



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III

DRAFT PERMIT  
FOR CORRECTIVE ACTION

UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS  
COLLEGE PARK, MARYLAND  
EPA ID NO. MDD 980 829 873

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
DRAFT PERMIT  
FOR CORRECTIVE ACTION;  
PURSUANT TO THE RESOURCE CONSERVATION AND RECOVERY ACT  
AS AMENDED BY THE HAZARDOUS AND SOLID WASTE  
AMENDMENTS OF 1984**

Permittee: University of Maryland

Permit Number: MDD 980 829 873

Facility Location: University of Maryland, College Park Campus, College Park, 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 et seq., and regulations promulgated thereunder and set forth at 40 C.F.R. Parts 260-271, has prepared this Draft Permit for Corrective Action (Draft Permit) for the facility owned and operated by the University of Maryland and located in College Park, Maryland (Facility).

EPA is soliciting comments on this Draft Permit. EPA will make a final decision on the Draft Permit after considering any information submitted during the forty-five (45) day public comment period. If no comments are received on the Draft Permit during the public comment period, the Final Corrective Action Permit will be signed and will become effective upon signature. Otherwise, the Final Permit will become effective thirty (30) days after service of notice of the final decision or upon conclusion of any appeals filed.

EPA proposes that the following provisions be included in a Final RCRA Corrective Action Permit for the Facility:

**INTRODUCTION**

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 (Permit) for the facility owned and operated by the University of Maryland (hereinafter Permittee) located at the Permittee's facility in College Park, Maryland at latitude 38° 59' 48" North and longitude 76° 56' 38" West (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, which addresses the provisions of HSWA, and the Facility's Controlled Hazardous Substance Permit, Permit No. A-237, issued by the Maryland Department of the Environment (MDE), which addresses the provisions of the Code of Maryland Regulations (COMAR), Title 26, Subtitle 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. As of the date of issuance of this Permit, the State has not received authorization to administer the corrective action provisions of HSWA. This Permit, which addresses corrective action provisions of HSWA for which EPA is the implementing authority in Maryland, will be enforced by EPA. The Controlled Hazardous Substance Permit will be enforced by MDE, but EPA may also exercise its enforcement discretion when appropriate.

This Permit consists of the conditions contained herein (Parts I and II and Attachments A-C) and the applicable federal regulations, including 40 C.F.R. Parts 260 through 264, Part 266, Part 268, Part 270, Part 273 and Part 124. The Permittee shall comply with all terms and conditions set forth in this Permit. Nothing in this 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.

This Permit is based on information provided to EPA by the Permittee and MDE. Section 3005(c)(3) of RCRA provides EPA the authority to review and amend the Permit at any time. Any inaccuracies found in the information submitted by the Permittee may be grounds for the termination, modification, or revocation and reissuance of this permit (see 40 C.F.R. §§ 270.41, 270.42, and 270.43). The Permittee must inform EPA of any deviation from or changes in the submitted information that would affect the Permittee's ability to comply with the applicable statutes, regulations, or Permit conditions.

## TABLE OF CONTENTS

<b>PART I – STANDARD FACILITY CONDITIONS .....</b>	<b>1</b>
A.    DEFINITIONS .....	1
B.    PERMIT ACTIONS.....	2
C.    SEVERABILITY.....	2
D.    STANDARD DUTIES AND REQUIREMENTS .....	2
E.    APPROVAL OF SUBMISSIONS; INCORPORATION INTO PERMIT .....	8
F.    MODIFICATION, REVOCATION AND REISSUANCE .....	9
G.    TRANSFER OF PERMIT .....	9
H.    PROPERTY RIGHTS.....	9
I.    PERMIT EXPIRATION AND CONTINUANCE .....	9
<b>PART II – SPECIFIC FACILITY CONDITIONS .....</b>	<b>11</b>
A.    CORRECTIVE ACTION FOR CONTINUING RELEASES; PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT.....	11
B.    REMEDY IMPLEMENTATION.....	11
C.    PROPERTY TRANSFER.....	13
D.    MARYLAND FIRE AND RESCUE INSTITUTE – MONITORED NATURAL ATTENUATION OF CONTAMINANTS IN GROUNDWATER .....	14
E.    EMERGENCY RESPONSE; RELEASE REPORTING .....	14
F.    GUIDANCE DOCUMENTS.....	15
G.    RECORDKEEPING .....	15
H.    ACCESS FOR CORRECTIVE ACTION OVERSIGHT.....	15
I.    EFFECTIVE DATE.....	15
J.    SIGNATURE.....	16

## **LIST OF ATTACHMENTS**

The following Attachments are incorporated, in their entirety, by reference into this Permit. These incorporated attachments contain enforceable conditions of this Permit.

