PANORAMIC

US ENVIRONMENT (STATE-BY-STATE)

USA - Maryland

LEXOLOGY

US Environment (state-by-state)

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LEGISLATION

Main environmental regulations
What are the main statutes and regulations relating to the environment in your state?

Maryland's environmental protection regime is primarily set out in the Maryland Code (Environment Article) and the Code of Maryland Regulations (COMAR), Title 26.

The Environment Article of Maryland's Code provides the core statutory framework for environmental protection in the state. Agencies are empowered by section 1-301 of the Maryland Code to enforce Maryland's environmental laws, rules, and regulations. The Environment Article contains different titles addressing civil and criminal enforcement of air and water pollution, water resources, and hazardous materials standards. ***See e.g.*** section 2-610 of Maryland Code, Environment Title 2 (Ambient Air Quality Control) & section 4-417 of Maryland Code, Environment Title 4 (Water Management).

Maryland has made efforts to interweave environmental justice into its statutory and regulatory environmental law regimes. For instance, Maryland Code, Environment Title 1, Subtitle 7, section 1-701 establishes the Commission on Environmental Justice and Sustainable Communities to advance the human right to safe, clean, affordable and accessible water.

Another key statute addressing general environmental protection in Maryland is the Maryland Environmental Policy Act ("MEPA"). Natural Resources Title 1, Subtitle 3, sections 1-301 to 1-305. The MEPA requires state agencies prepare environmental effects reports for actions significantly affecting the environment (MEPA section 1-304). The MEPA also includes protections for environmental human rights.

Law stated - 29 December 2025

Soil pollution
What are the main characteristics of the rules applicable to soil pollution?

Maryland has established a comprehensive legal framework to address releases of hazardous substances through various statutes, regulations, and enforcement measures. These laws primarily focus on the prevention, assessment, and remediation of contaminated soil. Below are the main characteristics of Maryland's rules applicable to soil pollution, including liability, contamination levels, and retroactivity:

Main statutes and regulations:

Maryland Code, Environment Title 7 (Hazardous Materials and Hazardous Substances) regulates the handling, storage, and disposal of hazardous substances, including soil contamination by hazardous materials.

- Section 7-201 defines hazardous substances. While this section does not explicitly mention soil contamination, hazardous substances, including chemicals or materials that can pollute soil, are defined here.
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Section 7-201(t)(1) defines a 'responsible person' to include the current owner/operator, a past owner/operator at the time of disposal, an arranger, and a transporter that selected the site.

- Section 7-221(a) requires each responsible person to reimburse state fund expenditures for investigation or remediation.
- Sections 7-266 and 7-266.1 authorise civil penalties up to $25,000 per day and punitive damages up to treble state costs for failure to obey a final order, respectively; section 7-265 also creates felony offences for unlawful controlled-substance disposal/transport and authorises a fine not exceeding $100,000 and/or imprisonment not exceeding five years.

Levels of contamination (reporting and clean-up):

- Maryland Code, Environment section 7-222(d) mandates immediate reporting when a responsible person has sampling or assessment showing a release at or above thresholds set by regulation.
- COMAR 26.14.02.01, 26.14.02.03, 26.14.02.05, and 26.14.02.06 govern discovery, removal and remedial responses.

Retroactivity

- Maryland Code, Environmentsection 7-201(t)(1)(ii)–(iv) makes liability retroactive by covering past owners/operators, arrangers and certain transporters; section 7-222(a)(2)(i) allows Maryland Department of the Environment (MDE) to act "at any time" consistent with the state response plan to remove/remediate releases.

Voluntary Clean-Up Program

- COMAR 26.14.03 & Maryland Code, Environment section 7-501 to section 7-516 establishes the Maryland Voluntary Cleanup Program (VCP). It sets eligibility criteria including the process for obtaining 'inculpable person' status, application requirements, clean-up standards to be met, and the issuance of a 'Certificate of Completion' or a 'No Further Requirements Determination'. These determinations provide defined liability protections for contamination addressed through an approved VCP response.

Law stated - 29 December 2025

Regulation of waste

What types of waste are regulated and how?

Maryland regulates most significant categories of waste through a detailed framework in the Maryland Code, Environment Article and the Code of Maryland Regulations (COMAR). The system covers municipal and industrial solid waste, hazardous and universal wastes, medical and special wastes, tires, sewage sludge, coal-combustion by-products, electronic waste and radioactive materials.

