

**Title 26**  
**DEPARTMENT OF THE ENVIRONMENT**  
**Subtitle 13 DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES**  
**Chapter 04 Standards Applicable to Transporters of Hazardous Waste**

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

**.01 General.**

**A. Scope.**

(1) These regulations establish standards which apply to persons transporting hazardous waste within the State if the transportation requires a manifest under COMAR 26.13.03.

(2) These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

(3) A transporter of hazardous waste shall also comply with COMAR 26.13.03, Standards Applicable to Generators of Hazardous Waste, if he:

(a) Transports hazardous waste into the United States from abroad; or

(b) Mixes hazardous waste of different DOT shipping descriptions by placing them into a single container.

(4) This chapter does not apply to transportation during an explosives or munitions emergency response conducted in accordance with:

(a) COMAR 26.13.07.01A; and

(b) Either:

(i) COMAR 26.13.05.01A(3)(h)(iv) and D(5) and (6); or

(ii) COMAR 26.13.06.01A(4)(h)(iv), (5)(b), and (5)(c).

(5) COMAR 26.13.10.28 identifies how the requirements of this chapter apply to military munitions classified as solid waste under COMAR 26.13.10.27B.

**B. EPA Identification Number.**

(1) A transporter may not transport hazardous wastes without having received an EPA identification number from the Secretary.

(2) A transporter who has not received an EPA identification number may obtain one by applying to the Secretary using EPA Form 8700-12. Upon receiving the request, the Secretary shall assign an EPA identification number to the transporter.

**C. Certificate.**

(1) Except for CHS used for residential purposes or those regulated by the Department of Agriculture, a person may not transport a CHS to a facility within the State or from a source within the State unless the person obtains a certificate from the Department. For the purpose of these regulations, CHS used for residential purposes means those CHS used in a household or domestic situation, and normally discarded in small quantities in refuse and other household waste collected for disposal in conventional sanitary landfills. A CHS Hauler Certificate is required of persons engaged in transporting CHS. All vehicles or articulated transports, to a facility within the State or from a source within the State, shall display prominently the vehicle certification sticker or affix the vehicle certification sticker to the outside of the left door of the cab of the controlled hazardous substance vehicle. A copy of the hauler certification shall be carried in the vehicle at all times and shall be presented upon request.

(2) As a condition to being issued and operating under a certificate, a person shall do the following:

(a) Report periodically, on a form provided by the Department, on the source, disposal destination, volume, and nature of the CHS transported;

(b) Provide a copy of the manifest supplied by the waste generator to the operator of facilities;

(c) Secure and maintain a bond of not less than \$50,000 for the purpose of indemnifying the State for abatement of pollution resulting from the improper transportation or spill of CHS;

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- (d) Pay a yearly fee for certification not to exceed \$50 per vehicle used for hauling CHS;
  - (e) Have a vehicle safety inspection performed on each vehicle (truck, truck tractor, and trailer/semitrailer) in accordance with §G of this regulation; and
  - (f) Submit proof of liability insurance coverage meeting the requirements of 49 CFR 387.
- (3) A request for certification shall be submitted annually in writing and shall include information pertaining to the nature and quantity of the CHS to be transported, the source and destination, the method of transportation, specific information pertaining to the vehicles used to transport CHS, such as vehicle age and construction specifications, the safety inspection of the vehicle, proof of liability insurance, and the fee for certification. Failure to provide this information, the fee for certification, or other information required by the Department shall constitute grounds for denial of certification.
- (4) The State Fire Marshal, and other public safety agencies approved by him, are certified CHS transporters.
  - (5) Utility maintenance crews are certified CHS transporters for CHS transported during the normal execution of their duties.
  - (6) This regulation does not apply to transportation within industrial plant sites such as transport of a CHS from an in-plant storage area to an in-plant waste treatment facility.
  - (7) Approved personnel of the Department of the Environment are certified CHS transporters.
  - (8) Interstate Certificates.
    - (a) Interstate carriers with more than 10 trucks operating in or out of the State, and servicing more than three States, may apply for Interstate Certificates if the carrier:
      - (i) Has 5 vehicle certificates currently issued; and
      - (ii) Meets the insurance requirements of 49 CFR 387—Minimum Levels of Financial Responsibility for Motor Carriers.
    - (b) Interstate certificates are transferable from one vehicle to another. The location of the certificate shall be registered with the Department.
    - (c) The carrier shall notify the Department 24 hours before use of the certificate. The notification will include information detailing the type of vehicle, serial number, make, model, State of registration, license destination, material transported, and other information as may be requested.
    - (d) The maximum number of transferable certificates issued may not exceed the number of permanent certificates issued to a carrier.
    - (e) Each certificate issued shall carry a fee of \$50.

