

(5) A timeline of development and activity in the proposed RISE Zone;

(6) The expected economic impact of the designation on the area, including anticipated capital investment resulting from the designation, projected number, type, and salary ranges of jobs to be created, and projected number of new establishments to locate in the proposed RISE Zone;

(7) The industry sectors that will be certified for RISE Zone incentives;

(8) The requirements for existing businesses that are located in a RISE Zone prior to the RISE Zone designation to be certified for RISE Zone incentives, including a discussion of the significance of these requirements to the area, which requirements must include:

- (a) Minimum capital investment; or
- (b) Minimum increase in labor force;

(9) A description of workforce training programs that may be available in the proposed RISE Zone area;

(10) The point of contact for the RISE Zone and entity responsible for certifying to the Department if the business is eligible for RISE Zone incentives and for submitting an annual report to the Department; and

(11) A description of the local process for certifying businesses as eligible for the RISE Zone incentives.

G. Any other information the Secretary requires.

.09 RISE Zone General Requirements.

A. The designation of a RISE Zone is effective for 5 years.

B. The Secretary may not approve more than three RISE Zones in a single political subdivision.

C. The Secretary may not designate a RISE Zone in the following areas:

(1) A development district established under Economic Development Article, Title 12, Subtitle 2, Annotated Code of Maryland; or

(2) A special taxing district established under Local Government Article, Title 21, Annotated Code of Maryland, or The Charter of Baltimore City, §62A.

D. The designation of an area as a RISE Zone may not be construed to limit or supersede a provision of a comprehensive plan, zoning ordinance, or other land use policy adopted by a political subdivision or bicounty agency with land use authority over the area designated as a RISE Zone.

.10 Secretary's Designation of a RISE Zone.

A. The Secretary shall approve or reject an application for designation of a RISE Zone, including approval or modification of the proposed boundaries of the RISE Zone, within 120 days after the submission of the application.

B. The Secretary shall notify the Legislative Policy Committee at least 45 days before approval or rejection of the application.

C. The Legislative Policy Committee may provide advice to the Secretary regarding the approval or rejection of the RISE Zone or the boundaries of the RISE Zone proposed by the Secretary.

D. The Secretary may consult with the Maryland Department of Planning and other State agencies before the designation of a RISE Zone.

.11 Renewal of RISE Zones.

A. The Secretary may renew a RISE Zone for an additional 5 years upon joint application by the entities that applied for the original RISE Zone designation.

B. To apply for renewal, the entities that applied for the original RISE Zone designation shall file a complete application, which shall include:

(1) An analysis of whether the goals and objectives of the target strategy were met;

(2) An analysis of the success and outcomes of the designation, including the number of jobs created, total and type of capital investment made, the number of new businesses locating to the RISE Zone, and any other information that demonstrates success;

(3) A description of how the qualified institution met the goals specified in the qualified institution's application for qualified institution designation; and

(4) A discussion of what would be achieved by renewing the RISE Zone for an additional 5-year period.

.12 Annual Report.

The person or entity identified in the target strategy for preparing the annual report shall submit an annual report to the Department on a calendar year basis by April 15 of the following year, in the form and containing the information established by the Secretary.

.13 Waiver.

The Secretary may waive or vary particular provisions of this chapter to the extent that a waiver is not inconsistent with the Act if:

A. Conformance to this requirement of any federal, State, or local program necessitates waiver or variance of a regulation; or

B. In the determination of the Secretary, the application of a regulation in a specific case or in an emergency situation would be inequitable or contrary to the purposes of the Act.

DOMINICK E. MURRAY

Secretary of Business and Economic Development

DEPARTMENT OF THE ENVIRONMENT

Subtitle 13 DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES

Notice of Proposed Action

[15-074-P]

The Secretary of the Environment proposes to:

(1) Amend Regulations .03 and .05 under COMAR 26.13.01 Hazardous Waste Management System: General;

(2) Amend Regulations .03, .04, .16, and .17, and adopt new Regulations .04-6, .19-6, .19-7, .19-8, and .25 under COMAR 26.13.02 Identification and Listing of Hazardous Waste; and

(3) Amend Regulation .11 under COMAR 26.13.10 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

Statement of Purpose

The purpose of this action is to modify the State's hazardous waste regulations to incorporate various provisions that have been promulgated at the federal level by the U.S. Environmental Protection Agency (EPA). Specifically, the following actions are being proposed:

(1) Addition of requirements concerning cathode ray tubes (CRTs) being recycled, including management standards, clarification of the circumstances under which such materials are subject to regulation as solid waste and hazardous waste, and requirements concerning exports to foreign countries;

(2) Clarification of the status under the hazardous waste regulations of dredged material, that is, material that is excavated or dredged from waters of the United States;

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(3) Exemption of a particular waste from motor vehicle manufacturing from being regulated as hazardous waste provided the waste is managed in accordance with specified requirements; and

(4) Incorporation by reference into the State's hazardous waste regulations of a list of various wastes that EPA has "delisted" from the lists of regulated hazardous wastes.