Attachment A: Landfill Map

Attachment B: University of Maryland Controlled Hazardous Substance Permit (Permit No. A-237)

Attachment C: EPA Letter to University of Maryland Dated April 5, 2018

Attachment D: Declaration of Notice of Use Restriction and Easement

## **PART I – STANDARD FACILITY CONDITIONS**

### **A. DEFINITIONS**

For the purposes of this Permit, terms used herein shall have the same meaning as those set forth in 40 C.F.R. Parts 260 through 264, 268, and 270, unless this Permit specifically states otherwise. Where terms are not defined, the meaning associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the terms. The following definitions also apply to this Permit.

1. Area of Concern – Pursuant to the authority granted by Section 3005(c)(3) of RCRA, 40 C.F.R. § 270.32(b)(2), an Area of Concern is hereby defined for purposes of this Permit to mean an area at the Facility or an off-site area, which is not at this time known to be a solid waste management unit, where hazardous waste and/or hazardous constituents are present or are suspected to be present as a result of a release from the Facility.
2. Days – Except as otherwise provided herein, calendar days. If any requirement under the terms of this Permit would fall on a Saturday, Sunday or federal holiday, then the requirement shall be due on the following business day.
3. Facility – For the purpose of implementing corrective action under 40 C.F.R. § 264.101, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA (40 C.F.R. § 260.10).
4. Hazardous Constituent – Any constituent identified in Appendix VIII of 40 C.F.R. Part 261.
5. Landfill Areas – Areas that received wastes generated by the Permittee and identified as Paint Branch Landfills 1, 2, 3, and Metzerott Road Landfill.
6. Permittee – Shall mean University of Maryland, College Park, Maryland.
7. Regional Administrator – Regional Administrator of the United States Environmental Protection Agency, Region III, his designee or authorized representative.
8. Release – Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.
9. Secretary – Secretary of the Maryland Department of the Environment.
10. Solid Waste Management Unit – Any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility

at which solid wastes have been routinely and systematically released.

11. State – Shall mean the State of Maryland.

**B. PERMIT ACTIONS**

This 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 a notification of planned changes or anticipated noncompliance on the part of the Permittee 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. SEVERABILITY**

The provisions of this Permit are severable, and if any provision of this Permit or the application of any provisions of this Permit to any circumstance is held invalid by the application of such provision to the circumstances and the remainder of this Permit shall not be affected thereby (40 C.F.R. § 124.16(a)(2)).

**D. STANDARD DUTIES AND REQUIREMENTS**

**1. Duty to Comply**

The Permittee shall comply with all conditions of this Permit and Controlled Hazardous Substance 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 regulations. Any permit noncompliance, except under the terms of an emergency permit, 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))

**2. Duty to Reapply**

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must apply for and obtain a new permit. (40 C.F.R. § 270.30(b))

**3. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this Permit. (40 C.F.R. § 270.30(c))

4. Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. (40 C.F.R. § 270.30(d))

5. Duty to Properly Operate and Maintain

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the Permit. (40 C.F.R. § 270.30(e))

6. Duty to Provide Information

The Permittee 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 Permit. The Permittee shall also furnish to EPA, upon request, copies of records required to be kept by this Permit. (40 C.F.R. §§ 270.30(h) and 264.74(a))

7. Duty to Allow Inspection and Entry

Pursuant to 40 C.F.R. § 270.30(i), the Permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

- a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances



or parameters at any location.

