

Frequently Asked Questions – Maryland’s Biennial Report of Hazardous Waste Activities for 2023

1. Who is required to file?

You are required to file the report if **any** of the following apply:

- You **generated** 100 kilograms (220 pounds) or more of hazardous waste in any month in 2023.
- You **generated** more than 1 kilogram (2.2 pounds) of **acute** hazardous waste in any month in 2023. (Acute hazardous wastes are identified in Code of Maryland Regulations (COMAR) 26.13.02.05C(1), C(2) and C(6).)
- You had on site at any time in 2023 more than 100 kilograms (220 pounds) of hazardous waste (**accumulation**).
- You had on site at any time in 2023 more than 1 kilogram (2.2 pounds) of **acute** hazardous waste (**accumulation**).

NOTE: Maryland requirements are **more** stringent than the federal reporting requirements.

If you are a Large Quantity Generator (LQG) and did not generate or accumulate any hazardous waste or acute hazardous waste you are still required to complete the biennial report. You do not have to complete the GM Forms. When completing the SI Form you can select “BR Exempt” and explain in the comment section why you are an LQG but did not generate or accumulate waste during reporting year.

2. Where can I find the forms on-line or find more information on-line?

A PDF file containing the forms and instructions can be found at:

<https://rcrainfo.epa.gov/rcrainfoweb/action/main-menu/view>

Note, you must consider Maryland-specific instructions when filling out the report, so if you download the forms from the EPA web site, make sure that you obtain the supplemental material on Maryland-specific requirements from the Solid Waste Program. You can find the supplemental material at the Maryland Department of the Environment’s biennial report web page, available from a link at: <http://mde.maryland.gov/programs/LAND/HazardousWaste/Pages/biennialreport.aspx>

3. What period does the report cover?

The report should reflect hazardous waste management activities during calendar year 2023. Information on activities in 2022 or 2024 should **not** be included.

4. When is the report due?

The report is due by **March 1, 2024**.

5. **Where do I submit the report if I complete it via hard copy?**

The report should be submitted to:

**Maryland Department of the Environment
Land and Materials Administration
Solid Waste Program
1800 Washington Boulevard
Baltimore, MD 21230-1719**

6. **Can I submit my report electronically?**

Yes. MDE **encourages** generators to submit their 2023 BR electronically. MDE has opted into EPA's RCRAInfo Industry Applications including the biennial reporting software

More information on electronic filing, including a link to the required database, is available on the Hazardous Waste Program's Biennial Hazardous Waste Reports web page, available at:

<http://mde.maryland.gov/programs/LAND/HazardousWaste/Pages/biennialreport.aspx>

The document is titled "RCRAInfo Industry Applications".

7. **What if I did not ship hazardous waste in 2023?**

You are required to submit a report if you meet the filing criteria based on the amount of hazardous waste you generate in any calendar month and the maximum amount of waste you have on site at any time. (See Question #1, "Who is required to file?" in this list of questions.) If you meet any of the filing criteria, you are required to file even if you did not ship any hazardous waste in 2023.

For example, you generated 300 pounds of hazardous waste in December of 2023 but did not ship the waste until January of 2024. You are still required to complete the report. On the GM Form, you will leave Section 3 blank and in the comment section on the bottom of the page you are to document that the waste was shipped in 2024.

8. **What if I did not generate hazardous waste in 2023?**

Even if you did not generate hazardous waste in 2023, you are required to file a report if either of the following apply:

- You had on site at any time in 2023 more than 100 kilograms (220 pounds) of hazardous waste (**accumulation**).
- You had on site at any time in 2023 more than 1 kilogram (2.2 pounds) of **acute** hazardous waste (**accumulation**).

