

## **APPENDIX C**

### **TRACKING/CERTIFICATION FORMS**

- Applications for Hauler and Vehicle Certification
- Hazardous Waste Manifest
- Notification of Regulated Waste Activity (EPA Form 8700-12)
- Request Form for Provisional Number (Temporary EPA ID Number)

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**MARYLAND DEPARTMENT OF THE ENVIRONMENT**  
Land Management Administration • Technical Services & Operations Program  
1800 Washington Boulevard • Suite 650 • Baltimore Maryland 21230-1719  
410-537-3400 • 800-633-6101 x3400 • [www.mde.maryland.gov](http://www.mde.maryland.gov)

**TECHNICAL SERVICES & OPERATIONS PROGRAM**  
**APPLICATION FOR CERTIFICATION AS A CONTROLLED HAZARDOUS SUBSTANCES HAULER**  
(PLEASE PRINT OR TYPE - ATTACH ADDITIONAL SHEETS IF NECESSARY)

1. Name of Business:
  - a. Mailing Address:  
City: State: Zip:
  - b. Site Address:  
City: State: Zip:
2. Contact Person Name: E-mail Address:
3. Telephone Number: Fax Number:
4. Name of Business Owner(s):
5. Federal Tax Identification Number:
6. US DOT and/or ICC Number: EPA ID No.:
7. Maryland Resident Agent: **(requirement of all out-of-state companies)**  
Name: Telephone:  
Address:  
City: State: Zip:
8. MD Hauler No.: Number of vehicles involved in CHS Transportation:
9. Quantity (estimated) of CHS to be transported per month:  
gallons: curies: pounds/tons:
10. Sources of CHS - customer list (if new applicants, list types of industries that you will be targeting) (Attach additional sheets, if necessary):
11. Destination of shipments (include facility name, address, EPA ID Number and telephone number for each site) (Attach additional sheets, if necessary):



12. Are you certified to transport hazardous waste in any other state? |  
If "yes", identify state, certification numbers, and years permitted. Attach additional sheets, if necessary.
13. Have you ever had a hazardous waste permit or certificate revoked or suspended in Maryland?  
If yes, please explain:
14. Have you ever been penalized for violation of any federal or state environmental law or regulation?  
If yes, please explain:
15. Are you in compliance with Maryland's Motor Fuel Tax regulations found in COMAR, Title 03, Subtitle 03, Chapter 04 and IFTA?

#### CONDITIONS FOR ISSUANCE

As a condition of this certification, I agree to comply with the provisions of the Environment Article, Section(s) 7-249 through 7-252, Annotated Code of Maryland and COMAR 26.13 and agree to: (1) secure a bond of not less than \$50,000 according to the provisions of the regulation COMAR 26.13.04.04 for the purpose of indemnifying the State for abatement of pollution resulting from the improper transportation or spill of CHS or provide a copy of MCS-90; (2) provide a copy of the manifest supplied by the waste generator to the operator of the facility; (3) demonstrate and comply with the Department of Transportation regulations for vehicles and containers, COMAR 11.16 and 11.21; 49 CFR, Parts 100-180 and 350-399 as applicable; (4) allow the Director of the Land Management Administration and his authorized representatives upon the presentation of credentials to enter and inspect vehicles, contents of containers, and all records relating to the transportation of CHS; (5) transport CHS from a source within the State or to a facility in the State only in certified vehicles operated by a certified driver; (6) report periodically, on a form prescribed by the Program, the source, disposal destination, volume, and nature of the CHS transported; (7) pay a yearly fee for certification of \$50.00 per vehicle used for hauling CHS; and (8) not transport any low-level nuclear waste unless the receiving low-level nuclear waste facility has been notified and has indicated its capability and willingness to take the low-level nuclear waste.

**By signing this form, I the applicant or duly authorized representative, do solemnly affirm under the penalties of perjury that the contents of this application and vehicle listing are true to the best of my knowledge, information, and belief. Additionally, I will notify the Department within 30 days if any changes in the information contained within the application and/or vehicle listing.**

CERTIFIER NAME:

TITLE:

DATE:

*This Notice is provided pursuant to § 10-624 of the State Government Article of the Maryland Code. The personal information requested on this form is intended to be used in processing your application. Failure to provide the information requested may result in your application not being processed. You have the right to inspect, amend, or correct this form. The Maryland Department of the Environment ("MDE") is a public agency and subject to the Maryland Public Information Act (Md. Code Ann., State Gov't §§ 10-601, et seq.). This form may be made available on the Internet via MDE's website and is subject to inspection or copying, in whole or in part, by the public and other governmental agencies, if not protected by federal or State law.*

**APPLICATION FOR VEHICLE CERTIFICATION.**

See spreadsheet available for download at:

**[http://www.mde.state.md.us/programs/Land/SolidWaste/ApplicationsFormsandInstructions/Pages/Programs/LandPrograms/Solid\\_Waste/forms/index.aspx](http://www.mde.state.md.us/programs/Land/SolidWaste/ApplicationsFormsandInstructions/Pages/Programs/LandPrograms/Solid_Waste/forms/index.aspx)**

**under Technical Services and Operations Program/Controlled Hazardous Substances Transportation.**



### **Hazardous Waste Manifest**

In accordance with federal requirements, Maryland regulations require the use of the uniform hazardous waste manifest (EPA Form 8700-22) to track shipments of hazardous waste. A sample copy of the form may be viewed at <http://epa.gov/wastes/hazard/transportation/manifest/pdf/newform.pdf>.

Hazardous waste generators are required to use a manifest printed by an EPA-approved, registered printer. EPA's registry of approved manifest printers is available at <http://epa.gov/wastes/hazard/transportation/manifest/registry/printers.htm> .

### **Notification of Regulated Waste Activity**

For the purposes of assigning EPA identification numbers and updating information associated with previously assigned numbers, the State requires the regulated community to use EPA's form for Notification of Regulated Waste Activity (EPA Form 8700-12). This form is available at <http://epa.gov/wastes/inforesources/data/form8700/forms.htm> .

# Request for MDE Provisional Number

REQUEST DATE: [REDACTED]

PROVISIONAL EPA I. D. **MDP** [REDACTED] [REDACTED] [REDACTED]

LOCATION OF WASTE: [REDACTED]

(STREET ADDRESS - NO PO BOX)

[REDACTED]  
(CITY)

[REDACTED]  
(COUNTY)

[REDACTED]  
(ZIP)

BUSINESS

RESIDENTIAL

BUSINESS/OWNER NAME: [REDACTED]

MAILING ADDRESS: [REDACTED]

(STREET ADDRESS)

[REDACTED]  
(CITY)

[REDACTED]  
(STATE)

[REDACTED]  
(ZIP)

PROJECT CONTACT: [REDACTED]

TITLE: [REDACTED]

PHONE NUMBER: [REDACTED]

TYPE OF HAZARDOUS  
WASTE ACTIVITY:

GENERATOR

TRANSPORTER

FACILITY

CHARACTERISTICS OF WASTE: [REDACTED]

QUANTITY: [REDACTED]

GENERATOR

SHIPMENT DATE: [REDACTED]

FACILITY

ACCEPTANCE DATE: [REDACTED]

TRANSPORTER #1: [REDACTED]

TRANSPORTER #2: [REDACTED]

FACILITY: [REDACTED]

*This Notice is provided pursuant to § 10-024 of the State Government Article of the Maryland Code. The personal information requested on this form is intended to be used in processing your application. Failure to provide the information requested may result in your application not being processed. You have the right to inspect, amend or correct this form. The Maryland Department of the Environment ("MDE") is a public agency and subject to the Maryland Public Information Act (Md. Code Ann., State Gov't §§ 10-001, et seq.). This form may be made available on the Internet via MDE's website and is subject to inspection or copying, in whole or in part, by the public and other governmental agencies, if not protected by federal or State law.*

REVISED 2-9-2015

## APPENDIX D LIST OF PERMITTED FACILITIES

July, 2015

FACILITY	EPA ID NUMBER	PERMITTED ACTIVITIES	COMMENTS
Aberdeen Proving Ground	MD3210021355	Storage, Treatment	
Adelphi Laboratory Center	MD8213822762	Storage	
ATK Elkton LLC (formerly Thiokol Corporation)	MDD003067121	Storage, Treatment, Post-Closure	
BFI, Solley Road	MDD000797365	Post-Closure	
Baltimore Gas & Electric Co.	MDD980832067	Storage	PCB storage only.
Clean Harbors of Baltimore	MDD980555189	Storage, Treatment	Commercial facility
Clean Harbors Laurel LLC (formerly Safety Kleen (TS))	MDD980554653	Storage	Transfer station
CNA Holdings, Inc. (formerly Celanese Acetate LLC)	MDD003077294	Post-Closure	Landfill closed in 1970's
Crystal Clean	MDR000518324	Transfer facility	State permit – federal permit not required
Ecology Services, Inc.	MDR000524701	Transfer facility	State permit – federal permit not required
FMC Corp.	MDD003071875	Post-Closure	
General Electric Co.	MDD046279311	Post-Closure	
Maryland Environmental Service Hawkins Point Landfill	MDD000731356	Post-Closure	
National Institutes of Health	MD6150004095	Storage, Treatment	
National Naval Medical Center	MD4170024687	Storage	
Naval Support Facility - Indian Head (formerly: Naval Surface Warfare Center)	MD4170024109	Storage, Treatment	
Naval Support Facility – Indian Head, Stump Neck Annex	MD4170090001	Treatment	
Safety Kleen, Baltimore	MDD981034291	Storage	Commercial facility
Safety Kleen, Silver Spring	MDD000737395	Post-Closure	Facility unable to “clean close” underground tank
Towson University	MDD050793926	Storage	
Triumvirate Environmental	MDD982574998	Transfer facility	State permit – federal permit not required.
University of Maryland	MDD980829873	Storage	



# **APPENDIX E**

## **FACILITY PERMIT FORMS**

Applications for Controlled Hazardous Substance Facility Permits consist of two parts: “Part A” and “Part B”. Part A is EPA Form 8700-23, “RCRA Hazardous Waste Part A Permit Application”. This form provides basic facility information (facility ownership, location, wastes managed, waste management processes, etc.) Blank copies of the Part A form are available at <http://epa.gov/wastes/inforesources/data/form8700/forms.htm> .

