

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
PERMIT FOR CORRECTIVE ACTION
UNDER THE HAZARDOUS AND SOLID WASTE
AMENDMENTS OF 1984**

Permittee: Browning-Ferris Incorporated

Permit Number: EPA ID No. MDD 000 797 365

Facility Location: Glen Burnie, Maryland

The United States Environmental Protection Agency (EPA) under the authority of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. §§ 6901-6992k, and regulations promulgated thereunder and set forth at 40 C.F.R. Parts 260-271, has prepared this Permit for Corrective Action (Corrective Action Permit) for the facility owned by Browning-Ferris Inc. (hereinafter Permittee or BFI) located on Solley Road within Glen Burnie, Maryland 21061 at latitude 39° 09' 28" North and longitude 76° 34' 18" West (the Facility). Further, this Corrective Action Permit is based on the provisions of RCRA § 3004(u), 42 U.S.C. § 6924(u), which require corrective action for all releases of hazardous waste or constituents from any solid waste management unit (SWMU) at a treatment, storage, or disposal facility seeking a permit, regardless of the time at which waste was placed in such unit.

EPA has determined that protection of human health and the environment has been achieved at the Facility and will be maintained as long as BFI continues to perform operation and maintenance activities and maintains and complies with institutional controls as required in the Facility's Post-Closure Permit, No. MDD A-033, issued by the Maryland Department of the Environment (MDE) in October 1991 (Post-Closure Permit) and to be renewed concurrently with EPA's issuance of the final Corrective Action Permit. EPA has determined the Post-Closure Permit, as renewed, includes all conditions necessary for BFI to meet its corrective action obligations under RCRA/HSWA.

A. CORRECTIVE ACTION FOR RELEASES; PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

Section 3004(u) of Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. § 6924(u), requires corrective action for all releases of hazardous waste or constituents from any solid waste management unit (SWMU) for all permitted treatment, storage, or disposal facilities, regardless of the time the waste was placed in the unit. While EPA has granted the State of Maryland (the State) authorization to operate a state hazardous waste program in lieu of the federal program pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State has not received authorization for the Corrective Action Program. EPA is, therefore, issuing this permit (hereafter Corrective Action Permit) so that the Permittee can satisfy its Corrective Action requirements at the Facility.

The complete RCRA permit for purposes of 3005(c) of RCRA, 42 U.S.C. § 6925(c), consists of two portions: this Corrective Action Permit, issued by EPA and which addresses the provisions of HSWA, and the Facility's Post-Closure Permit, No. MDD A-033 (Post-Closure Permit), issued by the Maryland Department of the Environment (MDE), which address the provisions of the Code of Maryland Regulations (COMAR) 26.13, for which the State has received authorization under Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), to administer and enforce in lieu of the federal hazardous waste management program under RCRA.

EPA has determined that protection of human health and the environment has been achieved at the Facility and will continue to be achieved at the Facility within the meaning of Section 3004(u) of RCRA as long as the necessary operation and maintenance activities are performed and the institutional controls are maintained and complied with, as required by the Facility's Post-Closure Permit issued on [insert date]. Therefore, to satisfy the Permittee's RCRA Section 3004(u) Corrective Action obligations at the Facility, this Corrective Action Permit incorporates, and provides for the implementation of, all the provisions of the Post-Closure Permit and all attachments thereto. The Post-Closure Permit issued on [insert date] is hereby incorporated into this Corrective Action Permit by reference and made a part hereof as Attachment A.

Any inaccuracies found in the information submitted by the Permittee in connection with this Corrective Action Permit may be grounds for the termination, modification, or revocation and reissuance of this Corrective Action Permit, and potential enforcement action (see 40 C.F.R. §§ 270.41, 270.42 and 270.43). The Permittee must inform EPA immediately of any deviation from, or changes in, the information which would affect the Permittee's ability to comply with applicable statutes, regulations, and/or permit conditions.

The Permittee shall comply with all terms and conditions set forth in this Corrective Action Permit, including the Post-Closure Permit attached hereto. Additionally, the Permittee shall comply with all applicable federal regulations, including 40 C.F.R. Parts 260 through 264, Part 266, Part 268, Part 270, Part 273 and Part 124. Nothing in this Corrective Action Permit shall limit EPA's authority to undertake, or require any person to undertake, response action or corrective action under any law, including, but not limited to, Sections 104 and 106 of CERCLA, 42 U.S.C. §§ 9604 and 9606, and Section 7003 of RCRA, 42 U.S.C. § 6973. Nor shall any permit condition relieve the Permittee of any obligations under any law, including, but not limited to, Section 103 of CERCLA, 42 U.S.C. § 9603 to report releases of hazardous wastes, constituents, or substances to, at, or from the Facility.

B. PERMIT ACTIONS

This Corrective Action Permit may be modified, revoked and reissued, or terminated for cause as specified in 40 C.F.R. §§ 270.41, 270.42 and 270.43. The filing of a request for a permit modification, revocation and reissuance, or termination or the notification of planned changes or anticipated noncompliance on the part of BFI, does not stay the applicability or enforceability of any permit condition (40 C.F.R. § 270.30(f)). Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicability regulations and laws.