COMAR 26.13.02.02 defines "solid waste" as any discarded material, subject to specified exclusions. COMAR 26.13.02.03 then defines "hazardous waste" as a solid waste that is

either listed (COMAR 26.13.02.15 to 26.13.02.19) or exhibits a hazardous characteristic. COMAR 26.13.02.01(D)(1) defines a 'by-product' as a material not intentionally produced but resulting from a manufacturing process (for example slags or distillation column bottoms). Certain by-products are excluded from regulation if they do not meet the hazardous-waste listings or characteristics and if they are legitimately reused.

The main statutes and regulations are as follows:

The statutory base lies in the Environment Article of the Maryland Code, primarily Title 7 and Title 9, supported by implementing regulations in COMAR. Key provisions include:

- Maryland Code, Environment Article, Title 9, Subtitle 5 and COMAR 26.04.07: regulate solid waste acceptance facilities and require refuse-disposal permits for landfills, transfer stations, incinerators and similar sites.
- Title 7, Subtitle 2 and COMAR 26.13: regulate controlled hazardous substances. These provisions cover generators, transporters and treatment, storage and disposal facilities (TSDFs) and require permits under COMAR 26.13.07.
- COMAR 26.13.10.06: provides "Standards for Universal Waste Management". COMAR 26.13.10.07 covers standards for the management of batteries, while COMAR 26.13.10.08 and 26.13.10.09 cover standards for the management of pesticides and lamps, mercury-containing equipment, or PCB-containing lamp ballasts, respectively.
- COMAR 26.13.12 to 26.13.13: regulate special medical waste, prescribing identification numbers, shipping papers and spill-response procedures.
- COMAR 26.04.08 and Maryland Code, Environment section 9-201 et seq.: license scrap-tire haulers and storage facilities and impose financial-assurance and closure requirements.
- COMAR 26.04.06 and Maryland Code, Environment Title 9, Subtitle 2, Part III: require permits for sewage-sludge use and impose sampling, tracking and use conditions.
- COMAR 26.04.10 and Maryland Code, Environment Title 9, Subtitle 2, Part VIII- : which regulate coal-combustion by-products, linking disposal to industrial-landfill permitting.
- Maryland Code, Environment sections 9-1727 to 9-1730: create a statewide electronics-recycling program and require manufacturer registration and product labelling.
- COMAR 26.04.11 and Maryland Code, Environment sections 9-1721 to 9-1726- : authorize composting facilities
- Section 9-1724.1 with COMAR 26.04.13: oblige large generators to divert food residuals to composting or other organics-recycling outlets.
- COMAR 26.12 and Maryland Code, Environment Title 8: provide a licensing framework for radioactive materials and associated wastes.

Facilities handling solid waste must obtain a refuse-disposal permit under Maryland Code, Environment section 9-204 and COMAR 26.04.07, which prescribe design, operation, closure and post-closure standards. Generators of hazardous waste must determine whether their waste is hazardous in accordance with COMAR 26.13.03.02, obtain an EPA/Maryland identification number and comply with accumulation, labelling and record-keeping rules. Transporters must follow the manifest system under COMAR 26.13.03.04, and treatment,

storage and disposal facilities require a controlled-hazardous-substance facility permit under COMAR 26.13.07. Special regimes exist for universal waste, medical waste, tires, sewage sludge, coal-combustion by-products and radioactive materials, each with its own authorization or licensing procedure.

Maryland embeds circular-economy principles in Maryland Code, Environment section 9-1703, section 9-1712 and section 9-1714, which require county recycling plans, recycling at large special events and in large office buildings. The electronics-recycling provisions in section 9-1727 (labelling and registration requirements) to section 9-1730 (violations and penalties) also impose producer-responsibility duties. Composting and food-residual diversion requirements in section 9-1724.1 (recycling food residuals) and COMAR 26.04.13 strengthen the organics-recycling infrastructure and reduce landfill disposal.

Obligations of people and companies:

Waste generators must classify their wastes correctly, ensure proper storage and labelling, and use authorized transporters and facilities. Hazardous-waste generators must maintain manifests and records and meet accumulation-time limits. Operators of disposal or recycling facilities must maintain permits and comply with technical standards, including leachate control, groundwater monitoring, and closure or post-closure care as specified in their respective COMAR chapters. Producers of certain products, such as electronics manufacturers must register and fund take-back or recycling programs.

Law stated - 29 December 2025

Regulation of air emissions

What are the main features of the rules governing air emissions?

