



**Maryland**  
Department of  
the Environment

# Hazardous Waste Regulatory Update

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## Goals of presentation

- Give an overview of recent revisions to COMAR 26.13
- Provide details on some major changes
- Highlight some upcoming changes

## Overview

- Major revisions to COMAR 26.13 effective May 3, 2021
- State's version of EPA's hazardous waste generator improvements rule
- Change to P075 Nicotine listing

## Complication – MD vs fed generator categories

- 2 MD, 3 federal categories
- MD takes into account amount of waste accumulated in addition to monthly generation

## Overview – main features

- Reorganize regs into a more logical order
- Make it easier to identify requirements
- Provide a clearer explanation of MD generator categories
- Clarify applicability of federal generator categories
- Adopt some new flexibilities
- Adopt required more-stringent provisions

## Reorganization of 26.13.02 (1 of 2)

Structured to follow waste management process

- generator categories
- waste characterization
- notification/EPA ID numbers
- satellite accumulation requirements
- general accumulation requirements

## Reorganization of 26.13.02 (continued)

- labeling/marketing requirement
- consolidation of MDSQG waste
- manifest requirements
- pre-transport requirements
- closure requirements
- episodic generation events

## Generator Categories

- Compliance w/ 26.13 mostly depends on MD generator category
- Some provisions require determination of federal generator category
  - notification form (EPA 8700-12)
  - biennial report form generator category
  - closure requirements
  - eligibility for certain relaxed requirements



# MD Generator Categories (tables from “Compliance Guide”)

<b>Maryland Generator Status Based on Amount of Hazardous Waste Generated in a Calendar Month</b>			
Quantity of acute hazardous waste generated in a calendar month	Total Quantity of hazardous waste (acute and non-acute) generated in a calendar month	Quantity of residues from the cleanup of spilled acute hazardous waste generated in a calendar month	Maryland Generator Status
> 1 kg	Any amount	Any amount	Fully regulated
Any amount	$\geq 100$ kg	Any amount	Fully regulated
Any amount	Any amount	$\geq 100$ kg	Fully regulated
$\leq 1$ kg	< 100 kg	<100 kg	MDSQG

(note – criteria for certain containers and inner liners of containers specified in COMAR 26.13.03.01A-2(4)(a) and (b) have been omitted)

<b>Maryland Generator Status</b> Based on Amount of Hazardous Waste Accumulated at Any Time			
Quantity of acute hazardous waste accumulated (i.e., amount on-site)	Total Quantity of hazardous waste (acute and non-acute) accumulated	Quantity of residues from the cleanup of spilled acute hazardous waste accumulated	Maryland Generator Status
> 1 kg	Any amount	Any amount	Fully regulated
Any amount	$\geq 100$ kg	Any amount	Fully regulated
Any amount	Any amount	$\geq 100$ kg	Fully regulated
$\leq 1$ kg	< 100 kg	<100 kg	MDSQG

# Federal Generator Categories (table from “Compliance Guide”)

<b>Federal Generator Category</b> (based on amount of hazardous waste generated in a calendar month)			
Quantity of acute hazardous waste generated in a calendar month	Quantity of non-acute hazardous waste generated in a calendar month	Quantity of residues from the cleanup of spilled acute hazardous waste generated in a calendar month	Federal Generator category
> 1 kg	Any amount	Any amount	LQG
Any amount	$\geq 1,000$ kg	Any amount	LQG.
Any amount	Any amount	> 100 kg	LQG
$\leq 1$ kg	> 100 kg and < 1,000 kg	$\leq 100$ kg	SQG
$\leq 1$ kg	$\leq 100$ kg	$\leq 100$ kg	VSQG

## Key point:

Generator category is based on current situation with respect to generation and accumulation, no matter what the most recent notification paperwork says.

## Hazardous Waste Determination (waste characterization) – 26.13.03.02 thru .02-2

- Failure to perform proper waste determination is one of the most common violations
- Revisions clarify process and criteria for what is an accurate waste determination
  - determine at point of generation, and at any point where properties of waste are likely to change; determine all codes
  - criteria for “generator knowledge”
- New record keeping requirements (.02-2)

## Notification – EPA ID Numbers (.03 - .03-2)

- expanded explanation of the process
- explanation of temporary numbers
- renotification requirements (once every 4 years; filing a biennial report counts)
- deactivation/reactivation of EPA ID numbers

## Satellite Accumulation – highlights of changes

- State now allows 3-day grace period once quantity limit is reached
- Differs from federal regulation – all waste that is contributing to the removal trigger must be removed, including new waste generated during 3-day grace period
- containers may be kept open in limited circumstances (venting of equipment, temporary venting to prevent extreme pressure buildup)
- New labeling to indicate nature of hazard

## Accumulation - requirements for permit exclusion (90/180 day accumulation)

- 26.13.03.03-4 thru .03-10
- Some highlights:
  - clearer statement of obligations (training, contingency plan, etc.)
  - eligible for 180 days of accumulation if qualify as federal SQG, and do not accumulate more than 1,000 kg (1 kg acute hazardous waste)
  - waiver of 50-foot buffer requirement for ignitable hazardous waste for fed SQG



## Highlights – changes to waste accumulation requirements (continued)

- contingency plan – no longer have to submit copies if generator qualifies as federal SQG
- contingency plan – “quick reference guide” requirement if generator is a federal LQG
- new labeling requirement for containers and tanks – indicate nature of hazard

## New provision allowing waste consolidation from MDSQGs (26.13.03.03-11)

- Accumulation point and off-site locations under control of same person
- Consolidation point qualifies as federal LQG
- Off-site facilities are either MDSQG if in Maryland, or federal VSQG if in another state
- Notification requirement at least 30 days before accepting waste
- Record keeping for each shipment
- Follow waste accumulation requirements

## Manifest Requirements (26.13.03.04)

- No change – federal regulations have preempted MD regulations; will soon incorporate federal manifest regulations into COMAR

## Pre-transport requirements 26.13.03.05

- Allow use of electronic system, such as barcodes, to identify waste codes in in-transit containers

## Closure requirements (26.13.03.05-1 & ,05-2)

- Clarifies closure requirements
- Clear statement of closure performance standard
- Clear statement that generator must have a written closure plan
- Closure notification requirement (new)
  - federal LQG – when accumulation unit closed and when entire facility closed
  - others – upon closure of facility (or ceasing generation/ mgmt. of hazardous waste)

## Episodic generation events (.03.05-3 – .05-5)

- allows generator to maintain MDSGQ status despite occurrence of an event that would otherwise make the generator fully regulated
- could be planned or unplanned event
- alternate management standards
- 60-day limit on accumulation
- normally only 1 episodic event allowed per calendar year
- strict notification requirements

## Upcoming actions

- Finalize regs proposed 7/2/21
  - Mainly requirements already in effect in Maryland as a matter of federal law – Land Disposal Restrictions (LDR), international shipments, e-manifest
  - Codifies criteria for what constitutes “legitimate recycling”
- Should take effect late December or early January

## Upcoming actions

### Next set of proposed regulations – Spring 2022

- universal waste aerosol can rule
- hazardous waste pharmaceutical rule
- solvent contaminated rags and wipes
- revisions to ignitability characteristic
- airbag rule





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