#### D. Mixing.

- (1) Except under the supervision of the Department during an emergency, a CHS hauler may not mix, as defined by this regulation, any CHS except in a CHS facility.
- (2) Mixing includes any blending, mingling, combining, consolidating or putting together of CHS unless specifically excluded under §D(3).
- (3) Mixing does not include the blending, mingling, combining, or putting together of waste within but not among the following categories of hazardous waste from the same or different sources provided the substances are chemically and physically compatible:
  - (a) Acids of less than 1 molar concentrations;
  - (b) Bases of less than 1 molar concentrations;
  - (c) Cyanides (with the following EPA Hazardous Waste Numbers)—F007, F008, F009, F010, F011, F013, F014, F015, F016;
  - (d) Halogenated solvents—contaminated with 1 percent or less of non-halogenated;
  - (e) Solvents non-halogenated—contaminated with 1 percent or less of halogenated.

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(4) If a person transports used oil in a truck that has been used to transport hazardous waste, the person shall either:

- (a) Assure that the truck is empty according to the criteria of COMAR 26.13.02.07 before loading the used oil onto the truck; or
- (b) Manage the mixture of the used oil and the previously transported hazardous waste:
  - (i) As hazardous waste, or
  - (ii) As otherwise allowed under the provisions of COMAR 26.13.10.05.

E. Stoppage.

(1) Except under the supervision of the Department during an emergency, a CHS hauler may not store CHS except in a CHS facility. Storage in a CHS vehicle does not include periods of stoppage, as defined by §E(2), of this regulation, if the conditions in §E(3) of this regulation are met.

(2) Stoppage is a period of time not to exceed 72 hours during which a CHS vehicle is at rest. The cumulative period of stoppage may not exceed 5 days for a particular shipment of CHS within the State. Any stoppage in excess of 12 hours shall be at a facility or other suitable site.

(3) During periods of stoppage, for instance, at truck stops or truck terminals, a CHS hauler shall comply with COMAR 26.13.05.02G and H; .03E – H; .04; .05; .09; and .10.

F. Driver Certificate.

(1) Applicability. A person may not transport any CHS from any source in the State or to any CHS facility in the State unless a driver certificate has been issued for the vehicle driver. This section does not apply to persons transporting CHS generated and disposed of on-site.

(2) The driver certificate authorizes its holder to operate a vehicle transporting CHS. The driver certificate shall be effective for 1 year.

(3) Each CHS vehicle operator shall:

- (a) Pay an annual driver certificate fee of \$20 to the Department;
- (b) Carry the driver certificate in the cab of the CHS vehicle at all times when transporting CHS;
- (c) Submit evidence of satisfactory completion of an approved training program as described in §F(4) of this regulation;
- (d) Submit a copy of the operator's driver's license to the Secretary; and
- (e) Submit to the Secretary a certified copy of the operator's driving record that has been issued, within 60 days before the date of application for the driver certificate, by the State in which the operator holds a motor vehicle license.

(4) Approved Training Program. At a minimum, an approved training program shall include the following:

- (a) Training in the requirements necessary to transport hazardous waste. Emphasis should be placed on the ability to verify proper DOT shipping names, hazard class and EPA waste codes. Special attention should be directed to the Maryland Hazardous Waste Manifest, other state manifest requirements, and the proper disbursement of manifest copies.
- (b) Training in the required labeling and marking of all containers of 119 gallons or less.
- (c) Training in Placarding. All drivers of vehicles transporting hazardous waste shall be able to appropriately placard their trucks according to the DOT regulations under COMAR 11.16.01 (49 CFR Part 172, Subpart F).
- (d) Training in the Federal Motor Carrier Safety Administration regulations including proper maintenance of a driver's daily log.
- (e) Training in emergency procedures to follow in case of an accident or spill.
- (f) Training in Maryland's hazardous waste regulations and law (Disposal of CHS (COMAR 26.13))—specifically, "Standards Applicable to Transporters of Hazardous Waste" and Environment Article, §§7-249—7-253, Annotated Code of Maryland.

