

26.13.05.00

**Title 26 DEPARTMENT OF THE  
ENVIRONMENT**

**Subtitle 13 DISPOSAL OF CONTROLLED  
HAZARDOUS SUBSTANCES**

**Chapter 05 Standards for Owners and Operators of Hazardous Waste  
Treatment, Storage, and Disposal Facilities**

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

26.13.05.01

**.01 General.**

A. Purpose, Scope, and Applicability.

(1) The purpose of this regulation is to establish minimum State standards which define the acceptable management of hazardous waste.

(2) The standards in this chapter apply to owners and operators of facilities which treat, store, or dispose of hazardous waste. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities or at inactive facilities, except as specifically provided otherwise in this chapter, COMAR 26.13.02, or 26.13.06. These standards apply to inactive disposal facilities when the Department determines that a substantial present or potential hazard to human health or the environment exists.

(3) 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 and complying with the following regulations:

(i) Regulation .02B, and

(ii) Regulation .05B, C, D(1) and (2)(a), and F and G;

(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 required in this chapter or by COMAR 26.13.10;

(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 in this chapter;

(e) A farmer disposing of waste pesticides from his 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, unless the unit is used to treat waste from off-site;

(h) A person engaged in treatment or containment activities during immediate response to any of the following situations, except as provided in §D of this regulation:

(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, if 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) if the owner or operator:

(i) Has an NPDES permit,

(ii) Complies with the conditions of the facility's NPDES permit, and

(iii) Complies with Regulations .02B, .05B, C, D(1) and (2)(a), F, and G of this chapter;

(j) 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) Regulation .02H(2) of this chapter, which concerns requirements for ignitable, reactive, or incompatible waste, is complied with;

(iii) Regulation .09B of this chapter, which concerns condition of containers, is complied with; and

(iv) Regulation .09C of this chapter, which concerns compatibility of waste with containers, is complied with;

(k) 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, thermostats, or PCB-containing lamp ballasts, each as described in COMAR 26.13.10.09; or

(l) A person who operates a device to crush mercury-containing lamps if the person who operates the device is in compliance with the requirements of COMAR 26.13.10.15B(3).

B. Relationship to Interim Status Standards. A facility owner or operator who has fully complied with the requirements for interim status, as defined in §3005(e) of RCRA and COMAR 26.13.07.23A, shall comply with the regulations specified in COMAR 26.13.06 in place of the regulations in this chapter, until final administrative disposition of the owner or operator's permit application is made.

C. Imminent Hazard Action. Notwithstanding any other provisions of these regulations, enforcement actions may be brought under Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland.

D. Clarifications Concerning Responses to Emergencies.

(1) The owner or operator of a facility exempted under §A(3)(h) of this regulation but otherwise subject to the requirements of this chapter shall comply with all applicable requirements of Regulations .03 and .04 of this chapter.

(2) A person exempted from the requirements of this chapter under §A(3)(h) of this regulation who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter and COMAR 26.13.07 with respect to those activities.

(3) The exemptions of §A(3)(h)(i)—(iii) of this regulation only apply to activities taken in response to a discharge or an imminent and substantial threat of a discharge. After the immediate response activities are completed, the applicable regulations of this chapter apply fully to the management of any spill residue or debris which is a hazardous waste under COMAR 26.13.02.

(4) The Secretary may:

(a) Require a person to comply with the requirements of this chapter even though the person is otherwise exempted from complying with these requirements under §A(3)(h) of this regulation if the Secretary determines that requiring compliance is necessary for the protection of human health or the environment; and

(b) Consider the following in making the determination under §D(4)(a) of this regulation that a treatment or containment activity shall be subject to the requirements of this chapter:

(i) The volume of the waste or material that is the subject of the treatment or containment activity,

(ii) The toxicity of the waste or material that is the subject of the treatment or containment activity, or

(iii) The risks associated with the treatment or containment activity.

26.13.05.02

## **.02 General Facility Standards.**

A. Applicability. This regulation applies to owners and operators of all hazardous waste facilities, except as Regulation .01A provides otherwise.

B. Identification Number. Every facility owner or operator shall apply to the State for an EPA identification number.

C. Required Notices.

(1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall notify the Secretary in writing at least 4 weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

(2) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure period, the owner or operator shall notify the new owner or operator in writing of the requirements of this chapter and COMAR 26.13.07.

