



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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AUG 09 2013

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AUG 14 2013

SOLID WASTE DEPT.

Mr. Clifford J. Engle, Deputy Director
Department of Solid Waste
12630 Earth Care Road
Hagerstown, MD 21740

Re: Part 70 Operating Permit Renewal Forty West Landfill #24-043-00466

Dear Mr. Engle:

This letter serves to inform you that the Department has made a tentative determination to issue a renewal Part 70 Operating Permit for the Forty West Landfill located in Hagerstown, MD. Before the final permit may be issued, the Department must allow the public 30 days to comment on the draft permit and/or request a public hearing.

In accordance with public participation procedures, the Department will make arrangements to publish the enclosed notice in the legal section of a daily or weekly newspaper of general circulation in the geographical area in which the facility is located at least one time. The Department of Solid Wastes is responsible for all costs incurred by this requirement.

Also, enclosed is an overview of the public participation process, the Part 70 Operating Permit Fact Sheet, and the draft Part 70 permit conditions.

Local public officials and interested parties will be notified regarding the comment period by the Department.

If you have any questions regarding these procedures, please contact Ms. Heafey at 410-537-4433.

Sincerely,

Karen G. Irons, P.E., Administrator
Air Quality Permits Program
Air and Radiation Management Administration

KGI/jm

Enclosure

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION MANAGEMENT ADMINISTRATION**

**NOTICE OF INTENT TO ISSUE PART 70 OPERATING PERMIT, OPPORTUNITY TO
SUBMIT WRITTEN COMMENTS OR TO REQUEST A PUBLIC HEARING**

The Department of the Environment, Air and Radiation Management Administration (ARMA) has completed its review of the application for a renewal Part 70 Operating Permit submitted by the Forty West Landfill located in Hagerstown, MD. The facility consists of a municipal solid waste landfill.

The applicant is represented by:

Mr. Clifford Engle, Deputy Director
Department of Solid Waste
12630 Earth Care Road
Hagerstown, MD 21740

The Department has prepared a draft Part 70 Operating Permit for review and is now ready to receive public comment. A docket containing the draft permit, application, supporting documentation and fact sheet is available for review. Ask for Docket #24-043-00466 at the following locations during normal business hours:

Washington County Free Library
59 West Washington Street
Hagerstown, MD 21740

Maryland Department of the Environment
Air and Radiation Management Administration
1800 Washington Boulevard
Baltimore, Maryland 21230-1720

Interested persons may submit written comments or request a public hearing on the draft permit. Written comments must be received by the Department no later than 30 days from the date of this notice. Requests for a public hearing must be submitted in writing and must also be received by the Department no later than 30 days from the date of this notice.

Comments and requests for a public hearing will be accepted by the Department if they raise issues of law or material fact regarding applicable requirements of Title V of the Clean Air Act, and/or regulations implementing the Title V Program in Maryland found in COMAR.

A Request for public hearing shall include the following:

- 1) The name, mailing address, and telephone number of the person making the request;
- 2) The names and addresses of any other persons for whom the person making the request is representing; and
- 3) The reason why a hearing is requested, including the air quality concern that forms the basis for the request and how this concern relates to the person making the request.

All written comments and requests for a public hearing should be directed to the attention of Ms. Shannon Heafey, Air Quality Permits Program, Air and Radiation Management Administration, 1800 Washington Boulevard, Suite 720, Baltimore, Maryland 21230-1720.

Further information may be obtained by calling Ms. Shannon Heafey at (410) 537-4433.

OVERVIEW OF MARYLAND'S TITLE V (PART 70) OPERATING PERMIT PROGRAM

Part 70 Operating Permit

Title V of the Clean Air Act (amended) requires each state to implement a federally enforceable operating permit program for major sources of air pollution. This program is designed to provide a comprehensive administrative document, the five year, renewable, Part 70/Title V operating permit, which identifies all applicable air quality requirements for all emissions units at a given facility, and to establish the methodology by which the owner/operator will demonstrate compliance. The Maryland Department of the Environment (MDE) will incorporate into a facility's Part 70 Operating Permit all applicable federal and state air quality regulations and conditions from Air Quality Permits to Construct that have been issued to the facility by the Department. A responsible official for each facility with a Part 70 Operating Permit is required annually to certify compliance with each applicable requirement for that facility.

The Part 70 Program does not establish any new emissions limitations, standards, or work practices on an affected facility. There may, however, be additional record keeping, monitoring, and reporting requirements. A few facilities which were not subject to Maryland's existing State Permit to Operate Program will be subject to the requirements of the Part 70 Program. The Part 70 Program is based on a facility's potential to emit regulated air pollutants. The State Permit to Operate program is based on a type of source specifically listed in the regulations. For these few facilities which were not required to receive a state Permit to Operate, there will be the additional burdens of certifying emissions annually and paying an annual emissions based permit fee.

The Part 70 Operating Permit will supersede a facility's current State Permit to Operate upon issuance. Attached at the end of the Part 70 permit will be a State-only enforceable section. This section will contain permit conditions that will be enforced by the MDE, not the Environmental Protection Agency (EPA).

The Department will prepare a draft permit and a Fact Sheet. The Fact Sheet will explain the basis and technical analysis used by the Department to develop finalize the federally enforceable permit conditions, including the required testing, monitoring, record keeping, and reporting provisions for each emissions unit at the permitted facility. It will also include a description of the facility and the current compliance status with applicable requirements. If there are any discrepancies between the Part 70 permit application and the draft permit, the Fact Sheet will contain a discussion of the inconsistencies and the final resolution.

The Part 70 Program provides the public and contiguous states the opportunity to review and submit comments on draft Part 70 Permits. Dockets containing a facility's permit application, supporting documents, draft permit and Fact Sheet will be available for review both at MDE's Air and Radiation Administration office at 1800 Washington Boulevard, Baltimore, MD and a public library near the facility's site.

Public Participation Process

The initial step of the Part 70 public participation process is publication of a notice of intent to issue a Part 70 Permit and opportunity for written comments and request for public hearing. This notice will be published at least once in the legal section of a newspaper of general circulation in the area where the facility is located at the applicant's expense. The Department will also send notification letters to affected states, local public officials, and interested parties.

**PART 70 OPERATING PERMIT FACT SHEET
FORTY WEST LANDFILL
12630 EARTH CARE ROAD
HAGERSTOWN, MD 21740
PART 70 OPERATING PERMIT NO. 24-043-00466**

BACKGROUND

The Forty West Landfill (FWL) is a municipal solid waste (MSW) landfill located at 12630 Earth Care Road, Hagerstown, Maryland, serving Washington County. The facility is owned by Washington County and operated by the Washington County Environmental Management Division - Department of Solid Waste (WCEMD-DSW). The facility is currently permitted to receive municipal solid waste (MSW) under Refuse Disposal Facility Permit No. 2005-WMF-0266 reissued on June 14, 2010 by the Maryland Department of the Environment (MDE). The landfill began operation in November 2000 and is expected provide over 33 years of disposal capacity (through 2033). The SIC code for the landfill is 4953.

The FWL property is approximately 427 acres, including 189 acres of disposal area. The FWL is designed to contain 15 cells for wasted disposal. Waste currently received is being placed in Cell Nos. 2, 3, and 4. To date, the landfill has accepted approximately 1,294,586 tons.

The FWL has a design capacity of 10 million megagrams (approximately 11 million tons) of MSW, which exceeds the threshold of 2.5 million Mg (2.8 million tons) or 2.5 million cubic meters. Therefore, FWL is subjected to the 40 CFR 60, Subpart WWW and COMAR 26.11.03.02 requirements and is required to apply for a Title V operating permit. By design, the 189 acres disposal area is divided into 15 cells for waste disposal.

EPA promulgated national emission standards for hazardous air pollutants for existing and new municipal solid waste (MSW) landfills- 40 CFR Part 63 - Subpart AAAA. FWL is subject to these MACT requirements because it is a MSW landfill that has accepted waste since November 8, 1987 and is an area source landfill that has a design capacity equal to or greater than 2.5 million cubic meters that was not permanently closed as of January 16, 2003. FWL must comply with the MACT requirements, if the facility NMOC emissions exceed 50 Mg/year.

At the present time, FWL has no active or passive landfill gas (LFG) vents installed. Although the capacity of the facility makes it subject to the State of Maryland EG regulations (COMAR 26.11.19.20 – "Control of Landfill Gas Emissions from Municipal Solid Waste Landfills"), the facility has demonstrated via Tier 2 testing (April 2012) that gas emissions are below the control threshold of 50 Mg/year NMOC emissions and will not exceed this threshold until the end of its useful life. Site-specific average NMOC concentration was 336 ppmv as

hexane, based on the Tier 2 testing. Based on the determined average NMOC concentration, the actual emissions for the calendar year 2012 were estimated to be 15.83 tons per year. The facility will be required to conduct another Tier 2 testing in April 2017 (within 5 years) during the term of the renewal Part 70 Permit to demonstrate that it is still below the threshold.

The facility maintains a leachate collection and disposal program. The leachate from the operating cells drain by gravity to sumps and is automatically pumped from these collection sumps to two (2) leachate holding tanks (218,000 gallons for Tank No. 1, and 280,000 gallons for Tank No. 2). Leachate from these tanks is transported off site for disposal at a publicly owned treatment works (POTW) facility.

The Compliance Assurance Monitoring (CAM) Rule 40 CFR Subpart 64 is not applicable because Forty West Landfill is subject to an emissions limitation that was proposed by the EPA administrator after November 15, 1990 pursuant to Section 111 or 112 of the Clean Air Act (specifically the facility is subject to the Emissions Guidelines for Municipal Solid Waste Landfills – 40 CFR Subpart Cc).

The current Title V permit for FWL will expire on October 31, 2013. On December 18, 2012, the Department received a Part 70 renewal permit application for the Forty West Landfill. An administrative completeness review was conducted and the application was deemed to be complete. The completeness determination letter was sent on January 2, 2013 granting the Forty West Landfill an application shield.

Table 1: Actual Emissions

Year	NOx (TPY)	SOx (TPY)	PM ₁₀ (TPY)	CO (TPY)	VOC (TPY)
2012	0	0	0.81	2.63	19.42
2011	0	0	0.82	2.45	5.86
2010	0	0	2.67	2.26	5.42
2009	0	0	0	2.06	4.94
2008	0	0	0	1.76	4.22

Washington County is located in Area I, which is classified as an ozone attainment area. The major source thresholds for triggering Title V permitting for this area under Part 70 rule are the potential to emit of 50 TPY of VOC, 10 TPY of any single HAP, 25 TPY of any combination of HAPs, or 100 TPY of any other criteria pollutant.

A NSPS MSW Landfill is automatically subject to the Part 70 operating permit requirements, if it has a design capacity of at least 2.5 million megagrams, regardless of whether it is a major stationary source under the Part 70 regulation. The Forty West Landfill has a design capacity of 10 million megagrams, exceeding the 2.5 million megagrams threshold, and is therefore subject to the Title V permitting requirements.

However, at the present time Tier 2 analysis has demonstrated that NMOC emission rates are and will be less than the 55-ton per year threshold for the next 5 years contained in the NSPS that would require the installation of collection and control systems at the landfill.

MACT

EPA promulgated national emission standards for hazardous air pollutants for existing and new municipal solid waste (MSW) landfills - 40 CFR Part 63 - Subpart AAAA. The Forty West Landfill is subject to these MACT requirements because it is a MSW landfill that has accepted waste after November 8, 1987 and is an area source landfill that has a design capacity equal to or greater than 2.5 million cubic meters that was not permanently closed as of January 16, 2003. The FW must comply with the MACT requirements when facility emissions exceed 50 Mg/year (currently they do not exceed this threshold).

CAM Analysis

Forty West Landfill conducted a Compliance Assurance Monitoring (CAM) analysis for the facility and determined that the facility is not subject to the CAM Rule 40 CFR Subpart 64. CAM is not applicable because the FWL is subject to an emissions limitation that was proposed by the EPA administrator after November 15, 1990 pursuant to Sections 111 or 112 of the Clean Air Act (specifically the facility is subject to the Emissions Guidelines for Municipal Solid Waste Landfills - 40 CFR Subpart Cc).

GREENHOUSE GAS (GHG) EMISSIONS

Forty West Landfill emits the following greenhouse gases (GHGs) related to Clean Air Act requirements: carbon dioxide and methane. These GHGs originate from various processes (i.e., waste decomposition and landfill gas fugitives) contained within the facility premises applicable to FWL. The facility has not triggered Prevention of Significant Deterioration (PSD) requirements for GHG emissions; therefore, there are no applicable GHG Clean Air Act requirements.

As a brand new facility, GHGs were based on emission estimates using default data entered in the US EPA LandGEM model, version 3.02 (see Table 3 shown below). Future emission certifications will show more accurate levels once site specific data are gathered in the future years. Furthermore, the Permittee shall quantify facility wide GHG emissions and report them in accordance with Section 3 of the Part 70 permit.

The following table summarizes the actual emissions from FWL based on emission estimates using the LandGEM model and information submitted in the Part 70 Permit Application:

Table 3: Greenhouse Gases Emissions Summary

GHG	Conversion factor	2011 tpy CO₂eq
Carbon dioxide, CO ₂	1	13,733
Methane, CH ₄	21	5,005
Total GHG, CO₂eq		18,738

Note: the N₂O, HFCs, PFCs, and SF₆ emissions from fugitive LFG are not quantified due to the absence of AP-42 emission factors.

EMISSION UNIT IDENTIFICATION

Municipal solid waste (MSW) landfills produce a large volume of gas that consists primarily of methane and carbon dioxide. Landfill gas also contains water vapor and a small amount of non-methane organic compounds (NMOC). The NMOC include Hazardous Air Pollutants (HAPs), odorous compounds, and Volatile Organic Compounds (VOCs), which are photochemically reactive and contribute to summertime ozone formation, which can result in adverse effects to human health and vegetation.

Particulate matter emissions can be generated in the form of fugitive dust created by landfill operations and mobile sources, such as garbage trucks traveling along paved and unpaved surfaces.

Forty West Landfill has identified the following emission units as being subject to the Title V permitting requirements and having applicable requirements.

Table 2: Emission Unit Identification

MDE Registration Number	Emissions Unit Number	Emissions Unit Description	Date of Registration
9-0173	EU-01	Active municipal solid waste landfill with a maximum design capacity of 10 million megagrams (approximately 11 million tons) of MSW equipped with a leachate collection system.	November 1, 2000
EU-02	N/A	One (1) 400 horsepower tub grinder	N/A
EU-03	N/A	One (1) 300 horsepower Beast grinder	N/A
EU-04	N/A	One (1) 125 horsepower screen	N/A

AN OVERVIEW OF THE PART 70 PERMIT

Section I of the Part 70 Permit contains a brief description of the facility and an inventory list of the emissions units for which applicable requirements are identified in Section IV of the permit.

Section II of the Part 70 Permit contains the general requirements that relate to administrative permit actions. This section includes the procedures for renewing, amending, reopening, and transferring permits, the relationship to permits to construct and approvals, and the general duty to provide information and to comply with all applicable requirements.

Section III of the Part 70 Permit contains the general requirements for testing, record keeping and reporting; and requirements that affect the facility as a whole, such as open burning, air pollution episodes, particulate matter from construction and demolition activities, asbestos provisions, ozone depleting substance provisions, general conformity, and acid rain permit. This section includes the requirement to report excess emissions and deviations, to submit an annual emissions certification report and an annual compliance certification report, and results of sampling and testing.

Section IV of the Part 70 Permit identifies the emissions standards, emissions limitations, operational limitations, and work practices applicable to each emissions unit located at the facility. For each standard, limitation, and work practice, the permit identifies the basis upon which the Permittee will demonstrate compliance. The basis will include testing, monitoring, record keeping, and reporting requirements. The demonstration may include one or more of these methods.

Section V of the Part 70 Permit contains a list of insignificant activities. These activities emit very small quantities of regulated air pollutants and do not require a permit to construct or registration with the Department. For insignificant activities that are subject to a requirement under the Clean Air Act, the requirement is listed under the activity.

Section VI of the Part 70 Permit contains State-only enforceable requirements. Section VI identifies requirements that are not based on the Clean Air Act, but solely on Maryland air pollution regulations. These requirements generally relate to the prevention of nuisances and implementation of Maryland's Air Toxics Program.

REGULATORY AND TECHNICAL REVIEW/COMPLIANCE METHODOLOGY

Emission Unit: Municipal Solid Waste placement
 MDE Registration No. 9-0173

Applicable Standards and Limits

1. **The New Source Performance Standard (NSPS) for Landfills (40 CFR §60 Subpart WWW) only requires the Forty West Landfill to calculate NMOC emissions until calculations show emissions to be equal to or greater than 55 tons/yr:**

Forty West Landfill is subject to the testing, record keeping, and reporting requirements indicated below.

"If the resulting NMOC mass emission rate is less than 50 megagrams per year, the owner or operator shall submit a periodic estimate of the emission rate report as provided in §60.757(b)(1) and retest the site-specific NMOC concentration every 5 years using the methods specified in this section." **[Reference: 40 CFR §60.754(a)]**

The Permittee shall keep all the records required under this permit for at least five years and shall make such records available to the Department upon request. **[Reference: COMAR 26.11.03.06C]**

If the Permittee increases the maximum design capacity of the Forty West Landfill after November 1, 1997, the Permittee shall amend and resubmit the design capacity report within 90 days of the issuance of an air quality Permit to Construct or a permit from the MDE Waste Management Administration that authorizes the increase or any other change that increases the maximum design capacity of the landfill. **[Reference: COMAR 26.11.19.20D(2)].**

The Permittee shall estimate the annual NMOC emission rate calculated using the formula and procedures as described in 40 CFR §60.754(a). The Permittee shall prepare and submit an updated NMOC emission rate report by November 1

of each year. A less frequent emission rate report may be submitted upon approval by the Department in accordance with COMAR 26.11.19.20D(6). **[Reference: COMAR 26.11.19.20D(3)(a) & COMAR 26.11.19.20D(6)].**

The Permittee may, upon approval by the Department, submit a combined report to satisfy the NMOC reporting requirements and the annual Emissions Certification requirements. Such report shall be submitted by April 1 of each year for the previous calendar year. **[Reference: COMAR 26.11.19.20D(7)].**

2. The Forty West County will be subject to the following requirements if its NMOC emission rate, calculated in accordance with 40 CFR §60.754, is equal to or greater than 55 tons/yr:

If the NMOC emission rate determined in §D(3) or (5) of this regulation is 55 tons or more per year, the MSW landfill owner shall comply with §G of this regulation except as follows:

1. If the NMOC emission rate based on the site-specific NMOC concentration is more than 55 tons or more per year, the owner or operator shall comply with §G of this regulation or may recalculate the NMOC emission rate based on the site-specific methane generation according to the procedures provided in 40 CFR §60.754(a)(4). **[Reference COMAR 26.11.19.20D(8)(d)]**
2. The revised NMOC emission rate based on site-specific methane generation shall be submitted to the Department by November 1 of the year following the year in which the first NMOC emission rate report was submitted showing that the NMOC emission rate exceeded 55 tons per year. **[Reference: COMAR 26.11.19.20D(8)(e)]**
3. If the NMOC emission rate based on the site-specific methane generation rate is less than 55 tons per year, the owner or operator shall resume the emissions rate reporting using the site-specific methane generation rate according to the schedule in §D(6) of this regulation. **[Reference: COMAR 26.11.19.20D(8)(f)].** or
4. If the NMOC emission rate based on the site-specific methane generation rate is 55 tons or more per year, owner or operator shall comply with §G of this regulation. **[Reference: COMAR 26.11.19.20D(8)(g)]:**

COMAR 26.11.19.20E – Compliance Plans

1. A person who owns or operates an MSW landfill that has a calculated NMOC emission rate that is 55 tons or more per year shall submit to the Department a plan for compliance by June 1 of the year following the year in which a NMOC emission rate was first calculated to be 55 tons or more per year. The plan for compliance shall contain all of the elements contained in 40 CFR §60.752(b)(2). In addition, the plan shall contain the following schedule:
 - i. The release of purchase orders or contracts within 5 months from the date the plan for compliance is required;
 - ii. Beginning of construction of the gas collection and control system within 8 months after the plan for compliance is required; and
 - iii. Completion of construction of the gas collection and control system within 16 months from the date the plan for compliance is required.
2. The plan for compliance required in §E(1) of this regulation shall include the following compliance dates for start-up of the gas collection and control system and performance of a compliance test:
 - i. For areas that are closed or at final grade, a landfill gas collection and control system shall be installed and compliance achieved by December 1 of the year following the year the plan for compliance was required to be submitted or after the initial MSW landfill has been in place for a period of two years, whichever date is later;
 - ii. For active areas, a landfill gas collection and control system shall be installed and compliance achieved by December 1 of the year following the year the plan for compliance was required to be submitted or after the initial MSW landfill has been in place for a period of 5 years, whichever date is later;
 - iii. Upon written request to the Department, an extended schedule, not to exceed 30 or more per year, may be granted for installing the landfill gas collection and control system; and
 - iv. The schedule to achieve compliance shall be met regardless of whether the owner or operator of the MSW landfill determines emissions based on site-specific NMOC and methane generation rates as provided §D)8) of this regulation.”
3. In its determination for an extension, the Department will consider:
 - i. The past and future rate at which MSW has been or will be accepted;
 - ii. The expected life of the area;
 - iii. Costs of control;
 - iv. Physical constraints for installing controls; and
 - v. Other information regarding the safety and technical aspects of control.
4. Any extension granted by the Department pursuant to §E(2)(c) of this regulation shall be submitted to EPA for approval as a revision to the Department's plan for control of landfill gas emissions from MSW landfills.

COMAR 26.11.19.20G – Compliance and Operating Conditions

1. Compliance Conditions. A person who owns or operates an MSW landfill that has a calculated NMOC emission rate of 55 tons per year or more shall comply with the landfill gas collection and control requirements in 40 CFR §60.752(b)(2) and 60.755.
2. Specifications for Active Collection Systems. A person who complies with G(1) of this regulation by using an active collection system shall comply with the specifications included in 40 CFR §60.759.
3. Operating Conditions. A person who is required to install a gas collection and control system in compliance with §G(1) of this regulation shall operate the equipment according to the requirements included in 40 CFR §60.753

[Reference: COMAR 26.11.19.20H(1)] – Performance Testing

“A person who is required to install a gas collection system and control system in compliance with §G(1) of this regulation shall demonstrate adequate control efficiency by complying with the conditions in 40 CFR §60.754(d) and 60.8.”

[Reference: COMAR 26.11.19.20H(2)] – Monitoring Requirements

“A person who is required to install a gas collection and control system in compliance with §G(1) of this regulation shall:

- (a) Monitor the equipment in accordance with the provisions in 40 CFR §60.756(a)--(e);
- (b) Monitor the methane surface emissions in accordance with the provisions in 40 CFR §60.756(f); and
- (c) Commence the methane surface monitoring required in §H(2)(b) of this regulation by the beginning of the calendar quarter following the quarter during which the system required in §G(1) of this regulation is installed.”

[Reference: COMAR 26.11.19.20H(3)] – Reporting Requirements

1. “A person who complies with §G(1) of this regulation by using an active collection system shall comply with the reporting provisions in 40 CFR §60.757 and 60.758.
2. A person who complies with §G(1) of this regulation shall comply with the initial performance test reporting requirements in 40 CFR §60.757(g).”

[Reference: COMAR 26.11.19.20F] – Closure Report and Equipment Removal

1. A person who owns or operates a MSW landfill subject to §G of this regulation shall submit a closure report to the Department within 30 days of MSW acceptance cessation. The Department may request additional information, as necessary; to verify that permanent closure has taken place in accordance with the requirements in 40 CFR §258.60.
2. After the notice of closure has been submitted to the Department, additional MSW may not be placed in the MSW landfill.
3. A person who owns or operates a MSW landfill who installs the required gas collection and control system and complies with §G of this regulation

for at least 15 years may continue to operate the control system or, if the control system is to be taken out of service, an equipment removal request shall be submitted to the Department for approval 30 days before the removal or cessation of operation of the control equipment.

4. The equipment removal request shall contain all of the information in 40 CFR §60.757(e)(1) and (2), including:
 - (a) A copy of the closure report submitted in accordance with F(1) of this regulation;
 - (b) A copy of the initial performance test report demonstrating that the 15-year minimum control period has expired; and
 - (c) Dated copies of three successive NMOC emission rate calculations, performed in accordance with 40 CFR §60.754(b), demonstrating that the annual uncontrolled NMOC emissions from the MSW landfill are currently below and will remain below 25 tons per year.

[Reference: COMAR 26.11.19.20H(4)] – Record Keeping Requirements

“A person who is required to install a gas collection and control system in compliance with §G(1) of this regulation shall comply with the record keeping requirements in 40 CFR §60.758.”

3. Maximum Achievable Control Technology (MACT)

The Forty West Landfill will be subject to the following requirements if it has a design capacity equal to or greater than 2.5 million megagrams (Mg) and 2.5 million cubic meters (M3) and has estimated uncontrolled NMOC emissions equal to or greater than 50 megagrams per year (Mg/yr) or 55 tons/yr as calculated in accordance with 40 CFR §60.754:

**A. MACT Standards for Air Emissions from MSW Landfills
[Reference: 40 CFR §63.1935]:**

The Permittee shall comply with the requirements of 40 CFR Part 60 Subpart WWW. **[Reference: 40 CFR §63.1955].**

B. Monitoring of Operations **[Reference: 40 CFR §60.756]**

The Permittee shall develop and implement a written start-up, shutdown, and malfunction (SSM) Plan according to the provisions in 40 CFR 63.6(e)(3). A copy of the SSM plan must be maintained on site. **[Reference: 40 CFR §63.1960].**

C. Reporting Requirements **[Reference: 40 CFR §60.757]**

The Permittee shall submit SSM compliance reports every 6 months as specified in 63.1980(a) and (b), including information on all deviations that occurred during the 6-month reporting period. Deviations for continuous emission monitors or numerical continuous parameter monitors must be determined using a 3-hour monitoring block average. **[Reference: 40 CFR §63.1955].**

- D. **Record keeping Requirements [Reference: 40 CFR §60.758]**
A copy of the SSM plan must be maintained on site. [Reference: 40 CFR §63.1960].