In addition, a State-initiated change is being proposed concerning universal waste, a category of hazardous waste. The proposed provision would require persons who accept universal waste from off-site locations to notify the Maryland Department of the Environment of that activity unless the amount of universal waste at the site never exceeds 500 kilograms.

Comparison to Federal Standards

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

COMAR 26.13.10.11C(3): the proposed provisions require persons who accept "universal waste" from off-site to notify the Maryland Department of the Environment (MDE) that they are engaged in such activity.

(2) Benefit to the public health, safety or welfare, or the environment:

Currently, a universal waste handler may accumulate up to 5,000 kilograms of universal waste without having to notify MDE that the handler is managing universal waste. The proposed notification requirement would alert MDE to the operations of persons accepting universal waste from off-site, allowing MDE to more easily target such operations for compliance inspections.

(3) Analysis of additional burden or cost on the regulated person:

The additional burden or cost on the regulated person is minimal, since all that is required is a written, one-time notification. Persons below a small quantity threshold are not required to notify, and are also not required to notify if they have previously notified MDE that they conduct hazardous waste management activities at the site.

(4) Justification for the need for more restrictive standards:

Currently, there is no easy way to identify persons accepting universal waste from off-site, and, consequently, no easy way to target this sector for compliance evaluations. Instituting a notification requirement will allow for better regulatory oversight of hazardous waste management activities, encourage compliance with management standards for universal waste, and help bring violators into compliance with hazardous waste requirements.

Estimate of Economic Impact

I. Summary of Economic Impact. The economic impact of the proposed action is expected to be minimal. Some elements of the proposal will result in savings to affected industries, but the impact is expected to be small, since the proposed conditional exclusion of a particular waste from being regulated as hazardous waste affects only a small number of generators. The requirements concerning CRTs may increase costs of managing CRTs collected for recycling, but the increase is expected to be minimal, since the new requirements are consistent with routine procedures for maintaining business records and best management practices for handling hazardous materials.

Revenue
(R+/R-)

II. Types of Economic Impact. Expenditure
(E+/E-)

Magnitude

A. On issuing agency:

NONE

B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) CRT provisions	(-)	Minimal—not quantifiable
(2) F019 conditional exclusion	(+)	Not quantifiable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Not quantifiable
III. Assumptions. (Identified by Impact Letter and Number from Section II.)		
A. The proposed amendments will be able to be implemented using existing resources.		
B. Other State agencies are not generally engaged in the activities affected by the proposed amendments.		
C. Local governments are not generally engaged in the activities affected by the proposed amendments.		
D(1). Persons who manage CRTs destined for recycling would incur some costs associated with record keeping and materials management, but these are expected to be minimal. The record keeping requirements are consistent with routine business practices, and the management requirements are consistent with best management practices for hazardous materials.		
D(2). Certain wastes would not have to be managed as hazardous wastes under the proposal, but the exclusion only applies to a limited number of waste generators.		
F. The public will benefit by there being better management of hazardous waste through compliance with the proposed requirements, reducing the likelihood of releases of hazardous waste which could impact public health and the environment.		

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Edward Hammerberg, Technical Specialist/RCE Supervisor, Maryland Dept. of the Environment, Waste Diversion and Utilization Program, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or call 410-537-3356, or email to ed.hammerberg@maryland.gov, or fax to 410-537-3321. Comments will be accepted through February 23, 2015. A public hearing has not been scheduled.

26.13.01 Hazardous Waste Management System: General

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

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

(5-1-1) "Cathode ray tube (CRT)" means a vacuum tube, composed primarily of glass, that is the visual or video display component of an electronic device.

(5-1-2) "Cathode ray tube (CRT) collector" means a person who receives used, intact CRTs for recycling, repair, resale or donation.

(5-1-3) "Cathode ray tube (CRT) exporter" means any person in the United States who initiates a transaction to send used CRTs outside the United States and its territories for recycling or reuse, or any intermediary in the United States arranging for export of used CRTs to a location outside the United States and its territories for recycling or reuse.

(5-1-4) "Cathode ray tube (CRT) glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

(5-1-5) "Cathode ray tube (CRT) processing" means conducting together all of the following activities:

(a) Receiving broken or intact CRTs;

(b) Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and

(c) Sorting or otherwise managing glass removed from CRT monitors.

(5-1)—(17) (text unchanged)

(17-1) "EPA" means the United States Environmental Protection Agency.

[(17-1)] (17-2) (text unchanged)

(18)—(90) (text unchanged)

(90-1-1) "Used, broken cathode ray tube (CRT)" means a CRT for which the glass has been removed from its housing or casing and from which the vacuum has been eliminated.

(90-1-2) "Used, intact cathode ray tube (CRT)" means a CRT from which the vacuum has not been eliminated.

(90-1)—(96) (text unchanged)

.05 Incorporation by Reference.