(3) The owner or operator of a facility that receives hazardous waste from an off-site source, unless the owner or operator is also the generator, shall inform the generator in writing that the appropriate permit or permits for the facility have been obtained, or that the facility has qualified for interim status, and that the waste the generator is shipping will be accepted. The owner or operator shall keep a copy of this written notice as part of the operating record.

(4) Hazardous Waste Received at a Recovery Facility from a Foreign Source.

(a) For the purposes of this subsection:

(i) "Competent authorities" has the meaning stated in 40 CFR §262.81(a);

(ii) "Concerned countries" has the meaning stated in 40 CFR §262.81(b);

(iii) "Notifier" has the meaning stated in 40 CFR §262.81(g);

(iv) "Recovery facility" has the meaning stated in 40 CFR §262.81(j); and

(v) "Tracking document" means a document that meets the requirements of 40 CFR §262.84, which is incorporated by reference in COMAR 26.13.01.05B(1)(d).

(b) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to COMAR 26.13.03.07-5, which deals with international agreements

concerning shipments of hazardous waste, shall provide a copy of the tracking document bearing all required signatures, within 3 working days of receipt of the shipment to:

(i) The notifier;

(ii) The U.S. EPA at the address given in 40 CFR §264.12(a)(2); and

(iii) The competent authorities of all other concerned countries.

(c) A person required to distribute copies of a tracking document under §C(4)(b) of this regulation shall maintain the original of the signed tracking document at the facility for at least 3 years.

#### D. General Waste Analysis.

##### (1) Chemical and Physical Analysis.

(a) Before an owner or operator treats, stores, or disposes of any hazardous waste, or non-hazardous waste if applicable under Regulation .07D(6) of this chapter, the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis shall contain all the information which is needed to treat, store, or dispose of the waste in accordance with the requirements of this chapter or with the conditions of a permit issued pursuant to COMAR 26.13.07.

(b) The analysis may include data developed under COMAR 26.13.02, existing published or documented data on the hazardous waste or on waste generated from similar processes.

(c) The owner or operator shall repeat the analysis required by §D(1)(a) of this regulation to ensure that it is accurate and up to date, and, in doing so, repeat the analysis at a minimum:

(i) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Regulation .07D(6) of this chapter, has changed; and

(ii) For off-site facilities, when the results of the inspection required in §D(1)(d), below, indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

(d) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

##### (2) Written Analysis. The owner or operator shall:

- (a) Develop and follow a written waste analysis plan which describes the procedures which the owner or operator will carry out to comply with §D(1) of this regulation.
  - (b) Keep the waste analysis plan required by §D(2)(a) of this regulation at the facility;
  - (c) Assure that the plan required by §D(2) of this regulation specifies, at a minimum:
    - (i) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Regulation .07D(6) of this chapter, will be analyzed and the rationale for the selection of these parameters, explaining how analysis for these parameters will provide sufficient information on the waste's properties to comply with §D(1) of this regulation,
    - (ii) The test methods which will be used to test for these parameters,
    - (iii) The sampling method which will be used to obtain a representative sample of the waste to be analyzed, which may be either one of the sampling methods described in COMAR 26.13.02.20 or an equivalent sampling method,
    - (iv) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date,
    - (v) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply, and
    - (vi) When applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in §H of this regulation and Regulations .14N and .16D of this chapter; and
  - (d) Assure that, for off-site facilities, the waste analysis plan required in §D(2)(a) of this regulation at a minimum:
    - (i) Specifies the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper,
    - (ii) Describes the procedures which will be used to determine the identity of each movement of waste managed at the facility, and
    - (iii) Describes the sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.
- E. Security.
- (1) The owner or operator shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of his facility, unless it can be demonstrated to the Secretary that:

(a) Physical contact with the waste, structures, or equipment within the active portion of the facility does not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility; and

(b) Disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, does not cause a violation of the requirements of this chapter.

