



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

February 21, 2014

CERTIFIED MAIL

Return Receipt Requested

Mr. Christopher Skaggs, Executive Director
Northeast Maryland Waste Disposal Authority
100 South Charles Street, Tower II, Suite 402
Baltimore MD 21201

Dear Mr. Skaggs:

Enclosed herewith is the State of Maryland Refuse Disposal Permit No. **2011-WTE-0649**, which is being issued in accordance with your application of February 9, 2011. This permit authorizes the construction and operation of the Frederick/Carroll County Renewable Waste-To-Energy Facility located at 4549 Metropolitan Court in Frederick, Frederick County.

Please note that this permit is subject to the enclosed terms and conditions. No written response from the permittee regarding this permit ten (10) days following receipt of this letter constitutes acceptance of the terms and conditions contained therein.

If you have any questions regarding this matter, please contact Ms. Martha Hynson, Chief, Solid Waste Operations Division at (410) 537-3315.

Sincerely,

Edward M. Dexter, Administrator
Solid Waste Program

EMD:KH:kh

Enclosure

cc: Mr. James Connolly (w/encl.)
Mr. Horacio Tablada
Mr. Brian Coblentz (w/encl.)

MARYLAND DEPARTMENT OF THE ENVIRONMENT



Martin O'Malley
Governor

Land Management Administration
Solid Waste Program
1800 Washington Boulevard, Suite 605, Baltimore, Maryland 21230-1719



Robert M. Summers, Ph.D.
Secretary

Refuse Disposal Permit

No. 2011-WTE-0649

ISSUE DATE: February 21, 2014

EXPIRATION DATE: February 20, 2019

Issued to: Northeast Maryland Waste Disposal Authority

Authorizing: The construction and operation of the Frederick/Carroll County Renewable Waste-To-Energy Facility

Located at: 4549 Metropolitan Court, Frederick, Frederick County, Maryland 21701.

This permit is issued pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and is subject to the attached terms and conditions, and compliance with all applicable laws and regulations.

Edward M. Dexter, Administrator
Solid Waste Program

Horacio Tablada, Director
Land Management Administration

REFUSE DISPOSAL PERMIT

No.: 2011-WTE-0649

Issue Date: February 21, 2014

Expiration Date: February 20, 2019

This Refuse Disposal Permit is issued pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, by the Maryland Department of the Environment, Land Management Administration (the "Department"), to:

**Northeast Maryland Waste Disposal Authority (the "permittee")
100 South Charles Street, Tower II, Suite 402
Baltimore MD 21201**

for the construction and operation of the

Frederick/Carroll County Renewable Waste-To-Energy Facility

encompassing a

11-acre site

located at

4549 Metropolitan Court, Frederick, Frederick County, Maryland 21701

This permit is granted in accordance with the referenced documents in Part I, and subject to the terms and conditions specified in Parts II, III, IV and V of this permit as follows:

- Part I:** Referenced Documents - permit application, plans and specifications and other pertinent documents submitted to the Department.
- Part II:** Facility Specific Conditions - conditions which amend all other permit conditions applicable to this facility should any discrepancies or conflicts exist.
- Part III:** General Conditions - conditions which are generally applicable to solid waste acceptance facilities similar to this facility.
- Part IV:** Approval Conditions - conditions which are generally applicable to solid waste acceptance facilities that accept and process scrap tires.
- Part V:** Standard Conditions - conditions which are generally applicable to all solid waste acceptance facilities.

Part I: Referenced Documents:

1. An electronic letter submitted by Wheelabrator Technologies Inc., responding to the comments on the Scrap Tire Solid Waste Acceptance Facility Approval Application, dated November 26, 2012 and received on November 27, 2012.
2. A Preliminary Mercury Diversion Plan submitted by Wheelabrator Technologies Inc. on behalf of the Northeast Maryland Waste Disposal Authority, dated November 8, 2012 and received on November 14, 2012.
3. A revised Refuse Disposal Permit Application, dated February 2011, amended on June 2012 and received on July 2, 2012.
4. A Scrap Tire Solid Waste Acceptance Facility Approval Application, dated February 21, 2011 and received on February 24, 2011.
5. A Refuse Disposal Permit Application submitted by the Northeast Maryland Waste Disposal Authority, dated February 9, 2011 and received on February 15, 2011.

