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WRITER'S DIRECT DIAL NO.

MARYLAND PROGRAM REVISION III

ADDENDUM
ATTORNEY GENERAL CERTIFICATION
FOR FINAL AUTHORIZATION FOR CHANGES
TO THE FEDERAL HAZARDOUS WASTE PROGRAM
PROGRAM REVISION III

I hereby certify, pursuant to my authority as Attorney General and in accordance with Section 3006(b) of the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984 (42 USC 6901 *et seq.*), and Title 40, Part 271 of the Code of Federal Regulations (40 CFR 271), that in my opinion the laws of the State of Maryland provide adequate authority to carry out the revised hazardous waste program set forth in the Program Description submitted by the Maryland Department of the Environment. The specific authorities provided are contained in statutes or regulations lawfully adopted at the time this Statement is signed and which are in effect now.

Maryland's Program Revision III addresses selected Federal final rules published by the United States Environmental Protection Agency (EPA) between January 14, 1985 and August 5, 2005. However, Maryland is not seeking final authorization for all changes that EPA has made to the federal hazardous waste regulations during that time. For instance, Maryland is not seeking authorization for the land disposal restrictions (40 CFR 268), used oil standards (40 CFR 279), boiler and industrial furnace standards (40 CFR 266, Subpart H), air emission standards (40 CFR 264 AND 265, Subparts AA, BB and CC), or HSWA corrective action requirements. The State is only requesting authorization for the provisions identified in Attachment 1 of this certification and documented on the Revision Checklists included as part of Attachment 1. Differences between the Maryland provisions and the federal provisions are noted on the Revision Checklists. Maryland is also seeking authorization for State-initiated changes that were not made in response to federal regulatory change. The regulations are codified in the Code of Maryland Regulations (hereinafter "COMAR") effective as of the date of this certification. This Attorney General's Certification supplements the previously certified authorities described in the June 4, 1984, November 12, 2000, and November 14, 2002 certifications.

200 Saint Paul Place ❖ Baltimore, Maryland, 21202-2021

Main Office (410) 576-6300 ❖ Main Office Toll Free (888) 743-0023

Consumer Complaints and Inquiries (410) 528-8662 ❖ Health Advocacy Unit/Billing Complaints (410) 528-1840

Health Advocacy Unit Toll Free (877) 261-8807 ❖ Homebuilders Division Toll Free (877) 259-4525 ❖ Telephone for Deaf (410) 576-6372

STATUTORY CERTIFICATION

I hereby certify that statutes relied on in previously approved authorization applications have not been amended, modified or revised by statute or judicial decision in a way that diminishes and interferes with the authority to carry out the previously authorized hazardous waste program to meet the requirements of 40 CFR Part 271, Subpart A. The statutory authorities for Maryland are documented in the State's Attorney General Statements dated June 4, 1984, November 12, 2000 and November 14, 2002, as well as Maryland Legislation Checklist and the Maryland Statutory Checklist - Hazardous and Solid Waste Amendments of 1984 which were attached to the November 12, 2000 Attorney General's Statement. Included with this Certification as Attachment 2 is the RCRA Statutory Checklist. This checklist consolidates and updates the State's authorities originally documented on the Legislation and HSWA Statutory Checklists. The statutes referenced on the RCRA Statutory Checklist are from the Environment Article of the Annotated Code of Maryland (2013 Replacement Volume and 2014 Supplement), and the State Government Article of the Annotated Code of Maryland (2014 Replacement Volume).

Note that Section 7-207 of the State Government Article, which is now referenced in Section XVI.5 of the RCRA Statutory Checklist, was amended in 2005 to allow prospective incorporation by reference of federal regulations, but the Maryland Department of the Environment, Land Management Administration has not made use of this authority to-date for regulations that constitute the State's hazardous waste regulatory program.

CERTIFICATION REGARDING LEGISLATIVE, REGULATORY OR POLICY INITIATIVES

I hereby certify that the State of Maryland has not enacted any legislation or implemented any regulatory or policy initiatives that could potentially limit or interfere with the authority to implement, administer, or enforce the authorized hazardous waste program.

CERTIFICATION REGARDING JUDICIAL DECISIONS

There have not been any judicial decisions that limit or interfere with the State's authority to implement, administer, or enforce the authorized hazardous waste program.