Part B of the permit application consists of information that the Code of Maryland Regulations (COMAR) requires applicants for Controlled Hazardous Substance permits to submit. The requirements are specified in COMAR 26.13.07.02 through 26.13.07.02-11. The required information provides the specific details of the facility design and operation, with detailed specifications, technical design details, operational plans, inspection details, etc. There is not a standardized form for the Part B information – the information required does not lend itself to capture in a standard form.

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## **APPENDIX F**

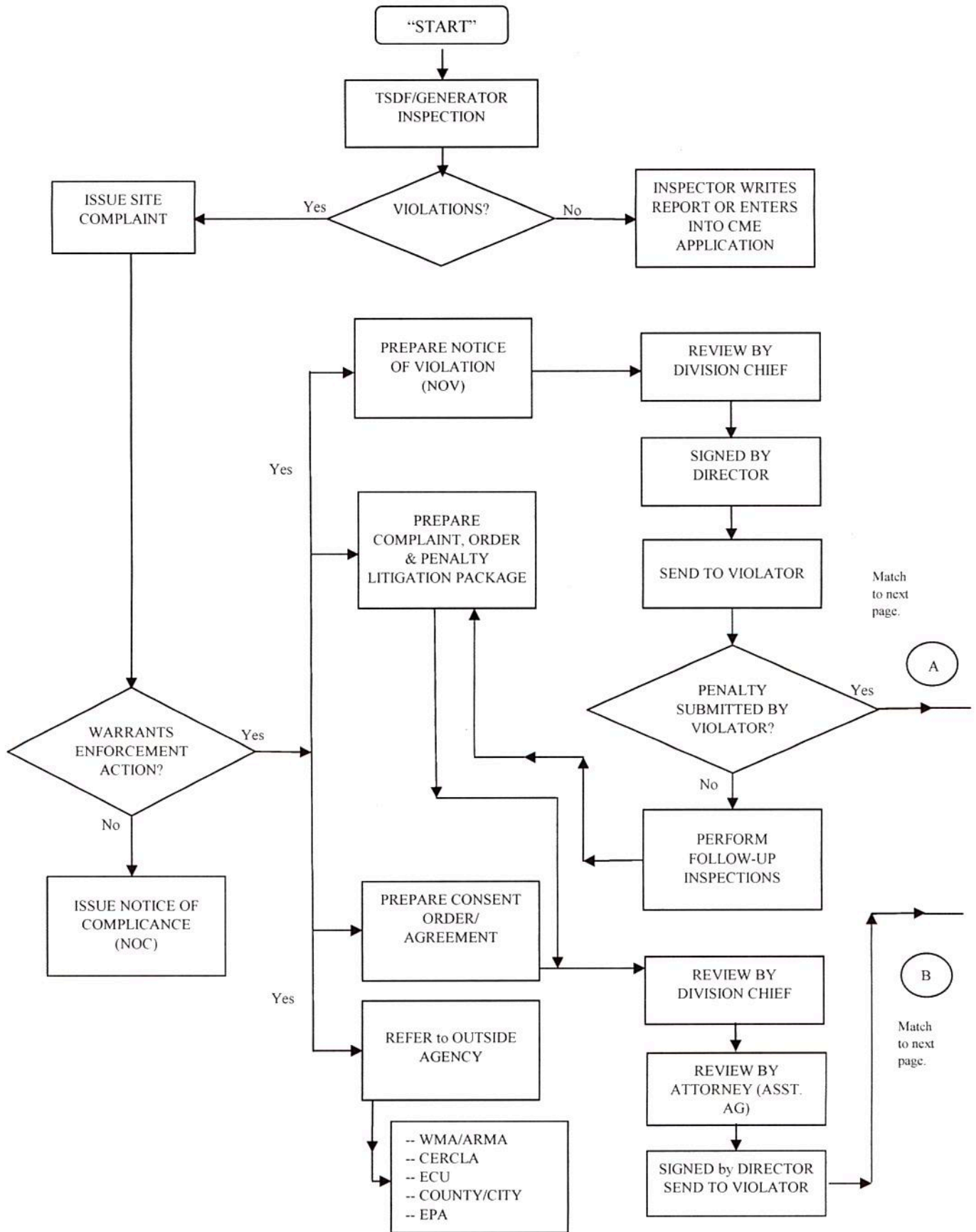
### **ENFORCEMENT PROCESS FLOW CHART**

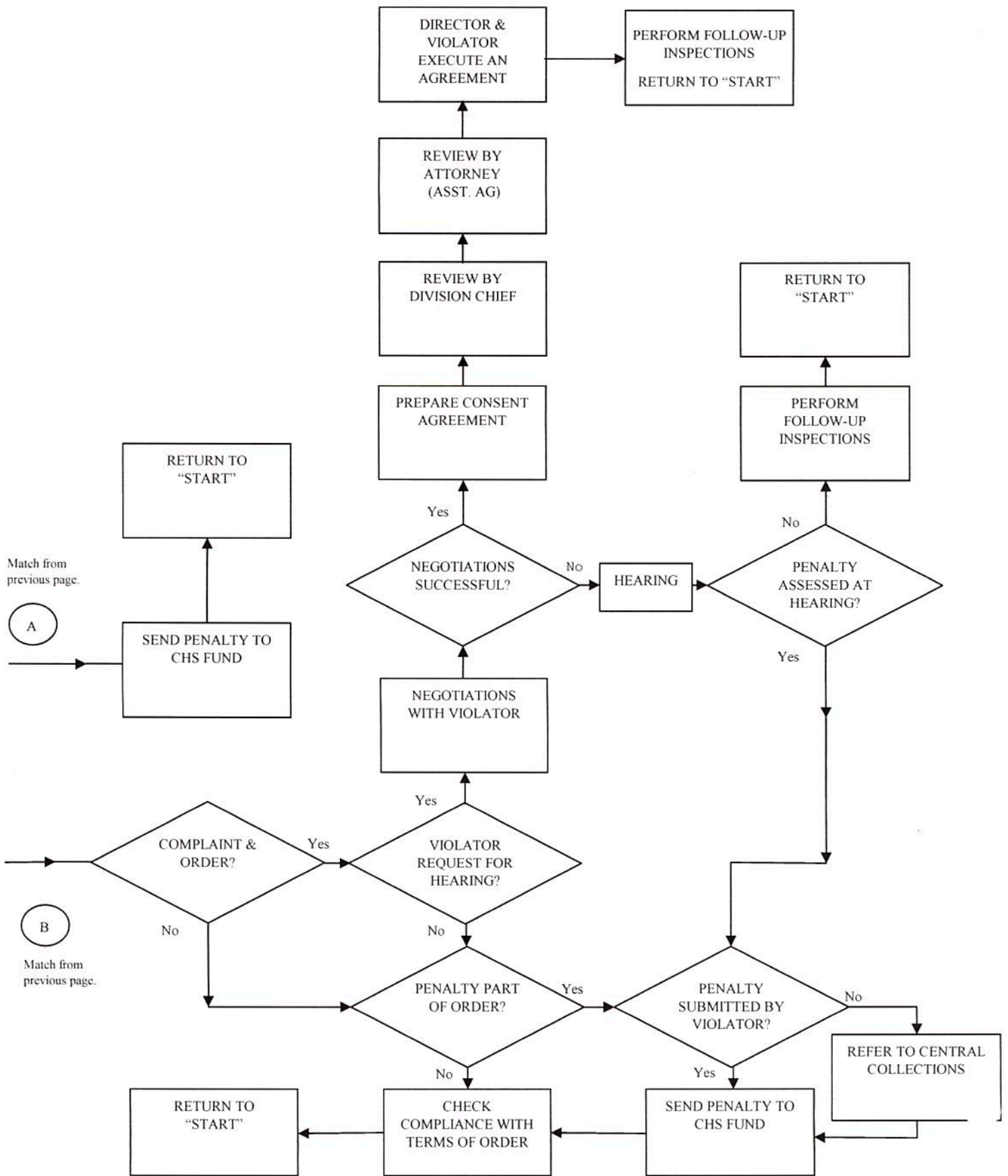
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# HAZARDOUS WASTE ENFORCEMENT PROCESS FLOW CHART

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## **APPENDIX G**

### **ENFORCEMENT FORMS**

- **Generator Inspection Checklist**
- **Copy of Generator Inspection Form in the CME Application**
- **TSD Inspection Checklist**
- **Copy of the TSD Inspection Form in the CME Application**
- **Site Complaint Form**
- **Incident Report Form**
- **Laboratory Analysis Report Form**

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Generator Inspection Checklist

STATE OF MARYLAND  
DEPARTMENT OF THE ENVIRONMENT  
LAND MANAGEMENT ADMINISTRATION  
SOLID WASTE PROGRAM  
COMPLIANCE DIVISION  
1800 WASHINGTON BLVD  
BALTIMORE, MARYLAND 21230  
(410) 537-3400

FI \_\_\_\_\_ Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

GENERATOR CHECKLIST

Facility Name: \_\_\_\_\_

Address: \_\_\_\_\_

Facility Representative: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Description of Work Activity: \_\_\_\_\_

EPA Identification Number? - - - - - \_\_\_\_\_

**Section A - Hazardous Waste Determination**

1. Does facility generate hazardous waste(s) as defined in COMAR  
26.13.02.10 - 19?.....\_Yes\_ \_No\_ \_\_\_\_\_  
If yes, under which category is the waste?