Emission Unit:

EU-02 One (1) 400 horsepower tub grinder.
EU-03 One (1) 300 horsepower Beast grinder.
EU-04 One (1) 125 horsepower screen.

Applicable Standards and Limits

A. National Emission Standards for Hazardous Air Pollutants

"By May 3, 2013, "if you own or operate an existing stationary RICE located at an area source of HAP emissions, you must comply with the requirements in Table 2d to this subpart and the operating limitations in Table 2b to this subpart that apply to you." [Reference: 40 CFR §63.6612, 63.6605, 63.6612, 63.6620, 63.6625, 63.6630, 63.6640, 63.6655(a), (b), (d) and Table 2d to 40 CFR 63, Subpart ZZZZ

Compliance Demonstration

The Permittee shall comply with operational restrictions in accordance with 40 CFR §63.6603(a), and Table 2b. The Permittee shall comply with testing requirements in accordance with 40 CFR §63.6612. The Permittee shall comply with monitoring requirements in accordance with 40 CFR §63.6603(a), 40 CFR §63.6625(a), (b), (g), and (h), and Table 2d. The Permittee shall comply with recordkeeping requirements in accordance with 40 CFR §63.6655(a), (b), and (d). The Permittee shall comply with reporting requirements in accordance with 40 CFR §63.6603(a), and Table 2d.

B. Control of Visible Emissions

- (1) Control of Visible Emissions for grinding process

[COMAR 26.11.06.02C(2)] – Visible Emission Standards.

"In Areas III and IV, a person may not cause or permit the discharge of emissions from any installation or building, other than water in an uncombined form, which is visible to human observers."

[COMAR 26.11.06.02A(2)] – Exception.

"The visible emissions standards in C of this regulation do not apply to emissions during start-up and process modification or adjustments, or occasional cleaning of control equipment, if: (a) The visible emissions are not greater than 40 percent opacity; and (b) The visible emissions do not occur for more than 6 consecutive minutes in any 60 minute period."

Compliance Demonstration

The Permittee shall properly operate and maintain the tub grinder in a manner to minimize visible emissions. **[Reference: COMAR 26.11.06.02C(2)]** The Permittee shall report incidents of visible emissions in accordance with Permit Condition 4, Section III, Plant Wide Condition, "Report of Excess Emissions and Deviations.

FOR ENGINE ONLY

(2) Visible Emissions Limits for Stationary Internal Combustion Engine Powered Equipment

[COMAR 26.11.09.05E] – Visible Emission Standards.

"A person may not cause or permit to be discharged into the outdoor atmosphere from any other installation, particulate matter in excess of 0.03 gr/SCFD (68.7 mg/dscm)."

"Emissions During Idle Mode. A person may not cause or permit the discharge of emissions from any engine, operating at idle, greater than 10 percent opacity.

Emissions During Operating Mode. A person may not cause or permit the discharge of emissions from any engine, operating at other than idle conditions, greater than 40 percent opacity.

Exceptions.

- (a) Section E(2) does not apply for a period of 2 consecutive minutes after a period of idling of 15 consecutive minutes for the purpose of clearing the exhaust system.
- (b) Section E(2) does not apply to emissions resulting directly from cold engine start-up and warm-up for the following maximum periods:
 - (i) Engines that are idled continuously when not in service: 30 minutes;
 - (ii) All other engines: 15 minutes.
- (c) Section E(2) and (3) does not apply while maintenance, repair, or testing is being performed by qualified mechanics."

Compliance Demonstration

The Permittee shall properly operate and maintain the horizontal grinders in a manner to minimize visible emissions. [Reference: COMAR 26.11.03.06C] The Permittee shall properly operate and maintain engines in a manner to minimize visible emissions. [Reference: COMAR 26.11.03.06C]

FOR ENGINE ONLY

C. Control of Sulfur Oxides Emissions

[COMAR 26.11.09.07A(1)] – “A person may not burn, sell, or make available for sale any fuel with a sulfur content by weight in excess of or which otherwise exceeds the following limitations:

- (c) Distillate fuel oils, 0.3 percent;”

Note: The Permittee must comply with sulfur content limitations for fuel (15 ppm) as stated in 40 CFR 63.6604.

Compliance Demonstration

The Permittee shall obtain a certification form the fuel supplier indicating that the fuel oil complies with the limitation on sulfur content of the fuel oil. [Reference: COMAR 26.11.03.06C]. The Permittee shall retain annual fuel supplier certifications stating that the fuel oil is in compliance with this regulation must be maintained for at least five years. [Reference: COMAR 26.11.09.07C] The Permittee shall report annual fuel supplier certification to the Department upon request. [Reference: COMAR 26.11.09.07C]

D. Operational Limit

- (1) The Permittee shall, “maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water from the pressure drop across the catalyst that was measured during the initial performance test; and maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F,” or comply with any operating limitations approved by the Administrator. [Reference: 40 CFR §63.6603(a), and Table 2b]
- (2) The Permittee must operate and maintain the engine according to the manufacturer’s emission-related written instructions or the Permittee must develop their own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [Reference: 40 CFR §63.6625(e), §63.6640(a), and Table 6 to 40 CFR 63, Subpart ZZZZ]

- (3) The Permittee has the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Table 2d of 40 CFR 63, Subpart ZZZZ. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2d. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5.
- (4) If all of these condemning limits are not exceeded, the Permittee is not required to change the oil. If any of the limits are exceeded, the Permittee must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the Permittee must change the oil within 2 business days or before commencing operation, whichever is later. The Permittee must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. **[Reference: 40 CFR §63.6625(i)]**
- (5) The Permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. **[Reference: 40 CFR §63.6605(b)]**
- (6) In accordance with 40 CFR §63.6625(g), "if you own or operate an existing non-emergency, non-black start CI engine greater than or equal to 300 HP that is not equipped with a closed crankcase ventilation system, you must comply with either paragraph (g)(1) or paragraph (2) of this section. Owners and operators must follow the manufacturer's specified maintenance requirements for operating and maintaining the open or closed crankcase ventilation systems and replacing the crankcase filters, or can request the Administrator to approve different maintenance requirements that are as protective as manufacturer requirements. Existing CI engines located at area sources in areas of Alaska that meet either § 63.6603(b)(1) or § 63.6603(b)(2) do not have to meet the requirements of this paragraph (g). Existing CI engines located on

offshore vessels that meet § 63.6603(c) do not have to meet the requirements of this paragraph (g).

- (1) Install a closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere, or
- (2) Install an open crankcase filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates and metals." **[Reference: 40 CFR §63.6625(g)]**
- (7) In accordance with 40 CFR §63.6625(h), "if you operate a new, reconstructed, or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply." **[Reference: 40 CFR §63.6625(h)]**

Compliance Demonstration

The Permittee shall maintain the engine catalyst, and maintain the temperature of your stationary RICE exhaust or comply with any operating limitations approved by the Administrator. **[Reference: 40 CFR §63.6603(a), and Table 2b]** The Permittee must operate and maintain the engine according to the manufacturer's emission-related written instructions or the Permittee must develop their own maintenance plan. **[Reference: 40 CFR §63.6625(e), §63.6640(a), and Table 6 to 40 CFR 63, Subpart ZZZZ]** The Permittee has the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Table 2d of 40 CFR 63, Subpart ZZZZ. **[Reference: 40 CFR §63.6625(i)]** The Permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. **[Reference: 40 CFR §63.6605(b)]** In accordance with 40 CFR §63.6625(h), the Permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine. **[Reference: 40 CFR §63.6625(h)]**

COMPLIANCE SCHEDULE

Forty West Landfill is currently in compliance with all applicable air quality requirements.

TITLE IV - ACID RAIN

The Acid Rain Program does not apply to Forty West Landfill.

TITLE VI - OZONE DEPLETING SUBSTANCES

The facility is currently complying with the applicable federal requirements in 40 CFR 82, 82.34(a); 82.42(a)(1); 82.42(b)(1), (2).

SECTION 112 (r) - ACCIDENTAL RELEASE

The facility is not subject to the requirements of Section 112 (r) of the Clean Air Act.

PERMIT SHIELD

Forty West Landfill requested a permit shield.

INSIGNIFICANT ACTIVITIES

This section provides a list of insignificant emissions units that were reported in the Title V permit application. The applicable Clean Air Act requirements, if any, are listed below the insignificant activity.

- (1) No. 1 Unheated VOC dispensing containers or unheated VOC rinsing containers of 60 gallons (227) capacity or less;
- (2) Containers, reservoirs, or tanks used exclusively for:
 - (a) No. 2 Storage of lubricating oils: **Two (2) 300 gallon tanks**
 1. constructed on or before July 23, 1984, or
 2. constructed after July 23, 1984, and having capacities less than 10,568 gallons (40 cubic meters);
 - (b) No. 2 Unheated storage of VOC with an initial boiling point of 300 °F (149 °C) or greater: **Two (2) waste oils tanks (500 gallons, and 250 gallons).**
 1. constructed on or before July 23, 1984, or
 2. constructed after July 23, 1984, and having capacities less than 10,568 gallons (40 cubic meters); ;
 - (c) No. 2 Unheated storage of VOC with an initial boiling point of 300 °F (149 °C) or greater, constructed after July 23, 1984, and having individual tank capacities of 10,568 gallons (40

cubic meters) or greater: **Two (2) leachate tanks (218,000 gallons, and 280,000 gallons).**

- (d) No. 1 Storage of Numbers 1, 2, 4, 5, and 6 fuel oil and aviation jet engine fuel: One (1) 10,000 gallons Diesel Tank, both constructed after July 23, 1984, and having capacities less than 10,568 gallons (40 cubic meters).
- (e) No. 1 Storage of motor vehicle gasoline and having individual tank capacities of 2,000 gallons (7.6 cubic meters) or less.
- (f) No. x Certain recreational equipment and activities, such as fireplaces, barbecue pits and cookers, fireworks display, and kerosene fuel use.

STATE-ONLY ENFORCEABLE CONDITIONS

The Permittee is subject to the following State-only enforceable requirements:

1. Applicable Regulations:

- (A) COMAR 26.11.06.08 and 26.11.06.09, which generally prohibit the discharge of emissions beyond the property line in such a manner that a nuisance or air pollution is created.
- (B) COMAR 26.11.15.06, which prohibits the discharge of toxic air pollutants to the extent that such emissions will unreasonably endanger human health

2. Record Keeping and Reporting:

The Permittee shall submit to the Department, by April 1 of each year during the term of this permit, a written certification of the results of an analysis of emissions of toxic air pollutants from the Permittee's facility during the previous calendar year. The analysis shall include either:

- (a) a statement that previously submitted compliance demonstrations for emissions of toxic air pollutants remain valid; or
- (b) a revised compliance demonstration, developed in accordance with requirements included under COMAR 26.11.15 & 16, that accounts for changes in operations, analytical methods, emissions determinations, or other factors that have invalidated previous demonstrations.

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SECTION I SOURCE IDENTIFICATION

1. DESCRIPTION OF FACILITY

The Forty West Landfill (FWL) is a municipal solid waste (MSW) landfill located at 12630 Earth Care Road, Hagerstown, Maryland, serving Washington County. The facility is owned by Washington County and operated by the Washington County Environmental Management Division - Department of Solid Waste (WCEMD-DSW). The facility is currently permitted to receive municipal solid waste (MSW) under Refuse Disposal Facility Permit No. 2005-WMF-0266 reissued on June 14, 2010 by the Maryland Department of the Environment (MDE). The landfill began operation in November 2000 and is expected provide over 33 years of disposal capacity (through 2033). The SIC code for the landfill is 4953.

The FWL property is approximately 427 acres, including 189 acres of disposal area. The FWL is designed to contain 15 cells for waste disposal. Waste currently received is being placed in Cell Nos. 2, 3, and 4. To date, the landfill has accepted approximately 1,294,586 tons.

The FWL has a design capacity of 10 million megagrams (approximately 11 million tons) of MSW, which exceeds the threshold of 2.5 million Mg (2.8 million tons) or 2.5 million cubic meters. Therefore, FWL is subjected to the 40 CFR 60, Subpart WWW and COMAR 26.11.03.02 requirements and is required to apply for a Title V operating permit. By design, the 189 acres disposal area is divided into 15 cells for waste disposal.

EPA promulgated national emission standards for hazardous air pollutants for existing and new municipal solid waste (MSW) landfills- 40 CFR Part 63 - Subpart AAAA. FWL is subject to these MACT requirements because it is a MSW landfill that has accepted waste since November 8, 1987 and is an area source landfill that has a design capacity equal to or greater than 2.5 million cubic meters that was not permanently closed as of January 16, 2003. FWL must comply with the MACT requirements, if the facility NMOC emissions exceed 50 Mg/year.

At the present time, FWL has no active or passive landfill gas (LFG) vents installed. Although the capacity of the facility makes it subject to the State of Maryland EG regulations (COMAR 26.11.19.20 – "Control of Landfill Gas Emissions from Municipal Solid Waste Landfills"), the facility has demonstrated via Tier 2 testing (April 2012) that gas emissions are below the control threshold of 50 Mg/year NMOC emissions and will not exceed this threshold until the end of its useful life. Site-specific average NMOC concentration was 336 ppmv as

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hexane, based on the Tier 2 testing. Based on the determined average NMOC concentration, the actual emissions for the calendar year 2012 were estimated to be 15.83 tons per year. The facility will be required to conduct another Tier 2 testing in April 2017 (within 5 years) during the term of the renewal Part 70 Permit to demonstrate that it is still below the threshold.

The facility maintains a leachate collection and disposal program. The leachate from the operating cells drain by gravity to sumps and is automatically pumped from these collection sumps to two (2) leachate holding tanks (218,000 gallons for Tank No. 1, and 280,000 gallons for Tank No. 2). Leachate from these tanks is transported off site for disposal at a publicly owned treatment works (POTW) facility.

The Compliance Assurance Monitoring (CAM) Rule 40 CFR Subpart 64 is not applicable because Forty West Landfill is subject to an emissions limitation that was proposed by the EPA administrator after November 15, 1990 pursuant to Section 111 or 112 of the Clean Air Act (specifically the facility is subject to the Emissions Guidelines for Municipal Solid Waste Landfills – 40 CFR Subpart Cc).

The current Title V permit for FWL will expire on October 31, 2013. On December 18, 2012, the Department received a Part 70 renewal permit application for the Forty West Landfill. An administrative completeness review was conducted and the application was deemed to be complete. The completeness determination letter was sent on January 2, 2013 granting the facility an application shield.

The following Table 1 summarizes the actual emissions from Forty West Landfill based on its Annual Emission Certification Reports:

Table 1: Actual Emissions

Year	NO _x (TPY)	SO _x (TPY)	PM ₁₀ (TPY)	CO (TPY)	VOC (TPY)
2012	0	0	0.81	2.63	19.42
2011	0	0	0.82	2.45	5.86
2010	0	0	2.67	2.26	5.42
2009	0	0	0	2.06	4.94
2008	0	0	0	1.76	4.22

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2. FACILITY INVENTORY LIST

Emissions Unit Number	MDE Registration Number	Emissions Unit Name and Description	Date of Installation
EU-01	9-0173	Active municipal solid waste landfill with a maximum design capacity of 10 million megagrams (approximately 11 million tons) of MSW equipped with a leachate collection system.	November 1, 2000
EU-02	N/A	One (1) 400 horsepower tub grinder	N/A
EU-03	N/A	One (1) 300 horsepower Beast grinder	N/A
EU-04	N/A	One (1) 125 horsepower screen	N/A

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SECTION II GENERAL CONDITIONS

1. DEFINITIONS

[COMAR 26.11.01.01] and [COMAR 26.11.02.01]

The words or terms in this Part 70 permit shall have the meanings established under COMAR 26.11.01 and .02 unless otherwise stated in this permit.

2. ACRONYMS

ARMA	Air and Radiation Management Administration
BACT	Best Available Control Technology
Btu	British thermal unit
CAA	Clean Air Act
CAM	Compliance Assurance Monitoring
CEM	Continuous Emissions Monitor
CFR	Code of Federal Regulations
CO	Carbon Monoxide
COMAR	Code of Maryland Regulations
EPA	United States Environmental Protection Agency
FR	Federal Register
gr	grains
HAP	Hazardous Air Pollutant
MACT	Maximum Achievable Control Technology
MDE	Maryland Department of the Environment
MVAC	Motor Vehicle Air Conditioner
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
OTR	Ozone Transport Region
PM	Particulate Matter
PM10	Particulate Matter with Nominal Aerodynamic Diameter of 10 micrometers or less
ppm	parts per million
ppb	parts per billion
PSD	Prevention of Significant Deterioration
PTC	Permit to construct
PTO	Permit to operate (State)
SIC	Standard Industrial Classification
SO ₂	Sulfur Dioxide

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TAP	Toxic Air Pollutant
tpy	tons per year
VE	Visible Emissions
VOC	Volatile Organic Compounds

3. EFFECTIVE DATE

The effective date of the conditions in this Part 70 permit is the date of permit issuance, unless otherwise stated in the permit.

4. PERMIT EXPIRATION

[COMAR 26.11.03.13B(2)]

Upon expiration of this permit, the terms of the permit will automatically continue to remain in effect until a new Part 70 permit is issued for this facility provided that the Permittee has submitted a timely and complete application and has paid applicable fees under COMAR 26.11.02.16.

Otherwise, upon expiration of this permit the right of the Permittee to operate this facility is terminated.

5. PERMIT RENEWAL

[COMAR 26.11.03.02B(3)] and [COMAR 26.11.03.02E]

The Permittee shall submit to the Department a completed application for renewal of this Part 70 permit at least 6 months, but not more than 12 months, before the expiration of the permit. Upon submitting a completed application, the Permittee may continue to operate this facility pending final action by the Department on the renewal.

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall submit such supplementary facts or corrected information no later than 10 days after becoming aware that this occurred. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a completed application was submitted, but prior to the release of a draft permit. This information shall be submitted to the Department no later than 20 days after a new requirement has been adopted.

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6. CONFIDENTIAL INFORMATION

[COMAR 26.11.02.02G]

In accordance with the provisions of the State Government Article, Sec. 10-611 et seq., Annotated Code of Maryland, all information submitted in an application shall be considered part of the public record and available for inspection and copying, unless the Permittee claims that the information is confidential when it is submitted to the Department. At the time of the request for inspection or copying, the Department will make a determination with regard to the confidentiality of the information. The Permittee, when requesting confidentiality, shall identify the information in a manner specified by the Department and, when requested by the Department, promptly provide specific reasons supporting the claim of confidentiality. Information submitted to the Department without a request that the information be deemed confidential may be made available to the public. Subject to approval of the Department, the Permittee may provide a summary of confidential information that is suitable for public review. The content of this Part 70 permit is not subject to confidential treatment.

7. PERMIT ACTIONS

[COMAR 26.11.03.06E(3)] and [COMAR 26.11.03.20(A)]

This Part 70 permit may be revoked or reopened and revised for cause. The filing of an application by the Permittee for a permit revision or renewal; or a notification of termination, planned changes or anticipated noncompliance by the facility, does not stay a term or condition of this permit.

The Department shall reopen and revise, or revoke the Permittee's Part 70 permit under the following circumstances:

- a. Additional requirements of the Clean Air Act become applicable to this facility and the remaining permit term is 3 years or more;
- b. The Department or the EPA determines that this Part 70 permit contains a material mistake, or is based on false or inaccurate information supplied by or on behalf of the Permittee;

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- c. The Department or the EPA determines that this Part 70 permit must be revised or revoked to assure compliance with applicable requirements of the Clean Air Act; or
- d. Additional requirements become applicable to an affected source under the Federal Acid Rain Program.

8. PERMIT AVAILABILITY

[COMAR 26.11.02.13G]

The Permittee shall maintain this Part 70 permit in the vicinity of the facility for which it was issued, unless it is not practical to do so, and make this permit immediately available to officials of the Department upon request.

9. REOPENING THE PART 70 PERMIT FOR CAUSE BY THE EPA

[COMAR 26.11.03.20B]

The EPA may terminate, modify, or revoke and reissue a permit for cause as prescribed in 40 CFR §70.7(g)

10. TRANSFER OF PERMIT

[COMAR 26.11.02.02E]

The Permittee shall not transfer this Part 70 permit except as provided in COMAR 26.11.03.15.

11. REVISION OF PART 70 PERMITS – GENERAL CONDITIONS

[COMAR 26.11.03.14] and [COMAR 26.11.03.06A(8)]

- a. The Permittee shall submit an application to the Department to revise this Part 70 permit when required under COMAR 26.11.03.15 -.17.
- b. When applying for a revision to a Part 70 permit, the Permittee shall comply with the requirements of COMAR 26.11.03.02 and .03 except that the application for a revision need include only information listed that is related to the proposed change to the source and revision to

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the permit. This information shall be sufficient to evaluate the proposed change and to determine whether it will comply with all applicable requirements of the Clean Air Act.

- c. The Permittee may not change any provision of a compliance plan or schedule in a Part 70 permit as an administrative permit amendment or as a minor permit modification unless the change has been approved by the Department in writing.
- d. A permit revision is not required for a change that is provided for in this permit relating to approved economic incentives, marketable permits, emissions trading, and other similar programs.

12. SIGNIFICANT PART 70 OPERATING PERMIT MODIFICATIONS

[COMAR 26.11.03.17]

The Permittee may apply to the Department to make a significant modification to its Part 70 Permit as provided in COMAR 26.11.03.17 and in accordance with the following conditions:

- a. A significant modification is a revision to the federally enforceable provisions in the permit that does not qualify as an administrative permit amendment under COMAR 26.11.03.15 or a minor permit modification as defined under COMAR 26.11.03.16.
- b. This permit does not preclude the Permittee from making changes, consistent with the provisions of COMAR 26.11.03, that would make the permit or particular terms and conditions of the permit irrelevant, such as by shutting down or reducing the level of operation of a source or of an emissions unit within the source. Air pollution control equipment shall not be shut down or its level of operation reduced if doing so would violate any term of this permit.
- c. Significant permit modifications are subject to all requirements of COMAR 26.11.03 as they apply to permit issuance and renewal, including the requirements for applications, public participation, and review by affected states and EPA, except:
 - (1) An application need include only information pertaining to the proposed change to the source and modification of this permit, including a description of the change and modification, and any

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new applicable requirements of the Clean Air Act that will apply if the change occurs;

- (2) Public participation, and review by affected states and EPA, is limited to only the application and those federally enforceable terms and conditions of the Part 70 permit that are affected by the significant permit modification.
- d. As provided in COMAR 26.11.03.15B(5), an administrative permit amendment may be used to make a change that would otherwise require a significant permit modification if procedures for enhanced preconstruction review of the change are followed that satisfy the requirements of 40 CFR 70.7(d)(1)(v).
- e. Before making a change that qualifies as a significant permit modification, the Permittee shall obtain all permits-to-construct and approvals required by COMAR 26.11.02.
- f. The Permittee shall not make a significant permit modification that results in a violation of any applicable requirement of the Clean Air Act.
- g. The permit shield in COMAR 26.11.03.23 applies to a final significant permit modification that has been issued by the Department, to the extent applicable under COMAR 26.11.03.23.

13. MINOR PERMIT MODIFICATIONS

[COMAR 26.11.03.16]

The Permittee may apply to the Department to make a minor modification to the federally enforceable provisions of this Part 70 permit as provided in COMAR 26.11.03.16 and in accordance with the following conditions:

- a. A minor permit modification is a Part 70 permit revision that:
 - (1) Does not result in a violation of any applicable requirement of the Clean Air Act;
 - (2) Does not significantly revise existing federally enforceable monitoring, including test methods, reporting, record keeping, or compliance certification requirements except by:

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- (a) Adding new requirements,
 - (b) Eliminating the requirements if they are rendered meaningless because the emissions to which the requirements apply will no longer occur, or
 - (c) Changing from one approved test method for a pollutant and source category to another;
- (3) Does not require or modify a:
- (a) Case-by-case determination of a federally enforceable emissions standard,
 - (b) Source specific determination for temporary sources of ambient impacts, or
 - (c) Visibility or increment analysis;
- (4) Does not seek to establish or modify a federally enforceable permit term or condition for which there is no corresponding underlying applicable requirement of the Clean Air Act, but that the Permittee has assumed to avoid an applicable requirement to which the source would otherwise be subject, including:
- (a) A federally enforceable emissions standard applied to the source pursuant to COMAR 26.11.02.03 to avoid classification as a Title I modification; and
 - (b) An alternative emissions standard applied to an emissions unit pursuant to regulations promulgated under Section 112(i)(5) of the Clean Air Act
- (5) Is not a Title I modification; and
- (6) Is not required under COMAR 26.11.03.17 to be processed as a significant modification to this Part 70 permit.
- b. Application for a Minor Permit Modification

The Permittee shall submit to the Department an application for a minor permit modification that satisfies the requirements of COMAR 26.11.03.03 which includes the following:

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- (1) A description of the proposed change, the emissions resulting from the change, and any new applicable requirements that will apply if the change is made;
 - (2) The proposed minor permit modification;
 - (3) Certification by a responsible official, in accordance with COMAR 26.11.02.02F, that:
 - (a) The proposed change meets the criteria for a minor permit modification, and
 - (b) The Permittee has obtained or applied for all required permits-to-construct required by COMAR 26.11.03.16 with respect to the proposed change;
 - (4) Completed forms for the Department to use to notify the EPA and affected states, as required by COMAR 26.11.03.07-.12.
- c. Permittee's Ability to Make Change
- (1) For changes proposed as minor permit modifications to this permit that will require the applicant to obtain a permit to construct, the permit to construct must be issued prior to the new change.
 - (2) During the period of time after the Permittee applies for a minor modification but before the Department acts in accordance with COMAR 26.11.03.16F(2):
 - (a) The Permittee shall comply with applicable requirements of the Clean Air Act related to the change and the permit terms and conditions described in the application for the minor modification.
 - (b) The Permittee is not required to comply with the terms and conditions in the permit it seeks to modify. If the Permittee fails to comply with the terms and conditions in the application during this time, the terms and conditions of both this permit and the application for modification may be enforced against it.