Seal of Office



Brian E. Frosh
Attorney General of Maryland

Date: 3/11/15

ATTACHMENT 1

MARYLAND REGULATORY PROVISIONS INCLUDED IN PROGRAM REVISION III

**MARYLAND
PROGRAM REVISION III**

**PROGRAM ELEMENTS
for which
AUTHORIZATION IS BEING SOUGHT**

A. FEDERAL REQUIREMENTS FOR WHICH MARYLAND IS SEEKING AUTHORIZATION (See Revision Checklists included in Attachment 2 for more detail).
(Note: “†” denotes an optional provision, i.e., a Federally-initiated change that the State is not required to adopt in order to maintain consistency with the Federal hazardous waste regulatory program.)

	EPA Check- list Ref. No.	Federal Requirements	Federal Register (FR) Reference	FR Date(s)
	14	Dioxin Waste Listing and Management Standards	50 FR 1978	1/14/85
	17E	Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves	50 FR 28702	7/15/85
	17I	Ground-Water Monitoring	50 FR 28702	7/15/85
	17M	Pre-construction Ban	50 FR 28702	7/15/85
	17N	Permit Life	50 FR 28702	7/15/85
	†17Q	Research and Development Permits	50 FR 28702	7/15/85
	17S	Exposure Information	50 FR 28702	7/15/85
	44 D	Permit Modification	52 FR 45788	12/1/87
	44 F	Permit Conditions to Protect Human Health and the Environment	52 FR 45788	12/1/87
	117B	Toxicity Characteristic Amendment (HSWA)	57 FR 23062	6/1/92
	†129	Revision of Conditional Exemption for Small Scale Treatability Studies (Non-HSWA)	59 FR 8362	2/18/94
	†135	Recovered Oil Exclusion (Non-HSWA)	59 FR 38536	7/28/94
	140	Carbamate Production Identification and Listing of Hazardous Waste (HSWA)	60 FR 7824	2/9/95
	148	RCRA Expanded Public Participation (Non-HSWA)	60 FR 63417	12/11/95

EPA Check-list Ref. No.	Federal Requirements	Federal Register (FR) Reference	FR Date(s)
†150	Recovered Oil Exclusion, Correction (Non-HSWA)	61 FR 13103	3/26/96
156	Military Munitions Rule (Non-HSWA)	62 FR 6622	2/12/97
†164	Kraft Mill Stream Stripper Condensate Exclusion	63 FR 18504	4/15/98
169	Petroleum Refining Process Wastes	63 FR 42110	8/6/98
†178	Petroleum Refining Process Wastes -- Leachate Exemption	64 FR 6806	2/11/99
†187	Petroleum Refining Process Wastes – Clarification	65 FR 36365	6/8/00
†192A	Mixture and Derived-From Rules Revisions	66 FR 27266	5/16/01
†194	Hazardous Waste Identification Rule Corrections: Revisions to Mixture and Derived-From Rules	66 FR 50332 66 FR 60153	10/3/01 12/3/01
199	Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Wastes and TCLP Use With MGP Waste	67 FR 11251	3/13/02
207	Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System	70 FR 10776	3/4/2005
(207)	Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Correction	70 FR 35034	6/16/2005
†209	Universal Waste Rule: Specific Provisions for Mercury Containing Equipment	70 FR 45508	8/5/2005

B. FEDERAL REQUIREMENTS WHICH MARYLAND HAS PARTIALLY ADOPTED AND IS EITHER NOT SEEKING AUTHORIZATION AT THIS TIME, OR IS SEEKING PARTIAL AUTHORIZATION

The following table identifies checklists for which the State is either not seeking authorization or is only seeking partial authorization because it has adopted only some of the provisions associated with these checklists. The provisions associated with these checklists that Maryland has not adopted relate to the federal Land Disposal Restrictions (LDR) program.

Partial Auth. Request ?	EPA Check-list Ref. No.	Federal Requirements	Comments
Yes	78	Land Disposal Restrictions (LDR) for Third Third Scheduled Wastes (See Revision Checklist 78 in Non-HSWA Cluster VI) (55 FR 22520, 6/1/90)	The State has adopted the changes to characteristic waste definitions and the F039 listing associated with this checklist, but not the LDR provisions.
Yes	109	Land Disposal Restrictions for Newly Listed Waste and Hazardous Debris (HSWA) (57 FR 37194, 8/18/92)	The State is seeking authorization for the containment building provisions and the provisions concerning hazardous debris on this checklist. The State has not yet adopted the LDR provisions.
No	136	Removal of the Conditional Exemption for Certain Slag Residues (HSWA) (59 FR 43496, 8/24/94)	The State has adopted the provision concerning slag residues, but has not adopted the LDR provision associated with this checklist.
Yes	157	Land Disposal Restrictions Phase IV – Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions From RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste (62 FR 25998-26040, 5/12/97)	The State is seeking authorization for the provisions and the provisions concerning exemptions for processed materials on this checklist. The State has not yet adopted the LDR provisions.
Yes	159	Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions (Conformance With the Carbamate Vacatur) (HSWA)	The State has removed K160 and revised K156, K157 and K158, made the specified revisions to the U list of hazardous wastes, and made the specified modifications to the “Basis for Listing” and the table of hazardous