Maryland regulates air emissions through a comprehensive framework in Title 2 of the Maryland Code, Environment Article and the implementing regulations in COMAR 26.11. This framework requires permits for sources of air pollution, sets numerical limits on the emission of specific contaminants, establishes ambient air-quality standards and contains rules on large combustion plants and energy efficiency.

Main statutes and regulations governing air emissions:

The core statutory authority is in Environment Article, Title 2 (Ambient Air Quality Control). It empowers MDE to adopt air-quality regulations, issue permits and enforce emission limits. The detailed requirements are set out in COMAR 26.11 (Air Quality), which is divided into chapters addressing permitting, specific pollutants and control technologies.

Under Title 2, Ambient Air Quality Control: air pollution control, permitting and emission limits, MDE can enforce air emissions requirements as follows:

- Civil Enforcement: Under section 2-610 of Maryland Code, Environment Title 2 (Ambient Air Quality Control), a person who violates any provision of Maryland's statutes, rules, and/or regulations governing Ambient Air Quality Control, is liable for a civil penalty not exceeding $25,000. Each day a violation continues is a separate violation under this section.
- Criminal Enforcement: Under section 2-609.1 of Maryland Code, Environment Title 2 (Ambient Air Quality Control), wilful or knowing violations of air quality

permit conditions are misdemeanours punishable by a fine up to $25,000 and/or imprisonment up to one year for a first offence, rising to a fine up to $50,000 and/or imprisonment up to two years for subsequent offences.

Regulations governing licensing and permitting of air emission sources include:

Under Maryland Code, Environment section 2-401 and COMAR 26.11.02, a person may not construct, modify or operate any installation that may cause air pollution without an MDE air-quality permit. COMAR 26.11.02.02 requires a permit-to-construct for new or modified sources and COMAR 26.11.02.13 requires a permit-to-operate for listed major sources.

Main contaminants and emission limits:

COMAR 26.11 contains pollutant-specific requirements, including:

- COMAR 26.11.06 – general emission standards, prohibiting visible emissions and setting opacity limits.
- COMAR 26.11.06.05 and COMAR 26.11.09.07 – establishes state-wide limits on sulphur emissions. It sets maximum sulphur content for fuels and prescribes sulphur dioxide (SO2) emission limits for fuel-burning equipment, as well as standards for certain sulphur-producing industrial processes.
- COMAR 26.11.09 – comprehensive emission standards for fuel-burning equipment and certain industrial processes, including limits on particulate matter, sulphur dioxide and specific NOx emission limits for large boilers, electric generating units and other major combustion sources.
- COMAR 26.11.15 – controls for toxic air pollutants; sources must meet ambient impact standards or demonstrate control technology equivalent to the Best Available Control Technology for Toxics (T-BACT).
- COMAR 26.11.19 – requirements for volatile organic compounds (VOCs) from coating operations, solvent cleaning and related sources.

These rules address key contaminants such as particulate matter (PM), SO, NOx, VOCs, carbon monoxide and hazardous air pollutants.

Ambient air-quality standards:

Maryland adopts the federal National Ambient Air Quality Standards (NAAQS) as state ambient standards under COMAR 26.11.04. These set concentration limits in outdoor air for pollutants such as PM2.5, PM10, ozone, nitrogen dioxide, sulphur dioxide, carbon monoxide and lead.

Large combustion plants and energy-related controls:

COMAR 26.11.09 establishes NOx emission limits and ozone-season controls for large fuel-burning equipment, including electric generating units and other large combustion sources.

Operators of regulated installations must:

- obtain and comply with the appropriate air-quality permit;
- install and maintain pollution-control equipment as required by pollutant-specific rules;

- monitor emissions and maintain records, including continuous emission monitoring for certain large sources under COMAR 26.11.01.10; and
- report deviations and submit compliance certifications to MDE.

For buildings, Maryland incorporates energy-efficiency provisions through the Maryland Building Performance Standards in Public Safety Article section 12-501 to 12-510, which adopt the International Energy Conservation Code (IECC). These standards set minimum energy-efficiency requirements for new and renovated buildings.

Law stated - 29 December 2025

Protection of fresh water and seawater

How are fresh water and seawater, and their associated land, protected?

Maryland protects fresh water, tidal waters, and their associated land through an integrated framework of the Maryland Code, Environment Article, the Natural Resources Article, and implementing regulations in COMAR Titles 26 and 8. These laws regulate ownership, require authorizations for use or alteration, and set strict limits on water withdrawals and pollutant discharges. The system applies to both inland fresh waters and tidal (seawater) resources and to the wetlands and shorelands that border them.