A. (text unchanged)

B. Incorporation of Federal Regulations by Reference.

(1) As qualified by §B(2) of this regulation, certain federal regulations are incorporated by reference as follows:

(a) When used in COMAR 26.13.05, 40 CFR §§144.3 and 264.140—264.151 as of July 1, [2007] 2014, are incorporated by reference;

(b) When used in COMAR 26.13.06, the federal regulations as of July 1, [2007] 2014, in 40 CFR §§265.90—265.94, 265.140—265.148, 265.270—265.282, 265.340—265.351, 265.370—265.382, and 265.400—265.406 are incorporated by reference;

(c) When used in COMAR 26.13.01—26.13.10, the federal regulations as of July 1, [2007] 2014, in 40 CFR Part 264, Appendix IX Ground Water Monitoring List, 40 CFR Part 261, Appendix III Chemical Analysis Test Methods, and 49 CFR 173, 178, and 179 are incorporated by reference; [and]

(d) When used in COMAR 26.13.03.07-5, the federal regulations as of July 1, [2007] 2014, in 40 CFR §§262.81—262.89 are incorporated by reference[.]; and

(e) When used in COMAR 26.13.02, Appendix IX of 40 CFR Part 261, as amended, is incorporated by reference.

(2) (text unchanged)
C. (text unchanged)

26.13.02 Identification and Listing of Hazardous Waste

Authority: Environment Article, §6-905.3 and Title 7, Subtitle 2, Annotated Code of Maryland

.03 Definition of Hazardous Waste.

A. A solid waste, as defined in Regulation .02 of this chapter, is a hazardous waste if:

(1) (text unchanged)

(2) It meets any of the following criteria:

(a) (text unchanged)

(b) It is listed in Regulations .15—.19 of this chapter and has not been excluded from the lists by:

(i) COMAR 26.13.01.04A and C[.] ;

(ii) Regulation .16A(1) of this chapter; or

(iii) Regulation .17A(1) of this chapter;

(c) It is a mixture of solid waste and a hazardous waste that is listed in this chapter solely because it exhibits one or more of the characteristics of ignitability, corrosivity, or reactivity identified in Regulations .11—.13 of this chapter unless the:

(i) (text unchanged)

(ii) Solid waste is excluded from regulation under Regulation .04-1A(7) of this chapter and the resultant mixture no longer exhibits any characteristic of hazardous waste identified in this chapter for which the hazardous waste in the mixture was listed in this chapter[.];

(d) It is a mixture of solid waste and one or more hazardous wastes listed in this chapter and has not been excluded from being regulated as a hazardous waste under COMAR 26.13.01.04 or §A(2)(c), A-2, or F[., or G] of this regulation[.] or

(e) (text unchanged)

A-1.—F. (text unchanged)

.04 Materials Which Are Not Solid Wastes.

A. The following materials are not solid wastes for the purpose of this chapter:

(1)—(16) (text unchanged)

(17) Petrochemical recovered oil from an associated organic chemical manufacturing facility that is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refining process streams, subject to the following:

(a)—(c) (text unchanged)

(d) Before the oil generated by the organic chemical manufacturing facility is recycled into the petroleum refining process, it is not:

(i) (text unchanged)

(ii) Accumulated speculatively as defined in Regulation .01C(3)(l) of this chapter; [and]

(18) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic acid or naphthenic acid if the spent caustic solutions are not:

(a) (text unchanged)

(b) Accumulated speculatively as defined in Regulation .01C(3)(l) of this chapter[.]; and

(19) A used cathode ray tube (CRT) under the following conditions:

(a) A used, intact CRT, as defined in COMAR 26.13.01.03B, that is within the United States and that has not been:

(i) Disposed; or

(ii) Accumulated speculatively, as defined in Regulation .01C(3)(l) of this chapter, by a CRT collector or a facility engaged in CRT processing;

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(b) A used, intact CRT that is being exported for recycling, if it is managed in accordance with the requirements of Regulation .19-8A of this chapter;

(c) A used, broken CRT as defined in COMAR 26.13.01.03B, if it is managed in accordance with the requirements of Regulations .19-6 and .19-7 of this chapter; and

(d) Glass removed from a CRT if it is managed in accordance with the requirements of Regulation .19-6D of this chapter.

B.—C. (text unchanged)

.04-6 Dredged Material That Is Not a Hazardous Waste.

A. Dredged material, as defined in §B of this regulation, is not a hazardous waste if the dredged material:

(1) Is subject to the requirements of a permit issued by:

(a) The U.S. Army Corps of Engineers or an approved state under Section 404 of the Federal Water Pollution Control Act (33 U.S.C. §1344); or

(b) The U.S. Army Corps of Engineers under Section 103 of Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. §1413); or

(2) Is:

(a) Generated in connection with a U.S. Army Corps of Engineers civil works project; and

(b) Subject to the administrative equivalent of the permits referred to in §A(1) of this regulation, as provided for in the regulations of the U.S. Army Corps of Engineers, such as 33 CFR §336.1, 33 CFR §336.2 and 33 CFR §337.6.

