

**Title 26**  
**DEPARTMENT OF THE ENVIRONMENT**

**Subtitle 13 DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES**

**Chapter 06 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment,  
Storage, and Disposal Facilities**

Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland

**.01 General.**

**A. Purpose, Scope, and Applicability.**

(1) The purpose of this chapter is to establish minimum State standards, which define the acceptable management of hazardous waste during the period of interim status, and until:

- (a) Certification of final closure under Regulations .07—.11 of this chapter;
- (b) Post-closure requirements under Regulations .12—.15 of this chapter are met, if those requirements apply; or
- (c) A final CHS permit is issued under COMAR 26.13.07.

(2) Except as provided in COMAR 26.13.02.05 or as otherwise provided in this chapter, this chapter applies to owners and operators of the following hazardous waste management facilities that treat, store, or dispose of hazardous waste:

(a) Facilities in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a CHS permit for which the owner or operator has complied with §B(1) of this regulation;

(b) Facilities in existence on November 19, 1980, for which the owner or operator has failed to provide timely notification as required by §3010(a) of RCRA or to file part A of the CHS permit application as required by §B(1) and (2) of this regulation;

(c) Facilities that were previously required, because of federal regulations promulgated under the authority of the Hazardous and Solid Waste Amendments of 1984, to meet the requirements for interim status under 40 CFR 265 and 270;

(d) As specified in COMAR 26.13.10.30, facilities that store military munitions classified as a solid waste under COMAR 26.13.10.27B; and

(e) Facilities that provide the treatment and disposal of hazardous waste military munitions.

(3) This chapter applies to owners and operators of hazardous waste management facilities who are subject to the requirements of §B of this regulation and fail to comply with these requirements.

(4) The requirements of this chapter do not apply to:

(a) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act;

(b) The owner or operator of a facility permitted, licensed, or registered by the State to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this chapter by COMAR 26.13.02.05;

(c) The owner or operator of a facility managing recyclable materials described in COMAR 26.13.02.06A(2) and (3), except to the extent that the requirements of this chapter are referred to in COMAR 26.13.10.01, .03, and .04;

(d) A generator accumulating waste on-site in compliance with COMAR 26.13.03.05E, except to the extent that COMAR 26.13.03.05E requires the generator to comply with the requirements of this chapter;

(e) A farmer disposing of waste pesticides from the farmer's own use in compliance with COMAR 26.13.03.07-4;

(f) The owner or operator of a totally enclosed treatment facility as defined in COMAR 26.13.01.03B(81);

(g) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in COMAR 26.13.01.03B, unless the unit is used to treat waste from off-site;

26.13.06.01

(h) Except as provided in §A(5) of this regulation, a person engaged in treatment or containment activities during immediate response to any of the following situations, if the person complies with the otherwise applicable requirements of Regulations .03 and .04 of this chapter:

- (i) A discharge of a hazardous waste,
  - (ii) An imminent and substantial threat of a discharge of a hazardous waste,
  - (iii) A discharge of a material which, when discharged, becomes a hazardous waste, or
  - (iv) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of conventional military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in COMAR 26.13.01.03B;
- (i) The owner or operator of a publicly owned treatment works (POTW) which treats, stores, or disposes of hazardous waste;
- (j) Universal waste handlers and universal waste transporters handling the following wastes:
- (i) Batteries, as described in COMAR 26.13.10.07;
  - (ii) Pesticides, as described in COMAR 26.13.10.08; and
  - (iii) Lamps, mercury-containing equipment, or PCB-containing lamp ballasts, each as described in COMAR 26.13.10.09; or
- (k) The addition of absorbent material to a waste container or the addition of waste to absorbent in a container, if:
- (i) The combining of waste and absorbent occurs when waste is first placed in the container;
  - (ii) COMAR 26.13.05.02H(2), which concerns requirements for ignitable, reactive, or incompatible waste, is complied with;
  - (iii) COMAR 26.13.05.09B, which concerns condition of containers, is complied with; and
  - (iv) COMAR 26.13.05.09C, which concerns compatibility of waste with containers, is complied with.

(5) Clarifications Concerning Responses to Emergencies.

(a) The exemption under §A(4)(h) of this regulation applies only to immediate response activities taken in response to the circumstances identified in §A(4)(h)(i)—(iv) of this regulation. After the immediate response activities are completed, the applicable regulations of this chapter and COMAR 26.13.07 apply fully to the management of any spill residue or debris which is a hazardous waste under COMAR 26.13.02.

(b) In the case of an explosives or munitions emergency response, if a federal, State, tribal, or local official acting within the scope of that individual's official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste:

- (i) By transporters who do not have EPA identification numbers;
- (ii) By transporters who have not been issued a certificate under COMAR 26.13.04.01C and F; and
- (iii) Without the preparation of a manifest.

(c) In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for 3 years identifying:

- (i) The dates of the response;
- (ii) The responsible persons responding;
- (iii) The type and description of material addressed; and
- (iv) The final disposition of the material addressed in the emergency.

DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES

26.13.06.01

(6) A person may not manage hazardous waste with EPA Hazardous Waste Number F020, F021, F022, F023, F026, or F027 at a facility subject to regulation under this chapter unless:

(a) It is a wastewater treatment sludge generated in a surface impoundment as part of a plant's wastewater treatment system;

(b) The waste is stored in tanks or containers;

(c) The waste is stored or treated in waste piles that meet the requirements of:

(i) COMAR 26.13.05.12A(2), and

(ii) Regulation .20 of this chapter; or

(d) The facility has been issued a permit to do so under COMAR 26.13.07.

B. Required Submissions.

(1) Unless the Secretary establishes a later date as provided in §B(3) of this regulation, an owner or operator of a hazardous waste management facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a CHS permit shall submit part A of the permit application to the Department by the earlier of the following two dates:

(a) 6 months after the publication of the notice of final action on regulations which first require the owner or operator to comply with the standards set forth in this chapter or COMAR 26.13.10; or

(b) 30 days after the date the owner or operator first becomes subject to the standards set forth in this chapter or COMAR 26.13.10.

(2) If an owner or operator of a hazardous waste management facility has filed part A of a CHS permit application and has not yet filed part B of the CHS permit application, the owner or operator shall file an amended part A application with the Secretary:

(a) Not later than the effective date of regulatory provisions listing or designating additional wastes as hazardous, if the facility is treating, storing, or disposing of any of these newly listed or designated hazardous wastes;

(b) As necessary to comply with COMAR 26.13.07.23C for changes during interim status; or

(c) By the deadline established under §B(3) of this regulation.

(3) Extension of Deadlines for Submission of Part A Application.

(a) The Secretary may, by publishing a notice in the Maryland Register, extend the date by which owners or operators of existing hazardous waste management facilities in a specified class of facilities are required to submit part A of the CHS permit application if the Secretary finds that:

(i) There has been substantial confusion as to whether the owners and operators of those facilities were required to file a permit application; and

(ii) The confusion over whether owners and operators were required to file a permit application is the result of ambiguities in COMAR 26.13.01, 26.13.02, or this chapter.

(b) The Secretary may, by compliance order, extend the date by which the owner or operator of an existing hazardous waste management facility is required to submit part A of the CHS permit application.

(4) The owner or operator of a facility that fails to comply with the updating requirements of §B(2) of this regulation has interim status only for the wastes covered by part A CHS permit applications filed in accordance with the requirements of this section.

(5) The Secretary may require the owner or operator of a facility operating under interim status to file a part B CHS permit application by a certain deadline. If the facility owner or operator fails to furnish a requested part B CHS permit application by the required deadline, or fails to furnish in full the information required to be included in the part B CHS permit application, the Secretary may terminate interim status under COMAR 26.13.07.

C. Imminent Hazard Action. Notwithstanding any other provisions of this chapter, enforcement actions may be brought under Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland, or other applicable State authority.

26.13.06.02

**.02 General Facility Standards.**

A. Except as provided in §§B—F of this regulation, the owner or operator of a facility subject to this chapter shall meet the requirements of COMAR 26.13.05.02.

B. The requirements of COMAR 26.13.05.02D(2)(c)(vi), which concern additional waste analysis requirements, are not applicable.

C. In the waste analysis plan, the owner or operator shall specify, when applicable, the methods which will be used to satisfy the additional provisions for waste analysis for specific waste management methods as specified in:

- (1) COMAR 26.13.05.10B, with which the owner or operator is required to comply in Regulation .18A of this chapter;
- (2) COMAR 26.13.05.11E, with which the owner or operator is required to comply in Regulation .19B of this chapter;
- (3) COMAR 26.13.05.12C, with which the owner or operator is required to comply in Regulation .20B(2) of this chapter;
- (4) Regulations .22C and .22F of this chapter; and
- (5) 40 CFR §§265.273, 265.341, 265.375, and 265.402, which are incorporated by reference in Regulations .21A, .23A, .24A, and .25A of this chapter, respectively.