8. Duty to Monitor and Record Results

Pursuant to 40 C.F.R. § 270.30(j), the Permittee shall comply with the following requirements:

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All sampling and analyses shall be of adequate quality, scientifically valid, of known precision and accuracy, and of acceptable completeness, representativeness and comparability. Laboratory analysis of each sample must be performed using an appropriate method for testing the parameter(s) of interest taking into account the sample matrix. The test methods found in the EPA publication Test Methods for Evaluating Solid Waste Physical/Chemical Methods (SW-846), 3<sup>rd</sup> Edition, as updated, shall be used for: the Toxicity Characteristic analytes (40 C.F.R. § 261.24); the Free Liquids Test (Method 9095) used to determine if free liquid is a component of a waste as a specific requirement for bulk and containerized wastes (40 C.F.R. § 264.314(c)); and the chemical analysis of wastes for hazardous waste incineration permits. (40 C.F.R. § 270.62(b)(2)(i)(C))
- b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the certification required by 40 C.F.R. § 264.73(b)(9) and records of all data used to complete the application for this Permit, for a period of at least three (3) years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the Regional Administrator at any time and is automatically extended during any unresolved enforcement action regarding this Facility (40 C.F.R. § 264.74). The Permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations for the active life of the Facility, and for disposal facilities for the post-closure care period as well. (40 C.F.R. § 270.30(j)(2))
- c. Records of monitoring information shall specify:
  - i. The date, exact place, and time of sampling or measurements;
  - ii. The individual(s) who performed the sampling or measurements;
  - iii. The date(s) analyses were performed;
  - iv. The individual(s) who performed the analyses;
  - v. The analytical techniques or methods used; and
  - vi. The results of such analyses.

9. Duty to Submit Certified Documents

- a. Except for submissions for which the Permittee is asserting a business confidentiality claim pursuant to Paragraph 9.d. and e., below, one (1) hardcopy and one (1) electronic copy of all draft and final plans, reports, notifications or other documents which are required by this Permit to be submitted to the Regional Administrator, shall be sent Certified Mail, Return Receipt Requested, overnight mail, or hand-carried to:

Barbara Smith  
U.S. EPA Region III  
Land and Chemicals Division  
Office of Remediation (Mailcode 3LC10)  
1650 Arch Street  
Philadelphia, PA 19103  
[Smith.Barbara@epa.gov](mailto:Smith.Barbara@epa.gov)

In addition, one (1) copy of such submission shall be sent, by regular mail, to:

Maryland Department of the Environment  
Land and Materials Administration  
Resource Management Program  
1800 Washington Blvd., Suite 610  
Baltimore, MD 21230-1719

- b. Each report, notification, or other submission shall reference the Permittee's name, permit number and Facility address.
- c. All applications, reports, or other information submitted to the Regional Administrator shall be signed and certified as required by 40 C.F.R. §§ 270.11 and 270.30(k).
- d. The Permittee may assert a business confidentiality claim covering all or part of any information submitted to EPA pursuant to this Permit in the manner described in 40 C.F.R. § 2.203(b). Any assertion of confidentiality shall be adequately substantiated by the Permittee when the assertion is made in accordance with 40 C.F.R. § 2.204(e)(4). Information subject to a confidentiality claim shall be disclosed only to the extent allowed by, and in accordance with, the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such confidentiality claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to the Permittee. The Permittee shall not assert any confidentiality claim with regard to any physical, sampling, monitoring, or analytical data.

- e. One (1) hardcopy of all submissions for which the Permittee is asserting a business confidentiality claim pursuant to Paragraph 9.d., above shall be sent Certified Mail, Return Receipt Requested, overnight mail, or hand-carried to:

Barbara Smith  
U.S. EPA Region III  
Land and Chemicals Division  
Office of Remediation (Mailcode 3LC10)  
1650 Arch Street  
Philadelphia, PA 19103

Information the Permittee claims to contain RCRA Confidential Business Information (RCRA CBI) shall be marked as RCRA CBI. The Permittee shall place the RCRA CBI information in an envelope labeled "RCRA CBI - To Be Opened by Addressee Only." The sealed envelope shall then be placed into another envelope which is normally addressed and sealed with no indication that it contains RCRA CBI.

10. Duty to Maintain Documents at the Facility

Pursuant to 40 C.F.R. § 264.73, the Permittee shall maintain at the Facility (or other location approved by the Regional Administrator) during the term of this Permit, including any reissued permit, all documents and raw data, such as laboratory reports, drilling logs, and other supporting information generated from investigations required by this Permit including amendments, revisions and modifications to these documents.