Under Title 4, Water Management, MDE can enforce water pollution control and abatement laws as follows:

- Civil Enforcement: Under section 4-417 of Maryland Code, Environment Title 4 (Water Management), civil penalty up to $25,000 per day can be levied upon violation of this subsection's laws, rules, and regulations governing water pollution control and abatement.
- Criminal Enforcement: Under section 4-417 of Maryland Code, Environment Title 4 (Water Management), violation of water pollution control and abatement duties or provisions are misdemeanors punishable by a fine not exceeding $50,000 or by imprisonment not exceeding one year, or both, and, in addition, may be enjoined from continuing the violation. If the conviction is for a violation committed after a first conviction of the person under this subsection, punishment shall be by a fine of not more than $50,000 per day of violation or by imprisonment not exceeding two years or both, and in addition, the person may be enjoined from continuing the violation.

Maryland courts have recognised the common-law public trust doctrine, under which the State holds the beds of navigable waters and tidal waters in trust for the benefit of the public. Private ownership may exist for non-tidal streams and for upland property, but the beds and banks of tidal waters remain public trust property and cannot be alienated except as allowed by statute. Riparian landowners have limited rights of reasonable use subject to State regulation.

Authorization for water withdrawals:

Environment Article Title 5, Subtitle 5 (Water Appropriation and Use) and COMAR 26.17.06 require a water appropriation and use permit from MDE for any person who wishes to appropriate or use surface water or groundwater in a way that may impact the State's water

resources. The permit sets the authorised quantity and conditions of withdrawal and is intended to protect both the quantity and quality of the resource.

Limits on discharges to waters:

Environment Article Title 9, Subtitle 3 (Water Pollution Control) establishes the State's water-pollution program. Under section 9-323 and COMAR 26.08.04.01, a discharge permit is required for any release of pollutants to the waters of the State. Maryland implements the federal Clean Water Act National Pollutant Discharge Elimination System (NPDES) through these provisions. Permits include technology-based and water-quality-based effluent limits and monitoring and reporting requirements.

Under Title 9, Water, Ice, and Sanitary Facilities, MDE can enforce water pollution control laws as follows:

- Civil Enforcement: Under section 9-342 of Maryland Code, Environment Title 9 (Water, Ice, and Sanitary Facilities), a civil penalty up to $10,000 per day can be enforced upon violation of this subsection's laws, rules and/or regulations governing water pollution control.
- Criminal Enforcement: Under section 9-343 of Maryland Code, Environment Title 9 (Water, Ice, and Sanitary Facilities), wilful violations of water pollution control duties or provisions attract fines up to $25,000 and imprisonment up to one year for a first offence, rising to a fine up to $50,000 and/or imprisonment up to two years for subsequent offences.

Protection of wetlands and associated land:

Non-tidal wetlands are protected by Environment Article Title 5, Subtitle 9 and COMAR 26.23, which require a State wetlands permit for activities such as filling, dredging or draining and set standards for mitigation of unavoidable impacts.

Under Title 5, Water Resources, MDE can enforce water appropriation, dams, and wetlands requirements as follows:

- Civil Enforcement: Under section 5-514 of Maryland Code, Environment Title 5 (Water Resources), civil penalty up to $10,000 per day can be levied upon violation of Maryland's water appropriation laws, rules, and regulations. Other subtitles under this title also provide for varying civil penalties. See section 5-805 (Flood Control and Watershed Management), section 5-911 (Nontidal Wetlands), section 5-608 (Maryland Geothermal Resources Act), and section 5-1001 (Used Oil Recycling).
- Criminal Enforcement: Under section 5-1301 of Maryland Code, Environment Title 5 (Water Resources), violation of water resource duties and provisions are misdemeanors punishable by a fine up to $500 for the first offense. Subsequent violations within two years are punishable by a fine up to $1000 or imprisonment up to a year.

Tidal wetlands are regulated under Environment Article Title 16 and COMAR 26.24, which require a State tidal-wetlands license or permit for any dredging, filling, construction or alteration in tidal waters or marshes.

Natural Resources Article Title 8, Subtitle 18 establishes a critical area along the Chesapeake Bay and its tidal tributaries, with local zoning and buffer requirements to protect water quality and habitat.

Other protective measures:

Environment Article Title 4, Subtitle 1 (Sediment Control), Subtitle 2 (Stormwater Management) and COMAR 26.17.01 require erosion and sediment-control plans and stormwater management approvals for development projects to prevent pollution of adjacent waters and wetlands.