D. Except as provided in §E of this regulation, an owner or operator shall comply with COMAR 26.13.05.02F(2)(d).

E. An owner or operator shall ensure that the inspection schedule required in §D of this regulation includes, at a minimum, the items and frequencies called for in:

- (1) COMAR 26.13.05.09E, with which the owner or operator is required to comply in Regulation .17 of this chapter;
- (2) COMAR 26.13.05.10D and .10-4, with which the owner or operator is required to comply in Regulation .18A of this chapter;
- (3) COMAR 26.13.05.12E, with which the owner or operator is required to comply in Regulation .20B of this chapter;
- (4) Regulation .19G of this chapter; and
- (5) 40 CFR §§265.278, 265.347, 265.377, and 265.402, which are incorporated by reference in Regulations .21A, .23A, .24A, and .25A of this chapter, respectively.

F. For the purposes of this chapter, an owner or operator:

(1) May substitute the word "unless" for the words "unless it can be demonstrated to the Secretary" in COMAR 26.13.05.02E(1); and

(2) Is not required to comply with COMAR 26.13.05.02H(3) or I(2), which concern documentation of compliance with general requirements for ignitable, reactive, or incompatible wastes, and aisle space requirements, respectively.

G. Location Standard. The placement of any hazardous waste in a salt dome, salt bed formation, or underground mine or cave is prohibited.

**.03 Preparedness and Prevention.**

A. Except as provided in §§B and D of this regulation, an owner or operator of a facility subject to this chapter shall comply with COMAR 26.13.05.03.

B. An owner or operator of a facility shall comply with §C of this regulation instead of COMAR 26.13.05.03B during the period of interim status.

C. Facility Operation. The owner or operator shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

D. An owner or operator who is subject to this chapter is not required to make the demonstrations to the Secretary required in COMAR 26.13.05.03C and F, concerning required equipment for use in emergencies and required aisle space, respectively.

**.04 Contingency Plan and Emergency Procedures.**

A. Except as provided in §B of this regulation, an owner or operator of a facility subject to this chapter shall comply with COMAR 26.13.05.04.

B. For the purposes of this chapter, in COMAR 26.13.05.04E(1), "Facility permit is revised" is replaced with "Applicable regulations are revised".

**.05 Manifest System, Record Keeping, and Reporting.**

A. Except as provided in §§B and C of this regulation, the owner or operator of a facility subject to this chapter shall comply with COMAR 26.13.05.05.

B. For the purpose of complying with this regulation, the owner or operator of a facility subject to this chapter shall:

(1) In place of the requirement of COMAR 26.13.05.05D(2)(c), record and maintain in the operating record the results of waste analyses, waste determinations, and trial tests performed as specified in:

(a) Regulations .02 and .22F of this chapter,

(b) COMAR 26.13.05.10B, with which the owner or operator is required to comply in Regulation .18A of this chapter,

(c) COMAR 26.13.05.11E, with which the owner or operator is required to comply in Regulation .19B(3) of this chapter,

(d) COMAR 26.13.05.12C, with which the owner or operator is required to comply in Regulation .20B(2) of this chapter, and

(e) 40 CFR §§265.273, 265.341, 265.375, and 265.402, which are incorporated by reference in Regulations .21A, .23B, .24A, and .25A of this chapter, respectively;

(2) Comply with COMAR 26.13.05.05D(2)(g) and F(4)(i), except that the references to Regulations .12—.15 of this chapter are to Regulation .16 of this chapter;

(3) In place of the requirement of COMAR 26.13.05.05D(2)(h), record and maintain in the operating record monitoring, testing, or analytical data, and corrective action when required by Regulations .02, .06, and .18—.24 of this chapter;

(4) Submit with the biennial report required by COMAR 26.13.05.05F monitoring data under 40 CFR §§265.94(a)(2)(ii), (iii), and (b)(2), which are incorporated by reference in Regulation .06A of this chapter; and

(5) In place of the requirement of COMAR 26.13.05.05H(4), report to the Secretary as otherwise required by Regulations .06 and .19—.22 of this chapter.

C. The owner or operator of a facility subject to this chapter is not required to comply with COMAR 26.13.05.05D(2)(i).

**.06 Ground Water Protection.**

A. Except as provided in §B of this regulation, the Department adopts as its regulations the federal regulations at 40 CFR §§265.90—265.94, adopted as of July 1, 1998, which are incorporated by reference.

B. For the purposes of this regulation, substitute "Secretary" for "Regional Administrator".

**.07 Closure — General.**

A. Applicability. Except as provided in Regulation .01 of this chapter, this regulation and Regulations .08—.11 of this chapter apply to the owners and operators of all interim status facilities.

B. Closure Performance Standard. The owner or operator shall close the facility in a manner that:

(1) Minimizes the need for further maintenance;

(2) Controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere; and

(3) Complies with the closure requirements of this chapter, including, but not limited to, those contained in Regulations .17—.26, .28, and .29 of this chapter.

**.08 Closure — Amendment of Plan.**

A. Written Plan. The following requirements apply to the owner or operator of an interim status facility:

(1) By May 19, 1981, or by 6 months after the effective date of the regulation that first subjects a facility to the provisions of this regulation, the owner or operator shall have a written closure plan;

DEPARTMENT OF THE ENVIRONMENT

26.13.06.08

(2) Until final closure is completed and certified in accordance with Regulation .11 of this chapter, the owner or operator shall furnish a copy of the most current plan to the Secretary upon request, including request by mail; and

(3) For facilities without approved closure plans, the owner or operator shall provide a copy of the closure plan during site inspections, on the day of the inspection, to any officer, employee, or representative of the Department who is designated by the Secretary.

B. The owner or operator shall assure that the closure plan identifies the steps necessary to perform partial or final closure of the facility, or both, at any point during its active life.

C. Content of the Closure Plan. The owner or operator shall assure that the closure plan includes, at least:

(1) A description of how each hazardous waste management unit at the facility will be closed in accordance with §B of this regulation;

(2) A description of how final closure of the facility will be conducted in accordance with §B of this regulation, which shall identify the maximum extent of the operations that will be conducted during interim status during the active life of the facility;

(3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility;

(4) A detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all hazardous wastes;

(5) An identification of the type or types of the off-site hazardous waste management units to be used, if applicable;

(6) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to:

(a) Procedures for cleaning equipment and removing contaminated soils,

(b) Methods for sampling and testing surrounding soils, and

(c) Criteria for determining the extent of decontamination necessary to satisfy the closure performance standard;

(7) A detailed description of other activities necessary during the partial and final closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including but not limited to ground water monitoring, leachate collection, and run-on and run-off control;

(8) A schedule for closure of each hazardous waste management unit, and for final closure of the facility, which includes, at a minimum:

(a) The total time required to close each hazardous waste management unit, and

(b) The time required for intervening closure activities which will allow tracking of the progress of partial and final closure;

(9) For a landfill unit, as part of the schedule required by §C(8) of this regulation, estimates of the time required to treat or dispose of all hazardous waste inventory, and of the time required to place a final cover; and

(10) An estimate of the expected year of final closure if the facility:

(a) Uses trust funds to demonstrate financial assurance under 40 CFR §265.143 or 265.145, which are incorporated by reference in Regulation .16 of this chapter, and has a remaining operating life that is less than 20 years, or

(b) Does not have an approved closure plan.

D. Amendment of Plan.

(1) The owner or operator may amend the closure plan at any time before the notification of partial or final closure of the facility under §E of this regulation.

(2) An owner or operator with an approved closure plan seeking to amend the plan shall:

(a) Submit a written request to the Secretary to authorize a change to the approved closure plan; and

(b) Include a copy of the amended closure plan with the written request for approval by the Secretary.

- (3) The owner or operator shall amend the closure plan whenever:
- (a) Changes in operating plans or facility design affect the closure plan;
  - (b) There is a change in the expected year of closure, if applicable; or
  - (c) In conducting partial or final closure activities, unexpected events require a modification of the closure plan.
- (4) The owner or operator shall amend the closure plan:
- (a) At least 60 days before the proposed change in facility design or operation; or
  - (b) Except as provided in §D(5) of this regulation, not later than 60 days after an unexpected event occurs which has affected the closure plan.
- (5) If an unexpected event occurs during the partial or final closure period that requires a modification of the closure plan, the owner or operator shall amend the closure plan not later than 30 days after the unexpected event.
- (6) The provisions of §D(4) and (5) of this regulation also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with Regulation .22B(3) of this chapter.
- (7) An owner or operator with an approved closure plan shall submit a modified plan to the Secretary:
- (a) At least 60 days before the proposed change in facility design or operation; or
  - (b) Except as provided in §D(8) of this regulation, not more than 60 days after an unexpected event occurs which has affected the closure plan.
- (8) If an unexpected event has occurred during the partial or final closure period, the owner or operator shall submit the modified plan not more than 30 days after the unexpected event.
- (9) The provisions of §D(7) and (8) of this regulation also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with Regulation .22B(3) of this chapter. Unless the amendment to the plan is a minor modification according to the criteria in COMAR 26.13.07.13—.13-3, the request for modification will be processed according to the procedures in §E(8), (9), and (10) of this regulation.
- (10) Modifications at the Request of the Secretary.
- (a) The Secretary may request modifications to the closure plan under the conditions described in §D(3) of this regulation.
  - (b) An owner or operator with an approved closure plan shall submit the modified plan within 60 days of the request from the Secretary, or within 30 days if the Secretary has made the request as a result of an unexpected event occurring during partial or final closure.
  - (c) Unless the amendment to the plan is a minor modification according to the criteria in COMAR 26.13.07.13—.13-3, the request for modification will be processed according to the procedures in §D(8), (9), and (10) of this regulation.
- E. Notification of Partial Closure and Final Closure.
- (1) The owner or operator of a facility without an approved closure plan shall submit the closure plan to the Secretary at least:
- (a) 180 days before the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment unit, or landfill unit;
  - (b) 180 days before the date on which the owner or operator expects to begin final closure if it involves a surface impoundment, waste pile, land treatment unit, or landfill unit;
  - (c) 45 days before the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace; and
  - (d) 45 days before the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