B. For the purposes of this regulation:

(1) "Dredged material" means material that is excavated or dredged from waters of the United States; and

(2) "Waters of the United States" has the meaning given in 40 CFR §232.2.

.16 Hazardous Waste from Nonspecific Sources.

A. As qualified by §§B and D of this regulation, the [following] solid wastes listed in the "Hazardous Waste" column of Table I of this regulation are listed as hazardous wastes from nonspecific sources unless they are excluded under:

(1) 40 CFR §260.20 and 40 CFR §260.22, listed in Appendix IX to 40 CFR Part 261, and referenced in Regulation .25 of this chapter;

(2) COMAR 26.13.01.04A and C and listed in Regulation .26 of this chapter[, or they are excluded under]; or

(3) §C or D of this regulation:

TABLE I — Hazardous Waste from Nonspecific Sources

Industry	EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Generic	F001—F015	(text unchanged)	
	F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except for wastewater treatment sludges from: (1) zirconium phosphating in aluminum can washing when this phosphating is an exclusive conversion coating process; or (2) the manufacturing of motor vehicles using a zinc phosphating process when the provisions of §D(1) of this regulation are met	(T)

F020—	F039	(text unchanged)	
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*(T) should be used to specify mixtures containing ignitable and toxic constituents.

B. Clarifications for Listing of Wastes from Nonspecific Sources – Hazardous Waste Numbers F037 and F038.

(1)—(5) (text unchanged)

C. Deletion of [Certain] the F032 Hazardous Waste [Codes] Code Following Equipment Cleaning and Replacement.

(1)—(3) (text unchanged)

D. Hazardous Waste Number F019 – Conditional Exemption and Record Keeping for Waste Generated in Manufacturing Motor Vehicles.

(1) Wastewater treatment sludges from the chemical conversion coating of aluminum are not considered Hazardous Waste Number F019 under §A of this regulation at the point of generation if:

(a) The sludges are derived from the use of a zinc phosphating process in the manufacturing of:

(i) Automobiles; or

(ii) Light trucks or utility vehicles, such as light duty vans, pickup trucks, minivans, and sport utility vehicles;

(b) The facility where the sludges are generated is engaged in manufacturing:

(i) Complete vehicles of either unibody construction or body and chassis construction; or

(ii) Vehicle chassis;

(c) The sludges are disposed off site in a landfill that is permitted, licensed or otherwise authorized to accept the waste;

(d) The landfill in which the sludges are disposed is either:

(i) A municipal or industrial solid waste landfill that is regulated under Subtitle D of RCRA or equivalent state authority, and is equipped with a single clay liner; or

(ii) A landfill that is subject to and meets the requirements of COMAR 26.04.07.07C(12), COMAR 26.04.07.19C(2), COMAR 26.13.05.14B, COMAR 26.13.06.22C, 40 CFR §258.40, 40 CFR §264.301, or 40 CFR §265.301, or equivalent state requirements;

(e) The sludges are not placed outside on the land before shipment off site to a landfill for disposal.

(2) A person who generates sludge exempted from being regulated as Hazardous Waste Number F019 under §D(1) of this regulation shall maintain, on site:

(a) Documentation and information sufficient to prove that the requirements of §D(1)(a)—(e) of this regulation have been met, including:

(i) The volume of sludge generated and disposed off site;

(ii) Documentation showing when the waste volumes were generated and sent off site;

(iii) The name and address of the receiving facility; and

(iv) Documentation confirming receipt of the waste by the receiving facility; and

(b) The records required by §D(2)(a) of this regulation for at least 3 years, with the required retention period extended:

(i) Automatically during the course of any enforcement action; or

(ii) As required by the Secretary or the Regional Administrator of Region 3 of the EPA.

.17 Hazardous Waste from Specific Sources.

A. As qualified by §B of this regulation, the following solid wastes are listed as hazardous wastes from specific sources unless they are excluded under:

(1) 40 CFR §260.20 and 40 CFR §260.22, listed in Appendix IX to 40 CFR Part 261, and referenced in Regulation .25 of this chapter; or

(2) COMAR 26.13.01.04A and C and listed in Regulation .26 of this chapter:

Industry	EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Wood Preservation — Military	(text unchanged)		

B. (text unchanged)

.19-6 Conditional Exclusion—Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling.

A. General.

(1) This regulation establishes conditions that shall be met in order for the following materials to be excluded from the definition of solid waste when the materials are undergoing recycling:

- (a) A used, broken cathode ray tube (CRT); and
- (b) Processed CRT glass.

(2) Use Constituting Disposal. If a used, broken CRT or glass from a used CRT is going to be recycled by being used in a manner constituting disposal, as described in Regulation .02C(1)(a)(i) and (ii) of this chapter, the used, broken CRT or glass from a used CRT shall be managed in accordance with the requirements of COMAR 26.13.10.01 rather than the requirements of this regulation.