Law stated - 29 December 2025

Protection of natural spaces and landscapes

What are the main features of the rules protecting natural spaces and landscapes?

Maryland protects natural spaces and landscapes through a combination of statutes in the Natural Resources Article and the Environment Article of the Maryland Code, implemented by detailed regulations in COMAR. These laws safeguard public lands such as state parks and forests, environmentally sensitive areas such as wetlands and critical shorelines, and privately owned land of ecological importance.

Types of protected natural spaces and landscapes are:

State parks and forests: Under Natural Resources Article Title 5, Subtitle 2 and COMAR 08.07.06, the Department of Natural Resources (DNR) manages state parks, natural environment areas and state forests. These lands are permanently protected for recreation, wildlife habitat and scenic preservation; activities such as timber harvesting or construction are regulated through DNR permits.

Wildlife management areas: Natural Resources Article Title 10, Subtitle 2 authorizes the creation of wildlife management areas and game refuges, which protect habitats for native species and restrict hunting, trapping, and land disturbance except as allowed by DNR regulations.

Chesapeake and Atlantic Coastal Bays Critical Area: Natural Resources Article Title 8, Subtitle 18 establishes a 1,000-foot critical area landward of the mean high-water line of the Chesapeake Bay and its tidal tributaries (section 8-1807). Local governments implement strict zoning, including 100-foot shoreline buffers and limits on clearing and impervious surface, to protect water quality and sensitive habitats.

Tidal and non-tidal wetlands: Environment Article Title 16 with COMAR 26.24 (tidal wetlands) and Environment Article Title 5, Subtitle 9 with COMAR 26.23 (non-tidal wetlands) require State permits for dredging, filling or altering wetlands. These provisions preserve wetland ecosystems and the landscapes associated with them.

Scenic and wild rivers: Natural Resources Article Title 8, Subtitle 4 authorises the designation of scenic and wild rivers such as the Patuxent and the Youghiogheny (section 8-402). Designation protects the river corridor's scenic and recreational values through land-use controls and coordinated management plans.

Historic and scenic areas: Natural Resources Article Title 5, Subtitle 10 allows the designation of public park land and recreational areas such as the Appalachian Trail, the Gathland State Park and the North Point State Park.

For protecting the natural spaces and landscapes, Maryland uses a mix of:

- Public ownership and management, where state agencies directly manage parks, forests and wildlife areas;
- Regulatory zoning, such as the Critical Area and Scenic and Wild Rivers programs, where private land remains in private hands but development is tightly controlled; and
- Permit systems, such as wetlands regulation, where specific activities require prior State approval and often mitigation of impacts.

Private landowners inside designated areas may continue to own and use their property but are subject to special restrictions. For example:

- In the critical area, local ordinances require 100-foot vegetated buffers and limit new impervious surfaces or clearing of forest.
- In tidal or non-tidal wetlands, any filling, dredging or grading needs a state permit and mitigation may be required.
- In scenic and wild river corridors, local land-use plans impose additional setbacks and review of development proposals.

These controls can limit or condition building rights, require conservation easements or obligate mitigation of ecological impacts, while still preserving the underlying private title.

Law stated - 29 December 2025

Environmental reporting

Are there any notable environmental reporting requirements?

Maryland imposes a range of environmental reporting obligations through the Environment Article of the Maryland Code and COMAR. These duties cover air and water emissions, waste management, greenhouse-gas data and certain energy-use disclosures. Although Maryland does not yet have a state-specific mandatory ESG reporting regime for companies in general, several sector-specific environmental reporting requirements are significant.

Air emissions' reporting requirements:

Environment Article section 2-301 authorizes MDE to adopt rules, including testing, monitoring, record-keeping and reporting requirements, for the control of air pollution.

Under COMAR 26.11.01.11 (continuous emission monitoring requirements) and COMAR 26.11.01.10 (continuous opacity monitoring requirements), owners or operators of designated large sources, including many electric-generating units and other major combustion installations, must install, operate and maintain CEMS/COMS and submit emissions data to MDE.

For Title V sources, COMAR 26.11.03.06C(7)(a)(i) requires monitoring reports at least every six months, and COMAR 26.11.03.06G(6)(a) requires annual compliance certifications submitted to MDE and Environmental Protection Agency (EPA).

Water discharge reporting requirements:

The State's implementation of the federal Clean Water Act requires any discharger to obtain a National Pollutant Discharge Elimination System (NPDES) permit under Environment Article section 9-323 and COMAR 26.08.04.01. Under COMAR 26.08.04.03C, a permittee must submit monitoring results to MDE on the official discharge monitoring report form, within the time frame specified in the permit or at least once per year.