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(5) Instructors conducting an approved training program shall, at a minimum, have successfully completed an approved instruction training program, or have 5 years experience in the trucking industry with at least 2 years involvement in safe driving activities or training.

(6) Satisfactory completion of an approved written examination may be required by the Department.

G. Inspection, Repair, and Maintenance. Before a person may receive a hazardous waste vehicle certificate and certification sticker, the person shall:

(1) Certify that the vehicle is in compliance with the requirements of 49 CFR 396;

(2) Submit, to the Secretary, a copy of the most recent inspection report prepared in accordance with 49 CFR §396.21(a) to document that the vehicle has been inspected in accordance with the requirements of 49 CFR §396.17.

**.02 Compliance with the Manifest System and Record Keeping.**

A. The Manifest System.

(1) A transporter:

(a) May not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with the provisions of COMAR 26.13.03.04E;

(b) May only accept hazardous waste intended for export that is not subject to 40 CFR Part 262, Subpart H, if:

(i) The manifest is signed in accordance with COMAR 26.13.03.04A,

(ii) A copy of the EPA Acknowledgement of Consent accompanies the shipment, and

(iii) A copy of the EPA Acknowledgement of Consent is attached to the shipping paper if the shipment is a bulk shipment by water, or is attached to the manifest if the shipment is neither by rail nor a bulk shipment by water; and

(c) May not accept hazardous waste intended for export if the waste is not subject to 40 CFR Part 262, Subpart H, and the transporter knows the shipment does not conform to the EPA Acknowledgement of Consent.

(d) May not accept hazardous waste subject to the requirements of 40 CFR Part 262, Subpart H, without a tracking document that includes all information required by 40 CFR §262.84.

(2) Before transporting the hazardous waste, the transporter shall sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return a signed copy to the generator before leaving the generator's property.

(3) The transporter shall ensure that the manifest accompanies the hazardous waste and, for exports, that a copy of the EPA Acknowledgement of Consent also accompanies the hazardous waste.

(4) A transporter who delivers a hazardous waste to another transporter or to the designated facility shall:

(a) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest;

(b) Retain one copy of the manifest in accordance with §C of this regulation;

(c) Within 10 days of delivery of hazardous waste outside of Maryland to another transporter or to a facility, provide to the Department a completed copy of the manifest for that shipment; and

(d) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(5) The requirements of §A(3), (4), and (6) of this regulation do not apply to water (bulk shipment) transporters if:

(a) The hazardous waste is delivered by water (bulk shipment) to the designated facility;

(b) The hazardous waste is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports, an EPA Acknowledgement of Consent;

(c) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper;

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(d) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter or the manifest and forwards it to the designated facility; and

(e) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with §C.

(6) Requirements. For shipments involving rail transportation, the requirements of §A(3)-- (5) of this regulation do not apply. The following requirements do apply:

(a) When accepting hazardous waste from a nonrail transporter, the initial rail transporter shall:

(i) Sign and date the manifest acknowledging acceptance of the hazardous waste;

(ii) Return a signed copy of the manifest to the nonrail transporter;

(iii) Forward at least three copies of the manifest to the next nonrail transporter, if any, the designated facility, if the shipment is delivered to that facility by rail, or the last rail transporter designated to handle the waste in the United States;

(iv) Retain one copy of the manifest and rail shipping paper in accordance with §C(3) of this regulation.

(b) Rail transporters shall ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports, an EPA Acknowledgement of Consent accompanies the hazardous waste at all times.

(c) Intermediate rail transporters are not required to sign either the manifest or shipping paper.

(d) When delivering hazardous waste to the designated facility, a rail transporter shall:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with §C of this regulation.

(e) When delivering hazardous waste to a nonrail transporter, a rail transporter shall:

(i) Obtain the date of delivery and the handwritten signature of the next nonrail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with §C of this regulation.

(f) Before accepting hazardous waste from a rail transporter, a nonrail transporter shall sign and date the manifest and provide a copy to the rail transporter.