DEPARTMENT OF THE ENVIRONMENT

26.13.06.08

(2) An owner or operator with an approved closure plan shall notify the Secretary in writing at least:

(a) 60 days before the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit;

(b) 60 days before the date on which the owner or operator expects to begin final closure of a facility involving a surface impoundment, waste pile, landfill, or land treatment unit;

(c) 45 days before the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace; and

(d) 45 days before the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

(3) For the purposes of §E(1) and (2) of this regulation, the date when the owner or operator expects to begin partial or final closure shall be:

(a) Within 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes;

(b) Not later than 1 year after the date on which the hazardous waste management unit received the most recent volume of hazardous waste, if there is a reasonable possibility that the unit will receive additional hazardous wastes, or by a later deadline established by the Secretary under §E(4) of this regulation; or

(c) As provided in §E(5) of this regulation.

(4) The Secretary may approve an extension to the 1-year limit in §E(3)(b) of this regulation if the owner or operator of the facility can demonstrate to the Secretary that:

(a) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes; and

(b) The owner or operator of the facility has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements.

(5) If an owner or operator of a facility has been allowed to receive non-hazardous wastes in a landfill, land treatment unit, or surface impoundment unit after the final receipt of hazardous waste as provided by Regulation .09H of this chapter, the date when the owner or operator expects to begin closure for the purposes of §E(1) and (2) of this regulation shall be not later than:

(a) 30 days after the date on which the hazardous waste management unit receives the known final volume of non-hazardous wastes; or

(b) 1 year after the date on which the unit received the most recent volume of non-hazardous waste, if there is a reasonable possibility that the unit will receive additional non-hazardous wastes, or by a later deadline established by the Secretary under §E(6) of this regulation.

(6) The Secretary may approve an extension to the 1-year limit in §E(5)(b) of this regulation if the owner or operator of the facility can demonstrate to the Secretary that:

(a) The hazardous waste management unit has the capacity to receive additional non-hazardous wastes; and

(b) The owner or operator of the facility has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable interim status requirements.

(7) The owner or operator of the facility shall submit the closure plan to the Secretary not later than 15 days after:

(a) Termination of interim status except when a permit is issued simultaneously with termination of interim status; or

(b) Issuance of a judicial decree or final order under §3008 of RCRA or Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland, to cease receiving hazardous wastes or close.

(8) Following submission of the closure plan by the owner or operator of the facility, or written notification of intent to begin closure under §E(1) or (2) of this regulation, the Secretary shall provide the owner or operator of the facility and the public, through a newspaper notice, the opportunity to do any of the following for up to 30 days from the date of the newspaper notice:

(a) Submit written comments on the closure plan;

(b) Request modifications to the closure plan; or

(c) Request a public hearing on the closure plan.

(9) Public Hearing.

(a) In response to a request, the Secretary shall hold a public hearing whenever a hearing might clarify one or more issues concerning a closure plan.

(b) In the absence of a request for a public hearing, a hearing may be scheduled at the Secretary's discretion.

(c) The Secretary shall give public notice of the hearing at least 30 days before the hearing occurs.

(d) Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.

(10) Secretarial Approval, Modification, or Disapproval of Closure Plan.

(a) The Secretary shall approve, modify, or disapprove the plan within 90 days of the receipt of the plan.

(b) If the Secretary does not approve the closure plan, the Secretary shall give the owner or operator a detailed written statement of reasons for the refusal.

(c) The owner or operator shall modify the closure plan or submit a new plan for approval within 30 days after receiving the written statement provided under §E(10)(b) of this regulation.

(d) The Secretary shall approve or modify the new or revised closure plan submitted under §E(10)(c) of this regulation in writing within 60 days. If the Secretary modifies the closure plan, this modified closure plan becomes the approved closure plan.

(e) The Secretary shall assure that the approved closure plan is consistent with Regulations .07B and .08—.11 of this chapter, the applicable requirements of Regulations .06, .18D, .19B(4), .20B(6), .22B(3), .28, and .29 of this chapter, and 40 CFR §§265.280, 265.351, 265.381, and 265.404, which are incorporated by reference in Regulations .21A, .23B, .24A, and .25A of this chapter, respectively.

(f) If the Secretary modifies the closure plan, a copy of the modified closure plan with a detailed statement of reasons for the modifications shall be mailed to the owner or operator.

(11) Removal of Wastes and Decontamination or Dismantling of Equipment. This regulation does not preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

**.09 Closure — Time Allowed for Closure.**

A. Before the later of the following two dates, the owner or operator shall treat, remove from the hazardous waste management unit or facility, or dispose of on-site, all hazardous wastes in accordance with the approved closure plan:

(1) 90 days after receiving the final volume of:

(a) Hazardous wastes, or

(b) Non-hazardous wastes if the requirements of §§H—O of this regulation are met; or

(2) 90 days after approval of the closure plan.

B. Subject to the requirements of §§C and G(1) of this regulation, the Secretary may approve a longer period for closure than that specified in §A of this regulation if the owner or operator demonstrates that:

(1) The activities required to comply with §A of this regulation will, of necessity, take longer than 90 days to complete; or

(2) The following conditions are met:

(a) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes if the facility owner or operator complies with §§H—O of this regulation,

(b) There is a reasonable likelihood that the owner or operator or another person will recommence operation of the hazardous waste management unit or facility within 1 year, and

(c) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site.

26.13.06.09

C. In addition to the requirements of §B of this regulation, the owner or operator requesting a longer time for closure shall demonstrate that all steps necessary to prevent threats to human health and the environment have been taken and will continue to be taken, including compliance with all applicable interim status requirements.

D. The owner or operator shall complete partial and final closure activities:

- (1) In accordance with the approved closure plan; and
- (2) Before the later of the following two dates:

(a) 180 days after receiving the final volume of hazardous wastes at the hazardous waste management unit or facility, or the final volume of non-hazardous wastes if the owner or operator complies with the requirements of §§H—O of this regulation, or

(b) 180 days after approval of the closure plan.

E. Subject to the requirements of §F of this regulation, the Secretary may approve an extension to the closure period specified in §D of this regulation if the owner or operator demonstrates that:

- (1) The partial or final closure activities will, of necessity, take longer than 180 days to complete; or
- (2) The following conditions are met:

(a) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous waste if the facility owner or operator complies with the requirements of §§H—O of this regulation,

(b) There is reasonable likelihood that the owner or operator or another person will recommence operation of the hazardous waste management unit or facility within 1 year, and

(c) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site.

F. In addition to the requirements of §E of this regulation, the owner or operator requesting a longer closure period shall demonstrate that all steps necessary to prevent threats to human health and the environment from the unclosed but not operating hazardous waste management unit or facility have been taken and will continue to be taken, including compliance with all applicable interim status requirements.

G. The owner or operator shall make the demonstration referred to in:

- (1) §B of this regulation at least 30 days before the expiration of the 90-day period specified in §A of this regulation; and
- (2) §E of this regulation at least 30 days before the expiration of the 180-day period specified in §D of this regulation, unless the owner or operator is otherwise subject to the deadlines in §H of this regulation.