Hazardous and solid waste reporting requirements:

Generators and transporters of hazardous waste must comply with the manifest rules under COMAR 26.13.03.04. Additionally, they must comply with the record-keeping rules under COMAR 26.13.03.06A which include retention of manifests and annual or biennial reports, and the reporting rules under COMAR 26.13.03.06B, which requires submission of reports covering the hazardous waste generated in the previous calendar year (annually for reporting periods through 31 December 1995 and biennially for reporting periods beginning 1 January 1997).

Under COMAR 26.10.01.05, anyone who releases, allows the release, or who actively or passively participates in the release of oil, including in transit, must immediately report the release to MDE within two hours after the release and remain available until cleared to leave the scene. The report to MDE must include the time, date, location, and cause of the release, the mode of transport or type of facility involved, the type and quantity of oil released, any assistance required, the name, address and phone number of the person reporting, and any other pertinent information requested by MDE (COMAR 26.10.01.05(B)). A follow-up written report is required within 10 days (unless extended by MDE) where five or more gallons of oil were released, any amount of oil was discharged to State waters, or as directed by MDE (COMAR 26.10.01.05(E)).

Owners, operators, responsible parties, and testers of storage tank systems for oil or other hazardous substances must report suspected releases immediately within two hours after discovery (COMAR 26.10.08.01(A)). There are specific confirmation and investigation procedures under COMAR 26.10.08.03 that must be followed when there is evidence of a release, failure of a precision tightness test (or two inconclusive tests), or unusual operating conditions. Upon detecting or confirming a release, the owner, operator, or responsible party must, within two hours unless extended by MDE, contain and remediate the release, and report the release to MDE under COMAR 26.10.01.05 for oil and under 40 CFR sections 302.6 and 355.40 for hazardous substances (COMAR 26.10.08.04). In 2014, MDE proposed a set of regulations under Environment Article section 7-222(d) (entitled "Investigating, Evaluating, and Responding to Hazardous Substance Releases"), which would have required immediate reporting to MDE of releases of hazardous substances above certain thresholds. However, these regulations have not been adopted yet, making them unenforceable.

Operators of solid-waste acceptance facilities must submit periodic reports as required by their refuse-disposal permits under COMAR 26.04.07.20D(1).

Greenhouse-gas and energy data reporting requirements:

Maryland participates in the Regional Greenhouse Gas Initiative (RGGI) and under COMAR 26.09.02.05A, each affected CO2 budget unit, such as an electric-generating unit covered by the program, must monitor, record, quality-assure and report its carbon-dioxide emissions to MDE.

The Maryland Building Performance Standards in Public Safety Article section 12-501 to 12-510 adopt the International Energy Conservation Code (IECC), which obliges new construction to provide energy-performance documentation to local building officials at the time of permitting. Additionally, Maryland's recently adopted Building Energy Performance Standards impose a requirement for certain covered buildings that are 35,000 square feet and larger annually report energy usage. However, Maryland law does not impose a general, stand-alone energy-consumption or ESG disclosure requirement on companies.

Other sector-specific reporting requirements include:

Certain programs, such as the Maryland water appropriation and use permit system, require the permittee to report semi-annually to MDE the quantity of water appropriated during each of the preceding six months, and the department may also require daily-use reporting and the installation of flow-measuring devices under COMAR 26.17.06.07B(4). Additionally, COMAR 26.17.06.07C(3) provides that a permit for agricultural water use may require the permittee to submit to the department an estimate of total water use for each month of the preceding calendar year.

Law stated - 29 December 2025

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous products and substances

What are the main features of the rules governing hazardous products and substances?

Maryland regulates hazardous products and substances primarily through the Maryland Code Environment Article, Title 7 and supporting regulations in COMAR 26.13 and 26.14.

Environment Article section 7-201(b) defines a controlled hazardous substance as any substance designated by MDE, or low-level nuclear waste.

COMAC 26.13.02.03 also defines hazardous waste. It provides that a solid waste is a hazardous waste, if it is specifically listed in COMAR 26.13.02.15 through 26.13.02.19, or if it exhibits one or more hazardous characteristics (ignitability, corrosivity, reactivity or toxicity) as described in COMAR 26.13.02.10 through 26.13.02.14. It also incorporates certain federal exclusions and special wastes, so that materials meeting those exclusions are not regulated as hazardous waste.