\_Ignitable\_ \_Corrosive\_ \_Reactive\_ \_TC Toxic\_ \_RCRA Listed

2. Describe the amount of waste generated (day, week or month). \_\_\_\_\_

**Section B - Manifest (26.13.03.04)**

1. Does generator ship waste off-site?.....\_Yes\_ \_No\_ \_\_\_\_\_  
(If no, do not complete section B and C)

2. Does generator use manifest?.....\_Yes\_ \_No\_ \_\_\_\_\_  
If no, explain:

*Generator Inspection Checklist*

3. Does generator retain copies of manifest?.....\_Yes\_No\_N/A  
If yes, does the manifest include the following information?  
(26.13.03.04C)  
-Manifest document number?.....\_Yes\_No\_N/A  
-Generator's name, mailing address & telephone  
number?.....\_Yes\_No\_N/A  
-Generator's EPA I.D. number?.....\_Yes\_No\_N/A  
-Transporter name(s) & EPA I.D. number(s)?.....\_Yes\_No\_N/A  
-Designated TSD name, address, & EPA I.D. number?.....\_Yes\_No\_N/A  
-Alternate TSD name, address, & EPA I.D. number?.....\_Yes\_No\_N/A  
-Instructions to return waste to generator if  
undeliverable?.....\_Yes\_No\_N/A  
-Description of the waste required by DOT regulations? \_Yes\_No\_N/A

Page 1 of \_\_\_\_\_

- Quantity of each hazardous waste by units of weight or  
volume?.....\_Yes\_No\_N/A  
-Total number & types of containers given to  
transporter?.....\_Yes\_No\_N/A  
-Is the proper certification noted on each manifest?....\_Yes\_No\_N/A  
4. Has the generator signed & dated manifests (26.13.03.04E)? \_Yes\_No\_N/A  
5. Did the generator obtain initial transporter's signature  
and date of acceptance?.....\_Yes\_No\_N/A  
6. Do returned copies of manifest include facility owner/  
operation signature and date of acceptance?.....\_Yes\_No\_N/A  
7. Have manifests been retained for three years?.....\_Yes\_No\_N/A

**Section C - Pre-Transport Requirements (26.13.03.05)** \_N/A

1. Does generator package wastes in accordance with DOT  
requirements?.....\_Yes\_No  
2. Are containers in good condition?.....\_Yes\_No  
If no, explain:  
3. Is the date that accumulation time began clearly marked  
and visible for inspection on each container?.....\_Yes\_No  
4. Is period of accumulation less than 90 days?.....\_Yes\_No  
-If no, is amount accumulated less than 500 kg or  
less than 1 kg of acute hazardous waste?.....\_Yes\_No\_N/A  
-If no, explain: \_\_\_\_\_  
5. Is "SATELLITE ACCUMULATION" no more than 55 gallons of  
hazardous waste or 1 quart of acutely hazardous waste?....\_Yes\_No\_N/A  
6. Are containers in good condition, closed, and clearly  
marked "HAZARDOUS WASTE"?.....\_Yes\_No\_N/A

**Section D - Recordkeeping and Reporting (26.13.03.06)**

1. Does the generator keep the following reports for three years?  
-Manifests & signed copies from designated facilities?....\_Yes\_No  
-Annual Reports?.....\_Yes\_No

*Generator Inspection Checklist*

- Exception Reports?.....\_Yes\_No\_N/A
- Waste Analyses?.....\_Yes\_No\_N/A

**Section E - Special Conditions (26.13.03.07)**

1. Has the generator received from or transported to a foreign country any hazardous waste(s)?.....\_Yes\_No  
-If yes, has a notice been filed with MDE and EPA?.....\_Yes\_No\_N/A  
-Is this waste manifested & signed by a foreign consignee?\_Yes\_No\_N/A  
-If generator transported wastes out of the county, has confirmation of delivery been received?.....\_Yes\_No\_N/A

**Section F - General Requirements (26.13.03.05E)**

Personnel Training (26.13.05.02G)

1. Does the owner/operator maintain personnel training records?.....\_Yes\_No  
If yes, do they include:
  - Job title & written job description of each position?..\_Yes\_No
  - Description of type and amount of training?.....\_Yes\_No
  - Records of training given to facility personnel?.....\_Yes\_No

Page 2 of \_\_\_\_\_

Preparedness and Prevention (26.13.05.03)

1. Is there evidence of fire, explosion, or contamination of the environment?.....\_Yes\_No
2. Is the facility equipped with:
  - a) Internal communication or alarm system?.....\_Yes\_No
  - b) Telephone or two-way radio to call emergency response personnel?.....\_Yes\_No
  - c) Portable fire extinguishers, fire control equipment, spill control equipment, & decontamination equipment?..\_Yes\_No
  - d) Water of adequate volume for hoses, sprinklers, or water spray system?.....\_Yes\_No
3. Is there sufficient aisle space to allow unobstructed movement of personnel and equipment in an emergency?.....\_Yes\_No
4. Has the owner/operator made arrangements with the local authorities to familiarize them with characteristics of the facility?.....\_Yes\_No
5. In the case that more than one police or fire department might respond, is there a designated primary authority?...\_Yes\_No
6. If State or local authorities decline to enter into these arrangements, has this been documented in the operating log?.....\_Yes\_No\_N/A

Contingency Plan and Emergency Procedures (26.13.05.04)

*Generator Inspection Checklist*

1. Is a contingency plan maintained at the facility?..... Yes No  
If yes, does contingency plan include:
  - Arrangements with local emergency response organizations?..... Yes No
  - Emergency coordinators' names, phone numbers, and addresses?..... Yes No
  - List of all emergency equipment at the facility and description of equipment?..... Yes No
  - Evacuation plan for facility personnel?..... Yes No
2. Is there an emergency coordinator on site or on call at all times?..... Yes No
3. Has a copy of the contingency plan been submitted to local or State agencies that may be asked to provide emergency services?..... Yes No
4. Has the plan ever been implemented?..... Yes No
  - If so, was the plan appropriate?..... Yes No N/A
  - If the plan was not appropriate, has it been amended?.. Yes No N/A
  - If the plan was implemented, was the incident recorded in the operating log and was a written report submitted to MDE?..... Yes No N/A

Use and Management of Containers (26.13.05.09)

1. Are containers in good condition?..... Yes No
2. Is container made of a material that will not react with the waste which it stores?..... Yes No N/A
3. Are containers always closed when holding hazardous waste? Yes No
4. Are containers handled so that they will not be opened, handled, or stored in a manner which may rupture them or cause them to leak?..... Yes No
5. Does owner/operator inspect containers at least weekly for leaks and deterioration?..... Yes No

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6. Do container storage areas have adequate containment systems?..... Yes No
7. Are containers holding ignitable and reactive waste located at least 15m (50 ft) from facility property lines? Yes No N/A
8. Are incompatible wastes or materials placed in the same containers?..... Yes No N/A
9. Are hazardous wastes placed in washed, clean containers when they previously held incompatible waste?.. Yes No N/A
10. Are incompatible hazardous wastes separated from each other by a berm, dike, wall, or other device?..... Yes No N/A

Annual Reports (26.13.03.06B)

1. Does the facility submit annual reports to MDE?..... Yes No  
If yes, do reports contain the following information?



Generator Inspection Checklist

- a) Name, address and EPA I.D. number of facility?.....\_Yes\_No
- b) Date and year covered by report?.....\_Yes\_No
- c) Description/quantity of hazardous waste?.....\_Yes\_No
- d) Description of efforts to reduce volume/toxicity of waste generated, and actual comparisons with previous year?.....\_Yes\_No
- e) Certification signed by owner/operator?.....\_Yes\_No

**Section G - Other Checklists Completed: \_N/A**

- Tanks
- Transporter
- Land Disposal Restrictions
- TSD Facility
- Surface Impoundment
- Waste Pile
- Land Treatment
- Landfill
- Incinerator
- Thermal Treatment
- Groundwater Monitoring