H. The Secretary may allow an owner or operator to receive non-hazardous wastes in a landfill, land treatment, or surface impoundment unit after the final receipt of hazardous wastes at the unit if the owner or operator:

- (1) Submits an amended part B CHS permit application, or a part B CHS permit application, if not previously required;
- (2) Demonstrates that:

(a) The unit has the existing design capacity as indicated on the part A CHS permit application to receive non-hazardous wastes,

(b) There is a reasonable likelihood that the owner or operator or another person will receive non-hazardous wastes in the unit within 1 year after the final receipt of hazardous wastes,

(c) The non-hazardous wastes will not be incompatible with any remaining wastes in the unit or with the facility design and operating requirements of the unit or facility under this chapter,

(d) Closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility, and

(e) The owner or operator is operating and will continue to operate in compliance with all applicable interim status requirements:

DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES

26.13.06.09

- (3) Includes, in the part B CHS permit application:
    - (a) An amended waste analysis plan,
    - (b) A ground water monitoring and response program,
    - (c) The human exposure assessment required under RCRA §3019, and
    - (d) Closure and post-closure plans;
  - (4) Includes, in the part B CHS permit application, updated cost estimates and demonstrations of financial assurance for closure and post-closure care as necessary and appropriate to reflect any:
    - (a) Changes due to the presence of hazardous constituents in the non-hazardous wastes, and
    - (b) Changes in closure activities, including the expected year of closure if applicable under Regulation .08C(10) of this chapter, as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes;
  - (5) Amends the part B CHS permit application, as necessary and appropriate, to account for the receipt of non-hazardous wastes following receipt of the final volume of hazardous wastes;
  - (6) Submits the part B CHS permit application and the demonstrations referred to in §H(1)—(4) of this regulation to the Secretary by the later of the following two dates:
    - (a) 180 days before the date on which the owner or operator of the facility receives the known final volume of hazardous wastes, or
    - (b) 90 days after October 16, 2000;
  - (7) Complies with the requirements of §I of this regulation if the owner or operator is seeking to receive additional non-hazardous wastes in a hazardous waste surface impoundment that is not in compliance with the liner and leachate collection system requirements of:
    - (a) §3004(o)(1) of RCRA, except as otherwise provided in §3004(o)(2) or (3) of RCRA, and
    - (b) §3005(j)(1) of RCRA, except as otherwise provided in §3005(j)(2), (3), (4), or (13) of RCRA; and
  - (8) Complies with the applicable requirements to obtain permits under:
    - (a) COMAR 26.04.07; and
    - (b) COMAR 26.11.19.20.
- I. In addition to the requirements in §H of this regulation, an owner or operator of a hazardous waste surface impoundment identified in §H(7) of this regulation shall:
- (1) Submit with the part B CHS permit application:
    - (a) A contingent corrective measures plan, and
    - (b) A plan for removing hazardous wastes in compliance with §I(2) of this regulation;
  - (2) Remove all hazardous wastes from the unit by removing all hazardous liquids, and removing all hazardous sludges to the extent practicable without impairing the integrity of the liner or liners, if any;
  - (3) Complete removal of hazardous wastes not later than 90 days after the final receipt of hazardous wastes, unless the Secretary approves an extension to this deadline based upon a demonstration by the owner or operator that:
    - (a) The removal of hazardous wastes will, of necessity, take longer than the allotted period of time to complete, and
    - (b) An extension will not pose a threat to human health and the environment;
  - (4) Comply with the following requirements if a release that is a statistically significant increase over background levels, or decrease in the case of pH, in hazardous constituents is detected in accordance with the requirements of Regulation .06 of this chapter:
    - (a) Implement corrective measures in accordance with the approved contingent corrective measures plan required by §I(1) of this regulation not later than 1 year after detection of the release, or approval of the contingent corrective measures plan, whichever is later;

DEPARTMENT OF THE ENVIRONMENT

26.13.06.10

(b) Elect to receive wastes at the unit following detection of the release only if the approved corrective measures plan includes a demonstration that continued receipt of wastes will not impede corrective action; and

(c) Implement corrective measures in less than 1 year, or cease receipt of wastes until corrective measures have been implemented if required to do so by the Secretary, based on a determination by the Secretary that the corrective measures are necessary to protect human health and the environment; and

(5) Perform the following activities during the period of corrective action:

(a) Provide semiannual reports to the Secretary which describe the progress of the corrective action program;

(b) Compile all ground water monitoring data; and

(c) Evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.

J. The Secretary may require the owner or operator of a surface impoundment unit regulated under §I of this regulation to commence closure of the unit if the owner or operator:

(1) Fails to implement corrective action measures in accordance with the approved contingent corrective measures plan within 1 year as required in §I(4) of this regulation; or

(2) Fails to make substantial progress in implementing corrective action and achieving the facility's background levels.

K. If the owner or operator fails to implement corrective measures as required in §I(4) of this regulation, or if the Secretary determines that substantial progress has not been made under §J of this regulation, the Secretary shall:

(1) Notify the owner or operator in writing that the owner or operator shall begin closure in accordance with the deadlines in §§A—F of this regulation;

(2) Provide the owner or operator with a detailed statement of reasons for the Secretary's determination; and

(3) Provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the Secretary's decision not later than 20 days after the date of the notice.

L. If the Secretary does not receive any written comments in response to the determination in §K(1) of this regulation that the owner or operator shall begin closure, then:

(1) The Secretary's decision described in §K(1) of this regulation becomes final 5 days after the close of the comment period; and

(2) The Secretary shall notify the owner or operator that:

(a) The decision is final,

(b) A revised closure plan, if necessary, shall be submitted by the owner or operator to the Secretary within 15 days of the final notice, and

(c) Closure is required to begin in accordance with the deadlines in §§A—F of this regulation.

M. If the Secretary receives written comments in response to the determination in §K(1) of this regulation, the Secretary shall:

(1) Make a final decision within 30 days after the end of the comment period; and

(2) Provide the owner or operator in writing, and the public through a newspaper notice, a detailed statement of reasons for the final decision.

N. If the Secretary determines under §J(2) of this regulation that the owner or operator has not made substantial progress in implementing corrective action and achieving the facility's background levels, then the owner or operator shall begin closure in accordance with the deadlines in §§A—F of this regulation.

O. The final determinations made by the Secretary under §§L and M of this regulation are not subject to administrative appeal.

**.10 Closure — Disposal or Decontamination of Equipment, Structures, and Soils.**

A. During the partial and final closure periods, the owner or operator shall properly dispose of or decontaminate all contaminated equipment, structures, and soil unless specified otherwise in Regulations .18D, .19B(4), .20B(6), or .22B(3) of this chapter, or in 40 CFR §265.280, which is incorporated by reference in Regulation .21A of this chapter.

B. By removing all hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and shall handle that hazardous waste in accordance with all applicable requirements of COMAR 26.13.03.

#### **.11 Certification of Closure.**

A. Within 60 days of completion of closure of each hazardous waste surface impoundment, waste pile, land treatment unit, and landfill unit, and within 60 days of completion of final closure, the owner or operator shall submit to the Secretary, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan.

B. The certification required in §A of this regulation shall be signed by the owner or operator and by an independent registered professional engineer.

C. The owner or operator shall furnish documentation supporting the independent registered professional engineer's certification to the Secretary upon request until the owner or operator is released from the financial assurance requirements for closure under 40 CFR §265.143(h), which is incorporated by reference in Regulation .16 of this chapter.

#### **.12 Post-Closure.**

A. Applicability. This regulation and Regulations .13 — .15 of this chapter apply to the owners and operators of:

(1) All hazardous waste disposal facilities;

(2) Waste piles and surface impoundments for which the owner or operator intends to remove the wastes at closure to the extent that these regulations are made applicable to these facilities in Regulation .19B(4) or .20B(6) of this chapter;

(3) Tank systems that are required under Regulation .18D of this chapter to meet, under COMAR 26.13.05.10-7C, the requirements for landfills;

(4) Hazardous waste munitions and explosives storage units that are required under Regulation .28 of this chapter to meet, under COMAR 26.13.05.21C(3), the requirements for landfills; and

(5) Containment buildings that are required under Regulation .29 of this chapter to meet, under COMAR 26.13.05.18-3C, the requirements for landfills.

B. Survey Plat.

(1) Not later than the date of submission of the certification of closure of each hazardous waste disposal unit, an owner or operator shall submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Secretary, a survey plat indicating the location and dimensions of landfill cells or other hazardous waste disposal units with respect to permanently surveyed benchmarks.

(2) The survey plat shall be prepared and certified by a professional land surveyor.

(3) The survey plat filed with the local zoning authority or the authority with jurisdiction over local land use, as required in §B(1) of this regulation, shall contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the hazardous waste disposal unit in accordance with the applicable requirements of Regulations .07—.15 of this chapter.

C. Post-Closure Care and Use of Property.

(1) Post-closure care for each hazardous waste management unit subject to the requirements of this section and Regulations .13—.15 of this chapter shall begin after completion of closure of the unit and continue for 30 years after that date.

(2) Post-closure care required in §C(1) of this regulation shall consist of at least the following:

(a) Monitoring and reporting in accordance with the requirements of Regulations .06 and .19—.22 of this chapter; and

(b) Maintenance and monitoring of waste containment systems in accordance with the requirements of Regulations .06 and .19—.22 of this chapter.

(3) The Secretary may, in accordance with §C(4) or (5) of this regulation, either shorten or lengthen the post-closure care period applicable to a hazardous waste management unit or facility:

(a) At any time preceding closure of a hazardous waste unit or facility that is subject to post-closure care requirements or final closure; or

(b) At any time during the post-closure period for a particular hazardous waste disposal unit.

(4) The Secretary may shorten the post-closure care period applicable to a hazardous waste management unit or facility if:

(a) All disposal units have been closed; and

(b) The Secretary finds that the reduced period is sufficient to protect human health and the environment, for example, by determining that leachate or ground water monitoring results, characteristics of the hazardous waste, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicate that the hazardous waste management unit or facility is secure.

(5) The Secretary may extend the post-closure care period applicable to a hazardous waste management unit or facility if the Secretary finds that the extended period is necessary to protect human health and the environment. For example, the post-closure care period may be extended if leachate or ground water monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment.