COMAC 26.13.03.02 requires solid waste generators to determine whether that waste is a hazardous waste. A facility treating, storing or disposing of hazardous waste must obtain a Controlled Hazardous Substance (CHS) facility permit under COMAR 26.13.07. Generators and transporters must obtain an EPA identification number under COMAR 26.13.03.03 and comply with the manifest system under COMAR 26.13.03.04.

Generators and permitted facilities must keep records of waste determinations, manifests and shipping papers and must file biennial hazardous-waste reports under COMAR

26.13.03.06B, which require submission on EPA Form 8700-13A/B of quantities generated and how they were managed.

Under COMAR 26.13.05.09, hazardous waste must be stored in compatible containers and COMAR 26.13.05.04 requires facilities to have contingency plans for spills, fires, and emergencies.

Maryland requires employers to compile and submit a chemical information list, maintain safety data sheets, properly label hazardous substances, implement a written hazard communication program, and provide employee training on chemical hazards. These requirements are governed by COMAR 09.12.33, and Maryland's implementation of the federal OSHA standards (29 CFR 1910.1200).

Maryland can impose strict penalties for non-compliance with the rules governing hazardous materials and substances. Specifically, Environment Article section 7-266 allows the state to impose civil penalties of up to $25,000 per day for each violation of the hazardous waste regulations.

Additionally, section 7-267 outlines criminal penalties for more serious or intentional violations. A person found guilty of a first offense under this section is considered to have committed a misdemeanour, and upon conviction, may face a fine of up to $25,000, imprisonment for up to one year, or both. These penalties are designed to ensure that hazardous substances are managed safely and responsibly to protect public health and the environment.

Law stated - 29 December 2025

ENVIRONMENTAL ASSESSMENT

Activities subject to environmental assessment

Which types of activities are subject to environmental assessment?

Maryland requires environmental assessments for a range of public and private activities through both state and federal processes. At the state level, the principal mechanism is the Maryland Environmental Policy Act (MEPA) in Natural Resources Article sections 1-301 to 1-305, supported by specialised permitting programs in the Environment Article (for example, wetlands, air, and water-quality permits). These assessments are not themselves licenses, but they are mandatory steps before state agencies approve or fund projects and are closely tied to the issuance of the underlying permits.

Maryland Environmental Policy Act (MEPA)

Natural Resources Article section 1-302 declares the State's policy of integrating environmental considerations into decision-making. Section 1-304 requires that any State agency proposing or approving an action that may significantly affect the environment prepare an environmental effects report (EER).

The EER is a planning and disclosure document, not a permit. It informs agency decisions and the public but does not itself authorize construction or operation.

Industrial and non-industrial projects covered:

MEPA applies to any state or state-funded action with the potential for significant environmental effects, not just industrial facilities. Typical examples include:

- large public works or infrastructure projects such as highways, bridges or water-supply systems when undertaken or financed by a state agency;
- state-funded building or land-development projects; and
- state agency plans or programs whose implementation could significantly alter the environment.

Private industrial projects are subject to MEPA only when a state agency must issue a major approval or provide funding.

Beyond MEPA's general review, a number of program-specific statutes require environmental analysis as part of their own permitting processes:

- Environment Article Title 16 and COMAR 26.24.02.01 establish a wetlands license or permit system that requires the Department of the Environment to evaluate ecological impacts before issuing the authorization.
- Under Environment Article Title 5, Subtitle 9 (Nontidal Wetlands) and COMAR 26.23.02.04, permit decisions must be based on findings regarding water quality, habitat and mitigation.
- Under Natural Resources Article Title 8, Subtitle 18 and COMAR 27.01 to 27.03, local governments must review development proposals in the Chesapeake Bay Critical Area for environmental effects before granting local approvals.

Law stated - 29 December 2025

REGULATORY AUTHORITIES

Regulatory authorities
Which authorities are responsible for the environment in your state and what is the scope of each regulator's authority?

Environmental regulation in Maryland is shared between MDE as the principal state regulator and several specialised agencies and commissions created by statute. Each body has defined powers to issue permits, enforce environmental laws, and in some cases provide financial assistance or incentives.

Maryland Department of the Environment (MDE)

- Maryland Code, Environment Article section 1-401 et seq. establishes the department.
- MDE administers and enforces Maryland's major environmental programs including air quality, water pollution and drinking water, water appropriation and wetlands, controlled hazardous substances and hazardous waste, solid waste management and radiation control.
- The department issues permits such as air-quality permits (COMAR 26.11.02-), National Pollutant Discharge Elimination System (NPDES) discharge permits (-

COMAR 26.08.04), water appropriation and use permits (COMAR 26.17.06), tidal and non-tidal wetlands licenses (COMAR 26.24.02 and 26.23.02), and controlled hazardous substance facility permits (COMAR 26.13.07).