Partial Auth. Request ?	EPA Check-list Ref. No.	Federal Requirements	Comments
		(62 FR 32974, 6/17/97)	constituents. The State has not yet adopted the LDR provisions.
Yes	183	Land Disposal Restrictions Phase IV -- Technical Corrections (64 FR 56469, 10/20/99)	The State has adopted the provision that removes entries for K064, K065, K066, K090 and K091. The State has not yet adopted the LDR provisions.
Yes	189	Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes (65 FR 67068, 11/8/00)	The State has adopted the provision related to listings for K174 and K175. The State has not yet adopted the LDR provisions.
Yes	195	Identification and Listing of Hazardous Waste: Inorganic Chemical Manufacturing Wastes; Land Disposal Restrictions for Newly Identified Wastes (66 FR 58258, 11/20/01)	The State has adopted the waste listings for K176, K177 and K178, and has adopted the non-LDR provisions on this checklist. The State has not yet adopted the LDR provisions.

C. STATE-INITIATED CHANGES

Maryland has made some State-initiated changes to its rules, none of which cause Maryland regulations to be less stringent than the federal hazardous waste regulatory program. The following table highlights these changes.

STATE INITIATED CHANGES		
Federal RCRA Citation	State Citation (COMAR ...)	Comment
No Federal analog in 40 CFR 124.32	26.13.07.20-2F(3)(e)	This provision deals with State statutory requirements to hold a public informational meeting under certain circumstances.
No direct federal analog. Related to 261.5(g)(3)	26.13.02.05D(2)(c)(iv)	Clarifies that if a Maryland-defined small quantity generator sends hazardous waste to something other than a permitted hazardous waste facility, the alternate facility must have the proper permits to accept the waste
40 CFR 261.21(a)(3); (no Federal analog to 26.13.02.11-1)	26.13.02.11A(3), A(4), and C; 26.13.02.11-1	The State has adopted changes EPA made in its July 14, 2006 error correction rule (71 FR 40254) to the definition of ignitability. These changes eliminate discrepancies between the hazardous waste regulations and current U.S. Department of Transportation regulations. In addition, the State

STATE INITIATED CHANGES		
Federal RCRA Citation	State Citation (COMAR ...)	Comment
		has included in the text of its regulations (at 26.13.02.11-1) the specific procedures for test methods of the Bureau of Explosive Safety that EPA references in its regulations. The State included the specific procedures in its regulatory text because of limitations imposed by the Maryland Division of State Documents on using incorporation by reference for brief documents (documents less than 50 pages long.)
40 CFR 261.23(a)(8)	26.13.02.13A(8) and C	The State adopted changes to the definition of the characteristic of reactivity to correct what had been erroneous cross references to current U.S. Department of Transportation (DOT) regulations. EPA subsequently corrected the corresponding federal regulation in a technical corrections amendment covered by Checklist 223. The State has also modified its regulations to clarify how to determine if a waste is a Class A or a Class B explosive based on the waste's designation under the current DOT categorization scheme, which supplanted the Class A and Class B designation. EPA subsequently made a similar change in the amendments covered by Checklist 223.
262.58(a)	26.13.03.07-5A(2)	The State has split this provision into A(2)(a) and A(2)(b) and added clarifying language regarding EPA's authority under HSWA. It is equivalent to the Federal program.
265.1(c)(13)	26.13.06.01A(4)(k)	States that Chapter 06 does not apply to addition of absorbent material to a container or addition of waste to absorbent in a container if certain conditions are met.
266.70(a)	26.13.10.03A	Correct spelling of "palladium".
266.80	26.13.10.04C	Provisions concerning lead acid batteries. Rewrites federal "question/answer" format to conform to Maryland Division of State Documents style requirements.
No federal analog	26.13.10.26	The State requires that, in some cases, fluorescent lamps that under federal regulations would be exempt from hazardous waste regulatory requirements must be sent to a permitted hazardous waste facility or a universal waste destination facility. This applies to household waste and waste generated by generators that meet Maryland's definition of "small quantity generator" if the number of lamps being disposed over a calendar

STATE INITIATED CHANGES

Federal RCRA Citation	State Citation (COMAR ...)	Comment
		year is above a specified amount. (Maryland's small quantity generator category is analogous to the federal conditionally exempt small quantity generator category.) These provisions were adopted to implement State statutory requirements.