11. Duty to Minimize Waste

The Permittee shall certify no less often than annually that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that the Permittee generates to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage or disposal is the practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment. The Permittee shall maintain each such certification of waste minimization at the Facility until closure of such Facility. (40 C.F.R. § 264.73(b)(9))

12. Duty to Comply with the Land Disposal Restrictions

All activities of the Permittee which involve the land disposal of hazardous waste are subject to the provisions of RCRA § 3004(b)-(m), 42 U.S.C. § 6924(b)-(m), and applicable regulations thereunder at 40 C.F.R. Part 268.

13. Reporting Requirements

a. Planned Changes

The Permittee shall give notice to the Regional Administrator, as soon as possible, of any planned physical alterations or additions to the Facility. (40 C.F.R. § 270.30(l)(1))

b. Anticipated Noncompliance

The Permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted Facility or activity which may result in noncompliance with permit requirements. (40 C.F.R. § 270.30(l)(2))

c. Monitoring Reports

Monitoring reports shall be reported at the intervals specified elsewhere in this Permit. (40 C.F.R. § 270.30(l)(4))

d. Noncompliance with Schedules for Interim and Final Requirements

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than fourteen (14) days following each schedule date. (40 C.F.R. § 270.30(l)(5))

e. Twenty-Four Hour Reporting

The Permittee shall report to the Regional Administrator any noncompliance which may endanger health or the environment orally within 24 hours from the time the Permittee becomes aware of the circumstances. The report shall contain the information listed in 40 C.F.R. § 270.30(l)(6).

f. Manifest Discrepancy Report

If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved within fifteen (15) days, the Permittee shall submit a letter report including a copy of the manifest to the Secretary. (COMAR 26.13.05.05C(3)(b))

g. Unmanifested Waste Report

The Permittee shall submit a report to the Secretary within fifteen (15) days of receipt of unmanifested waste. (COMAR 26.13.05.05G)

h. Biennial Report

The Permittee shall submit a biennial report covering Facility activities during odd numbered calendar years. (40 C.F.R. §§ 270.30(l)(9) and 264.75)

i. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time monitoring reports are submitted. The reports shall contain the information listed in 40 C.F.R. § 270.30(l)(6). (40 C.F.R. § 270.30(l)(10))

j. Failure to Submit Relevant and/or Accurate Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, the Permittee shall notify the Regional Administrator of such failure within seven (7) days of becoming aware of such deficiency or inaccuracy. The Permittee shall submit the correct information or additional facts to the Regional Administrator within fourteen (14) days of becoming aware of the deficiency or inaccuracy (40 C.F.R. § 270.30(l)(11)). Failure to submit the information required in this Permit or misrepresentation of any submitted information is grounds for termination of this Permit. (40 C.F.R. § 270.43)

14. Information Repository

The Regional Administrator may require the Permittee to establish and maintain an information repository at any time, based on factors set forth in 40 C.F.R. § 124.33(b). The information repository will be governed by the provisions in 40 C.F.R. § 124.33(c) through (f).

E. APPROVAL OF SUBMISSIONS; INCORPORATION INTO PERMIT

All plans, reports, schedules, and other submissions required by the terms of this Permit are, upon approval by EPA, incorporated into this Permit. Any noncompliance with such approved schedules, plans, reports, or other submissions shall be deemed noncompliance with this Permit. In the event of unforeseen circumstances beyond the control of the Permittee which could not be overcome by due diligence, the Permittee 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 Permit.

F. MODIFICATION, REVOCATION AND REISSUANCE

1. This Permit may be modified, revoked and reissued, or terminated for cause. This Permit is based on information provided to EPA by the Permittee and MDE. Section 3005(c)(3) of RCRA provides EPA the authority to review and amend the Permit at any time. Any inaccuracies found in the information submitted by the Permittee may be grounds for the termination, modification, or revocation and reissuance of this Permit (40 C.F.R. §§ 270.41, 270.42, and 270.43). The Permittee must inform EPA of any deviation from or changes in the submitted information that would affect the Permittee's ability to comply with the applicable statutes, regulations, or permit conditions.
2. If information becomes available to EPA identifying solid waste management units that require corrective action measures, EPA will modify this Permit. This paragraph does not limit EPA's authority to otherwise modify this Permit in accordance with 40 C.F.R. Part 270, Subpart D.