(2) Unless exempt under §E(1)(a) and (b), above, a facility shall have:

(a) A 24-hour surveillance system (for example, television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry onto the active portion of the facility; or

(b) An artificial or natural barrier (for example, a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and

(c) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (for example, an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

(3) Unless exempt under §E(1)(a) and (b), above, a sign with the legend "Danger—Unauthorized Personnel Keep Out", shall be posted at every entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion. The legend shall be written in English and in any other language predominant in the area surrounding the facility and must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger—Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

#### F. General Inspection Requirements.

(1) The owner or operator shall inspect his facility for malfunctions and deterioration, operator errors, and discharges which may be causing, or may lead to, a release of hazardous waste constituents to the environment or may be causing, or may lead to, a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(2) Development of Written Schedule.

(a) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

(b) The owner shall keep this schedule at the facility.

(c) The schedule shall identify the types of problems (for example, malfunctions or deterioration) which are to be looked for during the inspection (for example, inoperative sump pump, leaking fitting, eroding dike, etc.).

(d) The owner or operator:

(i) May develop an inspection schedule on which the frequency of inspection for the items on the schedule varies;

(ii) Shall base the frequency of inspection on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections;

(iii) Shall inspect areas subject to spills, such as loading and unloading areas, daily when in use; and

(iv) Shall include in the inspection schedule, at a minimum, the items and frequencies called for in Regulations .09E, .10D, .10-4G, .11F, .12E, .13D, .14C, .16I, and .16-1C of this chapter.

(3) The owner or operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. When a hazard is imminent or has already occurred, remedial action shall be taken immediately.

(4) The owner or operator shall record inspections in an inspection log or summary. He shall keep these records for at least 3 years from the date of inspection. At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

#### G. Personnel Training.

##### (1) Program of Instruction or Training.

(a) Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this chapter. The owner or operator shall ensure that this program includes all the elements described in the document required under §G(4)(c), below.

(b) This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous

waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

(c) At a minimum the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, when applicable:

(i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(ii) Key parameters for automatic waste feed cutoff systems;

(iii) Communications or alarm systems;

(iv) Response to fires or explosions;

(v) Response to ground water contamination incidents; and

(vi) Shutdown of operations.

(2) Facility personnel shall successfully complete the program required in §G(1), above, within 6 months after the effective date of these regulations or 6 months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations may not work in unsupervised positions until they have completed the training requirements of §G(1), above.

(3) Facility personnel shall take part in an annual review of the initial training required in §G(1), above.

(4) The owner or operator shall maintain the following documents and records at the facility:

(a) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

(b) A written job description for each position listed under §G(4)(a), above. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of employees assigned to each position.

(c) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under §G(4)(a), above.

(d) Records that document that the training or job experience required under §G(1), (2), and (3) has been given to, and completed by, facility personnel.

(5) Training records on current personnel shall be kept until closure of the facility. Training records on former employees shall be kept for at least 3 years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

#### H. General Requirements for Ignitable, Reactive, or Incompatible Wastes.

(1) The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from the sources of ignition or reaction including, but not limited to open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electric, or mechanical), spontaneous ignition (for example, from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator shall confine smoking and open flame to specially designated locations. "No smoking" signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(2) When specifically required by this subtitle, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, shall be conducted so that it does not:

(a) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(b) Produce uncontrolled toxic mists, fumes, dusts, or gasses in sufficient quantities to threaten human health or the environment;

(c) Produce uncontrolled flammable fumes or gasses in sufficient quantities to pose a risk of fire or explosions;

(d) Damage the structural integrity of the device or facility containing the waste; or

(e) Through other like means threaten human health or the environment.

(3) When required to comply with §H(1) or (2), the owner or operator shall document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests (for example, bench scale or pilot scale tests), waste analysis according to §D of this regulation, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

#### I. Aisle Space.

(1) The facility owner or operator shall provide sufficient aisle space to allow for:

(a) Inspections by the Department;

(b) Inspections under §F of this regulation; and

(c) Compliance with Regulation .03F.

(2) At a minimum, the aisle space shall be no less than 2 feet in width.

**J. Transportation Certification.**

(1) Unless §J(2), below, applies, a facility shall only accept CHS from a certified hauler who has the following:

(a) The CHS hauler certification;

(b) His or her CHS driver certification; and

(c) The vehicle certification.

(2) A facility shall only accept CHS from a hauler without a certification upon approval from the Department.

26.13.05.03

### **.03 Preparedness and Prevention.**

A. Applicability. This regulation applies to owners and operators of all hazardous waste facilities, except as Regulation .01A otherwise provides.

B. Design and Operation of Facility. Facilities shall be designed, constructed, maintained, and operated 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.