(3) Speculative Accumulation. A used, broken CRT or glass from a used CRT that is accumulated speculatively, as described in Regulation .01C(3)(l) of this chapter, is a solid waste when recycled unless otherwise excluded from the definition of solid waste by Regulation .02 of this chapter.

(4) Management Requirements. Requirements concerning:

(a) Management of used, broken CRTs before processing are established in §B of this regulation;

(b) Exports of broken CRTs are established in Regulation .19-7 of this chapter, including requirements on notification of intent to export and consent of the receiving country;

(c) Processing used, broken CRTs are established in §C of this regulation; and

(d) Processed CRT glass are established in §D of this regulation.

B. Management before Processing. In order for a used, broken CRT that is undergoing recycling to be excluded from the definition of solid waste under Regulation .04A(19)(c) of this chapter the following conditions shall be met:

(1) The used, broken CRT shall be:

- (a) Stored in a building with a roof, floor and walls; or

(b) Placed in a container, that is, a package or a vehicle, that is constructed, filled, and closed to minimize releases to the environment of CRT glass, including fine solid materials;

(2) The container, that is, the package or vehicle, that constitutes the primary containment for the used, broken CRT shall be labeled or clearly marked with the following phrases:

- (a) Either:

(i) "Used cathode ray tube(s)—contains leaded glass";

or

(ii) "Leaded glass from televisions or computers"; and

- (b) "Do not mix with other materials";

(3) The used, broken CRT shall be transported in a container that meets the requirements of §B(1)(b) and §B(2) of this regulation; and

(4) The used, broken CRT may not be:

(a) Used in a manner constituting disposal, as described in §A(2) of this regulation; or

(b) Accumulated speculatively, as described in §A(3) of this regulation.

C. Requirements for Used CRT Processing. In order for a used, broken CRT that is undergoing cathode ray tube processing as defined in COMAR 26.13.01.03B to be excluded from the definition of solid waste under Regulation .04A(19)(c) of this chapter, the following requirements shall be met:

(1) A used, broken CRT that a processor has accepted for processing and that is being held before beginning the processing activities identified in §C(2)(a) of this regulation:

- (a) Shall be stored in a building with a roof, floor and walls; or

(b) If stored somewhere other than a building with a roof, floor and walls, shall be stored in a container, that is, a package or a vehicle, that is constructed, filled, and closed to minimize releases to the environment of CRT glass, including fine solid materials;

(2) The used, broken CRT shall be processed in accordance with the following requirements:

- (a) The following activities shall be performed in a building with a roof, floor and walls:

(i) Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and

(ii) Sorting or otherwise managing glass removed from CRT monitors; and

(b) No activities may be performed that use temperatures high enough to volatilize lead from CRTs; and

(3) The used, broken CRT may not be:

- (a) Used in a manner constituting disposal, as described in §A(2) of this regulation; or

(b) Accumulated speculatively, as described in §A(3) of this regulation.

D. Requirements for Processed CRT Glass. Glass from used CRTs that is destined for recycling at a CRT glass manufacturer or a lead smelter after processing is not a solid waste unless it is accumulated speculatively as described in Regulation .01C(3)(l) of this chapter.

.19-7 Exports—Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling.

A. General.

(1) This regulation establishes requirements concerning exports of used, broken CRTs being recycled that must be met in order for the used, broken CRTs to be excluded from the definition of solid waste.

(2) The requirements of this regulation are in addition to the requirements of Regulation .19-6 of this chapter.

(3) Processed CRT glass, that is, CRT glass that has been sorted or otherwise managed under the definition of CRT processing in COMAR 26.13.01.03B, is not subject to the export notification requirements of this regulation.

(4) Unsorted CRT glass is considered to be a used, broken CRT for the purposes of this regulation.

(5) The export of used, broken CRTs for recycling is prohibited unless:

(a) The receiving country consents to the intended export, as provided in §D(4) of this regulation;

(b) Except as provided in §A(6) of this regulation, the receiving country consents to any subsequent changes to the conditions specified in the original notification of the intended export, as provided in §§C(3) and D(4) of this regulation; and

(c) Each shipment of the CRTs:

(i) Is accompanied by a copy of the Acknowledgement of Consent to Export CRTs provided under §D(4) of this regulation; and

(ii) Conforms to the terms of the Acknowledgement of Consent to Export CRTs.

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(6) The consent of the receiving country to a subsequent change to a condition in a notification of an intended export that is otherwise required by §A(5)(b) of this regulation is not required for changes to information about:

(a) Points of entry and departure provided under §B(4)(d) of this regulation; or

(b) Transit countries provided under §B(4)(j) of this regulation.

(7) If, for any reason, a shipment of CRTs cannot be delivered to the recycler or the alternate recycler that the exporter identified in the notification made under §B or C of this regulation, the exporter shall do the following in order for the shipment to be allowed to be sent to a new recycler:

(a) Submit a subsequent notification to EPA as described in §C of this regulation identifying the new recycler to whom the CRTs will be sent; and

(b) Obtain another Acknowledgement of Consent to Export CRTs for the shipment, as provided in §D(4) of this regulation.