Part II: Facility Specific Conditions:

A. Acceptable Wastes:

The permittee may only accept and incinerate solid waste as specified in this facility's Refuse Disposal Permit Application and its supporting documents identified in Part I of this permit. The acceptable solid waste includes:

1. Residential;
2. Commercial;
3. Industrial;
4. Institutional;
5. Litter;
6. Sewage sludge;
7. Bulky waste; and
8. Scrap tires.

The permittee is authorized to accept and incinerate other non-hazardous waste that requires special handling such as witness-burn confidential documents and items.

B. Hours of Construction and Operation:

1. The permittee may operate this facility 24 hours per day, seven days a week.
2. A statement of the days and hours of operation shall be posted at the entrance to the facility.
3. Emergency conditions or unusual circumstances shall be reported to the Department at (410) 537-3315 during normal business hours, or via the Department's Emergency Network at (866) 633-4686 at other times.

C. Capacity:

1. The maximum amount of solid waste accepted at this facility shall not exceed 602,250 tons per year.
2. The Department reserves the right to restrict the volume of material accepted at this facility upon a determination that nuisance conditions, harborage of disease vectors, fugitive dust, blowing litter, odors, or other conditions which are prejudicial to the quality of the environment or the public health, safety or comfort have occurred or are likely to occur as a result of this practice.

D. Plans and Specifications:

Approved plans and specifications under Part I and Part II will satisfy the requirements under Parts III, IV, and V of the permit conditions. The approved plans and specifications override the requirements under these conditions to the extent that they do not conflict with applicable laws or regulations unless a variance has been granted under the Code of Maryland Regulations 26.04.07.26. However, these conditions do remain valid and enforceable.

E. Mercury Diversion Plan:

1. The permittee shall prepare a Mercury Diversion Plan (MDP) for all service areas of the facility in accordance with the Preliminary MDP submitted to the Department, dated November 8, 2012. The MDP shall establish means for diverting mercury-containing items from the solid waste stream that is to be subsequently combusted at this facility through identification, separation, collection and recycling or proper disposal of mercury-bearing products contained in the solid waste stream. The MDP shall also include proposed measures to determine the effectiveness of the MDP in removing mercury-containing items following implementation. The MDP shall, at a minimum, include the following four elements:
 - a. An education/outreach program for citizens, businesses and local governments;
 - b. A collection program for unused mercury and mercury-containing items;
 - c. A recovery/recycling program for mercury-containing devices; and
 - d. A proposed schedule for implementation of the MDP.
2. The permittee shall submit the proposed MDP to the Department for review and approval at least 180 days prior to initial startup. The permittee shall implement the MDP in the intended service area as approved or amended by the Department prior to commencing operation of the facility. The permittee shall submit a progress report to the Department annually by December 31, documenting the effectiveness of the MDP, and making recommendations, as appropriate, to enhance the effectiveness of the MDP.
3. Any modifications to the MDP must be submitted to the Department for approval. The permittee shall implement any modifications as approved by the Department.
4. Prior to acceptance of a solid waste stream generated from outside of the service areas of the facility, the permittee shall submit to the Department, for approval, a plan for diverting mercury-containing items from that solid waste stream.

F. Operations and Maintenance Manual:

Within sixty (60) days of the issuance of this permit, the permittee shall submit a revision to the Operations and Maintenance Manual to include a plan for periodically washing the tipping floor, and a plan for daily litter control on the property.

Part III: General Conditions (Applicable To Municipal Solid Waste Incinerators):

A. Waste Acceptance Requirements:

1. The following waste materials are specifically prohibited from being accepted at this facility, regardless of their origin or type:
 - a. Controlled hazardous substances, as defined in Code of Maryland Regulations (COMAR) 26.13.01.03B(10-1);
 - b. Special medical waste, as defined in COMAR 26.13.11.02B(11);
 - c. Radioactive Hazardous Substance (RHS), as defined in COMAR 26.15.02.02 is unacceptable if the exposure rate of radiation exceeds the limit set by this Department's Air and Radiation Management Administration (ARMA). RHS that exceeds the allowable limits shall be handled in accordance with a specified procedure approved by the ARMA;
 - d. Unless otherwise authorized by the Department, bulk liquid such as those delivered by tanker truck, in containers of 55 gallons (drums) or more, or any other liquid waste that would cause the facility to violate an air or water standard, threaten public health or safety, or which would cause damage to or adversely affect the operation of the facility. This prohibition does not apply to small quantities of household liquid waste such as partially full food containers or household products which may occur in the solid waste stream;
 - e. Automobiles;
 - f. Animal carcasses resulting from medical activities or destruction of diseased animals unless so ordered by the local Health Officer;
 - g. Sewage sludge, processed sewage sludge, septage, sewage scavenger waste or any other product containing these materials unless otherwise authorized by the Department;
 - h. Bulk chemicals or pharmaceutical waste unless authorized by the ARMA;
 - i. Petroleum and chemical cleanup material, unless:
 - i. The source, production process, and chemical characteristics of the spilled substance are adequately known;
 - ii. The spilled material is not a controlled hazardous substance as defined in COMAR 26.13.02;