- It may impose civil and administrative penalties and seek injunctions under the relevant titles of the Environment Article.

Department of Natural Resources (DNR)

- Maryland Code Natural Resources Article section 1-101 et seq. establishes the department.
- DNR manages the state's public lands and natural resources including state parks and forests, wildlife and fisheries and the Chesapeake and Atlantic Coastal Bays Critical Area.
- The department issues licenses for activities such as oyster-ground leasing (-section 4-11A-10), hunting licenses (Natural Resources Article Title 10, subtitle 3), and approvals within the Critical Area in cooperation with local jurisdictions (section 8-1808).
- It may revoke licenses and impose civil penalties for violations of the Natural Resources Article.

Maryland Department of Agriculture (MDA)

- Maryland Code Agriculture Article section 2-101 et seq. establishes the department.
- MDA regulates pesticides and nutrient management (Agriculture Article Title 5 and Title 8), including the registration and use of pesticides and enforcement of nutrient-management plans for agricultural operations.
- The department registers pesticides (section 5-105) and administers agricultural cost-share programs that provide grants for best management practices to reduce nutrient runoff (section 8-703).
- It may deny or revoke pesticide registrations and impose civil penalties under section 5-210.2 and criminal liability under section 5-211.

Maryland Public Service Commission (PSC) and Energy Administration

- Public Service Commission regulates the siting and certification of electric generating stations and transmission lines under Public Utilities Article sections 7-207 and 7-208.
- Maryland Energy Administration established under State Government Article section 9-2001 et seq., administers state energy-efficiency and renewable-energy incentive programs and may award grants or subsidies to promote clean energy.

Local governments and regional agencies

Counties and municipalities implement and enforce local environmental ordinances, including stormwater management programs required by Environment Article section 4-203, and administer the Chesapeake Bay Critical Area Program under Natural Resources Article section 8-1808. Local authorities may issue sediment and erosion control approvals and can impose local penalties consistent with state law.

Law stated - 29 December 2025

KEY TRENDS AND DEVELOPMENTS

Recent updates and trends

What are the most noteworthy recent trends and developments in environmental law in your state? What developments are expected in the coming year?

Maryland has been active in promulgating new environmental laws and regulations during recent legislative sessions. Such new environmental legislation includes:

Next Generation Energy Act

On May 20, 2025, Governor Moore signed the Next Generation Energy Act, a comprehensive statutory package designed to increase energy generation in the State. The Act creates a fast track for 10 "dispatchable" energy generation projects in the State; while natural gas-fired generation is eligible for this fast track, the Act requires that zero-emissions projects must be awarded such fast-track status at a ratio of 4-to-1.

Renewable Energy Certainty Act

Governor Moore signed the Renewable Energy Certainty Act into law on May 20, 2025. The Act aims to streamline and standardize the requirements for renewable energy development—and particularly solar—in the State. The Act took effect on July 1, 2025, and will require State agencies to develop standardized land use requirements for siting solar energy generating stations over 1MW and for energy storage devices.

Extended Producer Responsibility Standards

After several years of interest and legislatively mandated studies, on May 13, 2025, Governor Moore signed SB0901 establishing an extended producer responsibility program for packaging materials and paper products—making Maryland the sixth such state to do so. Under this new law, producers of covered materials must submit (either individually or through the State-selected producer responsibility organization) a producer responsibility plan to MDE by July 1, 2028, to sell, distribute, or import covered materials in the State.

Building Energy Performance Standards Alterations

In 2022, the Maryland General Assembly passed the Climate Solutions Now Act, which set ambitious targets for the State to reduce its greenhouse gas emissions and to ultimately achieve a net zero state economy. While the law impacted multiple sectors, one notable provision was the requirement to establish building energy performance standards (or BEPS)—a set of requirements to report on building energy use and emissions and to incentive adoption of low or zero emission technologies. The initial program included several exempt categories (such as manufacturing and historic buildings). In 2025, the General Assembly passed several adjustments to the authorizing statute to clarify the definition of manufacturing, add hospitals to the set of excluded buildings, create a crediting system for onsite generation of renewable energy, expand the exclusion for backup generators, and create various waivers (allowing continued use of existing equipment through its useful life or for impracticality or infeasibility). These changes took effect on October 1, 2025, and require MDE to update its BEPS regulations.

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