(8) Record Retention. An exporter shall keep copies of:

(a) Notifications submitted under §§B and C of this regulation for a period of 3 years following receipt of the Acknowledgement of Consent to Export CRTs associated with the notifications; and

(b) Acknowledgements of Consent to Export CRTs for a period of 3 years following receipt of the Acknowledgement.

B. Initial Notification Requirement.

(1) An exporter of used, broken CRTs shall notify EPA, in writing, of an intended export before the CRTs are scheduled to leave the United States, with the notification to be made in accordance with the requirements of §B(2)—(4) of this regulation.

(2) A notification submitted to fulfill the requirement of §B(1) of this regulation may cover export activities extending over a period of up to 12 months.

(3) An exporter complying with the notification requirement of §B(1) of this regulation shall:

(a) Submit a complete notification to EPA at least 60 days before the initial shipment is intended to be shipped off-site;

(b) Sign the notification;

(c) Include in the notification the information identified in §B(4) of this regulation;

(d) Submit the notification to EPA as described in 40 CFR §261.39(a)(5)(ii); and

(e) Upon request by EPA, furnish to EPA any additional information that a receiving country requests in order to respond to a notification provided to the receiving country by EPA.

(4) An exporter of used, broken CRTs shall include the following information in the notification required by §B(1) of this regulation:

(a) The name, mailing address, telephone number and EPA ID number, if applicable, of the exporter of the CRTs;

(b) The estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported;

(c) The estimated total quantity of CRTs to be exported, specified in kilograms;

(d) All points of entry to and departure from each foreign country through which the CRTs will pass;

(e) A description of the means by which each shipment of the CRTs will be transported, such as whether transport will be by air, highway, rail or water;

(f) A description of how the shipments will be contained, such as in drums, boxes or tanks;

(g) The name and address of the recycler or recyclers and any alternate recycler or recyclers;

(h) The estimated quantity of used CRTs to be sent to each facility;

(i) A description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs; and

(j) The name of any transit country through which the CRTs will be sent, a description of the approximate length of time the CRTs will remain in the transit country, and the nature of their handling while there.

C. Subsequent Notification.

(1) Except as provided in §C(2) of this regulation, if there is a change in the conditions specified in a notification of an intended export that was submitted under §B of this regulation, the exporter shall provide EPA with a notification of the change, submitting the notification as described in 40 CFR §261.39(a)(5)(ii).

(2) The subsequent notification described in §C(1) of this regulation is not required if the change only involves a change to the telephone number required by §B(4)(a) of this regulation, a decrease in the estimate of the quantity of CRTs to be exported that was provided under §B(4)(c) of this regulation, or both.

(3) The subsequent notification required by §C(1) of this regulation will be processed by EPA in the same manner as an initial notification required by §B(1) of this regulation, as described in §D of this regulation.

D. EPA Responsibilities Concerning Export Approvals.

(1) This section describes EPA's responsibilities with respect to export approvals for used, broken CRTs, which are established in 40 CFR §261.39(a)(5)(iv) and (v) and are not delegable to states.

(2) EPA will provide a notification of an intended export that is complete, as defined in §D(3)(a) of this regulation, to the receiving country and any transit countries.

(3) For the purposes of §D(2) of this regulation:

(a) A notification of an intended export is complete when EPA has received the notification and determined that it satisfies the requirements of §B(2) and B(3) of this regulation; and

(b) If a claim of confidentiality is asserted with respect to any notification information required by §B(2) or B(3) of this regulation, EPA may make a determination that the notification is not complete pending resolution of the claim in accordance with 40 CFR §260.2.

(4) If a country identified as the receiving country for broken CRTs consents, in writing, to the receipt of the CRTs, EPA will forward an Acknowledgement of Consent to Export CRTs to the exporter.

(5) If a country identified as the receiving country for broken CRTs objects to receipt of the CRTs or withdraws a prior consent, EPA will notify the exporter in writing.

(6) EPA will notify the exporter of any responses EPA receives from transit countries concerning a notification of an intended export.

E. Annual Report.

(1) No later than March 1 of each year, a CRT exporter shall file a report with EPA that:

(a) Summarizes, for all used CRTs that were exported by the exporter during the previous calendar year, the:

(i) Quantities, in kilograms, exported;

(ii) Frequency of shipment; and

(iii) Ultimate destination or destinations, that is, the facility or facilities, where the recycling occurs; and

(b) Includes the following:

(i) The exporter's name, EPA ID number, if applicable, mailing address and site address;

(ii) The calendar year covered by the report; and

(iii) A certification that states, "I certify, under penalty of law, that I have personally examined and am familiar with the information submitted in this and all attached documents and that,

based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(2) A CRT exporter shall:

- (a) Submit the report required by §E(1) of this regulation to the office specified in 40 CFR §261.39(a)(5)(ii); and
- (b) Keep a copy of each annual report for a period of at least 3 years from the due date of the report.