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- d. The Permittee is subject to enforcement action if it is determined at any time that a change made under COMAR 26.11.03.16 is not within the scope of this regulation.
- e. Minor permit modification procedures may be used for Part 70 permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, but only to the extent that the minor permit modification procedures are explicitly provided for in regulations approved by the EPA as part of the Maryland SIP or in other applicable requirements of the Clean Air Act.

14. ADMINISTRATIVE PART 70 OPERATING PERMIT AMENDMENTS

[COMAR 26.11.03.15]

The Permittee may apply to the department to make an administrative permit amendment as provided in COMAR 26.11.03.15 and in accordance with the following conditions:

- a. An application for an administrative permit amendment shall:
 - (1) Be in writing;
 - (2) Include a statement certified by a responsible official that the proposed amendment meets the criteria in COMAR 26.11.03.15 for an administrative permit amendment, and
 - (3) Identify those provisions of this part 70 permit for which the amendment is requested, including the basis for the request.
- b. An administrative permit amendment:
 - (1) Is a correction of a typographical error;
 - (2) Identifies a change in the name, address, or phone number of a person identified in this permit, or a similar administrative change involving the Permittee or other matters which are not directly related to the control of air pollution;
 - (3) requires more frequent monitoring or reporting by the Permittee;

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- (4) Allows for a change in ownership or operational control of a source for which the Department determines that no other revision to the permit is necessary and is documented as per COMAR 26.11.03.15B(4);
 - (5) Incorporates into this permit the requirements from preconstruction review permits or approvals issued by the Department in accordance with COMAR 26.11.03.15B(5), but only if it satisfies 40 CFR 70.7(d)(1)(v);
 - (6) Incorporates any other type of change, as approved by the EPA, which is similar to those in COMAR 26.11.03.15B(1)—(4);
 - (7) Notwithstanding COMAR 26.11.03.15B(1)—(6), all modifications to acid rain control provisions included in this Part 70 permit are governed by applicable requirements promulgated under Title IV of the Clean Air Act; or
 - (8) Incorporates any change to a term or condition specified as State-only enforceable, if the Permittee has obtained all necessary permits-to-construct and approvals that apply to the change.
- c. The Permittee may make the change addressed in the application for an administrative amendment upon receipt by the Department of the application, if all permits-to-construct or approvals otherwise required by COMAR 26.11.02 prior to making the change have first been obtained from the Department.
 - d. The permit shield in COMAR 26.11.03.23 applies to administrative permit amendments made under Section B(5) of COMAR 26.11.03.15 , but only after the Department takes final action to revise the permit.
 - e. The Permittee is subject to enforcement action if it is determined at any time that a change made under COMAR 26.11.03.15 is not within the scope of this regulation.

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15. OFF-PERMIT CHANGES TO THIS SOURCE

[COMAR 26.11.03.19]

The Permittee may make off-permit changes to this facility as provided in COMAR 26.11.03.19 and in accordance with the following conditions:

- a. The Permittee may make a change to this permitted facility that is not addressed or prohibited by the federally enforceable conditions of this Part 70 permit without obtaining a Part 70 permit revision if:
 - (1) The Permittee has obtained all permits and approvals required by COMAR 26.11.02 and .03;
 - (2) The change is not subject any requirements under Title IV of the Clean Air Act;
 - (3) The change is not a Title I modification; and
 - (4) The change does not violate an applicable requirement of the Clean Air Act or a federally enforceable term or condition of the permit.
- b. For a change that qualifies under COMAR 26.11.03.19, the Permittee shall provide contemporaneous written notice to the Department and the EPA, except for a change to an emissions unit or activity that is exempt from the Part 70 permit application, as provided in COMAR 26.11.03.04. This written notice shall describe the change, including the date it was made, any change in emissions, including the pollutants emitted, and any new applicable requirements of the Clean Air Act that apply as a result of the change.
- c. Upon satisfying the requirements of COMAR 26.11.03.19, the Permittee may make the proposed change.
- d. The Permittee shall keep a record describing:
 - (1) Changes made at the facility that result in emissions of a regulated air pollutant subject to an applicable requirement of the Clean Air Act, but not otherwise regulated under this permit; and
 - (2) The emissions resulting from those changes.

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- e. Changes that qualify under COMAR 26.11.03.19 are not subject to the requirements for Part 70 revisions.
- f. The Permittee shall include each off-permit change under COMAR 26.11.03.19 in the application for renewal of the part 70 permit.
- g. The permit shield in COMAR 26.11.03.23 does not apply to off-permit changes made under COMAR 26.11.03.19.
- h. The Permittee is subject to enforcement action if it is determined that an off-permit change made under COMAR 26.11.03.19 is not within the scope of this regulation.

16. ON-PERMIT CHANGES TO SOURCES

[COMAR 26.11.03.18]

The Permittee may make on-permit changes that are allowed under Section 502(b)(10) of the Clean Air Act as provided in COMAR 26.11.03.18 and in accordance with the following conditions:

- a. The Permittee may make a change to this facility without obtaining a revision to this Part 70 permit if:
 - (1) The change is not a Title I modification;
 - (2) The change does not result in emissions in excess of those expressly allowed under the federally enforceable provisions of the Part 70 permit for the permitted facility or for an emissions unit within the facility, whether expressed as a rate of emissions or in terms of total emissions;
 - (3) The Permittee has obtained all permits and approvals required by COMAR 26.11.02 and .03;
 - (4) The change does not violate an applicable requirement of the Clean Air Act;
 - (5) The change does not violate a federally enforceable permit term or condition related to monitoring, including test methods, record keeping, reporting, or compliance certification requirements;

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- (6) The change does not violate a federally enforceable permit term or condition limiting hours of operation, work practices, fuel usage, raw material usage, or production levels if the term or condition has been established to limit emissions allowable under this permit;
 - (7) If applicable, the change does not modify a federally enforceable provision of a compliance plan or schedule in this Part 70 permit unless the Department has approved the change in writing; and
 - (8) This permit does not expressly prohibit the change under COMAR 26.11.03.18.
- b. The Permittee shall notify the Department and the EPA in writing of a proposed on-permit change under COMAR 26.11.03.18 not later than 7 days before the change is made. The written information shall include the following information:
- (1) A description of the proposed change;
 - (2) The date on which the change is proposed to be made;
 - (3) Any change in emissions resulting from the change, including the pollutants emitted;
 - (4) Any new applicable requirement of the Clean Air Act; and
 - (5) Any permit term or condition that would no longer apply.
- c. The responsible official of this facility shall certify in accordance with COMAR 26.11.02.02F that the proposed change meets the criteria for the use of on-permit changes under COMAR 26.11.03.18.
- d. The Permittee shall attach a copy of each notice required by condition b. above to this Part 70 permit.
- e. On-permit changes that qualify under COMAR 26.11.03.18 are not subject to the requirements for part 70 permit revisions.
- f. Upon satisfying the requirements under COMAR 26.11.03.18, the Permittee may make the proposed change.

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- g. The permit shield in COMAR 26.11.03.23 does not apply to on-permit changes under COMAR 26.11.03.18.
- h. The Permittee is subject to enforcement action if it is determined that an on-permit change made under COMAR 26.11.03.18 is not within the scope of the regulation or violates any requirement of the State air pollution control law.

17. FEE PAYMENT

[COMAR 26.11.02.16A(2) & (5)(b)]

- a. The fee for this Part 70 permit is as prescribed in Regulation.19 of COMAR 26.11.02.
- b. The fee is due on and shall be paid on or before each 12-month anniversary date of the permit.
- c. Failure to pay the annual permit fee constitutes cause for revocation of the permit by the Department.

18. REQUIREMENTS FOR PERMITS-TO-CONSTRUCT AND APPROVALS

[COMAR 26.11.02.09.]

The Permittee may not construct or modify or cause to be constructed or modified any of the following sources without first obtaining, and having in current effect, the specified permits-to-construct and approvals:

- a. New Source Review source, as defined in COMAR 26.11.01.01, approval required, except for generating stations constructed by electric companies;
- b. Prevention of Significant Deterioration source, as defined in COMAR 26.11.01.01, approval required, except for generating stations constructed by electric companies;
- c. New Source Performance Standard source, as defined in COMAR 26.11.01.01, permit to construct required, except for generating stations constructed by electric companies;

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- d. National Emission Standards for Hazardous Air Pollutants source, as defined in COMAR 26.11.01.01, permit to construct required, except for generating stations constructed by electric companies;
- e. A stationary source of lead that discharges one ton per year or more of lead or lead compounds measured as elemental lead, permit to construct required, except for generating stations constructed by electric companies;
- f. All stationary sources of air pollution, including installations and air pollution control equipment, except as listed in COMAR 26.11.02.10, permit to construct required;
- g. In the event of a conflict between the applicability of (a.— e.) above and an exemption listed in COMAR 26.11.02.10, the provision that requires a permit applies.
- h. Approval of a PSD or NSR source by the Department does not relieve the Permittee obtaining an approval from also obtaining all permits-to-construct required by (c.— g.) above.

19. CONSOLIDATION OF PROCEDURES FOR PUBLIC PARTICIPATION

[COMAR 26.11.02.11C] and [COMAR 26.11.03.01K]

The Permittee may request the Department to authorize special procedures for the Permittee to apply simultaneously, to the extent possible, for a permit to construct and a revision to this permit.

These procedures may provide for combined public notices, informational meetings, and public hearings for both permits but shall not adversely affect the rights of a person, including EPA and affected states, to obtain information about the application for a permit, to comment on an application, or to challenge a permit that is issued.

These procedures shall not alter any existing permit procedures or time frames.

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20. PROPERTY RIGHTS

[COMAR 26.11.03.06E(4)]

This Part 70 permit does not convey any property rights of any sort, or any exclusive privileges.

21. SEVERABILITY

[COMAR 26.11.03.06A(5)]

If any portion of this Part 70 permit is challenged, or any term or condition deemed unenforceable, the remainder of the requirements of the permit continues to be valid.

22. INSPECTION AND ENTRY

[COMAR 26.11.03.06G(3)]

The Permittee shall allow employees and authorized representatives of the Department, the EPA, and local environmental health agencies, upon presentation of credentials or other documents as may be required by law, to:

- a. Enter at a reasonable time without delay and without prior notification the Permittee's property where a Part 70 source is located, emissions-related activity is conducted, or records required by this permit are kept;
- b. Have access to and make copies of records required by the permit;
- c. Inspect all emissions units within the facility subject to the permit and all related monitoring systems, air pollution control equipment, and practices or operations regulated or required by the permit; and
- d. Sample or monitor any substances or parameters at or related to the emissions units at the facility for the purpose of determining compliance with the permit.

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23. DUTY TO PROVIDE INFORMATION

[COMAR 26.11.03.06E(5)]

The Permittee shall furnish to the Department, within a reasonable time specified by the Department, information requested in writing by the Department in order to determine whether the Permittee is in compliance with the federally enforceable conditions of this Part 70 permit, or whether cause exists for revising or revoking the permit. Upon request, the Permittee shall also furnish to the Department records required to be kept under the permit.

For information claimed by the Permittee to be confidential and therefore potentially not discloseable to the public, the Department may require the Permittee to provide a copy of the records directly to the EPA along with a claim of confidentiality.

The Permittee shall also furnish to the Department, within a reasonable time specified by the Department, information or records requested in writing by the Department in order to determine if the Permittee is in compliance with the State-only enforceable conditions of this permit.

24. COMPLIANCE REQUIREMENTS

[COMAR 26.11.03.06E(1)] and [COMAR 26.11.03.06A(11)] and [COMAR 26.11.02.05]

The Permittee shall comply with the conditions of this Part 70 permit. Noncompliance with the permit constitutes a violation of the Clean Air Act, and/or the Environment Article Title 2 of the Annotated Code of Maryland and may subject the Permittee to:

- a. Enforcement action,
- b. Permit revocation or revision,
- c. Denial of the renewal of a Part 70 permit, or
- d. Any combination of these actions.

The conditions in this Part 70 permit are enforceable by EPA and citizens under the Clean Air Act except for the State-only enforceable conditions.

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Under Environment Article Section 2-609, Annotated Code of Maryland, the Department may seek immediate injunctive relief against a person who violates this permit in such a manner as to cause a threat to human health or the environment.

25. CREDIBLE EVIDENCE

Nothing in this permit shall be interpreted to preclude the use of credible evidence to demonstrate noncompliance with any term of this permit.

26. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

[COMAR 26.11.03.06E(2)]

The need to halt or reduce activity in order to comply with the conditions of this permit may not be used as a defense in an enforcement action.

27. CIRCUMVENTION

[COMAR 26.11.01.06]

The Permittee may not install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total weight of emissions, conceals or dilutes emissions which would otherwise constitute a violation of any applicable air pollution control regulation.

28. PERMIT SHIELD

[COMAR 26.11.03.23]

A permit shield as described in COMAR 26.11.03.23 shall apply only to terms and conditions in this Part 70 permit that have been specifically identified as covered by the permit shield. Neither this permit nor COMAR 26.11.03.23 alters the following:

- a. The emergency order provisions in Section 303 of the Clean Air Act, including the authority of EPA under that section;

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- b. The liability of the Permittee for a violation of an applicable requirement of the Clean Air Act before or when this permit is issued or for a violation that continues after issuance;
- c. The requirements of the Acid Rain Program, consistent with Section 408(a) of the Clean Air Act;
- d. The ability of the Department or EPA to obtain information from a source pursuant to Maryland law and Section 114 of the Clean Air Act; or
- e. The authority of the Department to enforce an applicable requirement of the State air pollution control law that is not an applicable requirement of the Clean Air Act.

29. ALTERNATE OPERATING SCENARIOS

[COMAR 26.11.03.06A(9)]

For all alternate operating scenarios approved by the Department and contained within this permit, the Permittee, while changing from one approved scenario to another, shall contemporaneously record in a log maintained at the facility each scenario under which the emissions unit is operating and the date and time the scenario started and ended.

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SECTION III PLANT WIDE CONDITIONS

1. PARTICULATE MATTER FROM CONSTRUCTION AND DEMOLITION

[COMAR 26.11.06.03D]

The Permittee shall not cause or permit any building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.

2. OPEN BURNING

[COMAR 26.11.07]

Except as provided in COMAR 26.11.07.04, the Permittee shall not cause or permit an open fire from June 1 through August 31 of any calendar year. Prior to any open burning, the Permittee shall request and receive approval from the Department.

3. AIR POLLUTION EPISODE

[COMAR 26.11.05.04]

When requested by the Department, the Permittee shall prepare in writing standby emissions reduction plans, consistent with good industrial practice and safe operating procedures, for reducing emissions creating air pollution during periods of Alert, Warning, and Emergency of an air pollution episode.

4. REPORT OF EXCESS EMISSIONS AND DEVIATIONS

[COMAR 26.11.01.07] and [COMAR 26.11.03.06C(7)]

The Permittee shall comply with the following conditions for occurrences of excess emissions and deviations from requirements of this permit, including those in Section VI – State-only Enforceable Conditions:

- a. Report any deviation from permit requirements that could endanger human health or the environment, by orally notifying the Department immediately upon discovery of the deviation;

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- b. Promptly report all occurrences of excess emissions that are expected to last for one hour or longer by orally notifying the Department of the onset and termination of the occurrence;
- c. When requested by the Department the Permittee shall report all deviations from permit conditions, including those attributed to malfunctions as defined in COMAR 26.11.01.07A, within 5 days of the request by submitting a written description of the deviation to the Department. The written report shall include the cause, dates and times of the onset and termination of the deviation, and an account of all actions planned or taken to reduce, eliminate, and prevent recurrence of the deviation;
- d. The Permittee shall submit to the Department semi-annual monitoring reports that confirm that all required monitoring was performed, and that provide accounts of all deviations from permit requirements that occurred during the reporting periods. Reporting periods shall be January 1 through June 30 and July 1 through December 31, and reports shall be submitted within 30 days of the end of each reporting period. Each account of deviation shall include a description of the deviation, the dates and times of onset and termination, identification of the person who observed or discovered the deviation, causes and corrective actions taken, and actions taken to prevent recurrence. If no deviations from permit conditions occurred during a reporting period, the Permittee shall submit a written report that so states.
- e. When requested by the Department, the Permittee shall submit a written report to the Department within 10 days of receiving the request concerning an occurrence of excess emissions. The report shall contain the information required in COMAR 26.11.01.07D(2).

5. ACCIDENTAL RELEASE PROVISIONS

[COMAR 26.11.03.03B(23)] and [40 CFR 68]

Should the Permittee become subject to 40 CFR 68 during the term of this permit, the Permittee shall submit risk management plans by the date specified in 40 CFR 68.150 and shall certify compliance with the requirements of 40 CFR 68 as part of the annual compliance certification as required by 40 CFR 70.

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The Permittee shall initiate a permit revision or reopening according to the procedures of 40 CFR 70.7 to incorporate appropriate permit conditions into the Permittee's Part 70 permit.

6. GENERAL TESTING REQUIREMENTS

[COMAR 26.11.01.04]

The Department may require the Permittee to conduct, or have conducted, testing to determine compliance with this Part 70 permit. The Department, at its option, may witness or conduct these tests. This testing shall be done at a reasonable time, and all information gathered during a testing operation shall be provided to the Department.

7. EMISSIONS TEST METHODS

[COMAR 26.11.01.04]

Compliance with the emissions standards and limitations in this Part 70 permit shall be determined by the test methods designated and described below or other test methods submitted to and approved by the Department.

Reference documents of the test methods approved by the Department include the following:

- a. 40 CFR 60, appendix A
- b. 40 CFR 51, appendix M
- c. The Department's Technical Memorandum 91-01 "Test Methods and Equipment Specifications for Stationary Sources", (January 1991), as amended through Supplement 3, (October 1, 1997)

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8. EMISSIONS CERTIFICATION REPORT

**[COMAR 26.11.01.05-1] and [COMAR 26.11.02.19C] and
[COMAR 26.11.02.19D]**

The Permittee shall certify actual annual emissions of regulated pollutants from the facility on a calendar year basis.

- a. The certification shall be on forms obtained from the Department and submitted to the Department not later than April 1 of the year following the year for which the certification is required;
- b. The individual making the certification shall certify that the information is accurate to the individual's best knowledge. The individual shall be:
 - (1) Familiar with each source for which the certifications forms are submitted, and
 - (2) Responsible for the accuracy of the emissions information;
- c. The Permittee shall maintain records necessary to support the emissions certification including the following information if applicable:
 - (1) The total amount of actual emissions of each regulated pollutant and the total of all regulated pollutants;
 - (2) An explanation of the methods used to quantify the emissions and the operating schedules and production data that were used to determine emissions, including significant assumptions made;
 - (3) Amounts, types and analyses of all fuels used;
 - (4) Emissions data from continuous emissions monitors that are required by this permit, including monitor calibration and malfunction information;
 - (5) Identification, description, and use records of all air pollution control equipment and compliance monitoring equipment including:
 - (a) Significant maintenance performed,

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- (b) Malfunctions and downtime, and
 - (c) Episodes of reduced efficiency of all equipment;
- (6) Limitations on source operation or any work practice standards that significantly affect emissions; and
- (7) Other relevant information as required by the Department.

9. COMPLIANCE CERTIFICATION REPORT

[COMAR 26.11.03.06G(6) and (7)]

The Permittee shall submit to the Department and EPA Region III a report certifying compliance with each term of this Part 70 permit including each applicable standard, emissions limitation, and work practice for the previous calendar year by April 1 of each year.

- a. The compliance certification shall include:
- (1) The identification of each term or condition of this permit which is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether the compliance was continuous or intermittent;
 - (4) The methods used for determining the compliance status of each source, currently and over the reporting period; and
 - (5) Any other information required to be reported to the Department that is necessary to determine the compliance status of the Permittee with this permit.
- b. The Permittee shall submit the compliance certification reports to the Department and EPA simultaneously.

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10. CERTIFICATION BY RESPONSIBLE OFFICIAL

[COMAR 26.11.02.02F]

All application forms, reports, and compliance certifications submitted pursuant to this permit shall be certified by a responsible official as to truth, accuracy, and completeness. The Permittee shall expeditiously notify the Department of an appointment of a new responsible official.

The certification shall be in the following form:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. SAMPLING AND EMISSIONS TESTING RECORD KEEPING

[COMAR 26.11.03.06C(5)]

The Permittee shall gather and retain the following information when sampling and testing for compliance demonstrations:

- a. The location as specified in this permit, and the date and time that samples and measurements are taken;
- b. All pertinent operating conditions existing at the time that samples and measurements are taken;
- c. The date that each analysis of a sample or emissions test is performed and the name of the person taking the sample or performing the emissions test;
- d. The identity of the Permittee, individual, or other entity that performed the analysis;
- e. The analytical techniques and methods used; and
- f. The results of each analysis.

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12. GENERAL RECORDKEEPING

[COMAR 26.11.03.06C(6)]

The Permittee shall retain records of all monitoring data and information that support the compliance certification for a period of five (5) years from the date that the monitoring, sample measurement, application, report or emissions test was completed or submitted to the Department.

These records and support information shall include:

- a. All calibration and maintenance records;
- b. All original data collected from continuous monitoring instrumentation;
- c. Records which support the annual emissions certification; and
- d. Copies of all reports required by this permit.

13. GENERAL CONFORMITY

[COMAR 26.11.26.09]

The Permittee shall comply with the general conformity requirements of 40 CFR 93, Subpart B and COMAR 26.11.26.09.

14. ASBESTOS PROVISIONS

[40 CFR 61, Subpart M]

The Permittee shall comply with 40 CFR 61, Subpart M when conducting any renovation or demolition activities at the facility.

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15. OZONE DEPLETING REGULATIONS

[40 CFR 82, Subpart F]

The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for MVACs in subpart B:

- a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the prohibitions and required practices pursuant to 40 CFR 82.154 and 82.156.
- b. Equipment used during the maintenance, service, repair or disposal of appliances shall comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- c. Persons performing maintenance, service, repairs or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
- d. Persons performing maintenance, service, repairs or disposal of appliances shall certify with the Administrator pursuant to 40 CFR 82.162.
- e. Persons disposing of small appliances, MVACS, and MVAC-like appliances as defined in 40 CFR 82.152, shall comply with record keeping requirements pursuant to 40 CFR 82.166.
- f. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
- g. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

16. ACID RAIN PERMIT

Not applicable

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SECTION IV PLANT SPECIFIC CONDITIONS

This section provides tables that include the emissions standards, emissions limitations, and work practices applicable to each emissions unit located at this facility. The Permittee shall comply with all applicable emissions standards, emissions limitations and work practices included herein.

The tables also include testing, monitoring, record keeping and reporting requirements specific to each emissions unit. In addition to the requirements included here in **Section IV**, the Permittee is also subject to the general testing, monitoring, record keeping and reporting requirements included in **Section III – Plant Wide Conditions** of this permit.

Unless otherwise provided in the specific requirements for an emissions unit, the Permittee shall maintain at the facility for at least five (5) years, and shall make available to the Department upon request, all records that the Permittee is required under this section to establish. [Authority: COMAR 26.11.03.06C(5)(g)]

The Forty West Landfill will be subject to the following requirements, if calculated NMOC emissions increase to 55 tons per year or more:

Table IV – 1	
1.0	<p><u>Emissions Unit Number(s) – EU-01</u></p> <p>MDE Registration No. 9-0173</p> <p>The municipal solid waste landfill is approximately 427 acres, including 189 acres of disposal area, with a design capacity of 10 million megagrams (approximately 11 million tons) of MSW. The landfill is also equipped with a leachate collection system.</p>
1.1	<p><u>Applicable Standards/Limits:</u></p> <p>Forty West Landfill is subject to the testing, record keeping, and reporting requirements indicated below.</p>
1.2	<p><u>Testing Requirements:</u></p> <p>“If the resulting NMOC mass emission rate is less than 50 megagrams per year, the owner or operator shall submit a periodic estimate of the emission rate report as provided in §60.757(b)(1) and retest the site-specific NMOC concentration every 5 years using the methods specified in this section.” [Reference: 40 CFR §60.754(a)]</p>

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Table IV – 1	
1.3	<p><u>Monitoring Requirements:</u> See record keeping and reporting requirements.</p>
1.4	<p><u>Record Keeping Requirements:</u></p> <p>The Permittee shall keep all the records required under this permit for at least five years and shall make such records available to the Department upon request. [Reference: COMAR 26.11.03.06C]</p>
1.5	<p><u>Reporting Requirements:</u></p> <p>If the Permittee increases the maximum design capacity of the Forty West Landfill after November 1, 1997, the Permittee shall amend and resubmit the design capacity report within 90 days of the issuance of an air quality Permit to Construct or a permit from the MDE Waste Management Administration that authorizes the increase or any other change that increases the maximum design capacity of the landfill. [Reference: COMAR 26.11.19.20D(2)]</p> <p>The Permittee shall estimate the annual NMOC emission rate calculated using the formula and procedures as described in 40 CFR §60.754(a). The Permittee shall prepare and submit an updated NMOC emission rate report by November 1 of each year. A less frequent emission rate report may be submitted upon approval by the Department in accordance with COMAR 26.11.19.20D(6). [Reference: COMAR 26.11.19.20D(3)(a) & COMAR 26.11.19.20D(6)]</p> <p>The Permittee may, upon approval by the Department, submit a combined report to satisfy the NMOC reporting requirements and the annual Emissions Certification requirements. Such report shall be submitted by April 1 of each year for the previous calendar year. [Reference: COMAR 26.11.19.20D(7)]</p>

A permit shield shall cover the applicable requirements identified for the emission units listed in the table above.