C. Required Equipment. All facilities shall be equipped with the following, unless it can be demonstrated to the Secretary that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

- (1) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- (2) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
- (3) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
- (4) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

D. Testing and Maintenance of Equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.

E. Access to Communications or Alarm System.

- (1) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access to an internal alarm or emergency communications device, either directly or through visual or voice contact with another employee, unless the Secretary has ruled that such a device is not required under § C of this regulation.
- (2) If there is ever just one employee on the premises while the facility is operating, he shall have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external

emergency assistance, unless the Secretary has ruled that such a device is not required under § C of this regulation.

F. Required Aisle Space. The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the Secretary that aisle space is not needed for any of these purposes.

G. Special Handling for Ignitable or Reactive Waste. The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, friction heat, sparks (static, electrical, or mechanical), spontaneous ignition (for example, from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator shall confine smoking and open flame to specially designated locations. "No Smoking" signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

H. Arrangements With Local Authorities.

(1) The owner or operator shall attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

(a) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility and possible evacuation routes;

(b) When more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority. Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

(c) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(2) When State or local authorities decline to enter into these arrangements, the owner or operator shall document the refusal in the operating record.

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

A. Applicability. This regulation applies to owners and operators of all hazardous waste facilities, except as Regulation .01 otherwise provides.

B. Purpose and Implementation of Contingency Plan.

(1) Every owner or operator shall have a contingency plan for his facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

(2) The provisions of the plan shall be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

C. Content of Contingency Plan.

(1) The contingency plan shall describe the actions facility personnel shall take to comply with § B and G in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

(2) If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112 or 1510, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this chapter.

(3) The plan shall describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to Regulation .03H.

(4) The plan shall list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see § F), and this list shall be kept up to date. When more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates. For new facilities, this information shall be supplied to the Secretary at the time of certification, rather than at the time of permit application.

(5) The plan shall include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is

required. This list shall be kept up to date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(6) The plan shall include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan shall describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (when the primary routes could be blocked by releases of hazardous waste or fires).

D. Copies of Contingency Plan. A copy of the contingency plan and all revisions to the plan shall be:

(1) Maintained at the facility; and

(2) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

E. Amendments of Contingency Plan. The contingency plan shall be reviewed, and immediately amended, if necessary, whenever the:

(1) Facility permit is revised;

(2) Plan fails in an emergency;

(3) Facility changes in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;

(4) List of emergency coordinators changes; or

(5) List of emergency equipment changes.

F. Emergency Coordinator. At all times, there shall be at least one employee either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.

G. Emergency Procedures.

(1) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) shall immediately:

(a) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(b) Notify appropriate State or local agencies with designated response roles if their help is needed.

(2) Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. He may do this by observation or review of facility records or manifests, and, if necessary, by chemical analysis.

(3) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment shall consider both direct and indirect effects of the release, fire, or explosion (for example, the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).

(4) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, or if the release is of a quantity which would exceed the Reportable Quantities listed in 40 CFR 302, as promulgated effective July 1, 1990, the emergency coordinator shall report his findings as follows:

(a) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities and be available to help appropriate officials decide whether local areas should be evacuated.

(b) The emergency coordinator shall immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under 40 CFR 1510) or the National Response Center using their 24-hour toll-free number (800)424-8802, and the Maryland Department of the Environment, Emergency Response Program, (410)974-3551. The report shall include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (for example, release, fire);

(iv) Name and quantity of materials involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health, or the environment, outside the facility.

(5) During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(6) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(7) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

(8) The emergency coordinator shall ensure that, in the affected areas of the facility:

(a) Waste that may be incompatible with the released material is not treated, stored, or disposed of until cleanup procedures are completed; and

(b) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(9) The owner or operator shall notify the Secretary, and appropriate other State and local authorities, that the facility is in compliance with § G(8) before operations are resumed in the affected areas of the facility.

(10) The owner or operator shall note in the operating record the time, date, and details of any incident that required implementing the contingency plan. Within 15 days after the incident, he shall submit a written report on the incident to the Secretary. The report shall include:

(a) Name, address, and telephone number of the owner or operator;

(b) Name, address, and telephone number of the facility;

(c) Date, time, and type of incident (for example, fire, explosion);

(d) Name and quantity of materials involved;

(e) The extent of injuries, if any;

(f) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(g) Estimated quantity and disposition of recovered material that resulted from the incident.

