

US EPA ARCHIVE DOCUMENT

**ATTACHMENT I**

**MARYLAND  
REGULATORY PROVISIONS**

**PROGRAM REVISION II**

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**CONTENTS**

**A. FEDERAL REQUIREMENTS FOR WHICH MARYLAND IS SEEKING  
AUTHORIZATION (See Attached Revision Checklists)**

<b>EPA Checklist Reference</b>	<b>Federal Requirements</b>	<b>Federal Register Reference</b>	<b>Date(s)</b>
82, 92, 120, 167F	Wood Preserving Listings	55 <u>FR</u> 50450 56 <u>FR</u> 30192 57 <u>FR</u> 61492 63 <u>FR</u> 28556	12/6/90 7/1/91 12/24/92 5/26/98
118	Liquids in Landfills II (HSWA)	57 <u>FR</u> 54452	11/18/92
142A-E, 176	Universal Waste Rule as of June 30, 2001 (note: State has adopted but is not seeking authorization for provisions concerning mercury-containing lamps at this time (CL 181))	60 <u>FR</u> 25492, 63 <u>FR</u> 71225,	5/11/95 12/24/98
144	Removal of Legally Obsolete Rules (HSWA/Non-HSWA)	60 <u>FR</u> 33912	6/29/95
145	Liquids in Landfills III (HSWA)	60 <u>FR</u> 35703	7/11/95
153	Conditionally Exempt Small Quantity Generator Disposal Options Under Subtitle D (HSWA)	61 <u>FR</u> 34252	7/1/96
168	Hazardous Waste Combustors Revised Standards	63 <u>FR</u> 33782	6/19/98
182	Hazardous Air Pollutant Standards for Combustors, Miscellaneous Units, and Secondary Lead Smelters; Clarification of BIF Requirements; Technical Correction to Fast-track Rule (note – the State is only seeking authorization for portions of rule related to comparable fuels provisions – 260 Subpart B, 261 Subpart D)	64 <u>FR</u> 52828, as amended by 64 <u>FR</u> 63209	9/30/99, 11/19/00
188	Hazardous Air Pollutant Standards; Technical corrections (note – the State is only seeking authorization for portions of the rule related to comparable fuels provisions – 261 Subpart D 261.38(c)(2)(iv) revisions for gas turbines)	65 <u>FR</u> 42292	7/10/00

**B. STATE-INITIATED CHANGES**

The Department has made some State-initiated changes throughout its rules, none of which cause

them to be less stringent. The following table identifies the specific provisions where revisions have been made:

Federal RCRA Citation	State Citation	Comment
No direct analog / 261.5(g)(3)(i) related	26.13.02.05D(2)(c)(iv)	The State has added this provision to clarify that in order to qualify for exclusion from the general hazardous waste regulations, waste from the State's analog to conditionally exempt small quantity generators may only be sent to facilities that are permitted to accept the waste. It is equivalent to the Federal program.
265.1(c)(13)	26.13.06.01A(4)(k)	Maryland has adopted this provision exempting certain combinations of waste and absorbent material from COMAR 26.13.16 requirements. The State is no longer more stringent. It is now equivalent to the Federal program.
266.70(a)	26.13.10.03A	The State has corrected a spelling error that was present in the Federal program.
266.80	26.13.10.04C	Maryland has rearranged its analog to 40 CFR 266.80 and added clarifying text. It is equivalent to the Federal program.

**C. PARTIALLY ADOPTED FEDERAL REQUIREMENTS FOR WHICH MARYLAND IS NOT SEEKING AUTHORIZATION (or is only seeking partial authorization.)**

For the following checklists, the State is either not seeking authorization or is only seeking partial authorization because it has adopted only some of the provisions listed therein, as described below. The provisions of these checklists that have not been adopted by Maryland relate to the land disposal restrictions and boilers and industrial furnaces requirements.

EPA Checklist Reference	Federal Requirements	Comments
95	Land Disposal Restrictions for Electric Arc Furnace Dust (K061) [56 FR 41164; 8/19/98]	At COMAR 26.13.02.04A(10), Maryland has adopted the 40 CFR 261.4(a)(11) exclusion for nonwastewater splash condenser dross residue.
157	Land Disposal Restrictions -- Phase IV (HSWA) [62 FR 25998; 5/12/97]	At COMAR 26.13.02.01C(3)(e)(ii)-(vii), 26.13.02.02G and 26.13.02.04A(12)(b), Maryland has adopted the Federal provisions for scrap metals, as found in 40 CFR 261.1(c)(9)-(12), 261.2(c)/Table 1, and 261.6(a)(3)(ii). In addition, at COMAR 26.13.02.04A(11) and (12), Maryland has adopted the 40 CFR 261.4(a)(13) and (14) exclusions for scrap metal and circuit boards.

EPA Checklist Reference	Federal Requirements	Comments
182 (Note: the State is seeking partial authorization, as explained in Section A above.)	Hazardous Air Pollutant Standards for Combustors, Miscellaneous Units, and Secondary Lead Smelters; Clarification of BIF Requirements; Technical Correction to Fast-track Rule [64 FR 52828, 9/30/99, as amended on 11/19/00, 64 FR 63209]	At COMAR 26.13.01.03B(13-1), the State has adopted the Federal definition of "dioxins and furans". At COMAR 26.13.02.19-1B/Table 1, the State has adopted the 40 CFR 261.38 revised requirements for comparable/syngas fuel exclusions. And at COMAR 26.13.07.13-2A(10)(e), Maryland has adopted the 40 CFR 270.42 Appendix changes to permit modifications.
188 (Note: the State is seeking partial authorization, as explained in Section A above.)	Hazardous Air Pollutant Standards; Technical corrections [65 FR 42292; 7/10/00]	At COMAR 26.13.02.19-2A(2)(d), the State has adopted the 40 CFR 261.38(c)(2)(iv) revisions for gas turbines.

**D. ADOPTED FEDERAL REQUIREMENTS FOR WHICH MARYLAND IS NOT SEEKING AUTHORIZATION**

Maryland has adopted but is not seeking authorization for the provisions in Revision Checklist 152.

**Legend for symbols used on the attached Checklists:**

- † Optional; States are not required to adopt this provision.
- ◆ This is a HSWA provision.
- ✓ The June 19, 1998 rule addressed by Revision Checklist 168 makes amendments addressing the Clean Air Regulations. These changes are not necessary for RCRA authorization for this rule; however, of concern are those places within the RCRA regulations that reference changes made to the Clean Air Regulations. In these situations, a State must reference regulations analogous to the referenced provisions. A State may, if it has chosen to adopt these optional Clean Air Regulation changes, reference its own corresponding analog. If choosing not to adopt them, a State should retain the reference to the Federal regulations. Those provisions where this is an issue of concern have been indicated with a "✓" in the far left margin.
- ρ This is a provision that was in the Federal regulations at the time of the Base Program. However, States were not required to adopt analogs to the provisions in order to receive Final Authorization.