- iii. The spilled material is not likely to adversely affect the incinerator;
 - iv. The spilled substance is contained in an absorbent material of sufficient excess volume that the material disposed at the incinerator does not exhibit free liquids as defined in General Condition A.1.d; and
 - v. Authorized by the Department.
- j. Truckloads of separately collected yard waste for final disposal, unless the permittee provides for the composting or mulching of the yard waste;
 - k. Scrap tires, unless the Department authorizes the acceptance and processing of scrap tires as required in COMAR 26.04.08;
 - l. Compressed gas cylinders not including cylinders from households whose length does not exceed 12 inches;
 - m. Industrial waste as defined in COMAR 26.08.01.01B(40)(a), i.e. bulk sludge, chemical solids, or by-products, unless otherwise authorized by the Department; and
 - n. Bulky material such as white goods, refrigerators, and items which will not fit in the combustion chamber or material handling systems.
2. The Department upon written request by the permittee may amend the list in Part III.A.1. If the Department denies the applicant's request or unilaterally determines to limit or exclude a waste stream from being disposed of at the incinerator the applicant will be notified of the Department's decision and will be provided an opportunity for a hearing in accordance with the Administrative Procedure Act.

B. Buildings:

Activities involving the unloading, separation, reduction, or alteration of solid waste shall be conducted in an enclosed building.

C. Solid Waste Handling:

- 1. Solid waste unloading shall be restricted to the refuse unloading/tipping areas in such a manner that waste may be monitored easily and handled readily with available equipment.

2. Dispersion of dust and odors shall be controlled. Moreover, the refuse unloading/tipping areas shall be maintained in a sanitary condition, including washing and cleaning as is necessary to control nuisance odors off-site.
3. The facility shall be maintained in a clean and sanitary condition. The following conditions are required:
 - a. Plumbing shall be properly maintained and floors shall be well drained and free from standing water;
 - b. Pantry facilities shall be provided for employees and shall be kept clean and in good repair;
 - c. Solid waste not actually being processed shall be confined to the unloading area, which shall be maintained free of nuisances;
 - d. Accumulation of solid waste shall be controlled in a manner so as to minimize odors and prevent infestation by insects, rodents, or other vectors; and
 - e. Areas adjacent to the building shall be free of litter and standing water. Grass shall be neatly trimmed.

D. Incinerator Ash Testing and Disposal:

1. The permittee shall submit an Ash Sampling and Analysis Plan to the Department for review and approval within ninety (90) days of issuance of this permit. The Plan must address the parameters to be sampled, the sampling frequency, and the sample collection, preservation, chain of custody, and analytical protocols that will be used to obtain representative samples of the ash residue. The ash shall be tested for leaching potential using the Toxicity Characteristic Leaching Procedure (TCLP), Test Method 1311, which is published in the U.S. Environmental Protection Agency (EPA) Publication SW-846. Proposed changes to sampling equipment or procedures must be submitted to the Department for review and approval.
2. Within 30 days of initial operation of the facility, an initial testing and evaluation of the waste characteristics of the ash as it exits the combustion building following the combustion and air pollution control processes shall be determined in accordance with the most recent edition of the "Guidance for the Sampling and Analysis of Municipal Waste Combustion Ash For The Toxicity Characteristic", U.S. EPA Publication No. EPA530-R-95-036, using the TCLP. The sample results shall be submitted to the Department within 30 days of the sample date.