(6) The Secretary may require, at partial and final closure, continuation of any of the security requirements of Regulation .02 of this chapter during part or all of the post-closure period when:

(a) Hazardous wastes may remain exposed after completion of partial or final closure; or

(b) Access by the public or domestic livestock may pose a hazard to human health.

(7) If hazardous waste remains on or in a property after partial or final closure, a person may not engage in any post-closure use of the property which would disturb the integrity of the final cover, liners, or any other components of the containment system, or the function of the facility's monitoring systems, unless the Secretary finds that the disturbance:

(a) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(b) Is necessary to reduce a threat to human health or the environment.

(8) All post-closure care activities shall be in accordance with the provisions of the approved post-closure plan as specified in Regulation .13 of this chapter.

### **.13 Post-Closure Plan; Amendment of Plan.**

#### **A. Written Plan.**

(1) By May 19, 1981, the owner or operator of a hazardous waste disposal unit shall have a written post-closure plan.

(2) An owner or operator of a surface impoundment or waste pile who intends to remove all hazardous wastes at closure shall prepare a post-closure plan and submit it to the Secretary within 90 days of the date that the owner, operator, or Secretary determines that the hazardous waste management unit or facility shall be closed as a landfill, subject to the requirements of this regulation, Regulation .12C, and Regulations .14 and .15 of this chapter. B. Except as provided in §C of this regulation, until final closure of the facility, the owner or operator shall furnish a copy of the most current post-closure plan to the Secretary upon request, including request by mail.

C. During site inspections, on the day of the inspection, the owner or operator of a facility without an approved post-closure plan shall provide a copy of the most current post-closure plan to any officer, employee, or representative of the Department who is designated by the Secretary.

D. Following certification of final closure, the approved post-closure plan shall be kept by the person or office specified in §E of this regulation during the post-closure period.

E. For each hazardous waste management unit subject to the requirements of this section, the owner or operator shall:

(1) Identify in the post-closure plan the activities that will be carried on after closure of each disposal unit and the frequency of these activities; and

(2) Include in the post-closure plan, at least, the following:

(a) A description of the planned monitoring activities, and frequencies at which they will be performed, to comply with Regulations .06 and .19—.22 of this chapter during the post-closure care period.

(b) A description of the planned maintenance activities, and frequencies at which they will be performed to ensure the integrity of the cap and final cover or other containment systems in accordance with the requirements of Regulations .19—.22 of this chapter.

(c) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure the function of the monitoring equipment in accordance with the requirements of Regulations .06 and .19—.22 of this chapter, and

(d) The name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period.

F. Amendment of Plan.

(1) The owner or operator may amend the post-closure plan at any time during the active life of the facility or during the post-closure care period.

(2) An owner or operator with an approved post-closure plan shall submit a written request to the Secretary to authorize a change to the approved plan. The written request shall include a copy of the amended post-closure plan for approval by the Secretary.

(3) The owner or operator shall amend the post-closure plan whenever:

(a) Changes in operating plans or facility design affect the post-closure plan; or

(b) Events, which occur during the active life of the facility, including partial and final closures, affect the post-closure plan.

(4) The owner or operator shall amend the post-closure plan:

(a) At least 60 days before a proposed change in facility design or operation which will affect the post-closure plan; or

(b) Not later than 60 days after an unexpected event has occurred which has affected the post-closure plan.

(5) An owner or operator with an approved post-closure plan shall submit the amended plan required by §F(3) and (4) of this regulation to the Secretary:

(a) At least 60 days before the proposed change in facility design or operation; or

(b) Not more than 60 days after an unexpected event has occurred which has affected the post-closure plan.

(6) An owner or operator of a surface impoundment who failed to remove all hazardous wastes at closure in accordance with Regulation .19B(4) of this chapter, or an owner or operator of a waste pile who failed to remove all hazardous wastes at closure in accordance with Regulation .20B(6) of this chapter, shall:

(a) Close the unit as a landfill in accordance with Regulation .22B(3) of this chapter; and

(b) Submit a post-closure plan to the Secretary within 90 days of the determination by the owner, operator, or Secretary that the unit is to be closed as a landfill.

(7) Unless the amendment to the post-closure plan is a minor modification according to the criteria in COMAR 26.13.07.13—13-3, the modification to the post-closure plan shall be approved according to the procedures in §§J—M of this regulation.

(8) Modification at the Request of the Secretary.

(a) The Secretary may request modifications to the post-closure plan under the conditions described in §F(3)(a) and (b) of this regulation.

(b) An owner or operator with an approved post-closure plan shall submit the modified post-closure plan not later than 60 days after the request from the Secretary.

DEPARTMENT OF THE ENVIRONMENT

26.13.06.13

(c) Unless the amendment to the post-closure plan is considered a minor modification according to the criteria in COMAR 26.13.07.13-13-3, the modifications to the post-closure plan shall be approved in accordance with the procedures in §§J—M of this regulation.

(d) If the Secretary determines that an owner or operator of a surface impoundment or waste pile who intended to remove all hazardous wastes at closure is required to close the facility as a landfill, the owner or operator shall submit a post-closure plan for approval to the Secretary within 90 days of the determination.

G. The owner or operator of a facility with hazardous waste management units subject to the requirements of this regulation shall submit a post-closure plan to the Secretary at least 180 days before the date on which the owner or operator expects to begin partial or final closure of the first hazardous waste disposal unit.

H. For the purpose of §G of this regulation, the date on which the owner or operator expects to begin closure of the first hazardous waste disposal unit shall be either:

(1) Within 30 days after the date on which the hazardous waste management unit receives the known final volume of hazardous waste; or

(2) If there is a reasonable possibility that the owner or operator of the hazardous waste management unit will place additional hazardous wastes in the unit, not later than 1 year after the date on which the most recent volume of hazardous wastes is placed in the unit.

I. The owner or operator of an interim status facility shall submit a post-closure plan to the Secretary not later than 15 days after:

(1) Termination of interim status, except when a permit is issued to the facility simultaneously with termination of interim status; or

(2) Issuance of a judicial decree or final orders under §3008 of RCRA or the Environment Article, Title 7, Annotated Code of Maryland, to cease receiving wastes or close.

J. The Secretary shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the post-closure plan and request modifications to the plan for up to 30 days from the date of the notice.

K. The Secretary may, in response to a request or at the Secretary's discretion in the absence of a request, hold a public hearing if a hearing might clarify one or more issues concerning a post-closure plan. If a public hearing is held, the Secretary shall give public notice of the hearing at least 30 days before it occurs.

L. The Secretary shall:

(1) Approve, modify, or disapprove the post-closure plan within 90 days of its receipt;

(2) Provide the owner or operator with a detailed written statement of reasons for the disapproval if the Secretary does not approve the post-closure plan, and require that the owner or operator modify the plan or submit a new plan for approval within 30 days after receiving the written statement;

(3) Approve or modify a post-closure plan revised in response to a disapproval under §L(1) of this regulation in writing within 60 days, and, if the Secretary further modifies the plan, designate this modified plan as the approved post-closure plan;

(4) Ensure that the approved post-closure plan is consistent with this section and Regulations .12, .14, and .15 of this chapter; and

(5) Mail to the owner or operator a copy of the plan as modified in §L(3) of this regulation and a detailed statement of reasons for the modifications to the owner or operator.

M. The Secretary may give notice of the public hearing under §K of this regulation at the same time as the notice of the opportunity to submit comments under §J of this regulation, and may combine the two notices.

N. The post-closure plan and length of the post-closure care period may be modified any time before the end of the post-closure care period.

O. The owner or operator or any member of the public may petition the Secretary to:

(1) Extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause; or

(2) Alter the requirements of the post-closure care period based on cause.

P. A person submitting a petition as described in §O of this regulation shall include in the petition evidence demonstrating that:

(1) The secure nature of the hazardous waste management unit or facility either makes the post-closure care requirements unnecessary, or supports reduction of the post-closure care period specified in the current post-closure plan, based upon information such as leachate or ground water monitoring results, characteristics of the wastes, application of advanced technology, or alternative disposal, treatment, or reuse techniques which indicate that the facility is secure; or

(2) The requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment, such as when leachate or ground water monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment.

Q. Consideration of Petitions by the Secretary.

(1) The Secretary shall consider the petitions described in §§O and P of this regulation only if the petitions present new and relevant information not previously considered by the Secretary.

(2) In considering a petition, the Secretary:

(a) Shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments up to 30 days after the date of the notice;

(b) Shall, in response to a request by the owner or operator or the public, hold a public hearing if a hearing might clarify one or more issues concerning the post-closure plan;

(c) May, at the Secretary's discretion if no request is received, hold a public hearing if a hearing might clarify one or more issues concerning the post-closure plan;

(d) Shall give the public notice of a hearing at least 30 days before the public hearing occurs; and

(e) May give public notice of the hearing under §Q(2)(b) and (c) of this regulation at the same time as notice of the opportunity for written public comments under §Q(2)(a) of this regulation, and may combine the two notices.

(3) After considering the public comments, the Secretary shall issue a final determination, based upon the criteria set forth in §P of this regulation.