9. **I was not mailed a notification letter. Does that mean I do not have to report?**

No. If you meet any of the criteria that require you to file a report, you must file whether a notification was mailed to you. Forms are **not** being mailed this reporting period. Instructions and forms can be obtained by going to EPA's RCRAInfo public website:

<https://rcrapublic.epa.gov/rcrainfoweb/action/main-menu/view>

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Note that you must take into account Maryland-specific instructions when filling out the report, so if you download the forms from the EPA's RCRAInfo public web site, make sure that you either obtain the supplemental material on Maryland-specific requirements from the Maryland Department of the Environment's biennial report website available from a link at <http://mde.maryland.gov/programs/LAND/HazardousWaste/Pages/biennialreport.aspx>

10. **I received a biennial report notification in the mail for only one of my company's sites. Is this the only site that must report?**

You are required to file a report for **each** site (each location with its own EPA ID number) that meets any of the criteria listed under "Who is required to file?" in this list of questions. Forms can be obtained by going to EPA's RCRAInfo public website.

<https://rcrainfo.epa.gov/rcrainfoweb/action/main-menu/view>

Note you must take into account Maryland-specific instructions when filling out the report, make sure that you obtain the supplemental material on Maryland-specific requirements from <http://mde.maryland.gov/programs/LAND/HazardousWaste/Pages/biennialreport.aspx>

11. **The printed instruction booklet says to file Form OI only if the site's state requires it. Does Maryland require Form OI to be filed?**

No, Maryland does not require Form OI to be filed.

12. **Where can I find Maryland's hazardous waste regulations?**

Maryland's hazardous waste regulations are found in the Code of Maryland Regulations (COMAR) at COMAR 26.10.01 through 26.13.10. They can be found on the Maryland Division of State Documents website. Go to <http://www.dsd.state.md.us/COMAR/ComarHome.html> and click on "COMAR Online". Several search options are presented.

13. **Do I have to report on waste minimization efforts? If so, how should I report?**

COMAR 26.13.03.06B(1)(d)(vi) requires that the biennial report include a description of efforts undertaken during the reporting year to reduce the volume and toxicity of waste generated. This requirement is satisfied by entering the appropriate waste minimization code from the report instructions in Item G of the Waste Generation and Management Form (GM Form).

14. **I generate multiple waste streams, can I complete one Waste Generation and Management (GM) Form?**

No. You must complete a GM Form for each type of waste streams you generate. You cannot combine different waste streams on one GM Form. This is also the same for Waste Received from Off-Site (WR).

15. **I no longer generate hazardous waste. Do I need to file a report?**

You are required to submit a report if you met any of the filing criteria in 2023 based on the amount of hazardous waste you generated in each calendar month of 2023 and the maximum amount of waste you had on site at any time in 2023. (See Question #1, "Who is required to file?" in this list of

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questions). If you met any of the filing criteria, you are required to file even if you no longer generate hazardous waste. For example, if you had more than 220 pounds of hazardous waste on site at any time in 2023, you must file the report. When completing the site identification form of the report, you are to list your current generator status. If you are no longer in business, then you would mark “N” for question 10A and provide an explanation in the comment section.

16. **The Site ID Form asks for information on generator status based on federal generator category definitions (Large Quantity (LQG), Small Quantity (SQG), and Very Small Quantity (VSQG)). Should I provide information based on my generator status under federal regulations or based on my generator status under Maryland regulations?**

For the purposes of completing the report forms, you should base your answers on the **federal** generator category definitions. Select the generator status that meets your generation at the time of completing the report. If your status has changed from what it previously was during 2023 or what is last on file, use the current status.

For example, during calendar year 2023, the facility was generating at LQG status but due to changes in production the current generator status is now SQG. You are to use SQG on the SI Form of the Biennial Report.

17. **Where can I find more information about waste minimization/pollution prevention?**

Additional information is available at the following websites:

http://mde.maryland.gov/programs/BUSINESSINFOCENTER/GreeningYourBusinessFacility/Pages/p2_websites.aspx

<http://mde.maryland.gov/programs/LAND/RecyclingandOperationsprogram/Pages/index.aspx>

18. **I had an Episodic event during 2023, do I still have to complete and submit a Biennial Report?**

The Episodic event must have been pre-approved, and it was the only time you went over 220 pounds in generation or accumulation then you are not required to complete the report.