3. Should the facility be modified or a change made to processes which could reasonably be expected to change the characteristics of the ash generated by the facility, the permittee shall re-characterize the ash in accordance with the EPA ash sampling guidance and submit the testing results to the Department.
4. The permittee shall sample both the bottom ash and fly ash as it exits the combustion building following the combustion and air pollution control processes. The ash shall be sampled on a quarterly basis for the first two years of the facility's operations and on a semi-annual basis thereafter for the life of the permit, in accordance with the Ash Sampling and Analysis Plan approved by the Department. If the bottom ash and the fly ash are combined prior to exit from the combustion building, only the combined ash shall be sampled. The quarterly ash testing results shall be submitted to the Department by March 31, June 30, September 30 and December 31, and the semi-annual ash testing results by June 30 and December 31, of each year, unless an alternate schedule is included in the Ash Sampling and Analysis Plan and approved by the Department.
5. Facilities that produce less than 1000 tons of ash per year shall sample both the bottom ash and the fly ash on an annual basis for the life of the permit, in accordance with the Ash Sampling and Analysis Plan approved by the Department. If the bottom ash and the fly ash are combined prior to disposal, only the combined ash shall be sampled. The ash testing results shall be submitted to the Department by December 31 of each year, unless an alternate schedule is included in the Ash Sampling and Analysis Plan and approved by the Department.
6. Ash and non-combustible material from incineration shall be sampled and analyzed quarterly to determine the free liquid content of the ash. The free liquid content shall be determined by the EPA Method 9095 Paint Filter Liquids Test as outlined in the EPA Publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods".
7. Ash and non-combustible material from incineration shall be stored in the designated ash containers and in the leak-proof dumpsters, and shall be transported off-site to permitted facilities for disposal as frequently as is necessary to maintain capacity for additional ash storage. All dumpsters containing ash and post combustion non-combustible material shall be stored on the property and shall be covered, leak-proof, and secured in a manner so as to eliminate the potential of contaminating the waters and land of the State.
8. The permittee may dispose of the incinerator ash, non-combustibles and other residual solid wastes if evaluated to be non-hazardous and free of liquid at permitted municipal landfills, which are in compliance with the current design standards contained for municipal landfills.

9. The permittee shall transport the ash in covered trucks or covered containers in such a manner as to prevent leakage of liquid on public roads and release of material during transport.
10. The permittee may transport unburned solid waste to other permitted or authorized solid waste acceptance facilities. These wastes may be stored on the tipping floor during the receiving operations as specified in this permit.
11. The required annual report shall also include the quantity of unburned solid waste transported each month to a permitted or authorized solid waste acceptance facility. Total quantity of waste transported to each facility shall be included and reported in tons.

E. Short-Term Storage:

Short-term storage of solid waste is authorized in the refuse receiving area (tipping floor) for not more than 72 hours. Prolonged storage of more than 72 hours may be authorized under emergency conditions provided that the permittee obtains prior approval from the Department.

Part IV: Approval Conditions (Applicable to Solid Waste Acceptance Facility):

A. Scrap Tire Processing and Operational Restrictions:

1. The permittee may process scrap tires as specified in this facility's Solid Waste Acceptance Facility Approval Application and its supporting documents.
2. The permittee may only receive scrap tires from a consumer or a scrap tire hauler approved or licensed by the Department. A consumer or an individual who transports not more than five (5) scrap tires annually is exempt from the requirement to obtain a Scrap Tire Hauler License from the Department.
3. Scrap tires and residual scrap tires (or tire portions) may only be transported from this facility by a scrap tire hauler licensed by the Department.
4. Scrap tires and residual scrap tires (or tire portions) from this facility shall only be transported to primary scrap tire collection facilities, scrap tire recyclers, or approved facilities and as specified in this facility's Solid Waste Acceptance Facility Approval Application, subject to the conditions of this permit.
5. Scrap tires (or tire portions) from this facility shall only be transported to an approved or licensed out-of-state facility.
6. This permittee shall not operate the facility in a manner likely to:
 - a. Create a nuisance;
 - b. Be conducive to insect and rodent infestation;
 - c. Cause a discharge of any constituents derived from scrap tires into the air unless otherwise permitted by the Department;
 - d. Cause a discharge of any constituents derived from scrap tires into waters of this State unless otherwise permitted by the Department;
 - e. Impair the quality of the environment; or
 - f. Create other hazards to the public health, safety, or comfort as may be determined by the Department.
7. The permittee shall comply with all the Technical and Operational Standards to Store Scrap Tires under COMAR 26.04.08.17, if applicable.

8. The permittee shall not construct this facility in a wetland, sinkhole, shoreland, ravine, 100-year flood plain, or any area where it may be subjected to immersion in water, unless authorized by this Department and the Maryland Department of Natural Resources.

B. Fire Prevention:

The permittee shall comply with the Maryland Fire Prevention Code under COMAR 29.06.01.02, which incorporates by reference the most recent edition of the National Fire Protection Association - NFPA 1 Fire Code.