(4) If the Secretary denies a petition described in §O of this regulation, the Secretary shall send the petitioner a brief written response giving a reason for the denial.

R. The Secretary may:

(1) Tentatively decide to modify the post-closure plan if the Secretary considers modification of the plan to be necessary to prevent threats to human health and the environment; and

(2) Propose to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause or alter the requirements of the post-closure care period based on cause.

S. The Secretary shall provide the owner or operator and the affected public, through a newspaper notice, the opportunity to submit written comments up to 30 days after the date of the notice and the opportunity for a public hearing as described in §Q(2)(b) and (c) of this regulation.

T. After considering the comments received, the Secretary shall issue a final determination that is based upon the same criteria as required for petitions under §P of this regulation.

U. Temporary Suspension.

(1) The Secretary may include, in the final determination under §R of this regulation, a modification of the post-closure plan, which includes, when appropriate, the temporary suspension rather than permanent deletion of one or more post-closure care requirements.

(2) At the end of the specified period of suspension, the Secretary shall determine whether the requirements should be permanently discontinued or reinstated to prevent threats to human health and the environment.

26.13.06.14

**.14 Post-Closure Notices.**

A. Not later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator shall submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Secretary, a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator shall identify the type, location, and quantity of the hazardous wastes to the best of the owner or operator's knowledge and in accordance with any records that the owner or operator has kept.

B. Within 60 days of certification of closure of the first hazardous waste disposal unit and within 60 days of certification of closure of the last hazardous waste disposal unit, the owner or operator shall:

(1) Record a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

(a) The land has been used to manage hazardous wastes,

(b) Its use is restricted under this regulation and Regulations .07—.15 of this chapter, and

(c) The survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility required by Regulation .12B of this chapter and §A of this regulation have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the Secretary; and

(2) Submit to the Secretary:

(a) A certification signed by the owner or operator that the owner or operator has recorded the notation specified in Regulation .14B(1) of this chapter; and

(b) A copy of the document in which the notation has been placed.

C. If the owner, operator, or any subsequent owner of the land upon which a hazardous waste disposal unit was located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, and all contaminated structures, equipment, and soils, the owner or operator shall:

(1) Request a modification to the approved post-closure plan in accordance with the requirements of Regulation .13N—U of this chapter;

(2) Demonstrate that the removal of hazardous wastes will satisfy the criteria of Regulation .12C(7) of this chapter; and

(3) Manage any hazardous waste generated in these removal activities in accordance with all applicable requirements of this subtitle.

D. If the owner or operator is granted approval to conduct the removal activities, the owner or operator may request that the Secretary approve either:

(1) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

(2) The addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

**.15 Certification of Completion of Post-Closure Care.**

A. Not later than 60 days after the completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator shall submit to the Secretary, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan.

B. The certification required in §A of this regulation shall be signed by the owner or operator and an independent registered professional engineer.

C. Documentation supporting the independent registered professional engineer's certification shall be furnished to the Secretary upon request until the Secretary releases the owner or operator from the financial assurance requirements for post-closure care under 40 CFR §265.145(h), which is incorporated by reference in Regulation .16 of this chapter.

**.16 Financial Requirements.**

A. Except as provided in §B of this regulation, an owner or operator of a facility subject to this chapter shall comply with 40 CFR §§265.140—265.148, which is incorporated by reference in COMAR 26.13.01.05B(1)(b).

## B. For the purposes of this regulation:

- (1) Substitute "Secretary" for "Regional Administrator";
- (2) Substitute "Department" for "Environmental Protection Agency";
- (3) In establishing the financial assurance for closure required by 40 CFR §265.143, a person may not use the financial test or corporate guarantee described in 40 CFR §265.143(e);
- (4) In establishing the financial assurance for post-closure care required by 40 CFR §265.145, a person may not use the financial test or corporate guarantee described in 40 CFR §265.145(e);
- (5) 40 CFR §265.140(b)(3) is not incorporated by reference; and
- (6) In 40 CFR §265.142(a), the reference to 40 CFR §265.1102 is not applicable.

**.17 Use and Management of Containers.**

The owner or operator of a facility at which containers are managed and who is subject to this chapter shall comply with COMAR 26.13.05.09.

**.18 Requirements for Hazardous Waste Management in Tank Systems.**

## A. General Requirements. An owner or operator of a tank or tank system who is subject to this chapter shall:

- (1) Except as provided in §§A(2), B, and C of this regulation, comply with COMAR 26.13.05.10— .10-6; and
- (2) If otherwise required by COMAR 26.13.05.10— .10-6 to comply with:
  - (a) COMAR 26.13.05.10-7, comply instead with the requirements of §D of this regulation, and
  - (b) COMAR 26.13.05.10-7C, comply instead with the requirements of §D(3) of this regulation.

## B. Request for Variance from Secondary Containment; Additional Requirements.

- (1) The Secretary shall:
  - (a) Inform the public, through a newspaper notice, of the availability of the demonstration for a variance required in COMAR 26.13.05.10-5F;
  - (b) Place the notice in a daily or weekly major local newspaper of general circulation; and
  - (c) Provide at least 30 days from the date of the notice for the public to review and comment on the demonstration for a variance.
- (2) Hearings on Demonstrations for Variances.
  - (a) The Secretary shall, at the Secretary's discretion or in response to a request for a public hearing, hold a public hearing if a hearing might clarify one or more issues concerning the demonstration for a variance.
  - (b) Public notice of the hearing:
    - (i) Shall be given at least 30 days before the date of the public hearing; and
    - (ii) May be given at the same time as notice of the opportunity for the public to review and comment on the demonstration for a variance.
- (3) The public notices required in §B(1)(a) and (2)(b) of this regulation may be combined.
- (4) Action on Request for Variance.
  - (a) The Secretary shall approve or disapprove the written request for a variance within 90 days of receipt of the demonstration from the owner or operator, and shall notify in writing the owner, operator, and each person who submitted written comments or requested notice of the variance decision.
  - (b) If the demonstration that is submitted in support of the written request for a variance is incomplete or does not include sufficient information, the 90-day time period under §B(4)(a) of this regulation shall begin when the Secretary receives a complete demonstration, including all information necessary to make a final determination.

DEPARTMENT OF THE ENVIRONMENT

26.13.06.19

(5) If the public comment period in §B(1) of this regulation is extended, the 90-day time period under §B(4)(a) of this regulation shall be similarly extended.

C. An owner or operator of a tank or tank system:

(1) Shall, in place of the requirement of COMAR 26.13.05.10D(1), inspect, if present, overfill or spill control equipment, such as waste-feed cutoff systems, bypass systems, and drainage systems, at least once each operating day to ensure that the equipment is in good working order;

(2) Shall, in place of the requirement of COMAR 26.13.05.10-3B(9), provide the type and degree of corrosion protection necessary, based on the informational requirements of COMAR 26.13.05.10-3B(2)(c), to ensure the integrity of the tank system during its use;

(3) Is not subject to the requirement of COMAR 26.13.05.10-3A that the written assessment required by COMAR 26.13.05.10-3B(1) be approved by the Secretary;

(4) Shall substitute "COMAR 26.13.06.02G" for "40 CFR §264.18(a)" in COMAR 26.13.05.10-3B(2)(c)(ii);

(5) Shall, in addition to the requirements of COMAR 26.13.05.10-4B(4), assure that the secondary containment system has sufficient strength and thickness to prevent failure due to the stress of installation;

(6) Is not required to make the demonstrations to the Secretary required in COMAR 26.13.05.10-4B(6) and C; and

(7) Shall, in place of the requirements of COMAR 26.13.05.10-4G(1)—(4), conduct an annual tank assessment that meets the requirements of COMAR 26.13.05.10-2B(3)(c) for both enterable and non-enterable tanks.

D. Closure and Post-Closure Care of Tank Systems.

(1) At the closure of a tank system, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste, unless COMAR 26.13.02.03D applies.

(2) An owner or operator shall ensure that the closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems meet all of the requirements specified in Regulations .07—.16 of this chapter.

(3) If an owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in §D(1) of this regulation, then the owner or operator shall close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements of Regulation .22 of this chapter which apply to landfills. In addition, for the purposes of closure, post-closure, and financial responsibility, the tank system is then considered to be landfill, and the owner or operator shall meet all of the requirements for landfills specified in Regulations .07—.16 of this chapter.

(4) If an owner or operator has a tank system that does not have secondary containment that meets the requirements of COMAR 26.13.05.10-4B—F, and has not been granted a variance from the secondary containment requirements in accordance with COMAR 26.13.05.10-5, then the owner or operator shall:

(a) Include in the closure plan for the tank system a:

(i) Plan for complying with §D(1) of this regulation, and

(ii) Contingent plan for complying §D(3) of this regulation;

(b) Prepare and submit a contingent post-closure plan for complying with §D(3) of this regulation as part of the part B CHS permit application required under Regulation .01B(5) of this chapter;

(c) Reflect, in the cost estimates calculated for closure and post-closure care, the costs of complying with the contingent closure plan and the contingent post-closure plan, if those costs are greater than the costs of complying with the closure plan prepared for the expected closure under §D(1) of this regulation;

(d) Base financial assurance on the cost estimates developed in accordance with §D(4)(c) of this regulation; and

(e) Ensure that the contingent closure and post-closure plans meet all of the closure, post-closure, and financial responsibility requirements for landfills under Regulations .07—.16 of this chapter.