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The Forty West Landfill will be subject to the following requirements, if calculated NMOC emissions increase to 55 tons per year or more:

Table IV – 1a	
1A.0	<p><u>Emissions Unit Number(s) – EU-01 (continued)</u></p> <p>MDE Registration No. 9-0173</p> <p>The municipal solid waste landfill is approximately 427 acres, including 189 acres of disposal area, with a design capacity of 10 million megagrams (approximately 11 million tons) of MSW. The site also equipped with a equipped with a leachate collection system.</p>
1A.1	<p><u>Applicable Standards/Limits:</u></p> <p><u>Landfill NSPS 40 CFR §60 Subpart WWW</u></p> <p>If the NMOC emission rate determined in §D(3) or (5) of this regulation is 55 tons or more per year, the MSW landfill owner shall comply with §G of this regulation except as follows:</p> <p>If the NMOC emission rate based on the site-specific NMOC concentration is more than 55 tons or more per year, the owner or operator shall comply with §G of this regulation or may recalculate the NMOC emission rate based on the site-specific methane generation according to the procedures provided in 40 CFR §60.754(a)(4). [Reference: COMAR 26.11.19.20D(8)(d)]</p> <p>The revised NMOC emission rate based on site-specific methane generation shall be submitted to the Department by November 1 of the year following the year in which the first NMOC emission rate report was submitted showing that the NMOC emission rate exceeded 55 tons per year. [Reference: COMAR 26.11.19.20D(8)(e)]</p> <p>If the NMOC emission rate based on the site-specific methane generation rate is less than 55 tons per year, the owner or operator shall resume the emissions rate reporting using the site-specific methane generation rate according to the schedule in §D(6) of this regulation. [Reference: COMAR 26.11.19.20D(8)(f)] or</p> <p>If the NMOC emission rate based on the site-specific methane generation rate is 55 tons or more per year, owner or operator shall comply with §G of this regulation. [Reference: COMAR 26.11.19.20D(8)(g)]</p>

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COMAR 26.11.19.20E – Compliance Plans

1. A person who owns or operates an MSW landfill that has a calculated NMOC emission rate that is 55 tons or more per year shall submit to the Department a plan for compliance by June 1 of the year following the year in which a NMOC emission rate was first calculated to be 55 tons or more per year. The plan for compliance shall contain all of the elements contained in 40 CFR §60.752(b)(2). In addition, the plan shall contain the following schedule:
 - i. The release of purchase orders or contracts within 5 months from the date the plan for compliance is required;
 - ii. Beginning of construction of the gas collection and control system within 8 months after the plan for compliance is required; and
 - iii. Completion of construction of the gas collection and control system within 16 months from the date the plan for compliance is required.
2. The plan for compliance required in §E(1) of this regulation shall include the following compliance dates for start-up of the gas collection and control system and performance of a compliance test:
 - i. For areas that are closed or at final grade, a landfill gas collection and control system shall be installed and compliance achieved by December 1 of the year following the year the plan for compliance was required to be submitted or after the initial MSW landfill has been in place for a period of two years, whichever date is later;
 - ii. For active areas, a landfill gas collection and control system shall be installed and compliance achieved by December 1 of the year following the year the plan for compliance was required to be submitted or after the initial MSW landfill has been in place for a period of 5 years, whichever date is later;
 - iii. Upon written request to the Department, an extended schedule, not to exceed 30 or more per year, may be granted for installing the landfill gas collection and control system; and
 - iv. The schedule to achieve compliance shall be met regardless of whether the owner or operator of the MSW landfill determines emissions based on site-specific

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	<p style="text-align: center;">NMOC and methane generation rates as provided §D)8) of this regulation.”</p> <p>3. In its determination for an extension, the Department will consider:</p> <ol style="list-style-type: none"> i. The past and future rate at which MSW has been or will be accepted; ii. The expected life of the area; iii. Costs of control; iv. Physical constraints for installing controls; and v. Other information regarding the safety and technical aspects of control. <p>Any extension granted by the Department pursuant to §E(2)(c) of this regulation shall be submitted to EPA for approval as a revision.</p> <p>COMAR 26.11.19.20G – Compliance and Operating Conditions</p> <ol style="list-style-type: none"> 1. <u>Compliance Conditions</u>. A person who owns or operates an MSW landfill that has a calculated NMOC emission rate of 55 tons per year or more shall comply with the landfill gas collection and control requirements in 40 CFR §60.752(b)(2) and 60.755. 2. <u>Specifications for Active Collection Systems</u>. A person who complies with G(1) of this regulation by using an active collection system shall comply with the specifications included in 40 CFR §60.759. 3. <u>Operating Conditions</u>. A person who is required to install a gas collection and control system in compliance with §G(1) of this regulation shall operate the equipment according to the requirements included in 40 CFR §60.753
1A.2	<p><u>Testing Requirements:</u> The FWL will be subject to the following requirements, if calculated NMOC emissions increase to 55 tons per year or more:</p> <p><u>Landfill NSPS 40 CFR §60 Subpart WWW</u> <u>Performance Testing</u> - “A person who is required to install a gas collection system and control system in compliance with §G(1) of this regulation shall demonstrate adequate control efficiency by complying with the conditions in 40 CFR §60.754(d) and 60.8.” [Reference: COMAR 26.11.19.20H(1)]</p>

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1A.3	<p><u>Monitoring Requirements:</u> The FWL will be subject to the following requirements, if calculated NMOC emissions increase to 55 tons per year or more:</p> <p><u>Landfill NSPS 40 CFR §60 Subpart WWW</u> [Reference: COMAR 26.11.19.20H(2)] – <u>Monitoring Requirements.</u> “A person who is required to install a gas collection and control system in compliance with §G(1) of this regulation shall:</p> <ul style="list-style-type: none"> (a) Monitor the equipment in accordance with the provisions in 40 CFR §60.756(a)--(e); (b) Monitor the methane surface emissions in accordance with the provisions in 40 CFR §60.756(f); and (c) Commence the methane surface monitoring required in §H(2)(b) of this regulation by the beginning of the calendar quarter following the quarter during which the system required in §G(1) of this regulation is installed.”
1A.4	<p><u>Record Keeping Requirements:</u> The FWL will be subject to the following requirements, if calculated NMOC emissions increase to 55 tons per year or more:</p> <p><u>Landfill NSPS 40 CFR §60 Subpart WWW</u> [COMAR 26.11.19.20H(4)] – <u>Record Keeping Requirements.</u> “A person who is required to install a gas collection and control system in compliance with §G(1) of this regulation shall comply with the record keeping requirements in 40 CFR §60.758.”</p>
1A.5	<p><u>Reporting Requirements:</u> The FWL will be subject to the following requirements, if calculated NMOC emissions increase to 55 tons per year or more:</p> <p><u>Landfill NSPS 40 CFR §60 Subpart WWW</u> [COMAR 26.11.19.20H(3)] – <u>Reporting Requirements.</u></p> <ul style="list-style-type: none"> 1. “A person who complies with §G(1) of this regulation by using an active collection system shall comply with the reporting provisions in 40 CFR §60.757 and 60.758. 2. A person who complies with §G(1) of this regulation shall comply with the initial performance test reporting requirements in 40 CFR §60.757(g).” <p>[COMAR 26.11.19.20F] – <u>Closure Report and Equipment Removal.</u></p> <ul style="list-style-type: none"> 1. A person who owns or operates a MSW landfill subject to §G of this regulation shall submit a closure report to the Department

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	<p>within 30 days of MSW acceptance cessation. The Department may request additional information, as necessary; to verify that permanent closure has taken place in accordance with the requirements in 40 CFR §258.60.</p> <ol style="list-style-type: none">2. After the notice of closure has been submitted to the Department, additional MSW may not be placed in the MSW landfill.3. A person who owns or operates a MSW landfill who installs the required gas collection and control system and complies with §G of this regulation for at least 15 years may continue to operate the control system or, if the control system is to be taken out of service, an equipment removal request shall be submitted to the Department for approval 30 days before the removal or cessation of operation of the control equipment.4. The equipment removal request shall contain all of the information in 40 CFR §60.757(e)(1) and (2), including:<ol style="list-style-type: none">(a) A copy of the closure report submitted in accordance with F(1) of this regulation;(b) A copy of the initial performance test report demonstrating that the 15-year minimum control period has expired; and(c) Dated copies of three successive NMOC emission rate calculations, performed in accordance with 40 CFR §60.754(b), demonstrating that the annual uncontrolled NMOC emissions from the MSW landfill are currently below and will remain below 25 tons per year.
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The Forty West Landfill will be subject to the following requirements, if calculated NMOC emissions increase to 55 tons per year or more:

Table IV – 1b	
1b.0	<p><u>Emissions Unit Number(s) – EU-1 Cont'd</u></p> <p>MDE Registration No. 9-0173</p> <p>The municipal solid waste landfill is approximately 427 acres, including 189 acres of disposal area, with a design capacity of 10 million megagrams (approximately 11 million tons) of MSW. The site also equipped with a leachate collection system.</p>
1b.1	<p><u>Applicable Standards/Limits:</u></p> <p>Subpart AAAA – National Emission Standard for Hazardous Air Pollutants: Municipal Solid Waste Landfills.</p> <p><u>Applicability</u> "You are subject to this subpart if you own or operate a MSW landfill that has accepted since November 8, 1987 or has additional capacity for waste disposition and meets any one of the three criteria in paragraphs (a)(1) through (3) of this section: (3) Your MSW landfill is an area source landfill that has a design capacity equal to or greater than 2.5 million megagrams (Mg) and 2.5 million cubic meters (m³) and has estimated uncontrolled emissions equal to or greater than 50 megagrams per year (Mg/yr) NMOC as calculated according to §60.754(a) of the MSW landfills new source performance standards in 40 CFR part 60, subpart WWW, the Federal plan, or an EPA approved and effective State or tribal plan that applies to your landfill." [Reference: 40.CFR §63.1935(a)(3)]</p> <p>"If your landfill is an existing affected source and is an area source meeting the criteria in §63.1935(a)(3), you must comply with the requirements in §§63.1955(b) and 63.1960 through 63.1980 by the date your landfill is required to install a collection and control system by 40 CFR 60.752(b)(2) of subpart WWW, the Federal plan, or EPA approved and effective State or tribal plan that applies to your landfill or by January 16, 2004, whichever occurs later." [Reference: 40.CFR §63.1945(f)]</p> <p><u>Standards</u> "If you are required by 40 CFR 60.752(b)(2) of subpart WWW, the Federal plan, or an EPA approved and effective State or tribal plan to install a collection and control system, you must comply with the</p>

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	<p>requirements in §§63.1960 through 63.1985 and with the general provisions of this part specified in table 1 of this subpart.” [Reference: 40.CFR §63.1955(b)]</p> <p><u>General and Continuing Compliance Requirements</u> “Compliance is determined in the same way it is determined for 40 CFR Part 60, subpart WWW, including performance testing, monitoring of the collection system, continuous parameter monitoring, and other credible evidence. In addition, continuous parameter monitoring data, collected under 40 CFR 60.756(b)(1), (c)(1), and (d) of subpart WWW, are used to demonstrate compliance with the operating conditions for control systems. If a deviation occurs, you have failed to meet the control device operating conditions described in this subpart and have deviated from the requirements of this subpart. Finally, you must develop and implement a written SSM plan according to the provisions in 40 CFR 63.6(e)(3). A copy of the SSM plan must be maintained on site. Failure to write, implement, or maintain a copy of the SSM plan is a deviation from the requirements of this subpart.” [Reference: 40.CFR §63.1960]</p>
1b.2	<p><u>Testing Requirements:</u></p> <p>See <u>General and Continuing Compliance Requirements</u></p>
1b.3	<p><u>Monitoring Requirements:</u></p> <p>See <u>General and Continuing Compliance Requirements</u></p>
1b.4	<p><u>Record Keeping Requirements:</u></p> <p>“Keep records and reports as specified in 40 CFR Part 60, Subpart WWW, or in the Federal plan, EPA approved State plan or tribal plan that implements 40 CFR Part 60, Subpart Cc, whichever applies to your landfill, with one exception: You must submit the annual report described in 40 CFR 60.757(f) every 6 months.” [Reference: 40.CFR §63.1980(a)] “You must also keep records and reports as specified in the general provisions of 40 CFR Part 60 and this part as shown in Table 1 of this subpart. Applicable records in the general provisions include items such as SSM plans and the SSM plan reports.” [Reference: 40.CFR §63.1980(b)]</p>
1b.5	<p><u>Reporting Requirements:</u></p> <p>See <u>General and Continuing Compliance Requirements</u></p>

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TABLE 1 OF SUBPART AAAA OF PART 63.—APPLICABILITY OF NESHAP GENERAL PROVISIONS TO SUBPART AAAA

Part 63 Citation	Description	Explanation
63.1(a)	Applicability: general applicability of NESHAP in this part.	Affected sources are already subject to the provisions of paragraphs (a)(10)–(12) through the same provisions under 40 CFR, part 60 subpart A.
63.1(b)	Applicability determination for stationary sources.	
63.1(e)	Title V permitting.	
63.2	Definitions.	
63.4	Prohibited activities and circumvention	Affected sources are already subject to the provisions of paragraph (b) through the same provisions under 40 CFR, part 60 subpart A.
63.5(b)	Requirements for existing, newly constructed, and reconstructed sources.	
63.6(e)	Operation and maintenance requirements, startup, shutdown and malfunction plan provisions.	
63.6(f)	Compliance with nonopacity emission standards	Affected sources are already subject to the provisions of paragraphs (f)(1) and (2)(i) through the same provisions under 40 CFR, part 60 subpart A.
63.10(b)(2)(i)–(b)(2)(v)	General recordkeeping requirements.	
63.10(d)(5)	If actions taken during a startup, shutdown and malfunction plan are consistent with the procedures in the startup, shutdown and malfunction plan, this information shall be included in a semi-annual startup, shutdown and malfunction plan report. Any time an action taken during a startup, shutdown and malfunction plan is not consistent with the startup, shutdown and malfunction plan, the source shall report actions taken within 2 working days after commencing such actions, followed by a letter 7 days after the event.	
63.12(a)	These provisions do not preclude the State from adopting and enforcing any standard, limitation, etc., requiring permits, or requiring emissions reductions in excess of those specified.	

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2.0	<p><u>Emissions Unit Number(s) – EU-02</u></p> <p>One (1) 400 hp diesel powered tub grinder.</p>
2.1	<p><u>Applicable Standards/Limits:</u></p> <p>A. <u>National Emission Standards for Hazardous Air Pollutants</u> <u>40 CFR, Subpart 63 – Stationary Reciprocating Internal Combustion Engines.</u> “By May 3, 2013, “if you own or operate an existing stationary RICE located at an area source of HAP emissions, you must comply with the requirements in Table 2d to this subpart and the operating limitations in Table 2b to this subpart that apply to you.” [Reference: 40 CFR §63.6603, 63.6605, 63.6612, 63.6620, 63.6625, 63.6630, 63.6640, 63.6645, 63.6655]</p> <p>B. <u>Control of Visible Emissions</u> <u>COMAR 26.11.09.05E – Stationary Internal Combustion Engine Powered Equipment.</u> “(2) Emissions During Idle Mode. A person may not cause or permit the discharge of emissions from any engine, operating at idle, greater than 10 percent opacity. (3) Emissions During Operating Mode. A person may not cause or permit the discharge of emissions from any engine, operating at other than idle conditions, greater than 40 percent opacity. (4) <u>Exceptions.</u> (a) Section E(2) does not apply for a period of 2 consecutive minutes after a period of idling of 15 consecutive minutes for the purpose of clearing the exhaust system. (b) Section E(2) does not apply to emissions resulting directly from cold engine start-up and warm-up for the following maximum periods: (i) Engines that are idled continuously when not in service: 30 minutes; (ii) All other engines: 15 minutes. (c) Section E(2) and (3) does not apply while maintenance, repair, or testing is being performed by qualified mechanics.”</p>

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C. Control of Sulfur Oxides

COMAR 26.11.09.07A(1) – Sulfur Content Limitations for Fuel.

“A person may not burn, sell, or make available for sale any fuel with a sulfur content by weight in excess of or which otherwise exceeds the following limitations: In Areas I, II, V, and VI: (c) Distillate fuel oils, 0.3 percent.”

Note: The Permittee must comply with sulfur content limitations for fuel (15 ppm) as stated in 40 CFR 63.6604.

D. Operational Limit

- (1) The Permittee shall, “maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water from the pressure drop across the catalyst that was measured during the initial performance test; and maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F,” or comply with any operating limitations approved by the Administrator. **[Reference: 40 CFR §63.6603(a), and Table 2b]**
- (2) The Permittee must operate and maintain the engine according to the manufacturer's emission-related written instructions or the Permittee must develop their own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. **[Reference: 40 CFR §63.6625(e), §63.6640(a), and Table 6 to 40 CFR 63, Subpart ZZZZ]**
- (3) The Permittee has the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Table 2d of 40 CFR 63, Subpart ZZZZ. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2d. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity

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of the oil when new; or percent water content (by volume) is greater than 0.5.

If all of these condemning limits are not exceeded, the Permittee is not required to change the oil. If any of the limits are exceeded, the Permittee must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the Permittee must change the oil within 2 business days or before commencing operation, whichever is later. The Permittee must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

[Reference: 40 CFR §63.6625(i)]

- (4) The Permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

[Reference: 40 CFR §63.6605(b)]

- (5) In accordance with 40 CFR §63.6625(g), "if you own or operate an existing non-emergency, non-black start CI engine greater than or equal to 300 HP that is not equipped with a closed crankcase ventilation system, you must comply with either paragraph (g)(1) or paragraph (2) of this section. Owners and operators must follow the manufacturer's specified maintenance requirements for operating and maintaining the open or closed crankcase ventilation systems and replacing the crankcase filters, or can request the Administrator to approve different maintenance requirements that are as protective as manufacturer requirements. Existing CI engines located at area sources in areas of Alaska that meet either § 63.6603(b)(1) or

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	<p>§ 63.6603(b)(2) do not have to meet the requirements of this paragraph (g). Existing CI engines located on offshore vessels that meet § 63.6603(c) do not have to meet the requirements of this paragraph (g).</p> <p>(1) Install a closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere, or</p> <p>(2) Install an open crankcase filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates and metals.” [Reference: 40 CFR §63.6625(g)]</p> <p>(6) In accordance with 40 CFR §63.6625(h), “if you operate a new, reconstructed, or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply.” [Reference: 40 CFR §63.6625(h)]</p>
<p>2.2</p>	<p><u>Testing Requirements:</u></p> <p>A. <u>National Emission Standards for Hazardous Air Pollutants</u> 40 CFR, Subpart 63 – <u>Stationary Reciprocating Internal Combustion Engines.</u></p> <p>In accordance with 40 CFR §63.6612, “if you own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing stationary RICE located at an area source of HAP emissions you are subject to the requirements of this section.</p> <p>(a) You must conduct any initial performance test or other initial compliance demonstration according to Tables 4 and 5 to this subpart that apply to you within 180 days after the compliance date that is specified for your stationary RICE in § 63.6595 and according to the provisions in § 63.7(a)(2).</p> <p>(b) An owner or operator is not required to conduct an initial performance test on a unit for which a performance test has been previously conducted, but the test must meet all of the conditions described in paragraphs (b)(1) through (4) of this section.</p>

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	<p>(1) The test must have been conducted using the same methods specified in this subpart, and these methods must have been followed correctly.</p> <p>(2) The test must not be older than 2 years.</p> <p>(3) The test must be reviewed and accepted by the Administrator.</p> <p>(4) Either no process or equipment changes must have been made since the test was performed, or the owner or operator must be able to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process or equipment changes." [Reference: 40 CFR §63.6612]</p> <p>B. <u>Control of Visible Emissions</u> See Monitoring Requirements.</p> <p>C. <u>Control of Sulfur Oxides</u> See Monitoring Requirements.</p> <p>D. <u>Operational Limit</u> See Monitoring Requirements.</p>
2.3	<p><u>Monitoring Requirements:</u></p> <p>A. <u>National Emission Standards for Hazardous Air Pollutants 40 CFR, Subpart 63 – Stationary Reciprocating Internal Combustion Engines.</u> "By May 3, 2013, the Permittee shall comply with the following operating and monitoring requirements:</p> <p>(a) Change the oil and filter every 1,000 hours of operation or annually, whichever comes first;</p> <p>(b) Inspect the air cleaner every 1,000 hours of operation or annually, whichever comes first; and</p> <p>(c) Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. [Reference: 40 CFR §63.6603(a), §63.6625(h), and Table 2d to 40 CFR 63, Subpart ZZZZ]</p>

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	<p>B. <u>Control of Visible Emissions</u> The Permittee shall properly operate and maintain engines in a manner to minimize visible emissions. [Reference: COMAR 26.11.03.06C].</p> <p>C. <u>Control of Sulfur Oxides</u> The Permittee shall obtain a certification from the fuel supplier indicating that the fuel oil complies with the limitation on sulfur content of the fuel oil. [Reference: COMAR 26.11.03.06C].</p> <p>D. <u>Operational Limit</u> See Record Keeping and Reporting Requirements.</p>
2.4	<p><u>Record Keeping Requirements:</u></p> <p>Note: All records must be maintained for a period of 5 years. [Reference: COMAR 26.11.03.06C(5)(g)].</p> <p>A. <u>National Emission Standards for Hazardous Air Pollutants</u> 40 CFR, Subpart 63 – <u>Stationary Reciprocating Internal Combustion Engines.</u> In accordance with § 63.6655(a), "if you must comply with the emission and operating limitations, you must keep the records described in paragraphs (a)(1) through (a)(5), (b)(1) through (b)(3) and (c) of this section.</p> <p>(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in § 63.10(b)(2)(xiv).</p> <p>(2) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.</p> <p>(3) Records of performance tests and performance evaluations as required in § 63.10(b)(2)(viii).</p> <p>(4) Records of all required maintenance performed on the air pollution control and monitoring equipment.</p> <p>(5) Records of actions taken during periods of malfunction to minimize emissions in accordance with § 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.</p> <p>[Reference: 40 CFR §63.6655(a), (b), (d) and 40 CFR 63, Subpart ZZZZ]</p>

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12630 EARTH CARE ROAD
HAGERTOWN, MD 21740
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	<p>B. <u>Control of Visible Emissions</u> The Permittee shall retain records of preventive maintenance on site for at least five years and make these records available to the Department upon request. [Reference: COMAR 26.11.03.06C].</p> <p>C. <u>Control of Sulfur Oxides</u> The Permittee shall retain annual fuel supplier certifications stating that the fuel oil is in compliance with this regulation must be maintained for at least 5 years. [Reference: COMAR 26.11.09.07C].</p> <p>D. <u>Operational Limit</u> See Record Keeping and Reporting Requirements.</p>
2.5	<p><u>Reporting Requirements:</u></p> <p>A. <u>National Emission Standards for Hazardous Air Pollutants</u> 40 CFR, Subpart 63 – <u>Stationary Reciprocating Internal Combustion Engines.</u> The Permittee must submit report semiannually according to the requirements in § 63.6650(b)(1)-(5) for engines that are not limited use stationary RICE subject to numerical emission limitations. [Reference: 40 CFR §63.6603(a), and Table 2d to 40 CFR 63, Subpart ZZZZ]</p> <p>B. <u>Control of Visible Emissions</u> The Permittee shall report incidents of visible emissions in accordance with Permit Condition 4, Section III, Plant Wide Condition, "Report of Excess Emissions and Deviations."</p> <p>C. <u>Control of Sulfur Oxides</u> The Permittee shall report annual fuel supplier certification to the Department upon request. [Reference: COMAR 26.11.03.06C].</p> <p>D. <u>Operational Limit</u> See Record Keeping and Reporting Requirements.</p>

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3.0	<p><u>Emissions Unit Number(s) – EU-03 & EU-04</u></p> <p>One (1) 300 hp diesel powered Beast grinder, and One (1) 125 hp power screen</p>
3.1	<p><u>Applicable Standards/Limits:</u></p> <p>A. <u>National Emission Standards for Hazardous Air Pollutants</u> 40 CFR, Subpart 63 – <u>Stationary Reciprocating Internal Combustion Engines.</u> “By May 3, 2013, “if you own or operate an existing stationary RICE located at an area source of HAP emissions, you must comply with the requirements in Table 2d to this subpart and the operating limitations in Table 2b to this subpart that apply to you.” [Reference: 40 CFR §63.6603, 63.6605, 63.6612, 63.6620, 63.6625, 63.6630, 63.6640, 63.6645, 63.6655]</p> <p>B. <u>Control of Visible Emissions</u> COMAR 26.11.09.05E – <u>Stationary Internal Combustion Engine Powered Equipment.</u> “(2) Emissions During Idle Mode. A person may not cause or permit the discharge of emissions from any engine, operating at idle, greater than 10 percent opacity. (3) Emissions During Operating Mode. A person may not cause or permit the discharge of emissions from any engine, operating at other than idle conditions, greater than 40 percent opacity. (4) <u>Exceptions.</u> (a) Section E(2) does not apply for a period of 2 consecutive minutes after a period of idling of 15 consecutive minutes for the purpose of clearing the exhaust system. (b) Section E(2) does not apply to emissions resulting directly from cold engine start-up and warm-up for the following maximum periods: (i) Engines that are idled continuously when not in service: 30 minutes; (ii) All other engines: 15 minutes. (c) Section E(2) and (3) does not apply while maintenance, repair, or testing is being performed by qualified mechanics.”</p>

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C. Control of Sulfur Oxides

COMAR 26.11.09.07A(1) – Sulfur Content Limitations for Fuel.

“A person may not burn, sell, or make available for sale any fuel with a sulfur content by weight in excess of or which otherwise exceeds the following limitations: In Areas I, II, V, and VI: (c) Distillate fuel oils, 0.3 percent.”