(7) Transporters who transport hazardous waste out of the State to a foreign destination shall:

(a) Sign and date the manifest in the International Shipments block to indicate the date that the shipment left the United States;

(b) Retain one copy in accordance with §C of this regulation;

(c) Return a signed copy of the manifest to the generator; and

(d) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

B. Compliance with the Manifest.

(1) The transporter shall deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to the:

(a) Designated facility listed on the manifest;

(b) Alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery;

(c) Next designated transporter; or

(d) Place outside the United States designated by the generator.

(2) If the hazardous waste cannot be delivered in accordance with §B(1) of this regulation because of an emergency condition other than rejection of the waste by the designated facility, the transporter shall contact the generator for further directions and shall revise the manifest according to the generator's instructions.

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(3) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, and the rejection involves a partial load rejection or regulated quantities of container residues, the transporter shall:

- (a) Obtain a copy of the original manifest that includes:
  - (i) The date and signature entered on the manifest by the facility;
  - (ii) The manifest tracking number of the new manifest that will accompany the shipment of the rejected waste, entered in the manifest reference number line in the discrepancy block, Item 18a of the manifest; and
  - (iii) A description of the partial rejection or container residue in the discrepancy block;
- (b) Retain a copy of the manifest described in §B(3)(a) of this regulation in accordance with §C of this regulation, and give the remaining copies of the original manifest to the rejecting designated facility;
- (c) Obtain a new manifest to accompany the shipment if the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator; and
- (d) Assure that the new manifest required by §B(3)(c) of this regulation includes all the information required in COMAR 26.13.05.05C(5)(b), 26.13.05.05C(6)(b), or 26.13.06.05A.

(4) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, and the rejection involves full load rejection that will be taken back by the transporter, the transporter shall:

- (a) Obtain a copy of the original manifest that includes:
  - (i) The date and signature entered on the manifest by the facility attesting to the rejection;
  - (ii) The description of the rejection in the discrepancy block of the manifest; and
  - (iii) The name, address, phone number, and EPA identification number for the alternate facility or generator to whom the shipment will be delivered, in Item 18b of the manifest;
- (b) Retain a copy of the manifest described in §B(4)(a) of this regulation in accordance with §C of this regulation;
- (c) Give a copy of the manifest described in §B(4)(a) of this regulation to the rejecting designated facility; and
- (d) If the original manifest is not used to accompany the shipment of the rejected load, obtain a new manifest for the shipment that has been prepared in compliance with COMAR 26.13.05.05C(5)(a), 26.13.05.05C(6)(a), or 26.13.06.05A.

#### C. Record Keeping.

(1) A transporter of hazardous waste shall keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

(2) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter shall retain a copy of a shipping paper containing all the information required in §A(5)(b) of this regulation for a period of 3 years.

(3) For shipments of hazardous waste by rail within the State the following apply:

- (a) The initial rail transporter shall keep a copy of the manifest and shipping paper with all the information required in §A(6)(b) of this regulation for a period of 3 years from the date the hazardous waste was accepted by the initial transporter;
- (b) The final rail transporter shall keep a copy of the signed manifest, or the shipping paper if signed by the designated facility instead of the manifest, for a period of 3 years from the date the hazardous waste was accepted by the initial transporter;
- (c) Intermediate rail transporters are not required to keep records pursuant to these regulations.

(4) A transporter who transports hazardous waste internationally out of the State shall keep a copy of the manifest, for a period of 3 years from the date the hazardous waste was accepted by the initial transporter, indicating that the hazardous waste left the United States.

(5) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Secretary.

**.03 Hazardous Waste Discharged.****A. Immediate Action.**

(1) In the event of a discharge of hazardous waste during transportation, the transporter shall take appropriate immediate action to protect human health and the environment (for example, notify local authorities, dike the discharge area), and shall notify the Department and local authorities, if any, within 1 hour of the incident, or, if not immediately discovered, within 1 hour of discovery of the incident, by calling (410)974-3551.

(2) If a discharge of hazardous waste occurs during transportation, and an official (State or local government or a federal agency) acting within the scope of his official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have EPA identification numbers and without the preparation of a manifest.