**.19 Surface Impoundments.**

A. Applicability. This regulation applies to owners and operators of facilities that use surface impoundments to treat, store, or dispose of hazardous waste, except as Regulation .01 of this chapter otherwise provides.

B. An owner or operator of a surface impoundment subject to this regulation shall comply with the following:

(1) COMAR 26.13.05.11C(2), concerning freeboard, except as provided in §C of this regulation;

(2) COMAR 26.13.05.11D(1), concerning protective covers for earthen dikes;

(3) COMAR 26.13.05.11E, concerning waste analysis and trial test;

(4) COMAR 26.13.05.11G(1) and (2), concerning closure and post-closure care, except that the owner or operator:

(a) Shall, for the purposes of COMAR 26.13.05.11G(2), comply with the post-closure requirements of Regulations .12— .15 of this chapter instead of the requirements of COMAR 26.13.05.07G,

(b) Is not required to comply with the requirement of COMAR 26.13.05.11G(2)(b) to maintain and monitor the leak detection system, and

(c) Shall, for the purposes of compliance with COMAR 26.13.05.11G(2)(c), comply with the ground water monitoring requirements of Regulation .06 of this chapter instead of the requirements of COMAR 26.13.05.06— .06-7;

(5) COMAR 26.13.05.11I, concerning ignitable or reactive wastes, except that the owner or operator may also place ignitable or reactive waste in a surface impoundment if the owner or operator:

(a) Manages the waste in such a way that it is protected from any material or conditions which may cause it to ignite or react,

(b) Obtains a certification from a qualified chemist or engineer that, to the best of the chemist's or engineer's knowledge and opinion, the design features or operating plans of the facility will prevent ignition or reaction, and

(c) Maintains, at the facility, the certification required by §B(5)(b) of this regulation and the basis for the certification;

and

(6) COMAR 26.13.05.11J, concerning incompatible wastes.

C. Alternate Requirements Concerning Freeboard. The owner or operator:

(1) May maintain a freeboard level less than 60 centimeters (2 feet) in a surface impoundment if the owner or operator obtains certification by a qualified engineer that alternate design features or operating plans will, to the best of the engineer's knowledge and opinion, prevent overtopping of the dike; and

(2) Shall, if the owner or operator maintains a freeboard level of less than 60 centimeters, maintain at the facility:

(a) The certification required by §C(1) of this regulation, and

(b) Written identification of alternate design features or operating plans which will prevent overtopping.

D. Design Requirements.

(1) This section applies to each new surface impoundment unit, replacement of an existing surface impoundment unit, or lateral expansion of an existing surface impoundment unit that is within the area identified in the part A permit application, which receives hazardous waste on or after May 8, 1985.

(2) The owner or operator of a unit identified in §D(1) of this regulation shall install two or more liners and a leachate collection system between the liners in accordance with the requirements of COMAR 26.13.05.11D(4)—(8).

E. Notification.

(1) The owner or operator of each unit referred to in §D(1) of this regulation shall notify the Secretary in writing at least 60 days before receiving waste into the unit.

(2) Persons submitting a written notice under §E(1) of this regulation shall file a part B application with the Department within 6 months of the date that the Secretary receives the written notice.

26.13.06.20

F. Liner and Leachate Collection System Requirements for Initial Permits.

(1) Except as provided in §F(2) of this regulation, the Secretary, when issuing the first permit to a facility for a unit subject to this regulation, may not require the installation of a liner or leachate collection system different from that which was installed under §D(2) of this regulation if the owner or operator performed the installation in good faith compliance with:

(a) The requirements of §D(2) of this regulation; and

(b) Guidance documents governing liners and leachate collection systems under §D(2) of this regulation that have been issued by the Department or the U.S. Environmental Protection Agency, and which were the latest guidance at the time of installation of the system.

(2) The Secretary may require the installation of a new liner if the Secretary has reason to believe that a liner installed in response to the requirements of §D(2) of this regulation is leaking.

G. Inspections. The owner or operator of a surface impoundment shall inspect:

(1) At least once each operating day:

(a) The freeboard level to ensure compliance with COMAR 26.13.05.11C(2), or

(b) The compliance with alternate design features or operating plans that serve to prevent overtopping if freeboard is allowed to be less than 60 centimeters in accordance with §C of this regulation; and

(2) At least once a week, the surface impoundment, including dikes and vegetation surrounding the dikes, to detect any leaks, deterioration, or failures in the impoundment.

H. Compliance Schedule—Newly Regulated Impoundments.

(1) The owner or operator of a surface impoundment that is newly subject to §3005(j)(1) of RCRA due to the promulgation of additional listings or characteristics for the identification of hazardous waste shall assure that the surface impoundment is in compliance with §D of this regulation not later than 48 months after the promulgation of the additional listing or characteristic.

(2) The compliance period of §H(1) of this regulation may not be cut short as a result of the promulgation of land disposal restrictions under 40 CFR Part 268 or the granting of an extension to the effective date of a prohibition under 40 CFR §268.5 within the 48-month period identified in §H(1) of this regulation.

**.20 Waste Piles.**

A. Applicability.

(1) This regulation applies to owners and operators of facilities that store or treat hazardous waste in piles, except as §A(2) of this regulation or Regulation .01 of this chapter otherwise provides.

(2) Instead of complying with the requirements of this regulation for the storage or treatment of hazardous waste in piles, an owner or operator may manage the pile of hazardous waste as a landfill in compliance with the requirements of Regulation .22 of this chapter.

(3) This regulation is not applicable to waste piles that are closed with wastes left in place. Owners or operators of these waste piles shall comply with the requirements of Regulation .22 of this chapter.

B. An owner or operator of a waste pile subject to this regulation shall comply with:

(1) COMAR 26.13.05.12B(6), concerning the control of wind dispersal of particulate matter;

(2) COMAR 26.13.05.12C, concerning waste analysis;

(3) COMAR 26.13.05.12E, concerning inspection and testing;

(4) COMAR 26.13.05.12G, concerning special requirements for ignitable or reactive waste;

(5) COMAR 26.13.05.12H, concerning special requirements for incompatible wastes; and

(6) COMAR 26.13.05.12I(1) and (2), concerning closure and post-closure care.

C. Control of Precipitation, Run-off, and Run-on. If leachate or run-off from a pile is a hazardous waste, then the owner or operator shall ensure that either:

(1) The following requirements are met:

(a) The pile is placed on an impermeable base that is compatible with the waste under the conditions of treatment or storage; and

(b) The facility is in compliance with:

(i) COMAR 26.13.05.12B(3), concerning a run-on control system,

(ii) COMAR 26.13.05.12B(4), concerning a run-off management system, and

(iii) COMAR 26.13.05.12B(5), concerning collection and holding facilities for run-off and run-on; or

(2) The following requirements are met:

(a) The pile is protected from precipitation and run-on by some means other than that required by §C(1) of this regulation; and

(b) Liquids or wastes containing free liquids are not placed in the pile.

D. Design Requirements – Liners and Leachate Collection Systems.

(1) This section applies to each new waste pile unit, replacement of an existing waste pile unit, or lateral expansion of an existing waste pile unit that is within the area identified in the part A permit application, which receives hazardous waste on or after May 8, 1985.

(2) The owner or operator of a unit identified in §D(1) of this regulation shall comply with the requirements of COMAR 26.13.05.12B for liners and leachate collection systems or equivalent protection.

E. Containment System Repairs, Contingency Plans. The owner or operator shall comply with the requirements of COMAR 26.13.05.12F, except that a waste pile that is to be closed under COMAR 26.13.05.12F(6) shall be closed in accordance with COMAR 26.13.05.12I(1) and (2).

## **.21 Land Treatment.**

A. Except as provided in §B of this regulation, an owner or operator of a land treatment facility shall comply with 40 CFR §§265.270—265.282, which are incorporated by reference in COMAR 26.13.01.05B(1)(b).

B. For the purposes of this regulation:

(1) Substitute "Secretary" for "Regional Administrator";

(2) Substitute "COMAR 26.13.06.01" for "§265.1";

(3) In 40 CFR §265.280, substitute "In the closure plan under COMAR 26.13.06.08 and the post-closure plan under COMAR 26.13.06.12B " for "In the closure plan under §265.112 and the post-closure plan under §265.118,";

(4) In 40 CFR §265.281, substitute "An owner or operator may not apply ignitable or reactive waste to a land treatment zone unless all applicable federal requirements of 40 CFR part 268 are met, and:" for "The owner or operator must not apply ignitable or reactive waste to the treatment zone unless the waste and treatment zone meet all applicable requirements of 40 CFR part 268"; and

(5) In addition to the requirements of 40 CFR §265.272, the owner or operator shall operate and maintain the treatment zone to minimize run-off of hazardous constituents during the active life of the land treatment unit.