**Section H - Additional Comments**

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Generator Inspection Form – CME Application

TMPOS Administrator - [Inspection Wizard - Media Profile for Generator (1 of 1)]

File Edit Agency Activity Tracking Fiscal Tools Reports Window Help

Agency Interest: 4777 Gene Kahl Auto Body, Frederick. Activity: CP0015001

Media: Generator (1 of 1)

Checklist

Subject Item: [dropdown] Overall Compliance Rating: [dropdown] General Comments: [text area]

(1) Includes Subject Items... Subject Item Status: [dropdown]

Filters

Included Only Regulatory Program: [dropdown] Compliance Status: [dropdown]

Incl. Inspect Flag	Requirement	Station	Regulatory Program	Regt. Source Activity	Compliance Status	Multiple DNC's?	Results Or Comments	Discovery Date	Discovery Time	Violation Start Date	Violation Start Time	Viol. End
<input checked="" type="checkbox"/>	1. What is the generator status of the facility? (9)(vi)	Info	Hazardous Waste	Rules	[dropdown]	<input checked="" type="checkbox"/>		13/09/2015				
<input checked="" type="checkbox"/>	2. Did the facility make the required hazardous waste determination as required in COMAR 26.13.03.02A? (COMAR 26.13.03.02A)	COMAR 26.13.03.02A	Hazardous Waste	Rules	[dropdown]	<input checked="" type="checkbox"/>		13/09/2015				
<input checked="" type="checkbox"/>	3. If the facility is a generator, does the facility have an EPA RCRA ID number? (COMAR 26.13.03.03A)	COMAR 26.13.03.03A	Hazardous Waste	Rules	[dropdown]	<input checked="" type="checkbox"/>		13/09/2015				
<input checked="" type="checkbox"/>	4. Does the generator keep the following reports for three years: Manifests & signed copies from designated facilities, Biennial Reports, Exception Reports, waste	COMAR 26.13.03.05A	Hazardous Waste	Rules	[dropdown]	<input checked="" type="checkbox"/>		13/09/2015				
<input checked="" type="checkbox"/>	5. Does the generator meet the Manifest requirements of COMAR 26.13.03.04? (COMAR 26.13.03.04)	COMAR 26.13.03.04	Hazardous Waste	Rules	[dropdown]	<input checked="" type="checkbox"/>		13/09/2015				
<input checked="" type="checkbox"/>	6. Does the generator meet the Biennial Reporting requirements of COMAR 26.13.03.06B? (COMAR 26.13.03.06B)	COMAR 26.13.03.06B	Hazardous Waste	Rules	[dropdown]	<input checked="" type="checkbox"/>		13/09/2015				
<input checked="" type="checkbox"/>	7. Does the generator meet the Exception Reporting requirements of COMAR 26.13.03.06C? (COMAR 26.13.03.06C)	COMAR 26.13.03.06C	Hazardous Waste	Rules	[dropdown]	<input checked="" type="checkbox"/>		13/09/2015				

Load Requirements Include All Metrics Ratings... Audit Data... Uninclude All Mark Blanks as Compliant Mark Blanks as N/A Produce Report

Responsible Entity

ID	Name	Address

Site Status: [dropdown] Site Condition: [dropdown]

Evidence Collected

Samples Taken  Photos/Videos Taken

Visual Observation

Area Filled or Disturbed: [text] Units: [dropdown]

Inspection Reason: [dropdown] RAF Number: [text]

Recommended Action: [dropdown] Site Complaint Number: [text]

Permit Number: [dropdown] Aberrant/Interim AI Identifiers: [dropdown]

Related Incidents & Incident Types: [dropdown]

Select From Address Book... Select From Related Entities...

Document Review

First Previous Next Last Cancel

Ready March 9, 2015, 11:13 AM 11:13 AM 3/9/2015



TSD Inspection Checklist

(26.13.03.04C)

- Manifest document number?.....\_Yes\_No\_N/A
  - Generator's name, mailing address & telephone number?.....\_Yes\_No\_N/A
  - Generator's EPA I.D. number?.....\_Yes\_No\_N/A
  - Transporter name(s) & EPA I.D. number(s)?.....\_Yes\_No\_N/A
  - Designated TSD name, address, & EPA I.D. number?.....\_Yes\_No\_N/A
  - Alternate TSD name, address, & EPA I.D. number?.....\_Yes\_No\_N/A
  - Instructions to return waste to generator if undeliverable?.....\_Yes\_No\_N/A
  - Description of the waste required by DOT regulations?..\_Yes\_No\_N/A
  - Quantity of each hazardous waste by units of weight or volume?.....\_Yes\_No\_N/A
  - Total number & types of containers given to transporter?.....\_Yes\_No\_N/A
  - Is the proper certification noted on each manifest?.....\_Yes\_No\_N/A
4. Has the generator signed & dated manifests (26.13.03.04E)?\_Yes\_No\_N/A
  5. Did the generator obtain initial transporter's signature and date of acceptance?.....\_Yes\_No\_N/A
  6. Do returned copies of manifest include facility owner/operation signature and date of acceptance?.....\_Yes\_No\_N/A
  7. Have manifests been retained for three years?.....\_Yes\_No\_N/A

**Section C - Pre-Transport Requirements (26.13.03.05)** \_N/A

1. Does generator package wastes in accordance with DOT requirements?.....\_Yes\_No
2. Are containers in good condition?.....\_Yes\_No  
If no, explain:
3. Is the date that accumulation time began clearly marked and visible for inspection on each container?.....\_Yes\_No
4. Is period of accumulation less than 90 days?.....\_Yes\_No  
-If no, is amount accumulated less than 500 kg or less than 1 kg of acute hazardous waste?.....\_Yes\_No\_N/A  
-If no, explain:
5. Is "SATELLITE ACCUMULATION" no more than 55 gallons of hazardous waste or 1 quart of acutely hazardous waste?.....\_Yes\_No\_N/A
6. Are containers in good condition, closed, and clearly marked "HAZARDOUS WASTE"?.....\_Yes\_No\_N/A

**Section D - General Facility Standards (26.13.05.02)**

1. Has facility received hazardous waste from a foreign source?..\_Yes\_No  
If yes, has it filed a notice with the Regional Administrator?.....\_Yes\_No\_N/A

**Waste Analysis Plan (26.13.05.02D)**

2. Does the facility maintain a copy of the waste analysis plan at the facility?.....\_Yes\_No  
If yes, does it include:



*TSD Inspection Checklist*

- Parameters for which waste will be analyzed?.....\_Yes\_No\_N/A
  - Test methods used to test for these parameters?.....\_Yes\_No\_N/A
  - Sampling method used to obtain sample?.....\_Yes\_No\_N/A
  - Frequency with which the initial analyses will be reviewed or repeated?.....\_Yes\_No\_N/A
  - (For off-site facilities) Waste analyses that generators have agreed to supply?.....\_Yes\_No\_N/A
  - (For off-site facilities) Procedures for ensuring that hazardous waste received matches the accompanying manifest or shipping paper?.....\_Yes\_No\_N/A
3. Does the facility provide adequate security through:  
(26.13.05.02E)
- a) 24-hour surveillance system (e.g., television monitoring or guards)?.....\_Yes\_No

**OR**

- b) 1. Artificial or natural barrier around the facility (e.g. fence or fence and cliff)?.....\_Yes\_No

**AND**

2. Means to control entry through entrances (e.g., attendant, television monitors, locked entrance, controlled roadway access)?.....\_Yes\_No
4. Does the facility have "KEEP OUT" signs posted?.....\_Yes\_No

**General Inspection Requirements (26.13.05.02F)**

5. Does the owner/operator maintain a written schedule at the facility for inspecting:
- Monitoring equipment?.....\_Yes\_No
  - Safety and emergency equipment?.....\_Yes\_No
  - Security devices?.....\_Yes\_No
  - Operating and structural equipment?.....\_Yes\_No
  - Types of problems of equipment (operator error, malfunction, discharge...)?.....\_Yes\_No
6. Does the owner/operator maintain inspection logs?.....\_Yes\_No
- If yes, do they include:
- Records for the last three years?.....\_Yes\_No
  - Date and time of inspection?.....\_Yes\_No
  - Name of inspector?.....\_Yes\_No
  - Notation of observations?.....\_Yes\_No
  - Date and nature of repairs or remedial action?.....\_Yes\_No
7. Are there any malfunctions or other deficiencies not corrected?.....\_Yes\_No\_N/A

**Personnel Training (26.13.05.02G)**

8. Does the owner/operator maintain personnel training records?.....\_Yes\_No

*TSD Inspection Checklist*

If yes, do they include:

- Job title & written job description of each position?..\_Yes\_No
- Description of type and amount of training?.....\_Yes\_No
- Records of training given to facility personnel?.....\_Yes\_No

**Requirements for Ignitable, Reactive, or Incompatible Waste (26.13.05.02H)**

9. Does the facility handle ignitable or reactive waste?.....\_Yes\_No
  - a) If yes, is waste separated and confined from sources of Ignition or reaction?.....\_Yes\_No\_N/A
  - b) Are smoking and open flame confined to specifically designated locations?.....\_Yes\_No\_N/A
  - c) Are "No Smoking" signs posted in hazardous areas?.....\_Yes\_No\_N/A
  - d) Have precautions for handling ignitable, reactive or incompatible wastes been documented?.....\_Yes\_No\_N/A