(3) An air, rail, highway, or water transporter who has discharged hazardous waste shall:

(a) Give notice if required by 49 CFR §171.15 to the National Response Center, (800)424-8802;

(b) Submit a report in writing as required by 49 CFR §171.16 to the Information Systems Manager, DHM-63, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590; and

(c) Submit a report in writing within 30 days to the Director of the Waste Management Administration, Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

(4) A water (bulk shipment) transporter who has discharged hazardous waste shall give notice by 33 CFR §153.203 to the National Response Center, (800)424-8802, or in the District of Columbia, (202)426-2675, and to the State, (410)974-3551.

**B. Discharge Cleanup.** A transporter shall clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by federal, State, or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment.

**C.** All references to 49 CFR in this regulation mean 49 CFR as it has been adopted as of October 1, 2007.

**.04 Bonding.**

**A.** The Department as a condition to the issuance of a CHS Hauler Certificate shall require a person to secure a bond of not less than \$50,000 for the purpose of indemnifying the State for abatement of pollution from the improper transportation or spill of CHS. The bond shall be executed by the permittee and corporate surety licensed to do business in the State.

**B. Alternative Financial Guarantees.** Instead of a corporate surety, one of the following shall be acceptable:

(1) Deposits of cash or negotiable bonds of the United States Government. The cash deposit or market value of the securities shall be equal at least to the required sum of the bond. The Department, on receipt of any deposit of cash or securities, immediately shall forward it to the State Treasurer, who shall receive and hold the bond in the name of the State, in trust, for the purposes for which the deposit is made. The State Treasurer at all times is responsible for the custody and safekeeping of these deposits. The person making the deposit may demand and receive from the State Treasurer the whole or any portion of any securities so deposited, on depositing with the State Treasurer other negotiable securities of the classes specified in this section having a market value at least equal to the sum of the bond.

(2) A certificate of deposit, if it is equivalent to the required bond, issued by a bank within the State, and accompanied by written agreement of the bank to pay on demand to the State upon a finding of forfeit by the Secretary.

(3) An instrument or other financial guarantee, such as an irrevocable letter of credit, which in the discretionary judgment of the Secretary adequately indemnifies the State.

**C.** Upon expiration of the time limitations specified in the certification, the Department shall release the bond, provided that all provisions of the certificate and Environment Article, §7-201—7-268, inclusive, Annotated Code of Maryland, have been satisfactorily met. Failure to fully comply with the provisions set forth above, or revocation of the certificate, shall constitute grounds for the Department to initiate forfeiture proceedings.

**D. Forfeiture Proceedings.** The Department shall notify the permittee by registered mail of its intent to initiate forfeiture proceedings. The permittee has 30 days to show cause why the bond or cash deposit should not be forfeited.

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**Administrative History**

Effective date:

Regulations .01 – .03 adopted as an emergency provision effective November 18, 1980 (7:25 Md. R. S-1); adopted permanently effective April 3, 1981 (8:7 Md. R. 642)

Regulations .01A – C, .02A, C amended, and .03C adopted effective July 30, 1984 (11:15 Md. R. 1330)

Regulation .01C adopted effective January 18, 1982 (9:1 Md. R. 20)

Regulations .01C and .02A and C amended effective January 31, 1983 (10:2 Md. R. 110)

Regulations .01C, .02A, .04A and C amended, and .01D – F adopted effective February 13, 1984 (11:3 Md. R. 202)

Regulations .02C and .03A amended effective January 18, 1982 (9:1 Md. R. 20)

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Chapter recodified from COMAR 10.51.04 to COMAR 26.13.04

Regulation .01A amended effective May 1, 2008 (35:8 Md. R. 809)

Regulation .01C amended and G adopted effective December 23, 1991 (18:25 Md. R. 2759)

Regulation .01D amended effective September 7, 1998 (25:18 Md. R. 1438)

Regulation .01F amended effective December 23, 1991 (18:25 Md. R. 2759); November 9, 1992 (19:22 Md. R. 1991); September 11, 2006 (33:18 Md. R. 1507)

Regulation .02 amended effective September 11, 2006 (33:18 Md. R. 1507)

Regulation .02A amended effective April 18, 1988 (15:8 Md. R. 1009); August 28, 1995 (22:17 Md. R. 1321)

Regulation .03A and C amended effective December 23, 1991 (18:25 Md. R. 2759)

Regulation .03C amended effective May 1, 2008 (35:8 Md. R. 809)

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