.19-8 Used, Intact Cathode Ray Tubes (CRTs) Exported for Recycling or Reuse.

A. A used, intact CRT exported for recycling is not a solid waste if the used, intact CRT:

(1) Is managed in accordance with the requirements concerning notice and consent that apply to used, broken CRTs in Regulation .19-7A(5)—(7) and B—D of this chapter; and

(2) Is not "accumulated speculatively" as described in Regulation .01C(3)(l) of this chapter.

B. Notification.

(1) A CRT exporter who exports used, intact CRTs for reuse shall notify EPA in writing of the intended export before the CRTs leave the United States, with the notification to be made in accordance with the requirements of §B(2)—(3) of this regulation;

(2) A notification submitted to fulfill the requirement of §B(1) of this regulation may cover export activities extending over a period of up to 12 months.

(3) A CRT exporter complying with the notification requirement of §B(1) of this regulation shall:

- (a) Sign the notification;
- (b) Include the following information in the notification:

(i) The name, mailing address, telephone number, and EPA ID number, if applicable, of the exporter of the used, intact CRTs;

(ii) The estimated frequency or rate at which the used, intact CRTs are to be exported for reuse and the period of time over which they are to be exported;

(iii) The estimated total quantity of used, intact CRTs specified in kilograms;

(iv) All points of entry to and departure from each transit country through which the used, intact CRTs will pass, a description of the approximate length of time the used, intact CRTs will remain in such country, and the nature of their handling while there;

(v) A description of the means by which each shipment of the used, intact CRTs will be transported, such as the mode of transportation, that is, air, highway, rail, water, and the type or types of containers to be used, such as drums or boxes;

(vi) The name and address of the ultimate destination facility or facilities where the used, intact CRTs will be reused, refurbished, distributed, or sold for reuse and the estimated quantity of used, intact CRTs to be sent to each facility, as well as the name of any alternate destination facility or facilities;

(vii) A description of the manner in which the used, intact CRTs will be reused, including reuse after refurbishment, in the foreign country that will be receiving the used, intact CRTs; and

(viii) A certification signed by the CRT exporter that states, "I certify under penalty of law that the CRTs described in this notice are intact and fully functioning or capable of being functional after refurbishment and that the used CRTs will be reused or refurbished and reused. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true,

accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.";

(c) Submit the notification to EPA as described in 40 CFR §261.41(a)(2).

C. Record Keeping. A CRT exporter who exports used, intact CRTs for reuse shall:

(1) Keep copies of normal business records, such as contracts, demonstrating that each shipment of exported used, intact CRTs will be reused; and

(2) Satisfy the following requirements with respect to a business record required to be maintained by §C(1) of this regulation:

(a) Retain a copy of the record for at least 3 years from the date the CRTs were exported; and

(b) If the record is written in a language other than English, then, upon request by EPA, provide EPA with a copy of the original, non-English version of the record and a copy of a third-party translation of the record into English.

.25 Wastes Excluded from COMAR 26.13.02.16 and COMAR 26.13.02.17

Wastes identified in Appendix IX to 40 CFR Part 261, which the EPA has excluded from the lists of hazardous waste in 40 CFR Part 261, Subpart D, are considered to have been excluded from the list of hazardous waste from nonspecific sources in Regulation .16 of this chapter and the list of hazardous waste from specific sources in Regulation .17 of this chapter.

26.13.10 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

Authority: Environment Article, §6-906.3 and Title 7, Subtitle 2, Annotated Code of Maryland

.11 Small Quantity Handlers of Universal Waste—General Requirements.

A.—B. (text unchanged)

C. Notification.

(1) Except as provided in [Regulation .15B(3)(e) of this chapter, concerning crushing of lamps] §C(2) and (3) of this regulation, a small quantity handler of universal waste is not required to notify the Department or the U.S. Environmental Protection Agency of universal waste handling activities.

(2) A person who uses a device to crush universal waste lamps is subject to the notification requirement of Regulation .15B(3)(e) of this chapter.

(3) Persons Accepting Universal Waste from Off-site. Except for persons identified in §C(4) of this regulation, a small quantity handler of universal waste who accepts universal waste from off site shall:

(a) Send a written notification to the Department that contains the following information:

(i) The universal waste handler's name and mailing address;

(ii) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(iii) The address or location where universal wastes accepted from off site will be managed;

(iv) A list of all the types of universal waste that the handler will accept from off site, such as "batteries, pesticides, mercury-containing equipment, and lamps"; and

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(v) A statement in the cover letter accompanying the notification that the notification should be directed to the group in the Department responsible for oversight of hazardous waste management; and

(b) Submit the notification required by §C(2)(a) of this regulation by the later of the following deadlines:

(i) Within 90 days after the effective date of this regulation; or

(ii) Before the date universal waste is first accepted from off site.