G. TRANSFER OF PERMIT

This Permit is not transferable to any person except after notice to EPA (40 C.F.R. § 270.30(l)(3)). This Permit may be transferred by Permittee 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 RCRA. (40 C.F.R. § 270.40)

Before transferring ownership or operation of the Facility during its operating life, the Permittee transferring its interest in the Facility shall notify the new owner or operator in writing of the requirements of 40 C.F.R. Parts 264 and 270 (40 C.F.R. § 264.12(c))

Property identified in the attached Declaration of Notice of Use Restriction and Easement (Declaration) is subject to an easement and use restrictions described therein, which the Owner/Permittee, and each subsequent Owner/Permittee, shall abide.

H. PROPERTY RIGHTS

This Permit does not convey any property rights of any sort, or any exclusive privilege. (40 C.F.R. § 270.30(g))

I. PERMIT EXPIRATION AND CONTINUANCE

1. Pursuant to 40 C.F.R. § 270.50, this Permit shall be effective for a fixed term not exceed ten (10) years. Pursuant to 40 C.F.R. § 270.51, this Permit and all conditions herein will remain in effect beyond the Permit's expiration date if the Permittee has submitted a timely and complete application for a new permit (see 40 C.F.R. § 270.10 and 270.13 – 270.29) and, through no fault of the Permittee, the Regional Administrator has not issued a new permit under 40 C.F.R. § 124.15

on or before the expiration date of this permit. In addition, each permit for a land disposal facility shall be reviewed by the Regional Administrator five (5) years after the date of permit issuance or reissuance and shall be modified as necessary, as provided in 40 C.F.R. § 270.41. (40 C.F.R. § 270.50(d))

2. If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must submit a complete application for a new permit at least one hundred eighty (180) days before this Permit expires, unless permission for a later date has been granted by the Regional Administrator. (40 C.F.R. §§ 270.10(h) and 270.30(b))
3. The corrective action obligations contained in this Permit shall continue regardless of whether the Permittee continues to operate or ceases operation and closes the Facility. The Permittee is obligated to complete Facility-wide corrective action under the conditions of a RCRA permit regardless of the operational status of the Facility. The Permittee must submit an application for a new permit at least one hundred eighty days (180) before this Permit expires pursuant to 40 C.F.R. § 270.10(h), unless the Permit has been modified to terminate the corrective action schedule of compliance and the Permittee has been released from the requirements for financial assurance for corrective action.

## **PART II – SPECIFIC FACILITY CONDITIONS**

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

1. Section 3004(u) of RCRA, 42 U.S.C. § 6924(u), and regulations codified at 40 C.F.R. § 264.101, provide that all permits issued after November 8, 1984 must require corrective action as necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU) at the Facility, regardless of when waste was placed in such unit.
2. Under Section 3004(v) of RCRA, 42 U.S.C. § 6924(v), EPA may require that corrective action at a permitted facility be taken beyond the facility boundary where necessary to protect human health and the environment, unless the owner or operator of the facility concerned demonstrates to the satisfaction of EPA that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action.
3. Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), and 40 C.F.R. § 270.32(b) provide that each permit shall contain such terms and conditions as the Administrator determines necessary to protect human health and the environment.

### **B. REMEDY IMPLEMENTATION**

1. The Permittee shall comply with the following restrictions and requirements pertaining to the Landfill Areas at the Facility:
  - a. Landfill Areas: Unless excluded under subparagraph (d), below, no building, structure or trailer shall be constructed, created, erected, or moved onto the Landfill Areas unless Permittee demonstrates to EPA, and EPA provides prior written approval, that such use will not result in human exposures to hazardous waste and/or hazardous constituents at unacceptable levels.
  - b. Unless otherwise excluded under subparagraph (d), there shall be no disturbance of the surface or subsurface of the Landfill Areas by filling, drilling (other than drilling for soil or groundwater samples), burial, excavation, or removal of rock or minerals in any manner unless Permittee demonstrates to EPA, and EPA provides prior written approval, that such activity will not result in human exposures to hazardous waste and/or hazardous constituents at unacceptable levels.
  - c. Permittee shall obtain EPA's written approval prior to potential changes in land use or construction related activities associated with development or redevelopment that may expose the landfill materials beneath the landfill



caps.