26.13.05.05

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

### **A. Applicability.**

(1) This regulation applies to owners and operators of both on-site and off-site facilities, except as Regulation .01 of this chapter otherwise provides.

(2) Sections B, C, and G of this regulation do not apply to owners and operators of on-site facilities that do not receive hazardous waste from off-site sources.

(3) Section D(2)(i) of this regulation only applies to owners or operators who treat, store, or dispose of hazardous wastes on-site where these wastes were generated.

### **B. Use of Manifest System.**

(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or his agent, shall:

(a) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

(b) Note any significant discrepancies in the manifest as defined in §C(1) on each copy of the manifest;

(c) Immediately give the transporter at least one copy of the signed manifest;

(d) Within 30 days after the delivery, send a copy of the manifest to the generator;

(e) Send a completed copy of the manifest to the Department within 10 days after receipt of the hazardous waste; and

(f) Retain at the facility a copy of each manifest for at least 3 years from the date of delivery.

(2) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator's certification, and signatures), the owner or operator, or his agent, shall:

(a) Sign and date each copy of the shipping paper to certify that the hazardous waste covered by the shipping paper was received;

(b) Note any significant discrepancies in the shipping paper as defined in §C(1)) of this regulation on each copy of the shipping paper;

(c) Immediately give the rail or water (bulk shipment) transporter at least one copy of the shipping paper;

(d) Within 30 days after the delivery, send a copy of the shipping paper to the generator; however, if the manifest is received within 30 days after the delivery, the owner or operator, or his agent, shall sign and date the manifest and return it to the generator instead of the shipping paper; and

(e) Retain at the facility a copy of each shipping paper and manifest for at least 3 years from the date of delivery.

(3) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of COMAR 26.13.03.

(4) Hazardous Waste Received at a Recovery Facility from a Foreign Source.

(a) For the purposes of this subsection:

(i) "Competent authorities" has the meaning stated in 40 CFR §262.81(a);

(ii) "Concerned countries" has the meaning stated in 40 CFR §262.81(b);

(iii) "Notifier" has the meaning stated in 40 CFR §262.81(g);

(iv) "Recovery facility" has the meaning stated in 40 CFR §262.81(j); and

(v) "Tracking document" means a document that meets the requirements of 40 CFR §262.84, which is incorporated by reference in COMAR 26.13.01.05B(1)(d).

(b) The owner or operator of a facility that has received hazardous waste subject to COMAR 26.13.03.07-5, which deals with international agreements concerning shipments of hazardous waste, shall provide a copy of the tracking document bearing all required signatures, within 3 working days of receipt of the shipment to:

(i) The notifier;

(ii) The U.S. EPA at the address given in 40 CFR §264.71(d); and

(iii) The competent authorities of all other concerned countries.

(c) A person required to distribute copies of a tracking document under §B(4)(b) of this regulation shall maintain the original of the signed tracking document at the facility for at least 3 years.

C. Manifest Discrepancies.

(1) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are:

(a) For bulk waste, variations greater than 10 percent in weight; and

(b) For batch waste, any variation in piece count, such as discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

(2) Upon discovering a significant discrepancy, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter (for example, with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall immediately submit to the Secretary a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

#### D. Operating Record.

(1) The owner or operator shall keep a written operating record at his facility.

(2) The owner or operator shall record following information as it becomes available, and maintain it in the operating record until closure of the facility:

(a) A description and the quantity of each hazardous waste received, and the methods and dates of its treatment, storage, or disposal at the facility as required by Regulation .20 of this chapter;

(b) Information on the inventory of hazardous waste at the facility, including:

(i) The location of each hazardous waste within the facility;

(ii) The quantity of hazardous waste at each location;

(iii) For the information required by §D(2)(b)(i) and (ii) of this regulation, cross-references to the specific manifest document numbers, if the waste was accompanied by a manifest; and

(iv) For disposal facilities, a map or diagram of each cell or disposal area on which has been recorded the location and quantity of each hazardous waste.

(c) Records and results of waste analysis performed as specified in Regulations .02D and H, .14N, and .16D of this chapter.