Note: The Permittee must comply with sulfur content limitations for fuel (15 ppm) as stated in 40 CFR 63.6604.

D. Operational Limit

- (1) The Permittee shall, “maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water from the pressure drop across the catalyst that was measured during the initial performance test; and maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F,” or comply with any operating limitations approved by the Administrator. **[Reference: 40 CFR §63.6603(a), and Table 2b]**

- (2) The Permittee must operate and maintain the engine according to the manufacturer’s emission-related written instructions or the Permittee must develop their own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. **[Reference: 40 CFR §63.6625(e), §63.6640(a), and Table 6 to 40 CFR 63, Subpart ZZZZ]**

- (3) The Permittee has the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Table 2d of 40 CFR 63, Subpart ZZZZ. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2d. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity

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of the oil when new; or percent water content (by volume) is greater than 0.5.

If all of these condemning limits are not exceeded, the Permittee is not required to change the oil. If any of the limits are exceeded, the Permittee must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the Permittee must change the oil within 2 business days or before commencing operation, whichever is later. The Permittee must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

[Reference: 40 CFR §63.6625(i)]

- (4) In accordance with 40 CFR §63.6625(g), "if you own or operate an existing non-emergency, non-black start CI engine greater than or equal to 300 HP that is not equipped with a closed crankcase ventilation system, you must comply with either paragraph (g)(1) or paragraph (2) of this section. Owners and operators must follow the manufacturer's specified maintenance requirements for operating and maintaining the open or closed crankcase ventilation systems and replacing the crankcase filters, or can request the Administrator to approve different maintenance requirements that are as protective as manufacturer requirements. Existing CI engines located at area sources in areas of Alaska that meet either § 63.6603(b)(1) or § 63.6603(b)(2) do not have to meet the requirements of this paragraph (g). Existing CI engines located on offshore vessels that meet § 63.6603(c) do not have to meet the requirements of this paragraph (g).

(1) Install a closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere, or

(2) Install an open crankcase filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates and metals."

[Reference: 40 CFR §63.6625(g)]

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	<p>(5) In accordance with 40 CFR §63.6625(h), “if you operate a new, reconstructed, or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply.” [Reference: 40 CFR §63.6625(h)]</p>
3.2	<p><u>Testing Requirements:</u></p> <p>A. <u>National Emission Standards for Hazardous Air Pollutants</u> 40 CFR, Subpart 63 – <u>Stationary Reciprocating Internal Combustion Engines.</u> See Monitoring Requirements.</p> <p>B. <u>Control of Visible Emissions</u> See Monitoring Requirements.</p> <p>C. <u>Control of Sulfur Oxides</u> See Monitoring Requirements.</p> <p>D. <u>Operational Limit</u> See Monitoring Requirements.</p>
3.3	<p><u>Monitoring Requirements:</u></p> <p>A. <u>National Emission Standards for Hazardous Air Pollutants</u> 40 CFR, Subpart 63 – <u>Stationary Reciprocating Internal Combustion Engines.</u> “By May 3, 2013, the Permittee shall comply with the following operating and monitoring requirements:</p> <ul style="list-style-type: none"> (a) Change the oil and filter every 1,000 hours of operation or annually, whichever comes first; (b) Inspect the air cleaner every 1,000 hours of operation or annually, whichever comes first; and (c) Minimize the engine’s time spent at idle and minimize the engine’s startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. <p>[Reference: 40 CFR §63.6603(a), §63.6625(h), and Table 2d to</p>

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	<p style="text-align: center;">40 CFR 63, Subpart ZZZZ]</p> <p>B. <u>Control of Visible Emissions</u> The Permittee shall properly operate and maintain engines in a manner to minimize visible emissions. [Reference: COMAR 26.11.03.06C].</p> <p>C. <u>Control of Sulfur Oxides</u> The Permittee shall obtain a certification from the fuel supplier indicating that the fuel oil complies with the limitation on sulfur content of the fuel oil. [Reference: COMAR 26.11.03.06C].</p> <p>D. <u>Operational Limit</u> See Record Keeping and Reporting Requirements.</p>
3.4	<p><u>Record Keeping Requirements:</u></p> <p>Note: All records must be maintained for a period of 5 years. [Reference: COMAR 26.11.03.06C(5)(g)].</p> <p>A. <u>National Emission Standards for Hazardous Air Pollutants</u> 40 CFR, Subpart 63 – <u>Stationary Reciprocating Internal Combustion Engines.</u> In accordance with § 63.6655(a), “if you must comply with the emission and operating limitations, you must keep the records described in paragraphs (a)(1) through (a)(5), (b)(1) through (b)(3) and (c) of this section. (1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in § 63.10(b)(2)(xiv). (2) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment. (3) Records of performance tests and performance evaluations as required in § 63.10(b)(2)(viii). (4) Records of all required maintenance performed on the air pollution control and monitoring equipment. (5) Records of actions taken during periods of malfunction to minimize emissions in accordance with § 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation. [Reference: 40 CFR §63.6655(a), (b), (d) and 40 CFR 63, Subpart ZZZZ]</p>

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Table IV – 2	
	<p>B. <u>Control of Visible Emissions</u> The Permittee shall retain records of preventive maintenance on site for at least five years and make these records available to the Department upon request. [Reference: COMAR 26.11.03.06C].</p> <p>C. <u>Control of Sulfur Oxides</u> The Permittee shall retain annual fuel supplier certifications stating that the fuel oil is in compliance with this regulation must be maintained for at least 5 years. [Reference: COMAR 26.11.09.07C].</p> <p>D. <u>Operational Limit</u> See Record Keeping and Reporting Requirements.</p>
3.5	<p><u>Reporting Requirements:</u></p> <p>A. <u>National Emission Standards for Hazardous Air Pollutants</u> 40 CFR, Subpart 63 – <u>Stationary Reciprocating Internal Combustion Engines.</u> The Permittee must submit report semiannually according to the requirements in § 63.6650(b)(1)-(5) for engines that are not limited use stationary RICE subject to numerical emission limitations. [Reference: 40 CFR §63.6603(a), and Table 2d to 40 CFR 63, Subpart ZZZZ]</p> <p>B. <u>Control of Visible Emissions</u> The Permittee shall report incidents of visible emissions in accordance with Permit Condition 4, Section III, Plant Wide Condition, "Report of Excess Emissions and Deviations."</p> <p>C. <u>Control of Sulfur Oxides</u> The Permittee shall report annual fuel supplier certification to the Department upon request. [Reference: COMAR 26.11.03.06C].</p> <p>D. <u>Operational Limit</u> See Record Keeping and Reporting Requirements.</p>

A permit shield shall cover the applicable requirements identified for the emission units listed in the table above.

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SECTION V INSIGNIFICANT ACTIVITIES

This section provides a list of insignificant emissions units that were reported in the Title V permit application. The applicable Clean Air Act requirements, if any, are listed below the insignificant activity.

- (1) No. 1 Unheated VOC dispensing containers or unheated VOC rinsing containers of 60 gallons (227) capacity or less;

- (2) Containers, reservoirs, or tanks used exclusively for:
 - (a) No. 2 Storage of lubricating oils: **Two (2) 300 gallon tanks**
 - (i) constructed on or before July 23, 1984, or
 - (ii) constructed after July 23, 1984, and having capacities less than 10,568 gallons (40 cubic meters);

 - (b) No. 2 Unheated storage of VOC with an initial boiling point of 300 °F (149 °C) or greater: **Two (2) waste oils tanks (500 gallons, and 250 gallons).**
 - (i) constructed on or before July 23, 1984, or
 - (ii) constructed after July 23, 1984, and having capacities less than 10,568 gallons (40 cubic meters);

 - (c) No. 2 Unheated storage of VOC with an initial boiling point of 300 °F (149 °C) or greater, constructed after July 23, 1984, and having individual tank capacities of 10,568 gallons (40 cubic meters) or greater: **Two (2) leachate tanks (218,000 gallons, and 280,000 gallons).**

 - (d) No. 1 Storage of Numbers 1, 2, 4, 5, and 6 fuel oil and aviation jet engine fuel: One (1) 10,000 gallons Diesel Tank, both constructed after July 23, 1984, and having capacities less than 10,568 gallons (40 cubic meters).

 - (e) No. 1 Storage of motor vehicle gasoline and having individual tank capacities of 2,000 gallons (7.6 cubic meters) or less.

 - (f) No. x Certain recreational equipment and activities, such as fireplaces, barbecue pits and cookers, fireworks display, and kerosene fuel use.

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SECTION VI STATE-ONLY ENFORCEABLE CONDITIONS

The Permittee is subject to the following State-only enforceable requirements:

1. Applicable Regulations:

- (A) COMAR 26.11.06.08 and 26.11.06.09, which generally prohibit the discharge of emissions beyond the property line in such a manner that a nuisance or air pollution is created.
- (B) COMAR 26.11.15.06, which prohibits the discharge of toxic air pollutants to the extent that such emissions will unreasonably endanger human health

2. Record Keeping and Reporting:

The Permittee shall submit to the Department, by April 1 of each year during the term of this permit, a written certification of the results of an analysis of emissions of toxic air pollutants from the Permittee's facility during the previous calendar year. The analysis shall include either:

- (a) a statement that previously submitted compliance demonstrations for emissions of toxic air pollutants remain valid; or
- (b) a revised compliance demonstration, developed in accordance with requirements included under COMAR 26.11.15 & 16, that accounts for changes in operations, analytical methods, emissions determinations, or other factors that have invalidated previous demonstrations.

Martin O'Malley
Governor

Robert Summers, PhD.
Secretary

Air and Radiation Management Administration
1800 Washington Boulevard, Suite 720
Baltimore, MD 21230

Construction Permit

DRAFT Part 70
 Operating Permit

PERMIT NO. 24-043-00466 DATE ISSUED _____

PERMIT FEE To be paid in accordance with
COMAR 26.11.02.19B(b) EXPIRATION DATE May 31, 2018

LEGAL OWNER & ADDRESS

Department of Solid Waste
Washington County
12630 Earth Care Road
Hagerstown, MD 21740
Attn: Mr. Clifford J. Engle
Deputy Director, Department Solid Waste

SITE

Forty West Landfill
12630 Earth Care Road
Hagerstown, MD 21740
AI # 23243

SOURCE DESCRIPTION

One Municipal Solid Waste Landfill.

This source is subject to the conditions described on the attached pages.

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Program Manager

Director, Air and Radiation Management Administration



Maryland
Department of
the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

December 2, 2019

RECEIVED

DEC 09 2019

SOLID WASTE DEPT.

CERTIFIED MAIL

Return Receipt Requested

Mr. David A. Mason, P.E., Deputy Director
Department of Solid Waste and Watershed Programs
12630 Earth Care Road
Hagerstown, Maryland 21740

Dear Mr. Mason:

Enclosed herewith is the State of Maryland Refuse Disposal Permit No. 2019-WMF-0266A, which is being renewed pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder for the continued construction and operation of the Forty West Municipal Landfill located at 12630 Earth Care Road, Hagerstown in Washington County, Maryland. This permit supersedes and replaces Refuse Disposal Permit No. 2014-WMF-0266A.

Please note that this permit is subject to the terms and conditions, which are enclosed. No written response from the permittee regarding this permit ten 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 me or Mr. Kassa Kebede at (410) 537-3315 or kassa.kebede@maryland.gov.

Sincerely,

Edward M. Dexter, Administrator
Solid Waste Program

Enclosure

cc: Brian Coblenz, Chief, Compliance Division, Land and Materials Administration (LMA) (w/encl.)
Kaley Laleker, Director, LMA
Sara Haile, Project Manager, Construction and Maintenance Section, LMA (w/encl.)

REFUSE DISPOSAL PERMIT

Permit No. 2019-WMF-0266A

Issuance Date: December 2, 2019

Expiration Date: December 1, 2024

**STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
1800 Washington Boulevard
Baltimore, Maryland 21230-1719**

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

**The Board of County Commissioners of Washington County (the "permittee")
12630 Earth Care Road
Hagerstown, Maryland 21742**

for the construction and operation of the

Forty West Municipal Landfill

encompassing a

189-acre fill area on a 425-acre site

located at

**12630 Earth Care Road
Washington County, Maryland**

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, V, and VI of this Permit as follows:

- Part I:** Referenced Materials – 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:** Natural Wood Waste Conditions – conditions which are applicable to processing of natural wood waste.

Part V: Tier 1 Composting Conditions – conditions which are generally applicable to a Tier 1 Composting Facility.

Part VI: Standard Conditions – conditions which are generally applicable to all solid waste acceptance facilities.

Part I: Referenced Materials:

A. Operation Documents:

1. Refuse Disposal Permit Application entitled "Sanitary Landfill Phase I Study, Lund Tract", prepared by Century Engineering, Inc., dated March 1990, and consisting of drawing Nos. 1 of 18 through 18 of 18, dated December 29, 1989 and received on March 29, 1990.
2. Sanitary Landfill Phase II Report, Lund Tract, prepared by Century Engineering, Inc., dated June 1991, revised November 1991, consisting of drawing Nos. 1 of 37 through 37 of 37 and received on March 10, 1992.
3. A report entitled "Rock Core Analysis, Phase II Report, Proposed Sanitary Landfill, Lund Tract", prepared by Century Engineering, Inc., dated March 1995.
4. A report entitled "Phase I and II Archeological Investigation of the Proposed Washington County Lund Landfill Site, Conococheague, Washington County, Maryland", prepared by Joseph Hopkins Associates, Inc. and dated December 18, 1996.
5. Plans entitled "Berm Landscape Plan for Washington County Landfill", prepared by John E. Harms, Jr. & Associates, Inc., consisting of sheet Nos. 1 of 5 through 5 of 5, dated June 17, 1998 and received on November 12, 1998.
6. Phase III Engineering Report, Forty West Municipal Landfill, Washington County, Maryland, and Volumes 1 of 2 and 2 of 2, prepared by SCS Engineers, dated April 1999 and drawing Nos. 1 of 34 through 34 of 34, dated March 19, 1999 and received on April 21, 1999.
7. A document entitled "Proposal Form, Forty West Landfill, Cell 1 of Phase 1 Construction, Contract No. LF-C1-050-20", submitted by the Washington County Division of Public Works, dated February 17, 2000.
8. Plans entitled "Forty West Landfill, Cell 1 of Phase 1, Construction Drawings", prepared by SCS Engineers, consisting of drawing Nos. 1 of 44 through 44 of 44, dated January 31, 2000 and received on May 23, 2000.
9. A document entitled "Construction Report, Forty West Landfill, Phase I, Cell 1 Construction", prepared by the Washington County Division of Public Works, Engineering Department, consisting of Volumes 1 and 2, dated December 6, 2000.
10. A document entitled "Forty West Landfill, Certification Book, Cell 1, Phase I, Contract No. LF-C1-0520-020", prepared by Cumberland Geotechnical Consultants, Inc., dated December 2000 and received on February 1, 2001.

11. Plans entitled "Forty West Landfill, Cell 2, Washington County, Contract No. LF-C2-063-20", consisting of drawing Nos. 1 of 17 through 17 of 17, dated May 14, 2002 and received on May 20, 2002.
12. Construction document entitled "Forty West Landfill, Cell Two Construction, Notice of Placement of Low-Permeability Soil, Liners at Cell Floor", prepared by Environmental Fabrics, Inc., dated August 22, 2002, submitted by the Washington County Engineering Department and received on September 6, 2002.
13. A letter dated August 8, 2003 from the Washington County Engineering Department including a submittal entitled "Natural Wood Waste Recycling Facility Operations Report for Forty West Municipal Landfill", dated April 2003 and received on December 31, 2002.
14. A document entitled "Design Analysis Report, 100% submittal and Technical Specifications, Forty West Landfill, Cell 3 Design, Project No. 20-093, Contract No. LF-C3-093-20", consisting of sheet Nos. TS-1, C-1 through C-5, ES-1, ES-2, and C-6 through C-8, E-1, E-2, OP-1 and OP-2 and construction documents, dated March 2004 and received on March 10, 2004.
15. A document entitled "Forty West Landfill, Cell 4 of Phase I and Design Analysis Report along with Technical Specifications, Project No. 20-119, Contract No. LF-C4-119-20 and Quality Assurance/Quality Control Plan", consisting of sheet Nos. TS-1, C-1 through C-5, ES-1, ES-2, and C-6 through C-8, E-1, E-2, OP-1 and OP-2, dated September 22 and November 2006 and received on November 14, 2006 and February 20, 2007.
16. A document entitled "Spring Control Calculations, Forty West Landfill", prepared by URS Corporation, dated November 2006 and received on April 9, 2007.
17. Revised plans entitled "Forty West Landfill, Cells 5, 6, 7 Spring Control Plan, Washington County, Maryland, Division of Public Works, Engineering Department", consisting of drawing Nos. 1 of 7 through 7 of 7, prepared by URS Corporation, dated May 30, 2007 and received on June 4, 2007.
18. A Phase I/Phase III document entitled "Forty West Landfill, Phase III Permit Document, Permit Modification 1", consisting of drawing Nos. Appendix 1, 8-REV, 12-REV, 15-REV, 27-REV, and 35-REV, prepared by URS Corporation, dated December 2007 and received on November 30, 2007.
19. A letter dated July 7, 2009 from the Washington County Solid Waste Department including a submittal entitled "Washington County, Maryland, 40-West Landfill, Alternate Daily Cover Tarp Use", dated July 7, 2009 and received on July 9, 2009.

20. Documents entitled "Landfill Gas Collection System Design Calculation", along with engineering drawings consisting of drawing Nos. TS-1, C-1 through C-7, ES-1 through ES-2, and S-1 through S-2, prepared by URS Corporation, dated August 9, 2010 and received on August 23, 2010.
21. Document entitled "Forty West Landfill Cells 6 and 7 of Phase I Design Analysis Report", along with technical specifications and engineering plans consisting of sheet Nos. TS-1, C-1 through C-17, ES-1 through ES-6, E-1 through E-2 and S-1, prepared by URS Corporation, dated September 15, 2010 and received on September 17, 2010.
22. Engineering plan entitled "Washington Renewable Energy, LLC, Forty West Landfill, Landfill Gas Collection System Design, Existing Cells 1-4, Hagerstown, Maryland", consisting of sheet Nos. TS-1, C-1 through C-7, ES-1, ES-2, S-1, S-2, and SP-1, prepared by URS Corporation, dated January 12, 2011 and approved by Washington County Soil Conservation District on January 28, 2011.
23. A letter dated June 23, 2012 from the Washington County Solid Waste Department including a submittal entitled "Washington County, Maryland, 40-West Landfill, Alternative Daily Cover Tarp Use, Performance Evaluation Report", dated June 2012 and received on June 25, 2012.
24. A document entitled "Forty West Landfill Certification Book Cell 6/7 of Phase I Cell Construction, Contract No. LF-127-20", consisting of Volume I of IV through Volume IV of IV, prepared by Duffield Associates, dated April 2012 and received on October 5, 2012.
25. A report entitled "Environmental Monitoring Plan (EMP), Forty West Landfill, Washington County, Hagerstown, Maryland", prepared by URS, dated July 2013.
26. A letter along with engineering plans entitled "Creek Solar Project" consisting of sheet Nos. 1 of 4 through 4 of 4 and drawing Nos. 9 of 34 and G1100, dated November 26, 2014 and received on December 2, 2014.
27. A letter along with engineering plans entitled "Site Plan for Forty West Solar Site", consisting of Sheets 1 of 4 through 4 of 4, dated February 23, 2016 and received on April 19, 2016.
28. A document entitled "40 West Landfill, Washington County, Maryland, Phase III Permit Document, Permit Modification 2", to include a Tier 1 composting facility, dated May 25, 2016 and received on May 31, 2016.
29. Refuse Disposal Permit Renewal Application submitted by the Washington County Department of Solid Waste and Watershed Programs, dated September 11, 2019 and received on September 17, 2019.

B. Facility Historical Documents:

1. Refuse Disposal Permit Renewal Application submitted by the Washington County Department of Solid Waste, dated February 7, 2005 and received on February 16, 2005.
2. Refuse Disposal Permit Renewal Application submitted by the Washington County Department of Solid Waste and Watershed Programs, dated September 8, 2014 and received on September 12, 2014.

Part II: Facility Specific Conditions:

A. Hours of Construction and Operation:

1. The permittee may construct and operate this facility during daylight only between the hours of 6:30 a.m. and 3:45 p.m. Monday through Saturday. Operations may be performed during these hours after sunset or before sunrise if artificial light adequate to perform the activity in a safe and acceptable manner is provided to the satisfaction of the Department.
2. These specified hours may be changed upon written approval by the Department. For approval, a letter requesting the change of hours and a letter from the appropriate local government office stating that the change is consistent with local zoning and land use requirements must be submitted with such a request.
3. A statement of the days and hours of operation shall be posted at the entrance to the facility.
4. Emergency conditions or unusual circumstances that require the performance of the activities authorized under A.1 after hours, shall be reported to the Department at (410) 537-3315 during normal business hours, or via the Department's Emergency line at (866) 633-4686 at other times.
5. The Department may authorize an extension of the facility's hours of operation in emergency conditions. This approval does not authorize any infringement of federal, State or local laws or regulations, such as local zoning and land-use requirements.

B. Alternative Daily Cover Material:

1. The permittee is authorized to use a tarp system manufactured by Fabrene Inc., or equal, and deployed by a "Tarp Deployment System" unit manufactured by Mercer Motor Works, or equal, as Alternative Daily Cover material to be placed over the exposed waste at the end of each day's operation. At the end of the last workday of the week or before a holiday when the landfill will not be operating, the permittee must place 12 inches of uniformly compacted clean earth on the working face.
2. The permittee shall promptly repair or replace the tarp if it becomes frayed, torn, ripped or otherwise rendered unusable and is, therefore, no longer able to serve its' intended purpose.

3. If inclement weather conditions render the placement or use of the tarp ineffective or otherwise unsatisfactory, the permittee shall temporarily revert to using 6 inches of clean earth as daily soil cover until such conditions cease to exist.

C. Plans and Specifications:

Approved plans and specifications under Part I and Part II will satisfy the requirements under Part III General Conditions, Part IV Natural Wood Waste Conditions, Part V Tier 1 Composting Conditions, and Part VI Standard Conditions of the permit. 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 (COMAR) 26.04.07.26. However, these conditions do remain valid and enforceable.

Part III: General Conditions (Applicable to Municipal Solid Waste Landfills):

A. Waste Restrictions:

1. The permittee may accept solid waste as specified in this facility's Refuse Disposal Permit Application and its supporting documents identified in Part I of this permit, except as restricted or prohibited in this condition.
2. If the permittee accepts the following classes of waste as defined below, the acceptance of these materials is subject to the exceptions noted:
 - a. Household appliances and white goods may be accepted at the facility, provided that any refrigerant is removed from the appliances before burial and handled in accordance with Section 608 of the federal Clean Air Act; and
 - b. Friable asbestos waste, provided that the material that is received is packaged and labeled as specified in Code of Maryland Regulations (COMAR) 26.11.21.08A and is managed in the following manner:
 - i. Prior notification to the landfill supervisor is required;
 - ii. The waste asbestos is unloaded carefully to prevent emission of fibers into the air as required in the NESHAPS 40 CFR Part 61, and specified in COMAR 26.11.21.06;
 - iii. The area used for burial of asbestos shall be restricted to the working face of the landfill, or a separate cell dedicated solely to asbestos disposal;
 - iv. The waste shall be completely covered with earth or other refuse and may not be compacted or driven over until sufficient cover has been applied to prevent the release of asbestos fibers to the atmosphere during compaction or application of other cover material; and
 - v. When managing friable asbestos waste, operators at the landfill shall wear respiratory protection as specified in COMAR 26.11.21.05A, and wear protective clothing and use the equipment specified in COMAR 26.11.21.05D.

3. The following waste materials are specifically prohibited from being accepted at this site, regardless of their origin or type:
 - a. Controlled hazardous substances, defined as hazardous waste in COMAR 26.13.02, unless specifically authorized by a valid permit issued under COMAR 26.13.07;
 - b. Liquid waste or any waste containing free liquids, as determined by the EPA method 9095 Paint Filter Liquids test, as outlined in the EPA Publication SW-846 "Test Methods for Evaluating Solid Waste, Volume One, Section C: Laboratory Manual Physical/Chemical Methods", Third Edition, dated November 1986, except for small containers contained in household waste only;
 - c. Special medical waste as defined in COMAR 26.13.11.02B(11);
 - d. Radioactive hazardous substances as defined in COMAR 26.15.02;
 - e. Automobiles, unless accepted under a plan approved by the Department;
 - f. Drums or tanks, unless empty and flattened or crushed with the ends removed; drums or tanks that have held hazardous waste shall be emptied properly in accordance with COMAR 26.13.02.07;
 - g. Animal carcasses resulting from medical research activities or destruction of diseased animals harboring diseases transmittable to humans, unless acceptance of the carcass(es) is ordered by the local county health officer, and the carcasses are covered with soil immediately upon deposition at the working face of the landfill;
 - h. Untreated liquid septage or sewage scavenger waste;
 - i. Chemical or petroleum cleanup material, unless:
 - i. The nature of the spilled substance is 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 landfill liner; and

- iv. The spilled substance is contained in an absorbent material of sufficient excess volume so that the material deposited at the landfill does not exhibit free liquids as defined in Part III.A.3(b) of this permit.
 - j. Truckloads of separately collected yard waste for final disposal, unless the permittee provides for the composting or mulching of the yard waste; and
 - k. Scrap tires, unless the Department authorizes the acceptance and processing of scrap tires as required in COMAR 26.04.08.
- 4. If sewage sludge, processed sewage sludge, or any other product containing these materials is proposed for storage, handling, or utilization at the landfill site, a separate application shall be submitted to the Biosolids Division for a sewage sludge utilization permit. That permit must be issued prior to the acceptance on site of any sewage sludge.
 - 5. The Department, upon written request of the permittee, may amend the list in Part III.A. If the Department denies the permittee's request or unilaterally determines to limit or exclude a waste stream from being disposed of at the landfill, the permittee will be notified of the Department's decision in writing and will be provided an opportunity for a hearing in accordance with the Administrative Procedure Act.