## **.22 Landfills.**

A. Applicability.

(1) This regulation applies to facilities that dispose of hazardous waste in landfills, except as Regulation .01 of this chapter otherwise provides.

(2) This regulation also applies to a waste pile used as a disposal facility. A waste pile used as a disposal facility is considered to be a landfill.

DEPARTMENT OF THE ENVIRONMENT

26.13.06.22

B. An owner or operator of a landfill subject to this regulation shall comply with the following:

- (1) COMAR 26.13.05.14B(6)–(9), concerning control of run-on, run-off, and wind dispersal of particulate matter;
- (2) COMAR 26.13.05.14I, concerning surveying and record keeping;
- (3) COMAR 26.13.05.14J, concerning closure and post-closure care, except that:

(a) For the purposes of compliance with COMAR 26.13.05.14J(2), the owner or operator shall comply with the requirements of Regulations .12–.15 of this chapter instead of the requirements of COMAR 26.13.05.07G–J; and

(b) For the purposes of compliance with COMAR 26.13.05.14J(2)(c), the owner or operator shall comply with the groundwater monitoring requirements contained in Regulation .06 of this chapter instead of the requirements of COMAR 26.13.05.06–.06-7;

(4) COMAR 26.13.05.14L, concerning special requirements for ignitable or reactive waste, except that ignitable waste in a container may be landfilled without meeting the requirements of COMAR 26.13.05.14L if:

(a) Neither the container nor the waste contains free liquids;

(b) The waste is disposed of in such a way that it is protected from any materials or conditions which may cause it to ignite;

(c) At a minimum, the owner or operator assures that:

(i) The waste is disposed of in nonleaking containers,

(ii) The container in which the waste is packaged is carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition which might cause ignition of the waste,

(iii) The waste is covered daily with soil or other noncombustible material to minimize the potential for ignition of the waste, and

(iv) The waste is not disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste;

(5) COMAR 26.13.05.14M, concerning special requirements for incompatible wastes; and

(6) COMAR 26.13.05.14O, concerning special requirements for containers.

C. Design Requirements.

(1) This section applies to each new landfill unit, replacement of an existing landfill unit, or lateral expansion of an existing landfill unit that is within the area identified in the part A permit application, which receives hazardous waste on or after May 8, 1985.

(2) The owner or operator of a unit identified in §C(1) of this regulation shall install two or more liners and a leachate collection system in accordance with the requirements of COMAR 26.13.05.14B(3)–(5).

D. Notification.

(1) The owner or operator of each unit referred to in §C(1) of this regulation shall notify the Secretary at least 60 days before receiving waste into the unit.

(2) Persons submitting notice under §D(1) of this regulation shall file a part B application with the Department within 6 months of the date that the Secretary receives the notice.

E. Liner and Leachate Collection System—Requirements for Initial Permits.

(1) Except as provided in §E(2) of this regulation, the Secretary, when issuing the first permit to a facility for a unit subject to this regulation, may not require the installation of a liner or leachate collection system different from that which was installed under §C(2) of this regulation if the owner or operator performed the installation in good faith compliance with:

(a) The requirements of §C(2) of this regulation; and

(b) Guidance documents governing liners and leachate collection systems under §C(2) of this regulation that have been issued by the Department or the U.S. Environmental Protection Agency, and which were the latest guidance at the time of installation of the system.

DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES

26.13.06.24

(2) The Secretary may require the installation of a new liner if the Secretary has reason to believe that a liner installed in response to the requirements of §C(2) of this regulation is leaking.

F. Special Requirements for Liquid Wastes and Containers.

(1) A person may not place waste containing free liquids in a landfill, including bulk waste, noncontainerized waste, or waste in containers.

(2) To demonstrate the absence or presence of free liquids for the purposes of §F(1) of this regulation, a person shall use Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication SW-846, as incorporated by reference in COMAR 26.13.01.05A(4).

(3) A person may place in a landfill small containers of hazardous waste in overpacked drums, referred to as "lab packs", if the person assures that the following requirements are met:

(a) The lab pack does not hold any waste that contains free liquids;

(b) The hazardous waste is packaged in nonleaking inside containers which:

(i) Will not react dangerously with the waste the inside containers contain,

(ii) Will not be decomposed by the waste the inside containers contain,

(iii) Will not be ignited by the waste the inside containers contain,

(iv) Are tightly and securely sealed, and

(v) Are of the type specified in the U.S. Department of Transportation hazardous materials regulations (49 CFR 173, 178, and 179) if those regulations specify a particular inside-container for the waste;

(c) The inside containers are:

(i) Overpacked in an open head DOT-specification metal shipping container, as described in 49 CFR 178 and 179, which has a capacity of 416 liters (110 gallons) or less, and

(ii) Surrounded by absorbent material such that the metal outer container is full after packing with inside containers and absorbent material;

(d) The absorbent material required by §F(3)(c)(ii) of this regulation is not capable of reacting dangerously with, being decomposed by, or being ignited by, the contents of the inside containers;

(e) Incompatible wastes are not placed in the same outside container; and

(f) Reactive waste is treated or rendered nonreactive before it is packaged in accordance with §F(3)(a)—(e) of this regulation, except that cyanide-bearing or sulfide-bearing waste as described in COMAR 26.13.02.13A(5) may be packaged in accordance with §F(3)(a)—(e) of this regulation without first being treated or rendered nonreactive.

**.23 Incinerators.**

A. Applicability.

(1) This regulation applies to owners and operators of facilities that incinerate hazardous waste, except as Regulation .01 of this chapter otherwise provides.

(2) The following owners or operators are considered to incinerate hazardous waste:

(a) Owners or operators of hazardous waste incinerators as defined in COMAR 26.13.01.03B; and

(b) Owners or operators who burn hazardous wastes in boilers or in industrial furnaces in order to destroy the wastes.

B. Except as provided in §C of this regulation, an owner or operator of a facility who treats hazardous waste by thermal destruction as defined in COMAR 26.13.01.03B shall comply with 40 CFR §§265.340(b)—265.351, which is incorporated by reference in COMAR 26.13.01.05B(1)(b).

C. An owner or operator of an incinerator subject to this regulation may not burn EPA Hazardous Wastes F020, F021, F022, F023, F026, or F027.

26.13.06.24

**.24 Thermal Treatment and Open Burning.**

A. Except as provided in §B of this regulation, an owner or operator of a facility in which thermal treatment and open burning is conducted shall comply with 40 CFR §§265.370 – 265.382, which is incorporated by reference in COMAR 26.13.01.05B(1)(b).

B. For the purposes of this regulation:

(1) Owners and operators of thermal treatment devices subject to this regulation may not burn EPA Hazardous Wastes F020, F021, F022, F023, F026, or F027; and

(2) In 40 CFR §265.370, delete the clause "and Subpart H of part 266, if the unit is a boiler or industrial furnace as defined in §260.10".

**.25 Chemical, Physical, and Biological Treatment.**

A. Except as provided in §B of this regulation, an owner or operator who treats hazardous waste using chemical, physical, or biological methods shall comply with 40 CFR §§265.400-- 265.406, which is incorporated by reference in COMAR 26.13.01.05B(1)(b).

B. For the purposes of this regulation:

(1) Substitute "COMAR 26.13.06.01" for "§265.1"; and

(2) In 40 CFR §265.400, substitute "COMAR 26.13.06.18, .19, and .21" for "subparts J, K, and M respectively".

**.26 Drip Pads.**

A. Except as provided in §B of this regulation, an owner or operator using drip pads who is subject to this chapter shall comply with the requirements of COMAR 26.13.05.17-1—.17-4.

B. In complying with COMAR 26.13.05.17-4B, the reference to Regulation .22 of this chapter replaces COMAR 26.13.05.14J.

**.27 Underground Injection Control.**

A person may not dispose of hazardous waste by underground injection.

**.28 Hazardous Waste Munitions and Explosives Storage.**

The owner or operator of a facility at which hazardous waste munitions or hazardous waste explosives are stored and who is subject to this chapter shall comply with COMAR 26.13.05.21.

**.29 Containment Buildings.**

The owner or operator of a facility at which a containment building is used to manage hazardous waste and who is subject to this chapter shall comply with COMAR 26.13.05.18 —.18-3.

**Administrative History****Effective date:**

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Regulation .01B amended effective January 31, 1983 (10:2 Md. R. 110)

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Regulations .01—.27 under new chapter COMAR 26.13.06, Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, adopted effective October 16, 2000 (27:20 Md. R. 1843)

Regulation .01A amended effective November 1, 2002 (29:21 Md. R. 1647); May 1, 2008 (35:8 Md. R. 809)

Regulation .07B amended effective May 1, 2008 (35:8 Md. R. 809)

Regulation .08E amended effective May 1, 2008 (35:8 Md. R. 809)

Regulation .12A amended effective May 1, 2008 (35:8 Md. R. 809)

Regulation .19H adopted effective May 1, 2008 (35:8 Md. R. 809)

Regulation .28 adopted effective May 1, 2008 (35:8 Md. R. 809)

Regulation .29 adopted effective May 1, 2008 (35:8 Md. R. 809)