- (d) Summary reports and details of all incidents that require implementing the contingency plan as specified in Regulation .04G(10) of this chapter.
- (e) Records and results of inspections as required by Regulation .02F(4) of this chapter (except these data need be kept only 3 years).
- (f) For off-site facilities, notices to generators as specified in Regulation .02C(3) of this chapter.
- (g) All closure cost estimates under Regulation .08 of this chapter and for disposal facilities all post-closure cost estimates under Regulation .08 of this chapter.
- (h) Monitoring, testing, or analytical data, and corrective action when required by Regulations .06—.06-7, .10D, .10-2, .10-4, .11F, .12E, .13G, I, K, .14C, I, .16I, and .16-1C of this chapter.
- (i) A certification by the owner or operator at least annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the permittee to be economically practicable; and the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment.

#### E. Availability, Retention, and Disposition of Records.

- (1) All records, including plans, required under this chapter shall be furnished upon request, and made available at all reasonable times for inspection by any officer, employee, or representative of the Department who is duly designated by the Secretary.
- (2) The retention period for all records required under this chapter is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Secretary.
- (3) A copy of records of waste disposal locations and quantities under §D(2)(b) of this regulation shall be submitted to the Secretary and local land authority upon closure of the facility.

#### F. Annual or Biennial Reporting. An owner or operator shall:

- (1) Periodically, submit reports to the Secretary concerning hazardous waste generated during the preceding calendar year on EPA or State Form 8700-13B, or on an alternate form provided by the Secretary;
- (2) Submit the reports required by §F(1) of this regulation with the following frequency:
  - (a) Annually, for reporting periods through December 31, 1995, and

(b) Biennially, for reporting periods beginning January 1, 1997;

(3) Submit the reports required by §F(1) of this regulation not later than:

(a) March 1 of the following year for reporting periods through December 31, 1995, and

(b) March 1 of each even numbered year for the preceding calendar year for reporting periods beginning January 1, 1997; and

(4) Assure that the reports required by §F(1) of this regulation contain, at a minimum, the following information:

(a) The EPA identification number, name, and address of the facility,

(b) The calendar year covered by the report,

(c) For off-site facilities within the United States, the EPA identification number of each hazardous waste generator from whom the facility received a hazardous waste during the year,

(d) For imported shipments, the name and address of the foreign generator,

(e) A description and the quantity of each hazardous waste the facility received during the year,

(f) For off-site facilities within the United States, a listing of the information required by §F(4)(e) of this regulation under the EPA identification number of each generator from whom the facility received hazardous waste,

(g) The method of treatment, storage, or disposal for each hazardous waste,

(h) The certification signed by the owner or operator of the facility or the owner's or operator's authorized representative,

(i) The most recent closure cost estimate under Regulation .08 of this chapter and, for disposal facilities, the most recent post-closure cost estimate under Regulation .08 of this chapter,

(j) For generators who treat, store, or dispose of hazardous waste on site, a description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated, and

(k) For generators who treat, store, or dispose of hazardous waste on site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years, except that comparison to years before 1984 is only required to the extent that this information is available.

G. Unmanifested Waste Report. If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in COMAR 26.13.04.02A(5)(b), and if the waste is not excluded from the manifest requirement by COMAR 26.13.02.05, then the owner or operator shall prepare and submit a single copy of a report to the Secretary within 15 days after receiving the waste. The owner or operator shall ensure that the report is clearly marked with the words "unmanifested waste report", and includes the following information:

- (1) The EPA identification number, name, and address of the facility;
- (2) The date the facility received the waste;
- (3) The EPA identification number, name, and address of the generator and the transporter, if available;
- (4) A description and the quantity of each unmanifested hazardous waste the facility received;
- (5) The method of treatment, storage, or disposal for each hazardous waste;
- (6) The certification signed by the owner or operator of the facility or his authorized representative; and
- (7) A brief explanation of why the waste was unmanifested, if known.

H. Additional Reports. In addition to submitting the annual report or biennial report, and unmanifested waste reports described in §§F and G of this regulation, the owner or operator shall also report to the Secretary:

- (1) Releases, fires, and explosions as specified in Regulation .04G(10) of this chapter;
- (2) Ground water contamination and monitoring data as specified in Regulation .06-1B and C of this chapter;
- (3) Facility closure as specified in Regulation .07F; and
- (4) As otherwise required by Regulations .06—.06-7 and .11—.14 of this chapter.