**Section E - Preparedness and Prevention (26.13.05.03)**

1. Is there evidence of fire, explosion, or contamination of the environment?.....\_Yes\_No
2. Is the facility equipped with:
  - a) Internal communication or alarm system?.....\_Yes\_No
  - b) Telephone or two-way radio to call emergency response personnel?.....\_Yes\_No
  - c) Portable fire extinguishers, fire control equipment, spill control equipment, & decontamination equipment?..\_Yes\_No
  - d) Water of adequate volume for hoses, sprinklers, or water spray system?.....\_Yes\_No
3. Is there sufficient aisle space to allow unobstructed movement of personnel and equipment in an emergency?.....\_Yes\_No
4. Has the owner/operator made arrangements with the local authorities to familiarize them with characteristics of the facility?.....\_Yes\_No
5. In the case that more than one police or fire department might respond, is there a designated primary authority?....\_Yes\_No
6. If State or local authorities decline to enter into these arrangements, has this been documented in the operating log?.....\_Yes\_No\_N/A

**Section F - Contingency Plan and Emergency Procedures (26.13.05.04)**

1. Is a contingency plan maintained at the facility?.....\_Yes\_No
  - If yes, does contingency plan include:
    - Arrangements with local emergency response organizations?.....\_Yes\_No
    - Emergency coordinators' names, phone numbers, and addresses?.....\_Yes\_No
    - List of all emergency equipment at the facility and description of equipment?.....\_Yes\_No



TSD Inspection Checklist

- Evacuation plan for facility personnel?.....\_Yes\_No
- 2. Is there an emergency coordinator on site or on call at all times?.....\_Yes\_No
- 3. Has a copy of the contingency plan been submitted to local or State agencies that may be asked to provide emergency services?.....\_Yes\_No
- 4. Has the plan ever been implemented?.....\_Yes\_No
  - If so, was the plan appropriate?.....\_Yes\_No\_N/A
  - If the plan was not appropriate, has it been amended?..\_Yes\_No\_N/A
  - If the plan was implemented, was the incident recorded in the operating log and was a written report submitted to MDE?.....\_Yes\_No\_N/A
- 5. If the Facility Permit has been revised, has the Contingency Plan been revised also?.....\_Yes\_No\_N/A

**Section G - Manifest System, Recordkeeping, and Reporting (26.13.05.05)**

- 1. Does facility receive waste from off-site?.....\_Yes\_No
  - If yes, does the owner/operator retain copies of all manifests?.....\_Yes\_No
    - a) Are the manifests signed and dated and returned to the generator?.....\_Yes\_No
    - b) Is a signed copy given to the transporter?.....\_Yes\_No
    - c) Are manifests retained for at least three years?.....\_Yes\_No
- 2. Has the owner/operator received any shipments of waste that were inconsistent with the manifest (manifest discrepancies)?.....\_Yes\_No
  - If yes, has he attempted to reconcile the discrepancy with the generator and transporter?.....\_Yes\_No\_N/A
  - If the discrepancy wasn't reconciled, was MDE notified?..\_Yes\_No\_N/A
- 3. Does the owner/operator keep a written operating record at the facility? (26.13.05.05D).....\_Yes\_No
  - a) If yes, does it include:
    - 1. Description and quantity of each hazardous waste received?.....\_Yes\_No
    - 2. Methods & dates of treatment, storage, & disposal?...\_Yes\_No
    - 3. Location and quantity of each hazardous waste at each location?.....\_Yes\_No
    - 4. Cross-references to manifest/shipping papers?.....\_Yes\_No
    - 5. Records and results of waste analyses?.....\_Yes\_No
    - 6. Report of incidents involving implementation of the contingency plan?.....\_Yes\_No\_N/A
    - 7. Records and results of required inspections?.....\_Yes\_No
    - 8. Monitoring or testing analytical data?.....\_Yes\_No
    - 9. Closure cost estimates and, for disposal facilities, post closure cost estimates?.....\_Yes\_No
- 10. (For facilities without off-site sources) Annual certification that permittee has program to reduce volume and toxicity of hazardous waste generated?.....\_Yes\_No\_N/A

*TSD Inspection Checklist*

4. Does the facility submit biennial reports to MDE?  
(26.13.05.05F).....\_Yes\_No
  - a) If yes, do reports contain the following information?
    1. Name, address and EPA I.D. number of facility?.....\_Yes\_No
    2. Date and year covered by report?.....\_Yes\_No
    3. Description/quantity of hazardous waste?.....\_Yes\_No
    4. Treatment, storage, and disposal methods?.....\_Yes\_No
    5. (For facilities with off-site sources) EPA I.D. number of each generator from which facility received hazardous wastes?.....\_Yes\_No\_N/A
    6. Most recent closure and post-closure cost estimates?..\_Yes\_No
    7. For TSD generators, description of efforts to reduce volume/toxicity of waste generated, and actual comparisons with previous year?.....\_Yes\_No
    8. Certification signed by owner/operator?.....\_Yes\_No
5. Has the facility received any hazardous waste from an off-site source without a manifest? (26.13.05.05G).....\_Yes\_No
  - If yes, was this waste exempt under the small quantity generator provision of 26.13.02.05?.....\_Yes\_No\_N/A
  - If not exempt, was a written report submitted to MDE?....\_Yes\_No\_N/A
6. Does the facility report releases, fires, explosions; groundwater contamination and monitoring data; and facility closure to MDE? (26.13.05.05H).....\_Yes\_No\_N/A

**Section H - Use and Management of Containers (26.13.05.09)**

1. Are containers in good condition?.....\_Yes\_No
2. Is container made of a material that will not react with the waste which it stores?.....\_Yes\_No\_N/A
3. Are containers always closed when holding hazardous waste?\_Yes\_No
4. Are containers handled so that they will not be opened, handled, or stored in a manner which may rupture them or cause them to leak?.....\_Yes\_No
5. Does owner/operator inspect containers at least weekly for leaks and deterioration?.....\_Yes\_No
6. Do container storage areas have adequate containment systems?.....\_Yes\_No
7. Are containers holding ignitable and reactive waste located at least 15m (50 ft) from facility property lines?\_Yes\_No\_N/A

*TSD Inspection Checklist*

- 8. Are incompatible wastes or materials placed in the same containers?.....\_Yes\_No\_N/A
- 9. Are hazardous wastes placed in washed, clean containers when they previously held incompatible waste?..\_Yes\_No\_N/A
- 10. Are incompatible hazardous wastes separated from each other by a berm, dike, wall, or other device?.....\_Yes\_No\_N/A

**Section I - Other Checklists Completed: \_N/A**

- Tanks
- Transporter
- Land Disposal Restrictions
- Surface Impoundment
- Waste Pile
- Land Treatment
- Landfill
- Incinerator
- Thermal Treatment
- Groundwater Monitoring

**Section J - Additional Comments**

TSD Inspection Form – CME Application

TEMPO® Administrator - [Inspection Wizard - Media Profile for TSD# (1 of 1)]

File Edit Agency Activity Tracking Fiscal Tools Reports Window Help

Agency Interest: 4777 Gene Kahl Auto Body Frederick Activity ID#: 0153001

Media: TSD# (1 of 1)

✓ Checklist

Subject Item: [dropdown] Overall Compliance Rating: [dropdown] General Comments: [text area]

(1) Included Subject Item: [dropdown] Subject Item Status: [dropdown]

Filters

Included Only Regulatory Program: [dropdown] Compliance Status: [dropdown]

Inc	Inspect Flag	Requirement	Citation	Regulatory Program	Ref. Source Activity	Compliance Status	Multiple DNCA's?	Results Or Comments	Discovery Date	Discovery Time	Violation Start Date	Violation Start Time	Viol	End
✓	✓	General Facility Standards. (header)	Header	Hazardous Waste	Rules				03/09/2015					
✓	✓	Failure to obtain from the state EPA identification number for hazardous waste management. [COMAR 26.13.05.02B]	COMAR 26.13.05.02B	Hazardous Waste	Rules				03/09/2015					
✓	✓	Failure to notify the state at least 4 weeks in advance of the date waste is expected to arrive at the facility. [COMAR 26.13.05.02C(1)]	COMAR 26.13.05.02C(1)	Hazardous Waste	Rules				03/09/2015					
✓	✓	Failure to notify the new facility owner in writing of the requirements of COMAR 26.13.05.02C(2) [COMAR 26.13.05.02C(2)]	COMAR 26.13.05.02C(2)	Hazardous Waste	Rules				03/09/2015					
✓	✓	Failure to comply with the general requirements for waste analysis. [COMAR 26.13.05.02D(1)(A-E)]	COMAR 26.13.05.02D(1)	Hazardous Waste	Rules				03/09/2015					
✓	✓	Failure to have a written waste analysis plan. [COMAR 26.13.05.02D(2)(A-E)]	COMAR 26.13.05.02D(2)	Hazardous Waste	Rules				03/09/2015					
✓	✓	Failure to comply with security requirements for prevention of unauthorized into the active portion of the facility. [COMAR 26.13.05.02E]	COMAR 26.13.05.02E	Hazardous Waste	Rules				03/09/2015					

Load Requirements Include All Metrics Ratings... Audit Data... Uninclude All Mark Blanks as Compliant Mark Blanks as N/A Produce Report

Responsible Entity

ID	Name	Address

Site Status: [dropdown] Site Condition: [dropdown]

Inspection Reason: [dropdown]

Recommended Actions: [dropdown]

Permit Number: [dropdown]

Evidence Collected

Samples Taken  Photos/Videos Taken

Visual Observation

Area Filled or Disturbed: [text] Units: [dropdown]

PLF Number: [text]

Site Complaint Number: [text]

Aberrants/Historic AI Identifiers: [dropdown]

Related Incidents & Incident Types: [dropdown]

Select From Address Book... Select From Related Entities...