B. Cell Floor Construction:

- 1. The permittee shall notify the Department in writing 5 working days prior to the anticipated start of each phase of floor construction including floor grading and compaction, liner installation, and leachate collection system installation.
- 2. No waste emplacement may commence in any area of the landfill, unless said area of the cell floor has been constructed and graded in accordance with the approved plans and specifications.
- 3. During construction of each area of the landfill, the edges of each landfill cell or subcell shall be marked to indicate where the edge of the permitted disposal area is located:

- a. For the exterior edges of cells, which delineate the boundary of the area permitted for solid waste acceptance and disposal, a permanent means of marking such as durable posts set in concrete shall be placed around the boundary every 250 feet. The posts shall be placed as close to the solid waste boundary as is possible without causing damage to the liner or other pollution control systems, and if more than 1 foot away shall have a durable marking indicating the amount of offset from the permitted disposal area. In no case shall the post be more than 5 feet away from the solid waste boundary unless otherwise approved by the Department;
 - b. For the interior edges of subcells, where a new waste disposal area will eventually be constructed contiguous to an existing solid waste disposal area, a semipermanent method of demarking the prepared disposal area such as wooden or fiberglass stakes shall be installed no more than 100 feet apart, and at every corner or significant change in direction. These stakes shall be placed within 1 foot of the edge of the prepared area, and shall be checked and replaced as necessary. The marking may only be removed in accordance with an approved schedule for construction of the adjacent subcell. Care must be taken to insure that the liner, leachate collection system, and other pollution control systems are not damaged by the installation of the markers;
 - c. Posts, stakes or other approved methods must be maintained in a serviceable condition at all times, and repaired as necessary; and
 - d. Alternative means may be substituted if approved by the Department.
4. No liner and leachate collection system installation may commence in any cell unless the following requirements are fulfilled:
- a. The design of the liner and leachate collection system shall comply with the minimum requirements specified under COMAR 26.04.07.07C(12) and the federal regulations specified in 40 CFR §258.40. The design of the liner and leachate collection system must be approved by the Department before installation begins;
 - b. A plan for the installation of synthetic membrane sections, illustrating overlap and seams, and sequence of installation shall be prepared and submitted to the Department at least ten days prior to the start of liner installation;

- c. The sub-base for the synthetic membrane must be cleared of tree stumps, roots, vegetation, rubble, debris, angular rocks or stones, sharp-edged objects, and any material that may puncture or damage the overlying synthetic membrane to a maximum particle size established in accordance with the manufacturer's recommendations;
 - d. Sub-base construction must be conducted in lifts not to exceed 6 inches in thickness and compacted to the required density prior to addition of another lift; and
 - e. To ensure that the highest quality sub-base layer and synthetic membrane field seams are produced, continuous monitoring of all sub-base construction and synthetic membrane seaming operations shall be conducted by trained, experienced construction quality assurance monitors. In addition, undisturbed samples of the sub-base shall be tested for as-constructed permeability and 100 percent of all field seams shall be field tested (using an approved test method) as part of the liner installer's construction quality control activities. A quality assurance/quality control plan shall be submitted to the Department for review and approval. Quality assurance/quality control shall be performed by an independent contractor not associated with the construction contractor.
5. Synthetic membrane other than that specified in the approved plans and specifications may be used upon prior written approval from the Department.
6. The synthetic membrane sheets shall be properly seamed in accordance with the manufacturer's recommendations. All field seams shall be visually inspected and tested using the vacuum chamber method, air lance method or other nondestructive testing methods as recommended by the manufacturer. Construction verification tests including seam integrity verification, liner thickness, liner and seam strength, and other parameters shall be included in the quality assurance/quality control plan approved by the Department. Any imperfect seams, holes, punctures, and damaged areas shall be completely repaired or replaced as necessary to ensure the liner integrity. All factory seams shall be checked visually.
7. Any method of liner and leachate collection system construction which departs or varies in any way from those methods described in the approved plans and specifications or the procedures specified herein must be approved in writing by the Department before construction.

8. An independent engineer or the manufacturer of the perforated and un-perforated pipes and fittings used in construction of the leachate collection system shall certify that:
 - a. The material meets the required standards and specifications as addressed in the approved plans and specifications;
 - b. The pipes have a maximum 7.5% allowable ring deflection, unless otherwise specified in the approved plans;
 - c. The pipes have factors of safety against crushing and buckling of 2 or greater under dynamic (short duration) loading and 24 hours stationary (long duration) loading from landfill equipment and vehicles; and
 - d. The pipes are new and not defective.
9. All piping projections through the synthetic membrane liner shall be properly installed in accordance with the plans and specifications.
10. Each leachate collection pipe shall be inspected prior to installation, and tested to ensure that no clogging exists, that it is a properly manufactured pipe, and that it was not damaged in transit.
11. The leachate collection pipes, storage unit(s), and sumps shall be tested for leaks after installation.
12. The permittee must obtain certification from the manufacturer(s) that the synthetic membrane to be used as liner has thickness as specified in the approved plans and specifications with a permeability less than or equal to 1×10^{-10} cm/sec, and meets all of the applicable ASTM standards. A copy of the certification must be appended to the approved plan for the facility and provided to the Department within 60 days of receipt of the certification.
13. Following the satisfactory installation of the cell floor liners, the overlying layer shall be placed as soon as is practical for the protection of the liner.
14. No waste placement may commence in any cell unless and until the following requirements are fulfilled:
 - a. All monitoring wells have been installed, sampled and analyzed by the permittee in accordance with the approved monitoring program for the establishment of background water quality;

- b. The cell floor liner and leachate collection system have been installed in accordance with the approved plans and specifications, and the requirements of this permit;
- c. A minimum of 2 feet of pea gravel or other approved drainage material shall be placed to provide for the free passage of leachate to the liner and to serve as a protective layer for the liner and leachate collection system; and
- d. Representatives of the Department have inspected and approved the construction of the cell floor.

C. Protection of Liner and Leachate Collection System:

A minimum of 4 feet of select waste containing no long pipes, boards, or other materials that could damage the liner and leachate collection system must be placed over the protective layer before compaction, to minimize the risk of damage to the liner and leachate collection system. No refuse hauling vehicles, equipment used for landfilling operations, or any heavy equipment shall operate over the leachate collection pipes and liner on the floor and side of the cell slopes until there is at least 4 feet of select waste placed upon the protective drainage layer. The permittee must notify the Department prior to the placement of the select waste.

D. Leachate:

1. All ponded leachate occurring in areas that are not part of an approved leachate collection or treatment system shall be collected and treated in accordance with this permit.
2. Untreated leachate or contaminated liquid may not be discharged to the waters of the State, without prior approval of the Department. The permittee must notify the Department within 1 hour of becoming aware of any leachate or contaminated liquid discharge leaving the site or having the potential of being released off-site.
3. All leachate collected in the leachate collection system shall be stored in the leachate storage unit(s) as specified in the approved engineering plans and specifications (also known as the Phase III Report) referenced in Part I of this permit. Leachate shall be discharged to the sanitary sewer system or an approved waste water treatment plant in compliance with the provisions of COMAR 26.08.08 unless other methods of disposal are permitted by the Department.

4. Leachate or other contaminated liquids shall not be discharged, recirculated, or treated on site without prior approval of the Department. Leachate recirculation, treatment and/or discharge shall also comply with the federal regulation specified in 40 CFR §258.28(a)(2). Any approved modifications to plans and specifications will be incorporated by reference as part of this landfill's permit.
5. The permittee shall monitor the leak detection unit, if any, at least twice each month and include the results in the semiannual report on water quality referenced in this permit.
6. Except for a leachate collection system relying solely on free gravity drainage to prevent leachate from ponding on the cell floor, the level of leachate in the leachate collection system shall be monitored a minimum of twice each operating day except Sundays and holidays. The data shall be recorded and initialed by the person performing the monitoring. Results are to be included in each semiannual report on water quality referenced in this permit.
7. To ensure the integrity and proper operation of the landfill's leachate storage unit(s), all leachate storage unit(s):
 - a. Shall be either tested annually, be equipped with a release detection system, or have some other method of determining leakage that is approved by the Department; and
 - b. Shall be equipped with a level sensor that will, if the storage unit is nearly full, activate an audible alarm in the landfill office and a red light that is visible from the public road at all times of the year. The alarm and light shall be tested weekly and the results of these tests included in the semiannual report on water quality referenced in this permit. A sign shall be posted at the gate with instructions to notify the appropriate local and State emergency numbers, including the Department's phone number, if the light is on when the site is closed. Upon request, the Department may approve alternative alarm notification systems.
8. Commencing on the day that solid waste is received at the landfill, the permittee shall monitor the quantity of leachate and other contaminated liquids collected each and every calendar month. The results of this monitoring shall be included in the semiannual report on water quality as required by the landfill's permit. The report shall include:
 - a. The volume of leachate or other contaminated liquid collected monthly. Quantities shall be reported in gallons or cubic feet;

- b. The method used to measure the quantities of leachate coming from the leachate collection systems;
 - c. The volume of liquid discharged to a sanitary sewer. Quantities shall be reported in gallons or cubic feet;
 - d. The volume of liquid disposed of by any means other than that specified in (c). Quantities shall be reported in gallons or cubic feet;
 - e. The results of any chemical analyses performed on the collected liquid; and
 - f. The estimated total amount of cumulative precipitation received at the landfill based on local climatological data. Quantities shall be reported in inches and the source of the data shall be stated in the report.
9. If applicable, means for separating and diverting uncontaminated storm water from the leachate collection system within lined landfill cells may be proposed by the permittee. If approved by the Department, the plans and specifications for the separation and diversion of uncontaminated storm water shall be incorporated into and become as part of this permit. Until such plans are approved, all water collected from cells containing refuse shall be treated as leachate.
10. Should a force main be constructed to convey leachate to a sewer system, the following conditions shall be met:
- a. All pretreatment requirements established in COMAR 26.08.08 shall be met;
 - b. A flow meter shall be installed, with results to be recorded daily and included in the semiannual report on water quality referenced in this permit. Upon request, the Department may approve an alternative accurate flow measurement method; and
 - c. The force main shall be pressure tested prior to use, by a method to be proposed to and approved by the Department.

E. Water Level Measurement:

1. The water elevations in all existing monitoring wells and piezometers shall be measured monthly and the readings shall be included in the semiannual water quality report referenced in this permit.

2. If examination of this information by either the permittee or the Department indicates that groundwater elevations have risen to encroach upon any existing or proposed cell floors, the bottom elevations of all subsequently constructed cells shall be raised. Except as permitted by the regulations, the increase in elevation shall be sufficient to insure a minimum buffer of 3 vertical feet between the base of any unconstructed fill areas, as well as the base of any unfilled areas of the waste cell currently being filled, and the highest observed or expected water level. A revised plan and specifications of all cell floors to be constructed, depicting these changes, must be submitted to the Department for review and approval prior to commencement of construction of any cell area.

F. Written Reports on Water Quality Analysis:

1. Within 90 days of the effective date of this permit, the permittee shall submit a hard copy and a searchable electronic/digital copy to the Department for review and approval a Groundwater and Surface Water Monitoring (G&SWM) Plan. The Plan shall be prepared in accordance with COMAR 26.04.07.08B(17), 26.04.07.09F, 40 CFR §258, and guidelines established by the Department.
2.
 - a. The permittee shall submit to the Department a semiannual report on water quality containing summary and interpretative discussion of all analyses of the chemical quality of groundwater from all of the monitoring wells and all of the surface water monitoring points specified in the approved G&SWM Plan;
 - b. The semiannual report on water quality shall be submitted to the Department within 90 days of the close of every first and third calendar quarters unless an alternative schedule is specified in the approved G&SWM Plan;
 - c. Sampling shall occur during the period between January through March and July through September of each year unless an alternative schedule is included in the G&SWM Plan and approved by the Department;
 - d. The permittee shall arrange for a qualified groundwater scientist to sample, or to oversee qualified environmental technicians who sample the wells twice annually at the intervals specified in the approved G&SWM Plan;

- e. The parameters to be measured and their Practical Quantitation Limits (PQL) are listed in Tables I and II of this permit. The Department may approve an alternative list of parameters or an alternative PQL for any parameter;
- f. The sampling, sample handling, analyses and reporting of analytical parameters shall be performed in accordance with the approved G&SWM Plan;
- g. A qualified independent laboratory certified for water quality analysis by the Department or which is otherwise acceptable to the Department shall perform the analyses;
- h. A qualified groundwater scientist or professional shall evaluate the results and advise the permittee of any changes in water quality or any exceedance of the State and federal Maximum Contaminant Level (MCL), Action Level or other health standard;
- i. A complete copy of the laboratory data, and the qualified groundwater scientist or professional's interpretive findings shall be included in each semiannual report on water quality referenced in this permit;
- j. If analytical results from samples collected from any sources associated with the landfill or surrounding properties exceed MCL, Action Level, or other health standard for the first time, the permittee must notify the Department in writing within 24 hours of receipt of the analytical data detecting this occurrence. Thereafter, if there are any significant increases above the MCL, Action Level, or other health standard, the permittee must notify the Department in writing within 24 hours of receipt of the analytical data detecting this occurrence;
- k. Upon detection of the exceedance of an MCL, Action Level or other health standard for the first time, the monitoring point(s) in which the standard was exceeded must be immediately resampled to verify the initial detection. This resampling must occur as soon as possible, and no later than 30 days following receipt of the analytical data by the permittee or the qualified groundwater scientist or professional who is reviewing the analytical data which indicated the exceedance. If the permittee accepts the initial sampling result as a valid result, then the permittee can elect to not resample the monitoring point(s);

- l. All data for each well must be summarized and presented in time series format. The data for each well must be presented in a spreadsheet so that the water quality data for each parameter for each well can be observed simultaneously; and
- m. All “J” values must be reported. “J” values are analytical results that are below the PQL but can be estimated.

**TABLE I
MONITORING PARAMETERS**

VOLATILE ORGANIC COMPOUNDS	PQL (ppb)	VOLATILE ORGANIC COMPOUNDS	PQL (ppb)
Acetone	5.0	Cis-1,2-Dichloroethene	1.0
Acrylonitrile	5.0	Trans-1,2-Dichloroethene	1.0
Benzene	1.0	Methylene Chloride	1.0
Bromochloromethane	1.0	1,2-Dichloropropane	1.0
Bromodichloromethane	1.0	Trans-1,3-Dichloropropene	1.0
Bromoform	1.0	Cis-1,3-Dichloropropene	1.0
Bromomethane	1.0	Ethylbenzene	1.0
2-Butanone	5.0	2-Hexanone	5.0
Carbon disulfide	1.0	Iodomethane	1.0
Carbon Tetrachloride	1.0	4-Methyl-2-pentanone	5.0
Chlorobenzene	1.0	Methyl Tertiary Butyl Ether	2.0
Chloroethane	1.0	Styrene	1.0
Chloroform	1.0	1,1,1,2-Tetrachloroethane	1.0
Chloromethane	1.0	1,1,2,2-Tetrachloroethane	1.0
Dibromochloromethane	1.0	Tetrachloroethene	1.0
1,2-Dibromo-3-chloropropane	1.0	Toluene	1.0
1,2 – Dibromoethane (EDB)	1.0	1,1,1-Trichloroethane	1.0
Dibromomethane	1.0	1,1,2-Trichloroethane	1.0
1,2 – Dichlorobenzene	1.0	Trichloroethene	1.0
1,4 – Dichlorobenzene	1.0	Trichlorofluoromethane	1.0
Trans-1,4-dichloro-2-butene	5.0	1,2,3-Trichloropropane	1.0
1,1-Dichloroethane	1.0	Vinyl Acetate	1.0
1,2-Dichloroethane	1.0	Vinyl Chloride	1.0
1,1-Dichloroethene	1.0	Xylene	1.0

**TABLE II
MONITORING PARAMETERS**

ELEMENTS AND INDICATOR PARAMETERS	PQL (ppm)	ELEMENTS AND INDICATOR PARAMETERS	PQL (ppm)
Total Antimony	0.0020	Total Silver	0.0100
Total Arsenic	0.0020	Total Sodium	0.2
Total Barium	0.0100	Total Thallium	0.0020
Total Beryllium	0.0020	Total Vanadium	0.0100
Total Cadmium	0.0040	Total Zinc	0.0100
Total Chromium	0.0100	PH	0.1 (SU)
Total Calcium	0.08	Alkalinity	1
Total Cobalt	0.0100	Hardness	0.5
Total Copper	0.0100	Chloride	0.39
Total Iron	0.005	Specific Conductance	1
Total Lead	0.0020	Nitrate	0.06
Total Nickel	0.0110	Chemical Oxygen Demand	10
Total Magnesium	0.004	Turbidity	0.11 (NTU)
Total Manganese	0.0100	Ammonia	1
Total Mercury	0.0002	Sulfate	0.38
Total Potassium	0.39	Total Dissolved Solids	10
Total Selenium	0.035		

3. The semiannual report on water quality must include a time series analysis of the data. The historical data from each well should be presented in a tabular form in each semiannual report. The discussion should emphasize historical trends in the data. Also, the report must include statistical analysis methods in evaluating groundwater monitoring data as required under the federal regulation 40 CFR §258.53(g)-(i).
4. A copy of the most current topographic map generated by a survey performed as required in this permit shall be included in each semiannual report on water quality and shall depict the location of all monitoring wells and piezometers in existence at the time of the survey.
5. A copy of a current groundwater contour map depicting the location of all monitoring wells from which groundwater data is collected shall be included in each semiannual report on water quality. Multiple aquifers shall be depicted on separate groundwater contour maps.
6. The requirements of 40 CFR §258 subpart E concerning groundwater monitoring and remediation must be followed to the satisfaction of the Department.

G. Spreading and Compaction:

Solid waste shall be spread in uniform layers and compacted to its smallest practicable volume before application of cover material.

H. Solid Waste Lifts:

A lift of solid waste may not exceed 8 feet in height, except as specifically authorized in writing by the Department.

I. Daily Cover:

A uniform compacted layer of clean earth at least 6 inches in depth, or an approved cover material of a thickness specified by the Department, shall be placed over exposed solid waste by the end of each day's operation, or more frequently as may be determined by the Department. To meet approval, the cover material may not:

1. Contain free liquids, putrescibles, or toxic materials. Moisture that is present in the cover material solely as a result of precipitation is not free liquid;
2. Create a dust or odor problem;
3. Attract or harbor vectors; and
4. Impede compaction of wastes by standard landfill equipment.

J. Intermediate Cover:

A uniform, compacted layer of clean earth not less than 1 foot in depth shall be placed over each portion of a lift not later than 1 month following completion of that lift. The intermediate cover layer may not be removed without written authorization from the Department.

K. Final Cover:

1. A uniform compacted layer of earthen material not less than 2 feet in depth shall be placed over any part of the final lift of refuse not later than 90 days following completion of that final lift.
2. Areas which have received final cover shall be mowed at least once a year, or more often if necessary, to control growth of woody vegetation and to allow facility personnel to inspect for signs of erosion, settlement, ponding of water, and leachate seeps.

L. Grading and Drainage:

The disposal site shall be graded and drained to:

1. Minimize runoff onto the fill area of the sanitary landfill;

2. Prevent erosion and ponding within the fill areas; and
3. Drain water from the surface of the sanitary landfill.

M. Erosion and Sediment Control Plan:

The permittee shall have a signed copy of a valid Erosion and Sediment Control Plan prepared in accordance with the requirements of COMAR 26.17.01 and approved by the appropriate approving authority prior to the construction of the landfill as authorized by this permit. An approved plan as required under COMAR 26.17.01 that covers all areas of the permitted facility must be maintained at all times during the life of this permit.

N. Storm Water Management Plan:

1. The permittee shall have a signed copy of a valid Storm Water Management Plan prepared in accordance with the requirement of COMAR 26.17.02 and approved by the appropriate approving authority prior to the construction of the landfill as authorized by this permit.
2. Means for separating and diverting uncontaminated storm water from the landfill cells may be proposed by the permittee. If approved by the Department, the plans and specifications for the separation and diversion of uncontaminated storm water shall be incorporated into and become as part of this permit.

O. Water Supply Contingency Plan:

1. If a risk to public health due to contamination of the groundwater by the landfill has developed to the extent that provision for an alternative water supply for offsite water users may become necessary, the Department will require the permittee to draft a detailed engineering design plan describing the manner in which alternative water supplies will be provided to potentially affected areas around the landfill. This plan must be developed and submitted to the Department for review and approval. The draft plan shall be submitted to the Department for review within 1 year of notification by the Department. The plan shall be revised in accordance with any reasonable requirement of the Department. The level of detail of the plan shall be sufficient to serve as construction and implementation documents for the proposed water supply. The plan shall also include a schedule of all activities necessary to implement the plan, including activities to be performed by the permittee to bid, oversee, and implement the plan, and all activities by contractors.

2. The area which the plan must contemplate for water supplies must, at a minimum, include all areas within 1/2 mile of the property boundary of the landfill as depicted in the reports referenced in Part I of this permit, and any other groundwater use located downgradient of the landfill. The plan must also contain provisions for expansion of the area of impact should it become necessary to protect the public health. The plan may also contain provisions for partial or staggered implementation, based on specific information about the cause and extent of the triggering event, which is available at the time of implementation.
3. Upon approval by the Department, the water supply contingency plan shall become attached as a part of this permit, by reference.
4. Should the Department determine that migration of contaminants from the property on which the landfill is located has occurred or is likely to occur, the permittee shall immediately implement the water supply contingency plan in accordance with the approved schedule.

P. Closure and Post-Closure:

When the design capacity has been exhausted, the permittee shall cap the landfill in accordance with the requirements of COMAR 26.04.07.21 and the federal regulation under 40 CFR §258. Furthermore, at least 6 months prior to cessation of landfilling operations, a closure plan shall be submitted to the Department for review and approval. The plan shall contain the following elements:

1. A description of the methods to be used in closing out and capping the facility in an environmentally sound manner;
2. A description of the facility's post-closure activities including groundwater and gas monitoring and maintenance of the closed facility as specified in COMAR 26.04.07.22 and the federal regulation under 40 CFR §258;
3. A description of the future use of the facility upon closure; and
4. A deadline for the submission of a map based on an actual field survey, which depicts the final topography of the site upon closure.

Q. Gas Monitoring:

1. The permittee shall implement a gas monitoring program approved by the Department to comply with the lower explosive limit (LEL, 5 percent by volume in air) requirements for methane. To demonstrate compliance, the permittee shall sample air within facility structures where gas may accumulate, and in soil at the property boundary. Monitoring methods may include sampling gases from probes within the landfill units or leachate collection system and by sampling gases from monitoring probes or from gas monitoring wells installed in soil between the landfill unit and either the property boundary or structures where gas migration may pose a danger. Monitoring for gas migration shall occur within the most permeable (unsaturated) strata.
2. The type and frequency of monitoring shall be determined based on the soil conditions, the hydrogeologic and hydraulic conditions surrounding the facility, and the location of facility structures and property boundaries. The quantity and location of gas probes, gas monitoring wells, sampling equipment, and the monitoring frequencies shall be approved by the Department. The minimum frequency of monitoring shall be quarterly. The reports of gas monitoring shall be submitted to the Department on a semiannual basis along with the other environmental monitoring reports specified in the facility's permit. A copy of the most current topographic map generated by a survey performed as required in this permit and depicting the location of all gas monitoring probes and wells shall be included in each semiannual report.
3. If methane concentrations exceed 25 percent of the LEL in facility structures, excluding gas control or recovery system components, or exceed the LEL at the property boundary, immediate action shall be taken by the permittee to protect human health from potentially explosive conditions (e.g. personnel evacuation and venting the building). The permittee shall notify the Department as soon as a methane concentration in excess of 25 percent of the LEL is detected in the facility structures, excluding gas control or recovery system components, or when it exceeds the LEL at the property boundary.
4. Within 60 days after detection of the exceedance, the permittee shall prepare and submit a remediation plan for the Department's approval.

5. The remediation plan must describe the frequency and lateral and vertical extent of methane migration. The plan must describe possible causes of the increase in gas concentrations such as landfill operational conditions, gas control system failure or upset, climatic conditions, or closure activity. The plan must describe remedial action to be taken based on the cause, extent, and nature of the methane migration. The remediation plan must also include a schedule for implementation of the remediation.
6. If approved by the Department, the remediation plan must be implemented immediately with any changes to the plan or schedule reasonably required by the Department.

R. Location Restrictions and Design Demonstrations:

If not previously submitted, the permittee shall demonstrate to the Department compliance with the Location Restrictions specified under federal regulation 40 CFR 258.10 through 258.16 regarding airport safety, floodplains, wetlands, fault areas, seismic impact zones, and unstable areas. If not previously submitted, the permittee shall also demonstrate to the Department compliance with the Design Criteria specified under federal regulation 40 CFR §258.40. A copy of the required demonstrations shall be placed in a public repository, at or near the landfill site, where interested parties have access to them for review.

S. Wetlands and Wildlife Protection:

1. Landfill construction and operation may not impact any regulated wetlands area until necessary authorization is received from the applicable State and federal wetland authorities. This includes construction of access roads, landfill cells, or other land disturbance, and pertains to wetlands regulated by the State of Maryland and/or the U.S. Army Corps of Engineers.
2. Landfill construction and facility operations, which may impact upon State or federally regulated endangered species, may not begin unless all necessary permits or authorizations are obtained from the applicable State or federal wildlife regulatory agencies.