C. STANDARD DUTIES AND REQUIREMENTS

1. Duty to Comply

a. BFI shall comply with all conditions of this Corrective Action Permit and Post-Closure Permit attached hereto, except to the extent and for the duration such noncompliance is authorized by an emergency permit issued under 40 C.F.R. § 270.61 or the analogous provisions of the State's authorized hazardous waste management regulations. Any other permit noncompliance constitutes a violation of RCRA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. (40 C.F.R. § 270.30(a)).

b. It shall not be a defense for BFI in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Corrective Action Permit.

2. Duty to Provide Information

BFI shall furnish, within the specified time, any relevant information which the EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this Corrective Action Permit. BFI shall also furnish to EPA, upon request, copies of records required to be kept by this Corrective Action Permit. (40 C.F.R. §§ 270.30(h) and 264.74(a)).

3. Biennial Report

Pursuant to 40 C.F.R. § 270.30(l)(9), BFI shall submit a report to EPA by March 1 of every even-numbered calendar year covering Facility activities during the previous odd-numbered calendar year. The report shall contain the information required in 40 C.F.R. § 264.75.

4. Manifest Discrepancy Report

Pursuant to 40 C.F.R. § 270.30(l)(7), if a discrepancy in a manifest is discovered, BFI must attempt to reconcile the discrepancy. If not resolved within fifteen (15) days of the discovery, BFI must submit a letter report, including a copy of the manifest, to EPA. (40 C.F.R. §§ 264.72 and 270.30(l)(7)).

5. Unmanifested Waste Report

Pursuant to 40 C.F.R. § 270.30(1)(8), if BFI receives unmanifested waste, BFI must report such waste to EPA no later than fifteen (15) days after its receipt. (40 C.F.R §§ 264.76 and 270.30(1)(8)).

D. APPROVAL OF SUBMISSIONS; INCORPORATION INTO PERMIT

All plans, reports, schedules, and other submissions required by the terms of this Corrective Action Permit are, upon approval by EPA, incorporated into this Corrective Action Permit. Any noncompliance with such approved studies, schedules, plans, reports, or other submissions shall be deemed noncompliance with this Corrective Action Permit. In the event of unforeseen circumstances beyond the control of the BFI which could not be overcome by due diligence, BFI may request a change, subject to EPA approval, in the previously approved plans, reports, schedules or other submissions. This request may result in a modification of the Corrective Action Permit.

E. MODIFICATION, REVOCATION AND REISSUANCE

EPA will modify this Corrective Action Permit in accordance with 40 C.F.R. § 270.41 and Section 3005(c) of RCRA in the event that information becomes available to EPA identifying solid waste management units that require corrective measures. Financial assurance by BFI is required if corrective measures are necessary (RCRA § 3004(u), 42 U.S.C. § 6924(u) and 40 C.F.R. § 264.101(b)). This paragraph does not limit EPA's authority to otherwise modify this Corrective Action Permit in accordance with 40 C.F.R. Part 270, Subpart D.

F. ACCESS FOR CORRECTIVE ACTION OVERSIGHT

EPA and its authorized representatives shall have access to the Facility at all reasonable times for the purpose of monitoring compliance with the provisions of this Corrective Action Permit. BFI shall use best efforts to obtain access to property beyond the boundaries of the Facility, if needed, for: (1) itself and any contractor of BFI for the purpose complying with the provisions of this Corrective Action Permit and (2) EPA and its authorized representatives for the purpose of monitoring compliance with the provisions of this Corrective Action Permit.

G. TRANSFER OF PERMIT

This Corrective Action Permit is not transferable to any person, except after notice to EPA. (40 C.F.R. § 270.30(1)(3)). This Corrective Action Permit may be transferred by BFI to a new owner or operator only if the Corrective Action Permit has been modified or revoked and reissued under 40 C.F.R. § 270.40(b) or 270.42(b)(2) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act. (40 C.F.R. § 270.40).

H. PROPERTY RIGHTS

This Corrective Action Permit does not convey any property rights of any sort, or any exclusive privilege.

I. PERMIT EXPIRATION AND CONTINUANCE

Pursuant to 40 C.F.R. § 270.50, this Corrective Action Permit shall be effective for a fixed term not to exceed ten years. Pursuant to 40 C.F.R. § 270.51, the conditions of this Corrective Action Permit will continue in force until the effective date of a new permit if BFI has submitted a timely and complete application for a new permit (see 40 C.F.R. §§ 270.10 and 270.14 - 270.29) and, through no fault of BFI, EPA has not issued a new permit under 40 C.F.R. § 124.15 on or before the expiration date of this Corrective Action Permit.

J. DUTY TO SUBMIT CERTIFIED DOCUMENTS

All reports or other information submitted to EPA shall be signed and certified as required by 40 C.F.R. §§ 270.11 and 270.30(k).

K. EFFECTIVE DATE

This Corrective Action Permit is effective on July 31, 2012 and shall remain in effect until July 31, 2022 unless revoked and reissued, modified, or terminated in accordance with 40 C.F.R. §§ 270.41, 270.42 and 270.43 or continued in accordance with 40 C.F.R. § 270.51(a).

L. SIGNATURE

Date: 7/31/12



Abraham Ferdas, Director
Land and Chemicals Division
U.S. Environmental Protection Agency, Region III