastes, 2) adding certain wastewater treatment residues and incinerator ash, 3) adding new wastes for treatment in tanks or containers under certain limited conditions, and 4) adding new treatment processes, necessary to treat restricted wastes to meet treatment standards, that take place in tanks or containers.

Federal Authority: RCRA §§2002(a), 3004, 3005 and 3006; 40 CFR 270.42 as amended March 7, 1989 (54 FR 9596).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), and (e)(7), Environment Article, Annotated Code of Maryland

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits. In addition, § 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklists 61. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

V. State statutes and regulations incorporate updates to 40 CFR Part 124 as indicated in Revision Checklist 70.

Federal Authority: RCRA §§6901 and 6902; 40 CFR 124.3, 124.5, 124.6, 124.10 and 124.12 as amended April 1, 1983 (48 FR 14146), June 30, 1983 (48 FR 30113), July 26, 1988 (53 FR 28118), September 26, 1988 (53 FR 37396) and January 4, 1989 (54 FR 246).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a) and (e)(7), Environment Article, Annotated Code of Maryland
COMAR 26.13.07.20A, A(1)-(3), B(1), B(3), B(5)-(6), C(3), G(5)(a)(iii)-(iv), and I(1)

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 70. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

XVII. MINIMUM TECHNOLOGICAL REQUIREMENTS

A. State statutes and regulations require that new units, expansions, and replacements of interim status waste piles meet the requirements for a single liner and leachate collection system in regulations applicable to permitted waste piles as indicated in the Revision Checklist 17 H.

Federal Authority: RCRA §3015(a); 40 CFR 265.254 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (e)(3), and (e)(6), Environment Article, Annotated Code of Maryland

COMAR 26.13.05.12B
COMAR 26.13.06.20D

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. The Department is specifically required to adopt rules and regulations to set minimum design standards for CHS facilities pursuant to § 7-208(e)(3). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. Section 7-208(e)(7) requires the promulgation of specific rules or regulations that set requirements for receiving and applying for permits. Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 17H. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

B. State statutes and regulation require:

- (1) ***New units, expansions, and replacement units at interim status landfills and surface impoundments and landfills and surface impoundments for which Part B of the permit application is received by the proper authority after November 8, 1984, meet the requirements for double liners and leachate collection systems applicable to new permitted landfills and surface impoundments in 40 CFR 264.221 and 264.301 and 265.221 and 265.301 as indicated in Revision Checklist 17 H.***

Federal Authority: RCRA §§1006, 2002(a), 3004, 3005 and 3015(b); 40 CFR 264.221, 265.221, 264.301 and 265.301 as amended July 15, 1985 (50 FR 28702).

- (2) ***Facilities which comply in good faith need not retrofit at permit issuance unless the liner is leaking as provided in §§265.221(e) and 265.301(e) as indicated in Revision Checklist 17 H.***

Federal Authority: RCRA §3015(b); 40 CFR 264.221, 265.221 and 265.301 as amended July 15, 1985 (50 FR 28702).

- (3) ***Variances from the above requirements are optional. However, the availability of such variances is restricted as provided in §§264.221(d) and (e), 264.301(d) and (e), 265.221(c) and (d), and 265.301(c) and (d) as indicated in Revision Checklist 17 H.***

Federal Authority: RCRA §3015(b); 40 CFR 264.221, 265.221 and 265.301 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

§ 7-208(a), (d)(4), (e)(3), and (e)(6), Environment Article, Annotated Code of Maryland
COMAR 26.13.05.11B(4), B(5), C(1)-(2), D(2), and D(4)-(6)
COMAR 26.13.05.14B(1) and (3)-(9)
COMAR 26.13.06.19D(1), D(2), E, and F

COMAR 26.13.06.22C(1), C(2), D(1), D(2), and E

Remarks of the Attorney General

Section 7-208(a) requires the MDE to adopt rules and regulations to carry out the provisions of Subtitle 2. The Department is specifically required to adopt rules and regulations to set minimum design standards for CHS facilities pursuant to § 7-208(e)(3). In addition, § 7-208(e)(6) requires the Department to adopt specific rules or regulations that set minimum requirements for the operation, maintenance, monitoring, reporting, and supervision of any CHS facility. Section 7-208(d)(4) authorizes the Department to adopt a rule or regulation under Subtitle 2 that exempts persons from any requirements of Subtitle 2 if the exemption is consistent with Federal law or regulation.