1. Combustible material, potential ignition sources such as cutting, welding, and heating devices, open fires, etc., shall not be stored in the scrap tire collection area; and
2. Routine operation involving the use of open flames, blowtorches, or highly flammable substances shall not be performed within fifty (50) feet of a scrap tire or its product pile.

C. Landfilling Prohibited:

1. Scrap tires shall not be disposed of in this State's landfills;
2. Scrap tires may be transported to a sanitary landfill if the landfill accepts scrap tires for purposes other than disposal under a valid Scrap Tire Solid Waste Acceptance Facility Approval issued by the Department; and
3. Scrap tires shall not be disposed of in an open dump.

D. Record Keeping:

The permittee shall maintain records of all scrap tires entering or exiting this facility for a period of three (3) years. The records shall include, at a minimum, the following information:

1. The total quantity of scrap tires, for each transaction by number or weight, which were received at this facility. Records shall indicate:
 - a. The quantity of scrap tires which are generated in Maryland; and
 - b. The quantity of scrap tires which are generated out-of-state.
2. The total type and quantity, by number or weight, of scrap tires, raw materials, products, and waste residuals that were transferred from this facility;

3. The total type and quantity, by number or weight, of scrap tires that remained at this facility at the end of the reporting period;
4. The name and identification number of each hauler transporting scrap tires to this facility including the type and quantity, by number or weight, of scrap tires;
5. The name and identification number of each hauler transporting scrap tires from this facility including the type and quantity, by number or weight, of scrap tires. The type and quantity of scrap tires must be identified, by number or weight, for each transaction, including tires separated and removed for retreading. The destination of the scrap tires transported from this facility must also be maintained; and
6. In the case of scrap tire transaction with consumers who are exempt from the Scrap Tire Hauling License requirements, the facility shall maintain and report a running tally only.

E. Reporting:

The permittee shall submit to the Department a semiannual report. Each report shall be a summary of all scrap tire records provided on a form or in the format developed by the Department. A report for the period of January through June of each year is due no later than August 1 following the reporting period. A report for the period of July through December of each year is due no later than February 1 following the reporting period. Each report shall be submitted on the form provided by the Department.

F. Issuance of Receipts:

1. The permittee shall issue a written receipt to each scrap tire hauler upon receiving a load of scrap tires at this facility. The receipt shall specify the type and quantity, by number or weight, of scrap tires received.
2. The permittee shall issue a written record of destination to each scrap tire hauler upon removal of scrap tires from this facility. The record shall specify the quantity, by number or weight, of scrap tires removed, and the destination of the scrap tire facility to which the scrap tires will be transported.

G. Availability of Reports:

Except for information determined to be confidential under Section 10-617(d) of the State Government Article, Annotated Code of Maryland, all documents submitted to the Department pursuant to the record keeping and reporting requirements set forth in this approval shall be available for public inspection at the Department's offices.

H. Modification:

1. The Department may modify any provision of these approval conditions upon receipt of a written request from the permittee stating the reasons for the proposed modification and provide supporting documentation.
2. The Department may modify these approval conditions if the modification is needed to reflect changes in local, State, or federal laws or regulations applicable to this type of an operation. Any modification shall also be made, as appropriate, to other documents, which are part of this approval conditions.
3. The Department may modify any provision of these approval conditions if a violation of these approval conditions or any applicable law or regulation has occurred.

I. Scrap Tire Operation Closure:

1. The permittee shall cease accepting scrap tires and immediately close the scrap tire portion of this facility's operation, if any of the following occur:
 - a. The scrap tire portion of this facility's operation has been terminated;
 - b. This permit has been expired and its renewal is denied by the Department;
 - c. This permit is revoked by the Department; and
 - d. The holder of this permit receives a final order of the Department to cease scrap tire operation at this facility.
2. The permittee shall complete the closure procedures within ninety (90) days of cessation of the scrap tire portion of this facility's operation, permit revocation, permit denial, or final order of the Department to cease the scrap tire operation at this facility. Under these procedures, the permittee shall:
 - a. Within sixty (60) days before closure, notify the Department, local units of government, local land use authorities, and fire and health authorities of the closing of the scrap tire portion of this facility's operation;
 - b. Close public access to the scrap tire portion of this facility's operation upon cessation of the scrap tire operation;
 - c. Post a gate notice at all entrances of this facility indicating to the public that the scrap tire portion of this facility's operation is closed and indicating that the Department may be contacted for information regarding alternative sites where scrap tires can be deposited;

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- d. Remove and transfer all scrap tires to a scrap tire collection facility, scrap tire recycler, or other approved facility;
 - e. Remove and transfer all scrap tire products to the market place; and
 - f. Notify the Department when the closure activities are completed.
3. The Department shall inspect the scrap tire portion of this facility and verify that it has been closed in compliance with the approved closure plan.