Episodic events are required to be pre-approved. If you did not have pre-approval, then you are required to complete the biennial report.

In addition, if at any other time during 2023 outside the pre-approved episodic event you generated or accumulated more than 220 pounds then you are to complete the biennial report and include the episodic event amounts.

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19. **Are all sections of the RCRA Subtitle C Site Identification Form potentially applicable in Maryland?**

No. The following sections are not applicable for Maryland generators:

- Question 11D, “Pharmaceutical Activities”, is not applicable. Maryland has not adopted the regulations cited in 11D.
- Question 12, “Eligible Academic Entities with Laboratories”, is not applicable, since Maryland has not adopted Subpart K of Part 262, Title 40 of the Code of Federal Regulations (40 CFR Part 262, Subpart K).
- Question 16, “Notification of Hazardous Secondary Material (HSM) Activity”. The “No” box should be checked, and “Addendum to the Site Identification Form: Notification of Hazardous Secondary Material Activity” should **not** be completed. Maryland has not adopted the regulations cited in Question 16.
- Question 17, “Electronic Manifest Broker”. The “No” box should be checked. This is for eManifest only. This does not apply to the biennial hazardous report.

20. **How to complete the following sections of the RCRA Subtitle C Site Identification Form in Maryland?**

- Question 13, “Episodic Generation”. The “No” box should be checked, and “Addendum to the Site Identification Form: Episodic Generator” should **not** be completed. This section cannot be used to apply for approval of an episodic event in combination of completing the biennial report. If you want to apply for an episodic event, please submit a separate request with addendum. If you had an approved episodic event in 2023 you still are not to complete this section.
- Question 14, “LQG Consolidation of VSQG Hazardous Waste”. The “No” box should be checked, and “Addendum to the Site Identification Form: LQG Consolidation of VSQG Hazardous Waste” should **not** be completed if you have not pre-notified MDE and was not approved. If this is the first time you are notifying MDE please complete a separate request with addendum.
- Question 15, “Notification of LQG Site Closure”. Complete this section if the entire facility or just the accumulated site area is closed.

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21. I am a Very Small Quantity Generator (VSQG) and do not have an EPA ID Number, do I need to complete the report?

Whether you need to report depends on whether you meet the filing criteria based on the amount of hazardous waste you generated in each calendar month in 2023 and the maximum amount of hazardous waste you had on site at any time in 2023. (See Question #1, “Who is required to file?” in this list of questions). Keep in mind, Maryland Defined Small Quantity Generator is more stringent than EPA’s Very Small Quantity Generator. If you meet any of the filing criteria, you must submit a report no matter whether you are a VQG or not. Since the facility does not have an EPA ID Number, you must complete the biennial report via hard copy. You will not be able to submit electronically. RCRAInfo Industry Application requires an EPA ID Number to be able to use.

22. If I filed for a temporary EPA ID number in 2023, do I need to complete the report?

Whether you need to report depends on whether you meet the filing criteria based on the amount of hazardous waste you generated in each calendar month in 2023 and the maximum amount of hazardous waste you had on site at any time in 2023. (See Question #1, “Who is required to file?” in this list of questions). If you meet any of the filing criteria, you must submit a report no matter whether you have a temporary EPA ID number or a permanent EPA ID number for your site. Since temporary EPA ID Numbers are not in RCRAInfo you must complete the biennial report via hard copy. You will not be able to submit electronically.

23. I received a biennial report notification in the mail and my company does not generate hazardous wastes. What should I do?

Please contact one of the employees listed in question 23.

24. What if I have additional questions?

If you have any questions or need assistance, you may contact:

Lynn Jagdeo, 410-537-3475 or email at lynn.jagdeo@maryland.gov

Paul “Brian” Sodeman at 410-537-3397 or email at paul.sodeman@maryland.gov

Section Head, Jennifer Hopper at 410-537-3350 or email at jennifer.hopper@maryland.gov.