Pursuant to these authorities, the Department has adopted rules that contain the revisions addressed by Revision Checklist 17H. Any differences between the State and Federal programs are noted on the checklist attached to this Statement.

XXV. STATE-INITIATED CHANGES

At the time of Base program authorization, Maryland's hazardous waste regulations were codified in Title 10, Subtitle 51. Since Base program authorization, the entire set of regulations was recodified without revision to Title 26, Subtitle 13. The following table identifies the Base program chapters and the corresponding recodified chapters:

| | |
|----------------|--|
| COMAR 10.51.01 | COMAR 26.13.01 |
| COMAR 10.51.02 | COMAR 26.13.02 |
| COMAR 10.51.03 | COMAR 26.13.03 |
| COMAR 10.51.04 | COMAR 26.13.04 |
| COMAR 10.51.05 | COMAR 26.13.05 |
| COMAR 10.51.06 | COMAR 26.13.06 (Later redesignated as COMAR 26.13.05.02-1 when a new Chapter 06 governing interim status was added; see Section 1 of this Statement) |
| COMAR 10.51.07 | COMAR 26.13.07 |
| COMAR 10.51.09 | COMAR 26.13.08 |
| COMAR 10.51.10 | COMAR 26.13.09 |
| COMAR 10.51.11 | COMAR 26.13.10 |

In addition, Maryland has made amendments to the provisions listed in the table that follows. These amendments are not directly related to any of the Revision Checklists for which the State is seeking authorization. Instead, Maryland is submitting these State-initiated changes for authorization pursuant to the requirements of 40 CFR 271.21(a).

| State Citation | Federal Analog | Comment |
|-------------------------------------|-----------------------|---|
| 26.13.01.05B | No Federal Analog | Maryland has added this provision which identifies all portions of the Federal code that are incorporated by reference. Prior to the adoption of this provision, the State incorporated by reference parts of the Federal code in various places throughout the rules. Now, the incorporation by reference of Federal regulations has been consolidated into a single provision to provide consistency and clarity for the regulated community. In addition, the State has added a table that identifies Maryland's analogs to Federal provisions that are cited in Federal regulations adopted by reference. |
| 26.13.01.05C | No Federal Analog | Maryland has adopted this provision which incorporates by reference Federal statutes that are referenced in COMAR 26.13.01 – 26.13.10. |
| 26.13.07.02E | 270.10(h) | The State has redesignated the former 26.13.07.02H as 26.13.07.02E without modification. |
| 26.13.07.02-1 | 270.14(c) | The State has redesignated the former 26.13.07.02F as 26.13.07.02-1 with conforming changes that do not impact equivalency. |
| 26.13.07.02-2 | 270.15 | The State has redesignated the former 26.13.07.02E(1) as 26.13.07.02-2A and B and the former 26.13.07.02E(5) as 26.13.07.02-2C with conforming changes that do not impact equivalency. |
| 26.13.07.02-3 through 26.13.07.02-5 | 270.16 through 270.18 | The State has redesignated the former 26.13.07.02E(2) through (4) as 26.13.07.02-3 through .02-5 with conforming changes that do not impact equivalency. |
| 26.13.07.02-6 | 270.19 | The State has redesignated the former 26.13.07.02G as 26.13.07.02-6 with conforming changes that do not impact equivalency. |
| 26.13.07.02-7 and 26.13.07.02-8 | 270.20 and 270.21 | The State has redesignated the former 26.13.07.02E(6) and (7) as 26.13.07.02-7 and .02-8 with conforming changes that do not impact equivalency. |
| 26.13.07.02-9 | 270.23 | The State has redesignated the former 26.13.07.02E(8) as 26.13.07.02-9 with conforming changes that do not impact equivalency. |
| 26.13.07.02-10 | 270.14(d) | The State has redesignated the former 26.13.07.02I as 26.13.07.02-10 with conforming changes that do not impact equivalency. |

| State Citation | Federal Analog | Comment |
|----------------|----------------|---|
| 26.13.07.06A | 270.50(a) | The State has extended the maximum duration of a permit from three years to five years. This change is the codification of a statutory amendment made to § 7-238 of the Environment Article of the Annotated Code of Maryland. The State remains more stringent than the Federal program that allows a maximum duration of ten years. |

Seal of Office

J. Joseph Curran Jr.
Signature

J. JOSEPH CURRAN JR.
Name (Type or Print)

ATTORNEY GENERAL
Title

11/12/2000
Date