J. Civil and Criminal Liability:

Nothing in these approval conditions shall be construed to neither preclude the institution of any legal action nor relieve the holder of this approval from civil or criminal responsibilities and/or penalties for non-compliance with Title 9 of the Environment Article, Annotated Code of Maryland, or any local, State, federal, or other State laws or regulations.

Part V: Standard Conditions (Applicable to All Solid Waste Acceptance Facilities):

A. Supervision:

This facility shall be under the supervision of a responsible individual present at the disposal site at all times during the operation.

B. Right of Entry:

The permittee shall allow the Department's authorized representatives, at reasonable times and upon presentation of credentials:

1. To enter this facility covered under this permit or where any records are required to be kept under the terms and conditions of this permit.
2. To have access to and copy any records required to be kept under the terms and conditions of this permit.
3. To inspect any equipment or process required in this permit.
4. To inspect any collection, treatment, pollution management or control facilities, or transport vehicles, required by this permit.
5. To sample any waste, groundwater, surface water, soil or vegetation on the site.
6. To obtain photographic documentation or evidence.

C. Controlled Access:

Access to this facility shall be controlled at all times. Gates, fencing, and other ingress/egress controls around the perimeter of this facility shall be adequate to control access when this facility is not in operation. All gates shall be locked when this facility is unattended. Access shall be limited to those times when authorized personnel are on duty at this facility.

D. Overall Operation:

The permittee shall take all measures necessary to control pollution, health hazards or nuisances. This facility shall be operated and maintained in such a manner as to prevent air, land, or water pollution, public health hazards or nuisances.

E. As-Built Plans:

The permittee shall submit to the Department two (2) copies of certified as-built plans no later than ninety (90) days after completion of the work under this permit.

F. Inspection of Incoming Waste:

1. The permittee shall inspect all incoming loads of solid waste material to insure that no unacceptable waste types, as herein defined in Part III of this permit, are included in the load. The permittee may conduct this inspection by observing wastes as they are deposited, transferred or processed.
2. If an unacceptable solid waste is identified during the tipping and/or inspection process, the permittee shall reject the unacceptable solid waste and advise the generator or hauler of the reason for rejection.
3. If the source of an unacceptable solid waste is unknown, the permittee shall dispose off-site all discovered unacceptable solid waste in a manner consistent with all applicable laws and/or regulations.
4. The permittee shall immediately (within two hours) report to the Department at (410) 537-3315 or (866) 633-4686 after working hours all incidents of discovery of any unacceptable hazardous waste materials in a load of waste. The permittee shall then submit to the Department a written report within five working days following the discovery. When the source of waste is known, the written report shall include the source of the waste, the transporter of the waste, the circumstances of discovery, a description of efforts to secure and control the waste and any release of pollutants from the waste, the current location and if known, the final disposition of the waste. If the source of waste is unknown, the written report shall include the circumstances of discovery, a description of efforts to secure and control the waste and any release of pollutants from the waste, and the current location and final disposition of the waste. If the source of unacceptable hazardous waste is known, the permittee shall reject the waste material and advise the generator or hauler of the reason of rejection. If the source of unacceptable hazardous waste is unknown, the permittee shall separate and handle the waste material in accordance with the applicable requirements of COMAR 26.13.02 "Disposal of Controlled Hazardous Substances".

G. Personnel, Equipment and Maintenance:

The permittee shall provide adequate personnel and equipment to insure proper construction and operation of this facility. Provisions shall be made for equipment repair or replacement as required. Substitute equipment shall be obtained when breakdown or maintenance renders essential operating equipment inoperative for a period in excess of 24 hours during days of operation.

H. Roads:

The permittee shall provide all-weather access roads to the disposal site or receiving area, and to all required pollution control and monitoring systems and devices. Roads shall be maintained in such a manner so as to prevent the tracking of soil, ash, or waste onto any public road and/or to cause a public nuisance. If necessary, vehicles shall be cleaned prior to leaving this facility. Additional actions or facilities may be required at the discretion of the Department in order to control sediment tracking.