- d. Permittee is not required to obtain EPA's prior written approval for 1) temporary, routine, or emergency measures related to maintenance and/or repair of facility appurtenances (e.g., paving, utility repair, etc.) or 2) the use of mobile trailers solely used as offices that are placed on the ground surface using support stands integral to the trailer and do not involve placement of footings or other subsurface support.
- e. No welding, torching, sparking, or open flames shall be permitted in the Landfill Areas during excavation or entry into a confined space, unless Permittee first monitors the excavation or confined space for a combustible atmosphere and the monitoring results indicate that the level is below 25 percent of the lower explosive limit to protect worker safety.
- f. The groundwater at or beneath the Landfill Areas shall not be used for drinking water.
- g. Permittee shall develop and implement appropriate health and safety measures for its own employees who perform allowable routine maintenance and utility work and will require third party contractors whose employees may perform allowable routine maintenance and utility work to demonstrate that they have an appropriate Health and Safety Plan (HASP) in place. A HASP will be considered appropriate if it meets applicable state and federal OSHA regulations.
- h. If Permittee plans on constructing improvements associated with redevelopment at the Landfill Areas that may displace or otherwise disturb landfill caps, Permittee shall submit to EPA within sixty (60) days for approval a Proposed Development Plan that includes (a) a description of such improvements that involve intrusive activities that may result in contact with disposed materials, contaminated soil or groundwater in the landfills; (b) a description of potential environmental and health and safety risks posed by the improvements, during and after construction, and plans to control those risks; (c) a schedule for completing Final Design and any construction schedules; and (d) any Workplans for Environmental Sampling associated with proposed construction.
- i. Within sixty (60) days of receipt of EPA approval of the Proposed Development Plan and any Workplans for Environmental Sampling (or other design documents as mutually agreed upon), Permittee shall submit to EPA for approval the Final Design Plan. The Final Design Plan shall require compliance with applicable environmental and health and safety laws and regulations. Any soil or waste material removed from

the Landfill Areas from redevelopment activities will be managed and disposed of in accordance with all applicable federal, state, and local laws. Upon receipt of EPA's approval of the Final Design Plan, the Final Design Plan shall be incorporated into and become enforceable under this Permit and Permittee shall implement it in accordance with the schedules and provisions contained herein. No construction or improvements that may expose the Landfill Areas material shall be undertaken until EPA has approved the Final Design Plan.

j. Inspection of Landfill Areas

Permittee shall perform an annual inspection of the Landfill Areas to verify that no land use activities restricted by this Permit, including but not limited to disturbances of the surface or subsurface of Landfill Areas have occurred. Permittee shall provide EPA with a written report summarizing the results of the annual inspection by September 30 of each year.

k. Declaration of Notice of Use Restriction and Easement

- i. On April 4, 2007, Permittee recorded a Declaration in the Land Records of Prince George's County, Maryland. It prohibits 1) the use of groundwater at or beneath the Landfill Areas for drinking water purposes and, 2) certain activities, including but not limited to, excavation, grading, dewatering, sheeting or shoring, which could result in undesirable exposures to the waste/contaminants previously disposed of on the Property or interfere with or adversely affect the Landfill Areas unless EPA provides prior approval for such activity.
- ii. Permittee shall include this Declaration in all deeds, leases, and mortgages affecting the Landfill Areas.
- iii. The Declaration is maintained by the Clerk's Office of the Circuit Court of Prince George's County, Maryland and shall not be terminated or modified without prior written approval of EPA.

C. PROPERTY TRANSFER

1. Permittee shall provide notice of the terms of the Declaration against all subsequent Owners/Permittees of an assignment or transfer of the Landfill Areas or an interest in the Landfill Areas.
2. Permittee shall notify EPA and MDE of its intent to change ownership or operation of the Landfill Areas or an interest in the Landfill Areas at least thirty (30) days prior to such change.

D. MARYLAND FIRE AND RESCUE INSTITUTE – MONITORED NATURAL ATTENUATION OF CONTAMINANTS IN GROUNDWATER

The Maryland Fire and Rescue Institute (MFRI) is located on the Paint Branch Landfill Area 3. Permittee currently monitors groundwater at MFRI for petroleum constituents. Permittee shall submit monitoring results to EPA according to the intervals specified in EPA's letter to Permittee dated April 5, 2018. Permittee may propose groundwater monitoring frequency changes based on trends in the monitoring results.