Document Review

First Previous Next Last Cancel

Ready

11:14 AM 3/9/2015



Site Complaint Form



STATE OF MARYLAND  
DEPARTMENT OF THE ENVIRONMENT  
LAND MANAGEMENT ADMINISTRATION  
1500 WASHINGTON BLVD., SUITE 645  
BALTIMORE, MD 21220-1718

SITE COMPLAINT

NUMBER DATE  
SC-0-

1. Name of violator \_\_\_\_\_  
Address: \_\_\_\_\_  
County: \_\_\_\_\_ Phone: \_\_\_\_\_

2. Violation Type (with reference to the Annotated Code of Maryland)
- Water Pollution Control and Abatement (Environment Article, Sections 9-301 through 9-344)
  - Oil Control (Environment Article, Sections 4-401 through 4-418)
  - Controlled Hazardous Substances (Environment Article, Sections 7-201 through 7-268)
  - Landfills and Sludge Disposal (Environment Article, Section 9-224)
  - Other \_\_\_\_\_

3. Specifically \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. You are hereby advised the following corrective actions are necessary. Compliance with the corrective actions contained herein does not preclude the Department from imposing further requirements. In addition, the Department reserves the right to impose sanctions or penalties for the underlying violation(s).

5. The above described violation(s) may result in the Department seeking legal sanctions against you, including the imposition of civil and/or criminal penalties. Continuation of the violation(s) or failure to take the corrective actions described above may result in additional sanctions or penalties.

I hereby acknowledge receipt of the Site Complaint by my signature, which is not an admission of guilt.

Received by: \_\_\_\_\_ Title: \_\_\_\_\_  
Authorized by: The Secretary of the Department of the Environment Issued by: \_\_\_\_\_  
Date: \_\_\_\_\_

MD\* 103  
10/92/05

PRINTED ON RECYCLED PAPER

**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
LAND MANAGEMENT ADMINISTRATION  
SOLID WASTE PROGRAM  
COMPLIANCE DIVISION**

**COMPLAINT REPORT FORM**

<b>DATE:</b>
<b>SEQUENCE TRACKING NUMBER:</b>
<b>RECEIVED BY:</b>

<b>NOTIFIER:</b>
Name:
Address:
City:
Telephone:

<b>LOCATION of INCIDENT:</b>
Address:
City:
County:

<b>RESPONSIBLE PERSON:</b>
Name:
Address:
City:
Phone:

**MEDIA AFFECTED:**

**NATURE of INCIDENT:**

**CAUSE:**

<b>CASE STATUS:</b>
Open
Referred to:
Unfounded complaint
Closed
Date:
Reviewed by:

Revised 8/13/07



Laboratory Analysis Report Form

STATE OF MARYLAND  
 DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
 Laboratory Administration  
 201 W. Preston St.  
 P.O. Box 2153, Baltimore, Maryland 21203  
 J. Mehler Joseph, Ph.D., Director

LAB. NO. \_\_\_\_\_

**HAZARDOUS WASTE LABORATORY**  
 General Inorganic Analysis Report Form

Priority \_\_\_\_\_  
 Collector \_\_\_\_\_ Name/Time/Date \_\_\_\_\_ Sample Source \_\_\_\_\_

Sample ID no. \_\_\_\_\_ Preservative Used \_\_\_\_\_

Sample Alert \_\_\_\_\_

Specify Program  
 RCRA \_\_\_\_\_ NPDES \_\_\_\_\_ OTHER \_\_\_\_\_

Chain of Custody Sample Possession  
 From \_\_\_\_\_ Name/Time/Date \_\_\_\_\_ To \_\_\_\_\_ Name/Time/Date \_\_\_\_\_  
 From \_\_\_\_\_ Name/Time/Date \_\_\_\_\_ To \_\_\_\_\_ Name/Time/Date \_\_\_\_\_

_____ pH	_____	Chloride	_____ ppm-Cl
_____ Conductivity-conductance	_____ @ 25°C	Fluoride	_____ ppm-F
_____ Turbidity	_____ NTU	_____ Iodide	_____ ppm-I
_____ Color	_____ Color	Cyanide, total	_____ ppm-CN
_____ Residue non-filterable	_____ ZPP	Cyanide, reactive	_____ ppm-CN
_____ Residue filterable	_____ ZPP	Cyanide, amenable to chlorination	_____ ppm-CN
_____ Residue total	_____ ZPP	Phenol, 4-NAP	_____ ppm-phenol
_____ Residue volatile	_____ ZPP	Acidity, total	_____ ppm-CaCo <sub>3</sub>
_____ Specific gravity	_____ @ 25°C	Alkalinity	_____ ppm-CaCo <sub>3</sub>
_____ Free Iodine test	_____ %	Hardness, total	_____ ppm-CaCo <sub>3</sub>
_____ Conductivity	_____ OH	Carbon Dioxide	_____ ppm-CaCo <sub>3</sub>
_____ Chloride	_____ ppm-Cl	Mercury, Blue Active Substance	_____ ppm-MBAS
_____ Ammonia	_____ ppm-N	Chloride, total	_____ ppm-Cl
_____ Kjeldahl Nitrogen	_____ ppm-N	Chloride, free	_____ ppm-Cl
_____ Nitrite	_____ ppm-N	Lead ion	_____ ppm-Pb
_____ Nitrate plus Nitrite	_____ ppm-N	Salinity	_____ ppt
_____ Phosphate, ortho	_____ ppm-P		
_____ Phosphate, total	_____ ppm-P		
_____ Sulfate	_____ ppm-SO <sub>4</sub>		
_____ Sulfite	_____ ppm-SO <sub>3</sub>		
_____ Sulfide	_____ ppm-S		
_____ Sulfide, reactive	_____ ppm-S		
_____ Bromide	_____ ppm-Br		

Section Chief: \_\_\_\_\_ Date: \_\_\_\_\_ Verified by: \_\_\_\_\_ Authorized By: \_\_\_\_\_

DHMH 4020-A 3/90

ORIGINAL-LABORATORY

70



**APPENDIX H**

**MEMORANDUM OF AGREEMENT BETWEEN MDE AND MD DOT**



**FY2015 AGREEMENT BETWEEN THE  
MARYLAND DEPARTMENT OF TRANSPORTATION AND  
THE MARYLAND DEPARTMENT OF THE ENVIRONMENT  
(OFFICE OF THE SECRETARY)**

THIS AGREEMENT, dated as of July 1, 2014 by and between the Maryland Department of Transportation (hereinafter "MDOT") and the Maryland Department of the Environment, (hereinafter "MDE") reflects the understanding of the respective parties hereto with regard to the funding of certain costs of the Office of the Secretary for Fiscal Year 2015, and subsequent fiscal years.

WITNESSETH THAT:

Whereas, pursuant to section 12-118(b)(2)(iv) of the Transportation Article, Annotated Code of Maryland (2009 Repl.Vol.), MDOT, through the State Comptroller, is authorized to pay for the salaries and other expenses of MDE in enforcing Section 22-409, and Sections 25-111 (c) and (h) of the Transportation Article, which enforcement activities are hereinafter referred to as "HAZMAT"; and

WHEREAS, pursuant to Section 2-103(h) of the Transportation Article, the Secretary may contract with any person, including other units of the State, for any transportation related purpose.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representatives herein, the parties hereto agree as follows:

1. MDOT shall provide financial support for the HAZMAT under the terms of this Agreement in Fiscal Year 2015 and subsequent fiscal years.
2. MDOT will pay to the MDE a sum in Fiscal Year 2015 not to exceed \$532,000, subject to paragraph 15 hereof.
3. The financial support for MDE in Fiscal Year 2015 and each subsequent fiscal year shall not exceed the amount included in the Budget Bill appropriation to MDE for HAZMAT operating expenses, unless additional funds are available. For each subsequent fiscal year, the MDE will submit a proposed HAZMAT budget request to the MDOT Office of Finance

for the upcoming budget request year by June 1<sup>st</sup>. In response, the MDOT Office of Finance will advise the MDE of the funding level request that MDOT will submit for HAZMAT by July 1<sup>st</sup>.