(4) The notification requirement of §C(3) of this regulation does not apply if either of the following conditions is met:

(a) The site where universal waste is accepted from off site has been issued an EPA identification number; or

(b) The amount of universal waste at the location that is accepting universal waste from off site never exceeds 500 kilograms.

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment

Subtitle 16 LEAD

26.16.01 Accreditation and Training for Lead Paint Abatement Services

Authority: §§1-404; 6-818; 6-851; 6-852; 6-1001—6-1005; 7-206—7-208;
Environment Article, Annotated Code of Maryland

Notice of Proposed Action

[15-070-P]

The Secretary of the Environment proposes to amend Regulations .01—.05 and .07—.20 under COMAR 26.16.01 Accreditation and Training for Lead Paint Abatement Services.

Statement of Purpose

The purpose of this action is to incorporate accreditation and training standards consistent with the federal Lead-Based Paint Renovation, Repair, and Painting Rule (RRP), which was adopted by the EPA in 2008. (40 CFR Part 745, Subpart E.) The RRP rule addresses renovation, repair, and painting of residential and child-occupied facilities built before 1978. In 2012, Chapter 387 of 2012 amended the definition of “abatement” in Environment Article, §6-1001, Annotated Code of Maryland, to include renovation, repair, and painting of lead-containing substances in a residential, public, or commercial building built before 1978. The same legislation also authorized the Department to adopt regulations that include “[s]tandards and procedures for abatement involving the renovation, repair, and painting of lead-containing substances, including a requirement for lead-dust testing.” The action revises the existing training and accreditation regulations to address these activities in a manner consistent with the federal RRP rule. This includes, for example, the addition of notice, clean-up, and post-renovation clearance required under the federal regulation.

The action also extends the expiration date for various accreditations to perform lead paint abatement services from either 1 or 2 years to 3 years and changes the application fees for various types of accreditation.

The action makes other clarifying edits and updates references.

Comparison to Federal Standards

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

COMAR 26.16.01.10D(1)(a) and 40 CFR §745.225(c)(6)(vi). Under the proposed regulations, a lead paint maintenance and repainting supervisor must have an initial training course that provides at least 14 hours of instructional time over two days. The renewal course must last seven hours. Under the federal RRP, a renovator (analogous to Maryland’s lead paint maintenance and repainting supervisor) must have a training course that lasts a minimum of eight training hours. The renewal course must last four hours.

COMAR 26.16.01.10, .17, and .18 and 40 CFR §§745.90 and 745.225. Supervisors must apply and be accredited by MDE under the proposed regulations, with renewal every three years. Under the federal RRP, renovators (equivalent to Maryland’s “supervisors”) must be trained, but the course certification form automatically confers certification on the renovator (no application to EPA required). The training must be renewed only every five years. Under the proposed regulations, a training provider must apply for separate accreditation for each training course provided and must renew accreditation every 3 years. Instructors must also be accredited every 3 years. Under the federal rule, instructors are not required to be certified. The training program must be accredited, including each course to be offered, but the reaccreditation is only every 4 years.

COMAR 26.16.01.09G and 40 CFR §745.89(b). Under the proposed regulations, lead paint abatement services contractors (which include “firms” providing RRP services under the federal rule), are required to be reaccredited every 3 years. Under the federal RRP, firms must be certified by EPA, with recertification required only every 5 years.

COMAR 26.16.01.03E and 40 CFR §745.83. Under the proposed regulations, persons performing renovation, repair, and painting work involving three square feet or less of surface area in a room (except for windrow removal or replacement) are not subject to most of the requirements, including pre-work notifications, preparation of the work area, and detailed clean-up requirements. Under the federal RRP rule, minor heating, ventilation, or air conditioning work, electrical work, and plumbing that disrupt six square feet or less of surface per room for interior activities are not considered renovation and are not subject to the RRP rule.

COMAR 26.16.01.11C and 40 CFR §745.85. The work practices for contractors and supervisors under the proposed regulations include some minor additional or more specific requirements compared to the work practice standards under the federal RRP rule. This is because the proposed regulation incorporates RRP requirements together with existing Maryland requirements that already apply to other types of abatement. These are primarily minor differences. For example:

- The RRP rule requires all objects to be removed from the work area or covered with plastic sheeting or other impermeable material. The proposed regulation requires that all movable objects be moved outside the room or to a distance at least 3 feet from the surface on which the work is to be performed and covered with plastic sheeting.

- Under the proposed regulations, warning signs posted to define the work area must have lettering at least 2 inches high and contain a specific warning (“Caution, Lead Hazard, Keep Out”), while the RRP rule does not include these specific requirements (though the signs must “clearly define the work area” and remain “readable”).

- The proposed regulations specify that the supervisor must be on-site or available by telephone and able to be present within two hours during the work, while the RRP does not include the 2-hour availability requirement.

- The proposed regulations require the supervisor to ensure that all surfaces except carpeted surfaces are wiped with damp cloth and detergent after the work is finished; the RRP rule requires only wiping with a damp cloth (not the detergent).