Part IV: Natural Wood Waste Conditions (Applicable to Processing of Natural Wood Waste)

A. Natural Wood Waste Authorization:

The permittee is also authorized to process, chip and store only natural wood waste, as defined in Code of Maryland Regulations (COMAR) 26.04.09.02, including tree stumps, brush and limbs, root mats, logs, unadulterated wood wastes and other natural vegetative materials. Natural wood waste does not include yard waste. Yard waste as defined in Section 9-1701(n)(2) of the Environment Article, Annotated Code of Maryland, includes leaves, garden waste, lawn cuttings, weeds and prunings. The permittee is authorized to process the wood waste into recyclable products, such as mulch, wood chips, and firewood.

B. Unprocessed Natural Wood Waste Storage Piles:

1. The permittee shall comply with the requirements of the local fire prevention codes regarding fire control measures for the storage of the unprocessed natural wood waste piles at the facility.
2. Unprocessed natural wood waste shall be stored on site for no longer than 30 days before it is initially processed.
3. The buffer between unprocessed natural wood waste piles and any buildings or structures shall be a minimum of 12 feet of clear space.
4. The buffer between unprocessed natural wood waste piles and property boundaries shall be a minimum of 50 feet.
5. Unprocessed natural wood waste piles shall not exceed 20 feet in height, 50 feet in width, and 350 feet in length.
6. Unprocessed natural wood waste piles shall be subdivided by fire lanes having at least 25 feet of clear space at the base of the piles negotiable by emergency vehicles, loaded delivery vehicles or other vehicle transportation.

C. Processed Natural Wood Waste Windrows:

1. The permittee may process natural wood waste into windrows of wood chips, mulch or firewood.
2. The buffer between processed natural wood waste windrows and property boundaries shall be a minimum of 50 feet.
3. The buffer between processed natural wood waste windrows and any buildings or structures shall be a minimum of 12 feet of clear space.

4. Processed natural wood waste windrows shall not exceed 18 feet in height, 50 feet in width, and 350 feet in length.
5. Processed natural wood waste windrows shall be subdivided by fire lanes having at least 25 feet of clear space at the base of the windrows negotiable by emergency vehicles, loaded delivery vehicles or other vehicle transportation.

D. Operating Procedures:

1. To ensure that aerobic conditions are maintained and controlled during processing of natural wood waste, unless another method is approved by the Department, the permittee shall:
 - a. turn wood chip/mulch windrows and piles at least monthly;
 - b. take daily temperature readings and turn the wood chip/mulch windrows and piles when daily temperature readings reach 140° F; and
 - c. take weekly oxygen level readings and turn wood chip/mulch windrows and piles when weekly oxygen readings go below 10 percent.
2. The permittee shall maintain on site at all times a log demonstrating maintenance of temperature and aerobic conditions as required in this permit.
3. Any additives used in processing natural wood waste must be approved by the Department before use.
4. The permittee shall remove all natural wood waste from the site within one year of date of initial processing.

E. Processing Conditions:

1. All natural wood waste processing areas shall be located at least 50 feet from any property line.
2. The permittee shall identify available markets for the raw material or products produced.
3. If, at any time, natural wood waste, wood chips, mulch or other wood wastes accumulate outside the areas designated in this permit, then the permittee shall cease accepting natural wood waste and other recyclable materials until the stockpiles are reduced to the acceptable levels.

4. The permittee shall take steps to control dust resulting from this facility at all times.
5. The permittee shall confine all wood waste to the approved unloading, processing, or storage areas at this facility.
6. All raw material receipt and storage, processing activities, and product storage shall occur on suitable ground surfaces. No operations shall occur on filled land unless approved by the Department.

F. Operational Restrictions and Procedures:

The permittee shall not operate this facility in such a manner as to:

1. Create a nuisance;
2. Be conducive to insect and rodent infestation or the harborage of animals;
3. Cause nuisance odors or other air pollution in violation of COMAR 26.11.06 or involve construction of a source of air pollution subject to a permit to construct or operation of a source of air pollution subject to a permit to operate unless permitted pursuant to COMAR 26.11.02;
4. Cause a discharge of constituents derived from natural wood waste to waters of the State unless otherwise permitted by the Department;
5. Harm the environment; or
6. Create other hazards to public health, safety or comfort as may be determined by the Department.

G. Emergency Preparedness Manual:

1. The permittee shall comply with and maintain an emergency preparedness manual approved by the Department at this facility at all times.
2. The permittee shall update the emergency preparedness manual if a change in the operations occurs, or if the Department requires an update.

H. Fire Prevention and Control:

1. The permittee shall operate this facility in accordance with the applicable requirements of the local and State Fire Marshal's office.
2. The permittee shall take suitable measures to prevent and to control fires that may occur during operation of this facility.

3. Burning of wood waste is prohibited except or as authorized by the Department.
4. A means to notify the local fire department must be available on-site at all times (e.g. telephone and two way radio).
5. An adequate water supply and the means to apply it shall be available in case of a fire. The Department, the local fire department, or the State Fire Marshal may direct that the permittee install, alter or expand the volume and manner of water supply or water storage capacity available at the site, or inclusion of other fire retardant materials such as soil, and shall specify a time frame for compliance with that directive. Compliance within the specific time frame is a condition of compliance with this permit.

Part V: Tier 1 Composting Conditions (Applicable to Operation of a Tier 1 Composting Facility)

A. Composting Activity Authorization:

The permittee is also authorized to operate a Tier 1 composting facility, as defined in Code of Maryland Regulations (COMAR) 26.04.11.02, and is not required to obtain a composting facility permit if:

1. The composting facility operates under a refuse disposal permit issued under COMAR 26.04.07; and
2. The refuse disposal permit includes design and operational conditions specific to the composting activity.

B. Required Information:

All of the following must be accessible at all times and must be available on site at the facility prior to commencement of the composting operations:

1. A current version of the Composting Facility Operations Plan (CFOP), including any updates and all information required to be included under COMAR 26.04.11.09B(1);
2. An erosion and sediment control plan that meets the requirements of COMAR 26.17.01 and has been approved by the local soil conservation district or appropriate approving authority, if required;
3. A grading permit as required by the local jurisdiction;
4. An approved storm water management plan as required by the local jurisdiction; and
5. Copies of all other applicable permits required under local, State, or federal laws, including the General Permit for Storm Water Discharges Associated with Industrial Activity, if required.

C. Feedstocks Authorized:

1. The permittee is authorized to accept, process, and store only Type 1 feedstocks listed in the facility's current CFOP.
2. Type 1 feedstocks includes:
 - a. Yard waste, which is defined as organic plant waste derived from gardening, landscaping, and tree trimming activities, including leaves, garden waste, lawn cuttings, weeds, and prunings;

- b. Wood materials, including wood chips or shavings, that are unpainted, untreated, unlaminated and free from contamination by bonding agents, dyes, finishes, chemical preservatives, or physical contaminants such as metal or plastic, and are mixed with other Type 1 feedstocks during active composting as a bulking agent or carbon source; and
- c. Other materials that the Department determines pose a low level of risk from hazardous substances, human pathogens, and physical contaminants.

D. Facility Design:

- 1. Prior to acceptance of any feedstocks at the facility, the facility shall be located, designed, and constructed in compliance with the requirements in COMAR 26.04.11.08 applicable to the facility's tier, as defined in COMAR 26.04.11.02.
- 2. The facility shall be designed in a manner that allows the facility to be operated in accordance with the approved CFOP.

E. Facility Operation:

The permittee shall operate the facility in accordance with the approved CFOP and the requirements in COMAR 26.04.11.04, .09, .12, .13, and .15 that apply to the feedstock types accepted by the facility.

F. Operational Requirements:

The permittee shall not operate this facility in such a manner as to:

- 1. Create a nuisance;
- 2. Be conducive to insect and rodent infestation or the harborage of animals;
- 3. Cause nuisance odors or other air pollution in violation of COMAR 26.11.06 or involve construction of a source of air pollution subject to a permit to construct or operation of a source of air pollution subject to a permit to operate unless permitted pursuant to COMAR 26.11.02;
- 4. Cause a discharge of pollutants derived from organic materials or solid waste to waters of the State unless otherwise permitted by the Department;
- 5. Harm the environment; or
- 6. Create other hazards to public health, safety or comfort as may be determined by the Department.

G. Supervision:

The composting facility shall be under the direct supervision of a responsible party on site at all times during operation. The responsible party shall be accountable for ensuring that the conditions of Part V of this permit are met. The facility shall operate under the supervision of a certified composting operator in accordance with COMAR 15.18.04.03.

H. Inspection and Receipt of Incoming Feedstocks:

1. All incoming loads of material shall be inspected to ensure that materials not authorized to be composted under Part V of this permit or feedstock types other than those identified in the CFOP are not accepted by the permittee. The permittee shall adhere to the following procedures specified in the CFOP:
 - a. Procedures for visually inspecting each incoming load to assess the estimated portion of unauthorized material in the load;
 - b. Procedures to follow in the event that an operator observes significant quantities of unauthorized materials in the incoming load, including:
 - i. Notifying the hauler or generator of the feedstocks; and
 - ii. Rejecting the load, if unauthorized materials are present in more than *de minimis* quantities, as defined in the CFOP; and
 - c. Procedures for preventing, identifying, segregating, handling, storing, and recycling or disposing of unauthorized material.
2. If the Department determines that the permittee has accepted feedstocks containing unauthorized materials in more than *de minimis* quantities, the Department may require the permittee to modify its CFOP to provide for rejection of loads containing more than a maximum percentage of unauthorized materials.
3. Any solid waste shall be segregated and stored in a manner to prevent any wastes or runoff from wastes from entering the waters of the State.
4. Any solid waste shall be properly disposed at an appropriate permitted solid waste acceptance facility:
 - a. Within the timeframe specified in the CFOP;
 - b. As required by the local regulating authority; and
 - c. Prior to or within 24 hours after the solid waste container becomes full.
5. Any hazardous waste shall be separated and handled in accordance with the applicable requirements of COMAR 26.13.01 "Disposal of Controlled Hazardous Substances".

6. Feedstocks may not be accepted, processed, or stored in quantities that cause the facility to exceed the maximum capacity or annual throughput specified in the CFOP.
7. The distance between the feedstock piles and the property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.

I. Active Composting Piles:

1. Active windrows or piles shall be composed only of Type 1 feedstocks and compost.
2. The distance between active composting piles or windrows and the property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.
3. Active windrows or piles shall be in an area that is enclosed or visually screened from adjoining properties, unless the absence of an enclosure or visual screening is specifically identified in the CFOP and authorized under local law, and the CFOP identifies other design or operational controls to prevent nuisances including noise, dust, odors, and blowing debris. The maximum height and width of each active composting pile or windrow and the minimum spacing of piles or windrows shall be as specified in the CFOP and shall comply with the local requirements as specified in the CFOP.

J. Curing:

1. Material that is being cured shall be kept separate from feedstocks or active composting material.
2. The distance between curing piles and a property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.
3. Areas used for curing shall be separated from contact water in a manner that prevents contact water from entering the curing area, including by run-on or by direct application.
4. The maximum height and width of each curing pile and the minimum spacing of piles shall be as specified in the CFOP and shall comply with the local requirements as specified in the CFOP.

K. Compost Storage:

1. Compost may not be stored longer than 12 months, unless otherwise approved by the Department.
2. The permittee shall ensure that a market or use is identified and available for the compost that is, or is to be, produced.

3. The permittee shall notify the Department if a finished product is produced that is classified as "restricted use compost" under COMAR 15.18.04.05 or is otherwise unmarketable or unusable. The Department may require the permittee to properly dispose of the product or may authorize one of the uses specified in COMAR 15.18.04.05D.
4. The maximum height and width of each compost storage pile and the minimum spacing of piles shall be as specified in the CFOP and shall comply with the local requirements as specified in the CFOP.

L. Monitoring:

1. In order to ensure that temperature and moisture conditions are maintained and controlled during composting, the permittee shall:
 - a. Take temperature readings in accordance with the temperature monitoring plan specified in the CFOP and turn or actively aerate the piles once the maximum temperature specified in the CFOP is reached; and
 - b. Monitor moisture levels in accordance with the monitoring plan specified in the CFOP.
2. A record of all temperature readings, moisture monitoring results, dates and times that windrows or piles were turned, and all other information required to be recorded by COMAR 26.04.11.12 shall be updated daily when the facility is in operation and maintained and kept on site at all times.
3. Upon request by the Department, the permittee shall collect and analyze samples of any waste, feedstocks, compost, groundwater, surface water, contact water, storm water, soil, or vegetation and report the results of such sampling to the Department.
4. If temperature monitoring indicates that pile temperatures are consistently above the maximum temperature specified in the CFOP, or as directed by the Department or a local fire authority, the permittee shall reduce compost pile size and height until the temperatures are generally within the preferred range, in order to reduce the potential for spontaneous combustion to occur in the compost piles.

M. Emergency Preparedness:

1. The permittee shall comply with the emergency preparedness plan that is included in the CFOP.
2. The permittee shall revise the emergency preparedness plan if a change in the operations occurs, or if the Department requires revisions. Any changes made at the permittee's initiation shall be reported in writing to the Department prior to or within one business day of the change.

N. Nuisance Odor Prevention:

The permittee shall comply with the nuisance odor prevention plan that is included in the CFOP and shall be maintained at the facility at all times.

O. Fire Prevention and Control:

1. The permittee shall notify the local fire department of the composting facility prior to commencement of operations.
2. The permittee shall operate this facility in accordance with the applicable requirements of the local and State Fire Marshal's office.
3. The permittee shall take suitable measures to prevent and to control fires that may occur during operation of this facility.
4. An adequate water supply and the means to apply it shall be available in case of a fire. The Department, the local fire department, or the State Fire Marshal may direct that the permittee install, alter or expand the volume and manner of water supply or water storage capacity available at the site, or inclusion of other fire retardant materials such as soil, and shall specify a time frame for compliance with that directive. Compliance within the specified time frame is a condition of compliance with this permit.
5. A means to notify the local fire department shall be available on-site at all times (e.g. telephone and two way radio).

P. Recordkeeping and Reporting:

1. All records and information required to be maintained under this permit or under COMAR 26.04.11.12 shall be retained by the permittee on site (unless otherwise authorized by the Department) for a minimum period of 5 years.
2. The permittee must provide the following information on the annual solid waste tonnage report to the Department:
 - a. The quantity and type of feedstocks received during the preceding calendar year, indicating the county within Maryland, or the state outside Maryland, in which each quantity of material was generated;
 - b. The quantities of compost and residues, including unauthorized feedstocks and solid waste, produced by composting during the preceding calendar year;
 - c. The quantities of compost and residues removed from the facility during the preceding calendar year; and
 - d. Any other information requested on the form provided by the Department.

Part VI: 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 2 copies of certified as-built plans no later than 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 2 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 5 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:

1. 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.
2. Roads shall be maintained in a serviceable manner to allow passage by a waste hauling, emergency, or inspection vehicle, and 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. This permit does not authorize the violation of any local noise control laws or ordinances which may be enforced by the local government.

J. Litter Control:

1. Scattering of wastes by wind or other means shall be controlled by fencing or other barriers that are engineered and maintained in a manner that prevents litter from leaving the permitted facility.
2. The entire site shall be policed daily or more often, as needed, to prevent nuisance conditions. Litter that has scattered beyond the disposal site or receiving area, entered drainage features or surface water features, or has accumulated along litter fencing or other barriers, shall be picked up daily and placed in the disposal site or receiving area.

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 pretreatment program, as described in COMAR 26.08.08.

2. Storm water 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 COMAR 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 storm water 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 2 hours of the incident, or within 2 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 storm water 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:

1. 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 5 years.
2. All documents listed in Part I: A. Operating Documents of this permit shall be retained by the permittee on-site for the life of the permit. Historical documents listed in Part I may be retained at an off-site location.

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. Operation and Maintenance Manual:

The permittee shall review the Operation and Maintenance Manual (O&M) for this facility prior to permit renewal. If a change has occurred to the operation or maintenance of the facility, the permittee shall submit to the Department an addendum to the O&M to reflect the change.

V. Application for Renewal:

1. At least 2 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.

W. 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.

X. 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.

Y. 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 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.

Z. 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.

AA. 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.

BB. 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.

CC. 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.

DD. 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.

EE. 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.



Maryland
Department of
the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

December 2, 2019

RECEIVED

DEC 09 2019

SOLID WASTE DEPT.

CERTIFIED MAIL

Return Receipt Requested

Mr. David A. Mason, P.E., Deputy Director
Department of Solid Waste and Watershed Programs
12630 Earth Care Road
Hagerstown, Maryland 21740

Dear Mr. Mason:

Enclosed herewith is the State of Maryland Refuse Disposal Permit No. 2019-WMF-0266A, which is being renewed pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder for the continued construction and operation of the Forty West Municipal Landfill located at 12630 Earth Care Road, Hagerstown in Washington County, Maryland. This permit supersedes and replaces Refuse Disposal Permit No. 2014-WMF-0266A.

Please note that this permit is subject to the terms and conditions, which are enclosed. No written response from the permittee regarding this permit ten 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 me or Mr. Kassa Kebede at (410) 537-3315 or kassa.kebede@maryland.gov.

Sincerely,

Edward M. Dexter, Administrator
Solid Waste Program

Enclosure

cc: Brian Coblenz, Chief, Compliance Division, Land and Materials Administration (LMA) (w/encl.)
Kaley Laleker, Director, LMA
Sara Haile, Project Manager, Construction and Maintenance Section, LMA (w/encl.)

REFUSE DISPOSAL PERMIT

Permit No. 2019-WMF-0266A

Issuance Date: December 2, 2019

Expiration Date: December 1, 2024

**STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
1800 Washington Boulevard
Baltimore, Maryland 21230-1719**

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

**The Board of County Commissioners of Washington County (the "permittee")
12630 Earth Care Road
Hagerstown, Maryland 21742**

for the construction and operation of the

Forty West Municipal Landfill

encompassing a

189-acre fill area on a 425-acre site

located at

**12630 Earth Care Road
Washington County, Maryland**

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, V, and VI of this Permit as follows:

- Part I:** Referenced Materials – 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:** Natural Wood Waste Conditions – conditions which are applicable to processing of natural wood waste.

Part V: Tier 1 Composting Conditions – conditions which are generally applicable to a Tier 1 Composting Facility.

Part VI: Standard Conditions – conditions which are generally applicable to all solid waste acceptance facilities.

Part I: Referenced Materials:

A. Operation Documents:

1. Refuse Disposal Permit Application entitled "Sanitary Landfill Phase I Study, Lund Tract", prepared by Century Engineering, Inc., dated March 1990, and consisting of drawing Nos. 1 of 18 through 18 of 18, dated December 29, 1989 and received on March 29, 1990.
2. Sanitary Landfill Phase II Report, Lund Tract, prepared by Century Engineering, Inc., dated June 1991, revised November 1991, consisting of drawing Nos. 1 of 37 through 37 of 37 and received on March 10, 1992.
3. A report entitled "Rock Core Analysis, Phase II Report, Proposed Sanitary Landfill, Lund Tract", prepared by Century Engineering, Inc., dated March 1995.
4. A report entitled "Phase I and II Archeological Investigation of the Proposed Washington County Lund Landfill Site, Conococheague, Washington County, Maryland", prepared by Joseph Hopkins Associates, Inc. and dated December 18, 1996.
5. Plans entitled "Berm Landscape Plan for Washington County Landfill", prepared by John E. Harms, Jr. & Associates, Inc., consisting of sheet Nos. 1 of 5 through 5 of 5, dated June 17, 1998 and received on November 12, 1998.
6. Phase III Engineering Report, Forty West Municipal Landfill, Washington County, Maryland, and Volumes 1 of 2 and 2 of 2, prepared by SCS Engineers, dated April 1999 and drawing Nos. 1 of 34 through 34 of 34, dated March 19, 1999 and received on April 21, 1999.
7. A document entitled "Proposal Form, Forty West Landfill, Cell 1 of Phase 1 Construction, Contract No. LF-C1-050-20", submitted by the Washington County Division of Public Works, dated February 17, 2000.
8. Plans entitled "Forty West Landfill, Cell 1 of Phase 1, Construction Drawings", prepared by SCS Engineers, consisting of drawing Nos. 1 of 44 through 44 of 44, dated January 31, 2000 and received on May 23, 2000.
9. A document entitled "Construction Report, Forty West Landfill, Phase I, Cell 1 Construction", prepared by the Washington County Division of Public Works, Engineering Department, consisting of Volumes 1 and 2, dated December 6, 2000.
10. A document entitled "Forty West Landfill, Certification Book, Cell 1, Phase I, Contract No. LF-C1-0520-020", prepared by Cumberland Geotechnical Consultants, Inc., dated December 2000 and received on February 1, 2001.

11. Plans entitled "Forty West Landfill, Cell 2, Washington County, Contract No. LF-C2-063-20", consisting of drawing Nos. 1 of 17 through 17 of 17, dated May 14, 2002 and received on May 20, 2002.
12. Construction document entitled "Forty West Landfill, Cell Two Construction, Notice of Placement of Low-Permeability Soil, Liners at Cell Floor", prepared by Environmental Fabrics, Inc., dated August 22, 2002, submitted by the Washington County Engineering Department and received on September 6, 2002.
13. A letter dated August 8, 2003 from the Washington County Engineering Department including a submittal entitled "Natural Wood Waste Recycling Facility Operations Report for Forty West Municipal Landfill", dated April 2003 and received on December 31, 2002.
14. A document entitled "Design Analysis Report, 100% submittal and Technical Specifications, Forty West Landfill, Cell 3 Design, Project No. 20-093, Contract No. LF-C3-093-20", consisting of sheet Nos. TS-1, C-1 through C-5, ES-1, ES-2, and C-6 through C-8, E-1, E-2, OP-1 and OP-2 and construction documents, dated March 2004 and received on March 10, 2004.
15. A document entitled "Forty West Landfill, Cell 4 of Phase I and Design Analysis Report along with Technical Specifications, Project No. 20-119, Contract No. LF-C4-119-20 and Quality Assurance/Quality Control Plan", consisting of sheet Nos. TS-1, C-1 through C-5, ES-1, ES-2, and C-6 through C-8, E-1, E-2, OP-1 and OP-2, dated September 22 and November 2006 and received on November 14, 2006 and February 20, 2007.
16. A document entitled "Spring Control Calculations, Forty West Landfill", prepared by URS Corporation, dated November 2006 and received on April 9, 2007.
17. Revised plans entitled "Forty West Landfill, Cells 5, 6, 7 Spring Control Plan, Washington County, Maryland, Division of Public Works, Engineering Department", consisting of drawing Nos. 1 of 7 through 7 of 7, prepared by URS Corporation, dated May 30, 2007 and received on June 4, 2007.
18. A Phase I/Phase III document entitled "Forty West Landfill, Phase III Permit Document, Permit Modification 1", consisting of drawing Nos. Appendix 1, 8-REV, 12-REV, 15-REV, 27-REV, and 35-REV, prepared by URS Corporation, dated December 2007 and received on November 30, 2007.
19. A letter dated July 7, 2009 from the Washington County Solid Waste Department including a submittal entitled "Washington County, Maryland, 40-West Landfill, Alternate Daily Cover Tarp Use", dated July 7, 2009 and received on July 9, 2009.

20. Documents entitled "Landfill Gas Collection System Design Calculation", along with engineering drawings consisting of drawing Nos. TS-1, C-1 through C-7, ES-1 through ES-2, and S-1 through S-2, prepared by URS Corporation, dated August 9, 2010 and received on August 23, 2010.
21. Document entitled "Forty West Landfill Cells 6 and 7 of Phase I Design Analysis Report", along with technical specifications and engineering plans consisting of sheet Nos. TS-1, C-1 through C-17, ES-1 through ES-6, E-1 through E-2 and S-1, prepared by URS Corporation, dated September 15, 2010 and received on September 17, 2010.
22. Engineering plan entitled "Washington Renewable Energy, LLC, Forty West Landfill, Landfill Gas Collection System Design, Existing Cells 1-4, Hagerstown, Maryland", consisting of sheet Nos. TS-1, C-1 through C-7, ES-1, ES-2, S-1, S-2, and SP-1, prepared by URS Corporation, dated January 12, 2011 and approved by Washington County Soil Conservation District on January 28, 2011.
23. A letter dated June 23, 2012 from the Washington County Solid Waste Department including a submittal entitled "Washington County, Maryland, 40-West Landfill, Alternative Daily Cover Tarp Use, Performance Evaluation Report", dated June 2012 and received on June 25, 2012.
24. A document entitled "Forty West Landfill Certification Book Cell 6/7 of Phase I Cell Construction, Contract No. LF-127-20", consisting of Volume I of IV through Volume IV of IV, prepared by Duffield Associates, dated April 2012 and received on October 5, 2012.
25. A report entitled "Environmental Monitoring Plan (EMP), Forty West Landfill, Washington County, Hagerstown, Maryland", prepared by URS, dated July 2013.
26. A letter along with engineering plans entitled "Creek Solar Project" consisting of sheet Nos. 1 of 4 through 4 of 4 and drawing Nos. 9 of 34 and G1100, dated November 26, 2014 and received on December 2, 2014.
27. A letter along with engineering plans entitled "Site Plan for Forty West Solar Site", consisting of Sheets 1 of 4 through 4 of 4, dated February 23, 2016 and received on April 19, 2016.
28. A document entitled "40 West Landfill, Washington County, Maryland, Phase III Permit Document, Permit Modification 2", to include a Tier 1 composting facility, dated May 25, 2016 and received on May 31, 2016.
29. Refuse Disposal Permit Renewal Application submitted by the Washington County Department of Solid Waste and Watershed Programs, dated September 11, 2019 and received on September 17, 2019.

B. Facility Historical Documents:

1. Refuse Disposal Permit Renewal Application submitted by the Washington County Department of Solid Waste, dated February 7, 2005 and received on February 16, 2005.
2. Refuse Disposal Permit Renewal Application submitted by the Washington County Department of Solid Waste and Watershed Programs, dated September 8, 2014 and received on September 12, 2014.