I. Dust and Noise Control:

1. Dust shall be controlled through the application of water to roads, operational procedures designed to limit disturbance of bare soils, and other practices approved by the Department. No chemical, oil or petroleum product shall be used for the control of dust without prior written approval from the Department.
2. Operations of the facility shall be conducted in a manner that conforms to the applicable noise provisions of COMAR 26.02.03 and local regulations.

J. Litter Control:

Scattering of wastes by wind shall be controlled and the entire site shall be policed daily or more often, as needed, to control litter.

K. Liquids Management:

1. Under no circumstances may any collected contaminated liquids be discharged by any means, except to the sanitary sewerage system or any permitted treatment facility, without written authorization from the Department. Any discharge to a sanitary sewerage system shall comply with the applicable provisions of the State's pre-treatment program, as described in COMAR 26.08.08.
2. Stormwater management at this facility shall be in accordance with the requirements of COMAR 26.17.02. Any point source discharge of pollutants to waters of the State is prohibited unless permitted by the Department. Any pollutants from the handling, transfer, or storage of wastes, including accidental spills and rainfall events, shall be collected or disposed of in a manner approved by the Department.

L. Fuel Storage:

Fueling of equipment and vehicles shall be conducted with care to avoid spilling or overfilling. The storage tanks and fuel distribution facilities shall be installed and maintained in accordance with the applicable requirements of COMAR 26.10.01 through 26.10.11 inclusive, and with the requirements of local fire prevention agencies. Any spilled fuel shall be cleaned up immediately. Disposal of spilled fuel may only take place at an incinerator, municipal landfill or oil handling facility permitted to accept this material.

M. Fire Control:

1. Solid waste may not be burned at this facility except as permitted by the Department.
2. The permittee shall take suitable measures to control and prevent fires that may occur during the operation of this facility.

N. Removed Pollutant Substances:

Unless previous written approval for disposal has been given by the Department, wastes such as solids, sludge, or other materials removed from or resulting from the treatment or control of waste waters or facility operations, shall be disposed of at a facility approved to accept such materials, and in a manner to prevent any removed substances or runoff from such substances from entering or from being placed in a location where they may enter the waters of the State.

O. Pollution Monitoring and Control Device Requirements:

1. All pollution control and ground and surface water monitoring systems (including stormwater management and sediment control systems) shall be installed in accordance with the manufacturer's recommendations and plans and specifications approved by the Department. All pollution control and ground and surface water monitoring systems shall remain operational and shall be maintained in accordance with the provisions of the approved plans and specifications.
2. Any incidence of damage to this facility's monitoring or pollution control systems shall be reported to the Department at (410) 537-3315 within two hours of the incident, or within two hours of the discovery of the damage if the damage occurred outside of working hours. All repairs needed to correct the damage shall be completed as soon as practical or as specified by the Department.
3. During construction and operation of this facility, the sediment and stormwater basins shall be cleaned out whenever (a) a clean-out elevation is reached; (b) construction is completed; (c) the amount of sediment reaches 50% capacity, and/or (d) as specified by the approved Sediment and Erosion Control Plan.

P. Penalties for Tampering:

Section 9-343 of the Environment Article, Annotated Code of Maryland, provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines, or by imprisonment, or by both.

Q. Records Retention:

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, original recordings from continuous monitoring instrumentation, and inspection results shall be retained by the permittee on-site or at another location upon written approval of the Department, for a minimum period of five years.

R. Annual Report:

An annual report shall be submitted to the Department concerning the operation and status of this facility for each calendar year that this facility is in operation. The annual report shall be for the calendar year ending December 31 and shall be submitted by March 1 of the following year on the form provided by the Department.

S. Duty to Provide Information:

The permittee shall furnish to the Department within a reasonable time, any information that the Department may request, to determine whether cause exists for modifying, revoking, reissuing, or terminating this permit; or to determine compliance with this permit.

T. Alterations:

Any modification to this facility or its operating plans must be approved in writing by the Department prior to implementation. Modifications include, but are not limited to, any changes that alter a significant structural feature, operational procedure, element of design, type of equipment or method of construction described in the approved plans and specifications for this facility and defined herein.