4. Transfer of funding from Object 01, Salaries and Wages, to other objects is not permitted without the prior approval of MDOT.
5. Payments shall be made by MDOT to MDE on the basis of invoices for actual expenditures incurred. Such invoices shall be submitted by MDE to MDOT on a quarterly basis.
6. MDE shall maintain separate and complete accounting records which are consistent with generally accepted accounting procedures and accurately reflect all income and expenditures for MDE's HAZMAT activities. The records of MDE must be in sufficient detail to determine the nature of the cost incurred by the MDE for each program element.
7. MDE accounting records shall be maintained for a period of three (3) years after the end of each fiscal year in which funds are received by MDE from MDOT.
8. MDOT may perform interim and final audits of the amounts paid to MDE under the terms of this Agreement. The final audit shall commence within three (3) years of the end of the term of this Agreement. If it is determined as a result of any audit that MDOT has made payments in excess of the amount allowed pursuant to all the terms and conditions of this Agreement, such excess amounts shall be promptly remitted to MDOT, or MDOT, in its discretion, shall reduce the amount of the next fiscal year's payment under this Agreement. If it is determined as a result of the audit that MDOT has made payments of less than the amount required pursuant to all the terms and conditions of this Agreement, such additional required amounts will be added to the next fiscal year's payment under this Agreement, subject to required budgetary appropriations.



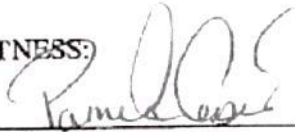
9. To the extent permitted by law, MDOT reserves the right to suspend or terminate all or part of the financial assistance herein provided for if MDE violates the terms of this Agreement. Termination of this Agreement will not invalidate obligations properly incurred by MDE prior to the date of termination to the extent they are not non-cancelable. The acceptance of a remittance from MDOT of any funds, or the closing out of MDOT's financial participation under this Agreement, shall not constitute a waiver of any claim which MDOT may otherwise have arising out of this Agreement.
10. If funds are not appropriated or otherwise made available to support continuation of this Agreement in any fiscal year subsequent to fiscal year 2015, this Agreement will terminate automatically as of the beginning of the fiscal year for which funds are not available.
11. This Agreement may be modified only by written instrument, executed by MDOT and MDE.
12. This Agreement shall be construed in accordance with the Constitution and laws of the State of Maryland.
13. The MDOT and the MDE certify that they are in compliance with the State's policy concerning drug and alcohol free workplaces, as set forth in COMAR 01.01.1989.18 and 21.11.08, and must remain in compliance throughout the terms of this Agreement.
14. MDOT and MDE certify that they prohibit and covenant that they will continue to prohibit, discrimination on the basis of: (i) political or religious belief, opinion or affiliation, marital status, race, color, creed, ancestry, national origin or sexual orientation; (ii) sex or age, except when age or sex constitutes a bona fide occupational qualification; or (iii) the physical or mental disability of a qualified individual with a disability. Upon the request of the other party, MDOT and MDE will submit to the other information relating to its policies and procedures with regard to political or religious belief, opinion or affiliation, marital

status, physical or mental disability, race, color, creed, ancestry, sex, sexual orientation, age, or national origin.


15. All payments hereunder by MDOT to MDE are subject to and must be in conformance with the appropriation requirements and budgetary provisions of Section 3-216(d) of the Transportation Article of the Annotated Code of Maryland and any amendments thereof.

IN WITNESS WHEREOF, the parties have executed this FY 2015 HAZMAT Agreement to be effective as of July 1, 2014.

WITNESS:

  
\_\_\_\_\_

MARYLAND DEPARTMENT OF TRANSPORTATION

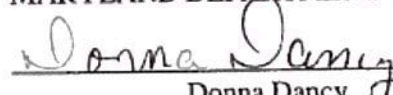
  
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Wilson H. Parran  
Deputy Secretary

WITNESS:

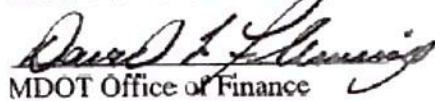
  
\_\_\_\_\_

MARYLAND DEPARTMENT OF THE ENVIRONMENT

  
\_\_\_\_\_

Donna Dancy  
Director of Operational Services Administration

FUNDS AVAILABLE BY:


  
MDOT Office of Finance

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

  
\_\_\_\_\_

Assistant Attorney General

Approved for form and legal sufficiency  
this 6<sup>th</sup> day of November, 2014:

  
\_\_\_\_\_

Roberta James  
Assistant Attorney General

APPENDIX I  
ENVIRONMENTAL AUDIT GUIDANCE





The Maryland Department of the Environment (MDE) recognizes the benefit from regulated entities that routinely evaluate their internal work processes for compliance with federal and State environmental requirements. Equally as important as identifying violations is the reporting of such violations to MDE for proper and complete remediation and abatement. MDE encourages self-auditing and compliance management as effective environmental management techniques. MDE may use its enforcement discretion in evaluating penalties for regulated entities that disclose violations of environmental laws or regulations as provided herein. *This guidance is not intended nor should it be construed to be a regulation as defined in Section 10-101, State Government Article. It sets forth criteria and guidelines for use by MDE staff in resolution of enforcement cases, and does not confer any legal rights upon any person.*

**Definitions:**

“Department” means the Maryland Department of the Environment.

“Environmental Audit” and “Compliance Management System” have the definitions used in the Environmental Protection Agency’s “Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations,” Final Policy Statement effective May 11, 2000:

“Environmental Audit” is a systematic, documented, periodic and objective review by regulated entities of facility operations and practices related to meeting environmental requirements.

“Compliance Management System” encompasses the regulated entity’s documented systematic efforts, appropriate to the size and nature of its business, to prevent, detect, and correct violations through various procedures, policies, mechanisms, and efforts.

“Environmental Requirement” means a requirement in (1) a state or federal law or regulation enforced by the Department, a rule adopted by the Department, a permit or order issued by the Department, or (2) an ordinance or other legally binding requirement of a local government unit under authority granted by state law relating to environmental protection.

“Regulated Entity” means a corporation, partnership, individual, municipality, governmental unit, or any other legal entity regulated under federal, state, or local environmental laws or regulations.

**Statement of Guidance:**

- A. The Department may reduce a civil or administrative penalty for violations of environmental requirements that are voluntarily disclosed following an environmental audit or as a result of compliance management if:
  - 1. The regulated entity discloses the violation to the Department in writing within 21 days after the violation is discovered, or within a shorter time limit, if required by statute or regulation;

2. The regulated entity promptly initiates action to correct or eliminate the violation and all public or environmental harm caused by the violation. If the violation cannot be fully corrected within 60 days, the regulated entity shall submit a compliance plan to the Department within 60 days for review. The regulated entity shall maintain compliance with the plan as approved by the Department;
  3. The regulated entity provides the Department with a plan that includes steps to prevent recurrence of the violation; and
  4. The regulated entity fully cooperates with the Department regarding investigation of the disclosed violation.
- B. The relief outlined in Section A is not available if the Department determines that:
1. The violation was discovered through a legally mandated monitoring or sampling requirement prescribed by statute, regulation, permit, judicial or administrative order, or consent agreement. The violation must be discovered voluntarily and not as a result of an environmental requirement;
  2. The Department or a third party discovered the violation prior to disclosure by the regulated entity to the Department, or the regulated entity made the disclosure after commencement of a federal, State, or local agency inspection, investigation, or request for information;
  3. The violation was committed willfully, wantonly, intentionally, knowingly, or with gross negligence by the regulated entity;
  4. The regulated entity did not promptly initiate or diligently act to correct or eliminate the violation;
  5. The violation made imminent or caused significant environmental harm or had a significant effect upon public health;
  6. The same or a related violation has occurred within the past three years or the violation is part of a pattern of recurrent violations by the regulated entity. For purposes of this section, violation includes any violation of a federal, State or local environmental law or regulation identified in a judicial or administrative order, consent agreement, order or decree, complaint, or notice of violation, conviction or plea agreement; or
  7. The disclosure is made for a fraudulent purpose.
- C. This guidance is not intended for use under circumstances in which the violation(s) at issue would result in the regulated entity gaining an economic advantage over its competitors.



- D. This guidance does not affect individual liability for criminal misconduct.
- E. This guidance does not apply to liability under a judicial or administrative order, consent agreement, order or decree, complaint, notice of violation, conviction or plea agreement.
- F. Relief under this guidance shall not be available if the Department receives formal notification from the delegating federal agency of that agency's intention to propose rescission of the Department's authority over the applicable federal environmental program.

Original signed by Secretary Philbrick  
Kendl P. Philbrick  
Secretary, Maryland Department of  
the Environment

May 15, 2006  
Date



**APPENDIX J**  
**Maryland Department of the Environment Enforcement Procedure**  
**October 28, 2008**



## MARYLAND DEPARTMENT OF THE ENVIRONMENT ENFORCEMENT PROCEDURE

Various provisions of the Environment Article of the Maryland Code authorize the Department to initiate a civil or administrative enforcement action or criminal referral to the Attorney General for violations of applicable regulatory requirements. This document sets forth the Department's civil and administrative enforcement and criminal referral procedure as it applies to violations of any statutory, regulatory or permit requirement subject to enforcement by the Department. This procedure is intended to promote compliance by establishing a transparent, consistent and, where appropriate, uniform approach to enforcement.