E. EMERGENCY RESPONSE; RELEASE REPORTING

1. In the event Permittee identifies a newly discovered SWMU or new releases of hazardous waste and/or hazardous constituents at or from the Facility not previously identified, or discovers an immediate or potential threat to human health and/or the environment at the Facility, Permittee shall notify the EPA Project Coordinator orally within forty-eight (48) hours of discovery and notify EPA in writing within three (3) days of such discovery summarizing the potential for the migration or release of hazardous wastes, solid wastes and/or hazardous constituents at and/or from the Facility and the immediacy and magnitude of the potential threat(s) to human health and/or the environment, as applicable. Upon written request of EPA, Permittee shall submit to EPA for approval an Interim Measures (IM) Workplan in accordance with the IM Scope of Work (see Paragraph II.F. below) that identifies interim measures which will mitigate the migration or release of hazardous wastes, solid wastes and/or hazardous constituents at and/or from the Facility and mitigate any threat to human health and/or the environment. If EPA determines that immediate action is required, the EPA Project Coordinator may orally authorize Permittee to act prior to EPA's receipt of the IM Workplan.
2. If EPA identifies a newly discovered SWMU or new releases of hazardous waste and/or hazardous constituents at or from the Facility not previously identified, or discovers an immediate or potential threat to human health and/or the environment at the Facility, EPA will notify Permittee in writing. Within ten (10) days of receiving EPA's written notification, Permittee shall submit to EPA for approval an IM Workplan in accordance with the IM Scope of Work, that identifies interim measures which will mitigate the migration or release of hazardous wastes, solid wastes and/or hazardous constituents at and/or from the Facility and mitigate any threat to human health and/or the environment. If EPA determines that immediate action is required, the EPA Project Coordinator may orally require Permittee to act prior to Permittee's receipt of EPA's written notification.
3. All IM Workplans shall ensure that interim measures are designed to mitigate the migration or release of hazardous wastes, solid wastes and/or hazardous constituents at and/or from the Facility and mitigate any immediate or potential threat(s) to human health and/or the environment, and should be consistent with

the objectives of, and contribute to the performance of the final remedy set forth or any additional remedy which may be required at the Facility.

4. Each IM Workplan shall include the following sections as appropriate and approved by EPA: Interim Measures Objectives, Public Involvement Plan, Data Collection Quality Assurance, Data Management, Waste Management Plan, Design Plans and Specifications, Operation and Maintenance, Project Schedule, Interim Measures Construction Quality Assurance, and Reporting Requirements.
5. Concurrent with the submission of an IM Workplan, Permittee shall submit to EPA an IM Health and Safety Plan.

#### F. GUIDANCE DOCUMENTS

All work to be performed at the Facility pursuant to this Permit shall be in general accordance with applicable EPA RCRA corrective action guidance available at EPA Region III's website:

<https://www.epa.gov/hwcorrectiveactionsites/corrective-action-resources-specific-epas-region-3>

#### G. RECORDKEEPING

Upon completion of closure of any current or future SWMU, the Permittee shall maintain in the Facility operating record, documentation of the closure measures taken.

#### H. ACCESS FOR CORRECTIVE ACTION OVERSIGHT

EPA and its authorized representatives shall have access to the Facility at all reasonable times for monitoring compliance with the provisions of this Permit. Permittee shall use its best efforts to obtain access to property beyond the boundaries of the Facility, if needed, for: (1) itself and any contractor of Permittee for the purpose of complying with the provisions of this Permit and (2) EPA and its authorized representatives for the purpose of monitoring compliance with the provisions of this Permit. Best efforts shall include, but not be limited to, agreement to reasonable conditions for access and/or the payment of reasonable fees.

#### I. EFFECTIVE DATE

This Permit is effective on \_\_\_\_\_ and shall remain in effect until \_\_\_\_\_ 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).

J.      SIGNATURE

\_\_\_\_\_  
Date

\_\_\_\_\_  
John A. Armstead, Director  
Land and Chemicals Division  
U.S. EPA Region III