U. Application for Renewal:

1. At least two weeks before the expiration date of this permit, unless permission for a later date has been granted by the Department, the permittee shall submit a new application for renewal of the authorization to continue to operate under the provision of this permit or notify the Department of the intent to cease operating by the expiration date. In the case of landfill systems, the application shall be submitted in accordance with Section 9-213 of the Environment Article, Annotated Code of Maryland. In the event that a timely and sufficient reapplication has been submitted and the Department is unable, through no fault of the permittee, to renew this permit before its expiration date, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.
2. The Department may refuse to renew this permit if the permittee violates the terms or conditions of this permit or State law and regulations, in accordance with Section 9-214 of the Environment Article, Annotated Code of Maryland.

V. Closure:

1. When operations end, the permittee shall close this facility in a manner that prevents erosion, health and safety hazards, nuisances, and pollution.
2. All remaining solid wastes, not properly disposed of, shall be transferred to a permitted facility for proper disposal.
3. If applicable, the surety bond for this facility as specified in Sections 9-211 or 9-211.1 of the Environment Article, Annotated Code of Maryland or other financial assurance required by State, federal, or local regulations, shall be utilized to the extent necessary to remediate the facility if the permittee does not close this facility in a proper manner, and the Department:
 - a. Notifies the permittee and corporate surety on the bond that the facility is not properly closed;
 - b. Specifies in the notice, the deficiencies that must be addressed;
 - c. Gives the permittee and the corporate surety a reasonable opportunity to correct the deficiencies and close the facility in accordance with the regulations of the Department; and
 - d. Authorizes the local governing body or other agency to use the surety bond to close the facility in accordance with the regulations of the Department.

W. Transfer of Permit or Ownership:

1. This permit is valid only for the permittee named and may not be transferred to another entity without first obtaining a new Refuse Disposal Permit from the Department for the new entity.
2. In the event of any change in control or ownership of the property, the permittee shall notify the succeeding owner by certified mail, of the existence of this permit and of any outstanding permit noncompliance, a minimum of 30 days prior to transfer. A copy of this notification shall also be forwarded to the Department at the same time.

X. Compliance:

1. The permittee shall comply with the terms and conditions of this permit, and with all applicable federal, local and State laws and regulations.
2. If for any reason the permittee does not comply or is unable to comply with any of the terms and conditions of this permit, the permittee shall notify the Department at (410) 537-3315 on the same day or on the next working day, following any noncompliance. Within five (5) working days after this notification, the permittee shall provide the Department with the following information in writing:

- a. Descriptions of the noncompliance, including dates, time, and type of noncompliance;
- b. Cause of noncompliance;
- c. Anticipated time the noncompliance is expected to continue or if such condition has been corrected;
- d. Steps taken by the permittee to correct the noncompliance; and
- e. Steps to be taken by the permittee to prevent recurrence of the noncompliance.

Y. Local Solid Waste Management Plan/Zoning and Land Use Requirements:

1. Nothing in this permit authorizes the construction or the operation of this facility when it is not in conformance with the local solid waste management plan, or zoning or land use requirements. The issuance of this permit does not prevent any duly authorized local authority from taking action to enforce applicable zoning, planning and land use requirements, or provisions of the local solid waste management plan.
2. This permit may be suspended or revoked upon a final, unreviewable determination that the permittee lacks, or is in violation of, any federal, State or local approval necessary to conduct the activity authorized by this permit.

Z. Civil and Criminal Liability:

Nothing in this permit shall be construed to neither preclude the institution of any legal action nor relieve the permittee from civil or criminal responsibilities and/or penalties for non-compliance with Title 9 of the Environment Article, Annotated Code of Maryland, or any federal, local or other State laws or regulations.

AA. Penalties for Violations of Permit Conditions:

Section 9-268 of the Environment Article, Annotated Code of Maryland, provides that, except for violations of Part III of that subtitle and violations enforced under Section 9-267 of that subtitle, the provisions of Sections 9-334 through 9-342 of Subtitle 3 of that title shall be used and shall apply to enforce violations of:

1. That subtitle;
2. Any regulation adopted under that subtitle; or
3. Any permit issued under that subtitle.

BB. Property Rights:

The issuance of this permit does not intend to convey any property rights in either real or personal property, or any exclusive privilege or franchise, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State or local laws or regulations.

CC. Severability:

If any provision of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect, and such invalid provision shall be considered severed and deleted from this permit.

DD. Signatory Requirements:

All applications, request for alterations, renewal requests, or monitoring reports submitted to the Department shall be signed and verified in accordance with Section 1-201 of the Environment Article, Annotated Code of Maryland, by the permittee or authorized representative of this facility as being true.