### TABLE OF CONTENTS

- I. Introduction
- II. Classification of Violations
- III. Appropriate Enforcement Option
- IV. Enforcement Initiation Time Line

### I. INTRODUCTION

A primary goal of the Department is to attain and maintain a high rate of compliance within the regulated community. Establishing a comprehensive monitoring and inspection program and addressing the most serious violations with timely and effective enforcement actions serve to accomplish this important goal. A timely and effective enforcement action will return the site or facility to compliance as expeditiously as possible, and deter future violations, both at the subject site or facility as well as at other sites or facilities. This Enforcement Procedure sets forth procedures that are generally applicable to violations of regulatory requirements the Department has elected to pursue through an administrative or civil enforcement action.

Through implementation of this Procedure, the Department will provide fair and equitable treatment of all violators. The procedures set out in this document are intended solely for the guidance of Department personnel. They are not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any person or party in litigation with the Department. The Department reserves the right to change this procedure at any time without public notice.

### II. CLASSIFICATIONS OF VIOLATIONS

Based on the nature and the severity of the violation and the compliance history of the violator, a violation can be considered minor or significant.

A violation is considered minor if it:

- has not previously occurred;
- poses minimal harm to health or the environment;



- is promptly corrected; and
- does not meet the criteria listed below for a **significant violation** as defined below.

A violation is considered significant if it meets any of the following criteria:

- has caused actual adverse impact, or has the potential to cause substantial adverse impact, to public health or the environment;
- represents willful, chronic or recalcitrant behavior;
- substantially deviates from the terms of a permit, order, settlement agreement, or from statutory or regulatory requirements;
- warrants or requires public notification and/or a penalty over \$50,000;
- is not corrected within 60 days or the violator has not taken corrective action(s) as directed by the Department following the issuance of a Notice of Violation or Site Complaint by the Department.

Individual enforcement programs shall refine this definition as necessary to identify a significant violation for that particular program, including specific examples of violations.

### **III. APPROPRIATE ENFORCEMENT OPTION**

The selection of an appropriate enforcement option is an integral component of an effective enforcement program. The appropriate option aims to achieve a timely return to compliance, to deter future violations, and to eliminate any economic advantage received by the violator. This section establishes procedures for determining when the Department will initiate an administrative or civil enforcement action or criminal referral in response to a violation.

#### **Initial Response to a Violation:**

Issuance of a Notice of Violation (NOV), Site Complaint or Inspection Report (depending on the program) is generally the first step in the enforcement process after a violation is identified. The NOV, Site Complaint or Inspection Report is typically documentation that a violation of statutory, regulatory or permit requirements has occurred and that the site/facility/owner/operator/violator is required to correct the violation. The NOV, Site Complaint or Inspection Report may also direct the violator to take specific corrective action necessary to cure the violation or remedy any adverse health or environmental impacts.

#### **Initiation of an Enforcement Action:**

Following the issuance of an NOV, Site Complaint or Inspection Report involving a **minor violation**, the Department exercises its enforcement discretion authority and determines whether to initiate an administrative or civil enforcement action, including whether to seek monetary penalties in consultation with the Office of the Attorney General. These determinations are made with consideration to the nature of the violation and the violator's response to the Department's Notice of Violation, Site Complaint or Inspection Report.

An administrative or civil enforcement action will be initiated in consultation with the Office of the Attorney General to address a **significant violation**. An enforcement action will result in issuance

of an administrative or civil complaint and will mandate a return to compliance as expeditiously as possible. Enforcement program staff shall consult with other enforcement programs during the preparation of enforcement actions in order to ensure that other recent and/or concurrent actions taken by other programs are considered in determining the type and severity of the enforcement action to be taken.

Each type of enforcement action has benefits and limitations, which must be weighed when deciding the enforcement option. The following is guidance to be used when making a decision about an individual enforcement action.

#### Initiation of a Civil Action

There are benefits to handling a case as a civil rather than an administrative matter. The civil penalty authority is higher, parties view their obligation under court orders more seriously, court proceedings are more transparent, and have a higher deterrent value. This must be balanced with the reality that some court actions can be resource intensive and have significant litigation costs, particularly those that involve other states or the Environmental Protection Agency. In general, after consultation with the Office of the Attorney General, the Department will proceed civilly in cases where the violator has a **significant violation** and any of the following conditions are present:

- immediate injunctive relief is necessary to abate ongoing violations or prevent imminent harm to public health or the environment
- the case warrants a penalty that exceeds the statutory cap for an administrative penalty
- the case involves a remedial action of any type that will take more than three years to complete
- achieving compliance involves a capital project that will take more than three years to complete
- the case involves a repeat offender and the proposed settlement involves injunctive relief

#### Initiation of an Administrative Action

As a general rule, initiation of an administrative enforcement action seeking corrective action and/or monetary penalties is appropriate for those cases that do not meet the criteria for proceeding in State circuit court, listed above. An administrative action can address the need to correct violations and can seek monetary penalties in a single action or these needs can be addressed in two separate actions when, in the interest of public health or the environment, correcting the violations must proceed expeditiously.

#### **Monetary Penalties:**

An enforcement action involving a Significant Violation shall include economic sanctions in the form of penalties. Penalties incorporated in the formal enforcement action should, where possible, recover the economic benefit of not being in compliance and include an amount reflecting the gravity



of the violation. Individual enforcement programs assess penalties consistent with specific factors provided in statute or regulation for each regulatory program.

#### **Referral to, or Proceeding Jointly with, EPA**

There are situations where referring the case to EPA Region III for enforcement action or proceeding jointly with EPA may secure the best results. Examples include cases involving multi-state violations, those involving violations of federal regulatory requirements for which the Department is not delegated enforcement authority, cases in which EPA's federal authority can secure a resolution more promptly, cases involving the establishment of legal precedent or cases in which federal involvement is necessary to ensure national consistency.

#### **Referral for Criminal Enforcement Action**

The Department may refer violations to the Criminal Division of Attorney General's Office for criminal enforcement action. If potential criminal activity is discovered during an inspection or through other means, a referral to the Environmental Crimes Unit of the Attorney General's Office should be made. The following violations shall be referred for criminal enforcement action:

1. any case involving a facility or owner/operator with three or more instances of a Significant Violation over the course of a two year period; or
2. any case involving an owner or operator suspected of having willfully falsified official records.

Other criminal referrals shall be made on a case-by-case basis as the circumstances of the case warrant. When a criminal referral is made, a parallel administrative or civil action may be pursued in addition to any criminal proceedings

#### **IV. ENFORCEMENT INITIATION TIME LINE**

This section establishes response time lines for initiating and proceeding with enforcement actions. The guidelines are designed to return non-compliant facilities to compliance as expeditiously as possible, taking into consideration other demands on the resources of the Department.

##### **Issuance of NOV or Site Complaint:**

The issuance of an NOV or Site Complaint should occur concurrent with, or shortly after, the inspection or other event at which a violation is identified, but as a general rule no more than 30 days following identification of the violation. Where an NOV or Site Complaint extends an offer to resolve the Department's claims, this time period may be extended to 45 days following identification of the violation.

**Re-evaluation period:**

The Department will ascertain the compliance status of the facility no later than 60 days after issuance of the NOV or Site Complaint. In cases involving a minor violation, if the site or facility has not returned to compliance or the violator has not taken corrective action(s) as directed by the Department, the violator or the facility shall then be considered to have a **significant violation**.

**Referral of Enforcement Action for Significant Violations:**

No later than 90 days from the date the Department first identifies a facility as having a **significant violation**:

- A litigation referral package for each **significant violation** shall be prepared by the enforcement program and the case referred to the Attorney General's Office for action; or
- A settlement offer shall be mailed to the party responsible for the violation.

Settlement offers shall be made using a template developed by the enforcement program in consultation with the Attorney General's Office. Cases that are not resolved within 60 days of the mailing date of the settlement letter shall be referred to the Attorney General's Office.

**V. RANKING AND REPORTING OF ENFORCEMENT ACTIONS**

Litigation referral packages submitted to the Attorney General's Office shall include a rating by the referring Administration that will be used by the Attorney General's Office to assign priority for legal action. High priority cases involve short-term risk to public health or the environment (4 or 5 in table below) or federal or Secretary's mandate. Medium priority cases involve longer-term risk (2 or 3 in the table below) or repeat violation that affects the integrity of the enforcement program. Low priority cases involve no direct risk (1 in the table below).

The rating shall be derived from a ranking of the public health and environmental risk posed by the violation according to the following system:

Rank	Health Risk	Environmental Risk
1	No direct effect	No direct effect
2	General increased risk over long term. Increased risk is cumulative with other factors	General increased risk over long term.
3	Specific increased risk over long term directly attributable to the activity in question.	Specific increased risk over long term directly attributable to the activity in question.
4	Specific increased risk over short term directly attributable to the activity in question.	Specific increased risk over short term directly attributable to the activity in question.
5	Immediate direct risk to public health or safety.	Immediate direct harm to the environment.

Administrations shall include a brief description of all high priority cases referred to the Attorney General in the Weekly Report to MDE Senior Staff in a separate section titled "High Priority Enforcement Cases". The Attorney General's Office will include a brief description of all cases resulting in significant legal actions in their section of the Weekly Report to MDE Senior Staff.

The Administrations' enforcement programs shall maintain spreadsheets in shared access directories to track cases referred to the Attorney General's Office.

Procedure Authorized: \_\_\_\_\_  
Secretary

Date: October 28, 2008