Part II: Facility Specific Conditions:

A. Hours of Construction and Operation:

1. The permittee may construct and operate this facility during daylight only between the hours of 6:30 a.m. and 3:45 p.m. Monday through Saturday. Operations may be performed during these hours after sunset or before sunrise if artificial light adequate to perform the activity in a safe and acceptable manner is provided to the satisfaction of the Department.
2. These specified hours may be changed upon written approval by the Department. For approval, a letter requesting the change of hours and a letter from the appropriate local government office stating that the change is consistent with local zoning and land use requirements must be submitted with such a request.
3. A statement of the days and hours of operation shall be posted at the entrance to the facility.
4. Emergency conditions or unusual circumstances that require the performance of the activities authorized under A.1 after hours, shall be reported to the Department at (410) 537-3315 during normal business hours, or via the Department's Emergency line at (866) 633-4686 at other times.
5. The Department may authorize an extension of the facility's hours of operation in emergency conditions. This approval does not authorize any infringement of federal, State or local laws or regulations, such as local zoning and land-use requirements.

B. Alternative Daily Cover Material:

1. The permittee is authorized to use a tarp system manufactured by Fabrene Inc., or equal, and deployed by a "Tarp Deployment System" unit manufactured by Mercer Motor Works, or equal, as Alternative Daily Cover material to be placed over the exposed waste at the end of each day's operation. At the end of the last workday of the week or before a holiday when the landfill will not be operating, the permittee must place 12 inches of uniformly compacted clean earth on the working face.
2. The permittee shall promptly repair or replace the tarp if it becomes frayed, torn, ripped or otherwise rendered unusable and is, therefore, no longer able to serve its' intended purpose.

3. If inclement weather conditions render the placement or use of the tarp ineffective or otherwise unsatisfactory, the permittee shall temporarily revert to using 6 inches of clean earth as daily soil cover until such conditions cease to exist.

C. Plans and Specifications:

Approved plans and specifications under Part I and Part II will satisfy the requirements under Part III General Conditions, Part IV Natural Wood Waste Conditions, Part V Tier 1 Composting Conditions, and Part VI Standard Conditions of the permit. 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 (COMAR) 26.04.07.26. However, these conditions do remain valid and enforceable.

Part III: General Conditions (Applicable to Municipal Solid Waste Landfills):

A. Waste Restrictions:

1. The permittee may accept solid waste as specified in this facility's Refuse Disposal Permit Application and its supporting documents identified in Part I of this permit, except as restricted or prohibited in this condition.
2. If the permittee accepts the following classes of waste as defined below, the acceptance of these materials is subject to the exceptions noted:
 - a. Household appliances and white goods may be accepted at the facility, provided that any refrigerant is removed from the appliances before burial and handled in accordance with Section 608 of the federal Clean Air Act; and
 - b. Friable asbestos waste, provided that the material that is received is packaged and labeled as specified in Code of Maryland Regulations (COMAR) 26.11.21.08A and is managed in the following manner:
 - i. Prior notification to the landfill supervisor is required;
 - ii. The waste asbestos is unloaded carefully to prevent emission of fibers into the air as required in the NESHAPS 40 CFR Part 61, and specified in COMAR 26.11.21.06;
 - iii. The area used for burial of asbestos shall be restricted to the working face of the landfill, or a separate cell dedicated solely to asbestos disposal;
 - iv. The waste shall be completely covered with earth or other refuse and may not be compacted or driven over until sufficient cover has been applied to prevent the release of asbestos fibers to the atmosphere during compaction or application of other cover material; and
 - v. When managing friable asbestos waste, operators at the landfill shall wear respiratory protection as specified in COMAR 26.11.21.05A, and wear protective clothing and use the equipment specified in COMAR 26.11.21.05D.

3. The following waste materials are specifically prohibited from being accepted at this site, regardless of their origin or type:
 - a. Controlled hazardous substances, defined as hazardous waste in COMAR 26.13.02, unless specifically authorized by a valid permit issued under COMAR 26.13.07;
 - b. Liquid waste or any waste containing free liquids, as determined by the EPA method 9095 Paint Filter Liquids test, as outlined in the EPA Publication SW-846 "Test Methods for Evaluating Solid Waste, Volume One, Section C: Laboratory Manual Physical/Chemical Methods", Third Edition, dated November 1986, except for small containers contained in household waste only;
 - c. Special medical waste as defined in COMAR 26.13.11.02B(11);
 - d. Radioactive hazardous substances as defined in COMAR 26.15.02;
 - e. Automobiles, unless accepted under a plan approved by the Department;
 - f. Drums or tanks, unless empty and flattened or crushed with the ends removed; drums or tanks that have held hazardous waste shall be emptied properly in accordance with COMAR 26.13.02.07;
 - g. Animal carcasses resulting from medical research activities or destruction of diseased animals harboring diseases transmittable to humans, unless acceptance of the carcass(es) is ordered by the local county health officer, and the carcasses are covered with soil immediately upon deposition at the working face of the landfill;
 - h. Untreated liquid septage or sewage scavenger waste;
 - i. Chemical or petroleum cleanup material, unless:
 - i. The nature of the spilled substance is 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 landfill liner; and

- iv. The spilled substance is contained in an absorbent material of sufficient excess volume so that the material deposited at the landfill does not exhibit free liquids as defined in Part III.A.3(b) of this permit.
 - j. Truckloads of separately collected yard waste for final disposal, unless the permittee provides for the composting or mulching of the yard waste; and
 - k. Scrap tires, unless the Department authorizes the acceptance and processing of scrap tires as required in COMAR 26.04.08.
- 4. If sewage sludge, processed sewage sludge, or any other product containing these materials is proposed for storage, handling, or utilization at the landfill site, a separate application shall be submitted to the Biosolids Division for a sewage sludge utilization permit. That permit must be issued prior to the acceptance on site of any sewage sludge.
 - 5. The Department, upon written request of the permittee, may amend the list in Part III.A. If the Department denies the permittee's request or unilaterally determines to limit or exclude a waste stream from being disposed of at the landfill, the permittee will be notified of the Department's decision in writing and will be provided an opportunity for a hearing in accordance with the Administrative Procedure Act.

B. Cell Floor Construction:

- 1. The permittee shall notify the Department in writing 5 working days prior to the anticipated start of each phase of floor construction including floor grading and compaction, liner installation, and leachate collection system installation.
- 2. No waste emplacement may commence in any area of the landfill, unless said area of the cell floor has been constructed and graded in accordance with the approved plans and specifications.
- 3. During construction of each area of the landfill, the edges of each landfill cell or subcell shall be marked to indicate where the edge of the permitted disposal area is located:

- a. For the exterior edges of cells, which delineate the boundary of the area permitted for solid waste acceptance and disposal, a permanent means of marking such as durable posts set in concrete shall be placed around the boundary every 250 feet. The posts shall be placed as close to the solid waste boundary as is possible without causing damage to the liner or other pollution control systems, and if more than 1 foot away shall have a durable marking indicating the amount of offset from the permitted disposal area. In no case shall the post be more than 5 feet away from the solid waste boundary unless otherwise approved by the Department;
 - b. For the interior edges of subcells, where a new waste disposal area will eventually be constructed contiguous to an existing solid waste disposal area, a semipermanent method of demarking the prepared disposal area such as wooden or fiberglass stakes shall be installed no more than 100 feet apart, and at every corner or significant change in direction. These stakes shall be placed within 1 foot of the edge of the prepared area, and shall be checked and replaced as necessary. The marking may only be removed in accordance with an approved schedule for construction of the adjacent subcell. Care must be taken to insure that the liner, leachate collection system, and other pollution control systems are not damaged by the installation of the markers;
 - c. Posts, stakes or other approved methods must be maintained in a serviceable condition at all times, and repaired as necessary; and
 - d. Alternative means may be substituted if approved by the Department.
4. No liner and leachate collection system installation may commence in any cell unless the following requirements are fulfilled:
- a. The design of the liner and leachate collection system shall comply with the minimum requirements specified under COMAR 26.04.07.07C(12) and the federal regulations specified in 40 CFR §258.40. The design of the liner and leachate collection system must be approved by the Department before installation begins;
 - b. A plan for the installation of synthetic membrane sections, illustrating overlap and seams, and sequence of installation shall be prepared and submitted to the Department at least ten days prior to the start of liner installation;

- c. The sub-base for the synthetic membrane must be cleared of tree stumps, roots, vegetation, rubble, debris, angular rocks or stones, sharp-edged objects, and any material that may puncture or damage the overlying synthetic membrane to a maximum particle size established in accordance with the manufacturer's recommendations;
 - d. Sub-base construction must be conducted in lifts not to exceed 6 inches in thickness and compacted to the required density prior to addition of another lift; and
 - e. To ensure that the highest quality sub-base layer and synthetic membrane field seams are produced, continuous monitoring of all sub-base construction and synthetic membrane seaming operations shall be conducted by trained, experienced construction quality assurance monitors. In addition, undisturbed samples of the sub-base shall be tested for as-constructed permeability and 100 percent of all field seams shall be field tested (using an approved test method) as part of the liner installer's construction quality control activities. A quality assurance/quality control plan shall be submitted to the Department for review and approval. Quality assurance/quality control shall be performed by an independent contractor not associated with the construction contractor.
5. Synthetic membrane other than that specified in the approved plans and specifications may be used upon prior written approval from the Department.
6. The synthetic membrane sheets shall be properly seamed in accordance with the manufacturer's recommendations. All field seams shall be visually inspected and tested using the vacuum chamber method, air lance method or other nondestructive testing methods as recommended by the manufacturer. Construction verification tests including seam integrity verification, liner thickness, liner and seam strength, and other parameters shall be included in the quality assurance/quality control plan approved by the Department. Any imperfect seams, holes, punctures, and damaged areas shall be completely repaired or replaced as necessary to ensure the liner integrity. All factory seams shall be checked visually.
7. Any method of liner and leachate collection system construction which departs or varies in any way from those methods described in the approved plans and specifications or the procedures specified herein must be approved in writing by the Department before construction.

8. An independent engineer or the manufacturer of the perforated and un-perforated pipes and fittings used in construction of the leachate collection system shall certify that:
 - a. The material meets the required standards and specifications as addressed in the approved plans and specifications;
 - b. The pipes have a maximum 7.5% allowable ring deflection, unless otherwise specified in the approved plans;
 - c. The pipes have factors of safety against crushing and buckling of 2 or greater under dynamic (short duration) loading and 24 hours stationary (long duration) loading from landfill equipment and vehicles; and
 - d. The pipes are new and not defective.
9. All piping projections through the synthetic membrane liner shall be properly installed in accordance with the plans and specifications.
10. Each leachate collection pipe shall be inspected prior to installation, and tested to ensure that no clogging exists, that it is a properly manufactured pipe, and that it was not damaged in transit.
11. The leachate collection pipes, storage unit(s), and sumps shall be tested for leaks after installation.
12. The permittee must obtain certification from the manufacturer(s) that the synthetic membrane to be used as liner has thickness as specified in the approved plans and specifications with a permeability less than or equal to 1×10^{-10} cm/sec, and meets all of the applicable ASTM standards. A copy of the certification must be appended to the approved plan for the facility and provided to the Department within 60 days of receipt of the certification.
13. Following the satisfactory installation of the cell floor liners, the overlying layer shall be placed as soon as is practical for the protection of the liner.
14. No waste placement may commence in any cell unless and until the following requirements are fulfilled:
 - a. All monitoring wells have been installed, sampled and analyzed by the permittee in accordance with the approved monitoring program for the establishment of background water quality;

- b. The cell floor liner and leachate collection system have been installed in accordance with the approved plans and specifications, and the requirements of this permit;
- c. A minimum of 2 feet of pea gravel or other approved drainage material shall be placed to provide for the free passage of leachate to the liner and to serve as a protective layer for the liner and leachate collection system; and
- d. Representatives of the Department have inspected and approved the construction of the cell floor.

C. Protection of Liner and Leachate Collection System:

A minimum of 4 feet of select waste containing no long pipes, boards, or other materials that could damage the liner and leachate collection system must be placed over the protective layer before compaction, to minimize the risk of damage to the liner and leachate collection system. No refuse hauling vehicles, equipment used for landfilling operations, or any heavy equipment shall operate over the leachate collection pipes and liner on the floor and side of the cell slopes until there is at least 4 feet of select waste placed upon the protective drainage layer. The permittee must notify the Department prior to the placement of the select waste.

D. Leachate:

- 1. All ponded leachate occurring in areas that are not part of an approved leachate collection or treatment system shall be collected and treated in accordance with this permit.
- 2. Untreated leachate or contaminated liquid may not be discharged to the waters of the State, without prior approval of the Department. The permittee must notify the Department within 1 hour of becoming aware of any leachate or contaminated liquid discharge leaving the site or having the potential of being released off-site.
- 3. All leachate collected in the leachate collection system shall be stored in the leachate storage unit(s) as specified in the approved engineering plans and specifications (also known as the Phase III Report) referenced in Part I of this permit. Leachate shall be discharged to the sanitary sewer system or an approved waste water treatment plant in compliance with the provisions of COMAR 26.08.08 unless other methods of disposal are permitted by the Department.

4. Leachate or other contaminated liquids shall not be discharged, recirculated, or treated on site without prior approval of the Department. Leachate recirculation, treatment and/or discharge shall also comply with the federal regulation specified in 40 CFR §258.28(a)(2). Any approved modifications to plans and specifications will be incorporated by reference as part of this landfill's permit.
5. The permittee shall monitor the leak detection unit, if any, at least twice each month and include the results in the semiannual report on water quality referenced in this permit.
6. Except for a leachate collection system relying solely on free gravity drainage to prevent leachate from ponding on the cell floor, the level of leachate in the leachate collection system shall be monitored a minimum of twice each operating day except Sundays and holidays. The data shall be recorded and initialed by the person performing the monitoring. Results are to be included in each semiannual report on water quality referenced in this permit.
7. To ensure the integrity and proper operation of the landfill's leachate storage unit(s), all leachate storage unit(s):
 - a. Shall be either tested annually, be equipped with a release detection system, or have some other method of determining leakage that is approved by the Department; and
 - b. Shall be equipped with a level sensor that will, if the storage unit is nearly full, activate an audible alarm in the landfill office and a red light that is visible from the public road at all times of the year. The alarm and light shall be tested weekly and the results of these tests included in the semiannual report on water quality referenced in this permit. A sign shall be posted at the gate with instructions to notify the appropriate local and State emergency numbers, including the Department's phone number, if the light is on when the site is closed. Upon request, the Department may approve alternative alarm notification systems.
8. Commencing on the day that solid waste is received at the landfill, the permittee shall monitor the quantity of leachate and other contaminated liquids collected each and every calendar month. The results of this monitoring shall be included in the semiannual report on water quality as required by the landfill's permit. The report shall include:
 - a. The volume of leachate or other contaminated liquid collected monthly. Quantities shall be reported in gallons or cubic feet;

- b. The method used to measure the quantities of leachate coming from the leachate collection systems;
 - c. The volume of liquid discharged to a sanitary sewer. Quantities shall be reported in gallons or cubic feet;
 - d. The volume of liquid disposed of by any means other than that specified in (c). Quantities shall be reported in gallons or cubic feet;
 - e. The results of any chemical analyses performed on the collected liquid; and
 - f. The estimated total amount of cumulative precipitation received at the landfill based on local climatological data. Quantities shall be reported in inches and the source of the data shall be stated in the report.
9. If applicable, means for separating and diverting uncontaminated storm water from the leachate collection system within lined landfill cells may be proposed by the permittee. If approved by the Department, the plans and specifications for the separation and diversion of uncontaminated storm water shall be incorporated into and become as part of this permit. Until such plans are approved, all water collected from cells containing refuse shall be treated as leachate.
10. Should a force main be constructed to convey leachate to a sewer system, the following conditions shall be met:
- a. All pretreatment requirements established in COMAR 26.08.08 shall be met;
 - b. A flow meter shall be installed, with results to be recorded daily and included in the semiannual report on water quality referenced in this permit. Upon request, the Department may approve an alternative accurate flow measurement method; and
 - c. The force main shall be pressure tested prior to use, by a method to be proposed to and approved by the Department.

E. Water Level Measurement:

1. The water elevations in all existing monitoring wells and piezometers shall be measured monthly and the readings shall be included in the semiannual water quality report referenced in this permit.

2. If examination of this information by either the permittee or the Department indicates that groundwater elevations have risen to encroach upon any existing or proposed cell floors, the bottom elevations of all subsequently constructed cells shall be raised. Except as permitted by the regulations, the increase in elevation shall be sufficient to insure a minimum buffer of 3 vertical feet between the base of any unconstructed fill areas, as well as the base of any unfilled areas of the waste cell currently being filled, and the highest observed or expected water level. A revised plan and specifications of all cell floors to be constructed, depicting these changes, must be submitted to the Department for review and approval prior to commencement of construction of any cell area.

F. Written Reports on Water Quality Analysis:

1. Within 90 days of the effective date of this permit, the permittee shall submit a hard copy and a searchable electronic/digital copy to the Department for review and approval a Groundwater and Surface Water Monitoring (G&SWM) Plan. The Plan shall be prepared in accordance with COMAR 26.04.07.08B(17), 26.04.07.09F, 40 CFR §258, and guidelines established by the Department.
2.
 - a. The permittee shall submit to the Department a semiannual report on water quality containing summary and interpretative discussion of all analyses of the chemical quality of groundwater from all of the monitoring wells and all of the surface water monitoring points specified in the approved G&SWM Plan;
 - b. The semiannual report on water quality shall be submitted to the Department within 90 days of the close of every first and third calendar quarters unless an alternative schedule is specified in the approved G&SWM Plan;
 - c. Sampling shall occur during the period between January through March and July through September of each year unless an alternative schedule is included in the G&SWM Plan and approved by the Department;
 - d. The permittee shall arrange for a qualified groundwater scientist to sample, or to oversee qualified environmental technicians who sample the wells twice annually at the intervals specified in the approved G&SWM Plan;

- e. The parameters to be measured and their Practical Quantitation Limits (PQL) are listed in Tables I and II of this permit. The Department may approve an alternative list of parameters or an alternative PQL for any parameter;
- f. The sampling, sample handling, analyses and reporting of analytical parameters shall be performed in accordance with the approved G&SWM Plan;
- g. A qualified independent laboratory certified for water quality analysis by the Department or which is otherwise acceptable to the Department shall perform the analyses;
- h. A qualified groundwater scientist or professional shall evaluate the results and advise the permittee of any changes in water quality or any exceedance of the State and federal Maximum Contaminant Level (MCL), Action Level or other health standard;
- i. A complete copy of the laboratory data, and the qualified groundwater scientist or professional's interpretive findings shall be included in each semiannual report on water quality referenced in this permit;
- j. If analytical results from samples collected from any sources associated with the landfill or surrounding properties exceed MCL, Action Level, or other health standard for the first time, the permittee must notify the Department in writing within 24 hours of receipt of the analytical data detecting this occurrence. Thereafter, if there are any significant increases above the MCL, Action Level, or other health standard, the permittee must notify the Department in writing within 24 hours of receipt of the analytical data detecting this occurrence;
- k. Upon detection of the exceedance of an MCL, Action Level or other health standard for the first time, the monitoring point(s) in which the standard was exceeded must be immediately resampled to verify the initial detection. This resampling must occur as soon as possible, and no later than 30 days following receipt of the analytical data by the permittee or the qualified groundwater scientist or professional who is reviewing the analytical data which indicated the exceedance. If the permittee accepts the initial sampling result as a valid result, then the permittee can elect to not resample the monitoring point(s);

- l. All data for each well must be summarized and presented in time series format. The data for each well must be presented in a spreadsheet so that the water quality data for each parameter for each well can be observed simultaneously; and
- m. All “J” values must be reported. “J” values are analytical results that are below the PQL but can be estimated.

**TABLE I
MONITORING PARAMETERS**

VOLATILE ORGANIC COMPOUNDS	PQL (ppb)	VOLATILE ORGANIC COMPOUNDS	PQL (ppb)
Acetone	5.0	Cis-1,2-Dichloroethene	1.0
Acrylonitrile	5.0	Trans-1,2-Dichloroethene	1.0
Benzene	1.0	Methylene Chloride	1.0
Bromochloromethane	1.0	1,2-Dichloropropane	1.0
Bromodichloromethane	1.0	Trans-1,3-Dichloropropene	1.0
Bromoform	1.0	Cis-1,3-Dichloropropene	1.0
Bromomethane	1.0	Ethylbenzene	1.0
2-Butanone	5.0	2-Hexanone	5.0
Carbon disulfide	1.0	Iodomethane	1.0
Carbon Tetrachloride	1.0	4-Methyl-2-pentanone	5.0
Chlorobenzene	1.0	Methyl Tertiary Butyl Ether	2.0
Chloroethane	1.0	Styrene	1.0
Chloroform	1.0	1,1,1,2-Tetrachloroethane	1.0
Chloromethane	1.0	1,1,2,2-Tetrachloroethane	1.0
Dibromochloromethane	1.0	Tetrachloroethene	1.0
1,2-Dibromo-3-chloropropane	1.0	Toluene	1.0
1,2 – Dibromoethane (EDB)	1.0	1,1,1-Trichloroethane	1.0
Dibromomethane	1.0	1,1,2-Trichloroethane	1.0
1,2 – Dichlorobenzene	1.0	Trichloroethene	1.0
1,4 – Dichlorobenzene	1.0	Trichlorofluoromethane	1.0
Trans-1,4-dichloro-2-butene	5.0	1,2,3-Trichloropropane	1.0
1,1-Dichloroethane	1.0	Vinyl Acetate	1.0
1,2-Dichloroethane	1.0	Vinyl Chloride	1.0
1,1-Dichloroethene	1.0	Xylene	1.0

**TABLE II
MONITORING PARAMETERS**

ELEMENTS AND INDICATOR PARAMETERS	PQL (ppm)	ELEMENTS AND INDICATOR PARAMETERS	PQL (ppm)
Total Antimony	0.0020	Total Silver	0.0100
Total Arsenic	0.0020	Total Sodium	0.2
Total Barium	0.0100	Total Thallium	0.0020
Total Beryllium	0.0020	Total Vanadium	0.0100
Total Cadmium	0.0040	Total Zinc	0.0100
Total Chromium	0.0100	PH	0.1 (SU)
Total Calcium	0.08	Alkalinity	1
Total Cobalt	0.0100	Hardness	0.5
Total Copper	0.0100	Chloride	0.39
Total Iron	0.005	Specific Conductance	1
Total Lead	0.0020	Nitrate	0.06
Total Nickel	0.0110	Chemical Oxygen Demand	10
Total Magnesium	0.004	Turbidity	0.11 (NTU)
Total Manganese	0.0100	Ammonia	1
Total Mercury	0.0002	Sulfate	0.38
Total Potassium	0.39	Total Dissolved Solids	10
Total Selenium	0.035		

3. The semiannual report on water quality must include a time series analysis of the data. The historical data from each well should be presented in a tabular form in each semiannual report. The discussion should emphasize historical trends in the data. Also, the report must include statistical analysis methods in evaluating groundwater monitoring data as required under the federal regulation 40 CFR §258.53(g)-(i).
4. A copy of the most current topographic map generated by a survey performed as required in this permit shall be included in each semiannual report on water quality and shall depict the location of all monitoring wells and piezometers in existence at the time of the survey.
5. A copy of a current groundwater contour map depicting the location of all monitoring wells from which groundwater data is collected shall be included in each semiannual report on water quality. Multiple aquifers shall be depicted on separate groundwater contour maps.
6. The requirements of 40 CFR §258 subpart E concerning groundwater monitoring and remediation must be followed to the satisfaction of the Department.

G. Spreading and Compaction:

Solid waste shall be spread in uniform layers and compacted to its smallest practicable volume before application of cover material.

H. Solid Waste Lifts:

A lift of solid waste may not exceed 8 feet in height, except as specifically authorized in writing by the Department.

I. Daily Cover:

A uniform compacted layer of clean earth at least 6 inches in depth, or an approved cover material of a thickness specified by the Department, shall be placed over exposed solid waste by the end of each day's operation, or more frequently as may be determined by the Department. To meet approval, the cover material may not:

1. Contain free liquids, putrescibles, or toxic materials. Moisture that is present in the cover material solely as a result of precipitation is not free liquid;
2. Create a dust or odor problem;
3. Attract or harbor vectors; and
4. Impede compaction of wastes by standard landfill equipment.

J. Intermediate Cover:

A uniform, compacted layer of clean earth not less than 1 foot in depth shall be placed over each portion of a lift not later than 1 month following completion of that lift. The intermediate cover layer may not be removed without written authorization from the Department.

K. Final Cover:

1. A uniform compacted layer of earthen material not less than 2 feet in depth shall be placed over any part of the final lift of refuse not later than 90 days following completion of that final lift.
2. Areas which have received final cover shall be mowed at least once a year, or more often if necessary, to control growth of woody vegetation and to allow facility personnel to inspect for signs of erosion, settlement, ponding of water, and leachate seeps.

L. Grading and Drainage:

The disposal site shall be graded and drained to:

1. Minimize runoff onto the fill area of the sanitary landfill;

2. Prevent erosion and ponding within the fill areas; and
3. Drain water from the surface of the sanitary landfill.

M. Erosion and Sediment Control Plan:

The permittee shall have a signed copy of a valid Erosion and Sediment Control Plan prepared in accordance with the requirements of COMAR 26.17.01 and approved by the appropriate approving authority prior to the construction of the landfill as authorized by this permit. An approved plan as required under COMAR 26.17.01 that covers all areas of the permitted facility must be maintained at all times during the life of this permit.

N. Storm Water Management Plan:

1. The permittee shall have a signed copy of a valid Storm Water Management Plan prepared in accordance with the requirement of COMAR 26.17.02 and approved by the appropriate approving authority prior to the construction of the landfill as authorized by this permit.
2. Means for separating and diverting uncontaminated storm water from the landfill cells may be proposed by the permittee. If approved by the Department, the plans and specifications for the separation and diversion of uncontaminated storm water shall be incorporated into and become as part of this permit.

O. Water Supply Contingency Plan:

1. If a risk to public health due to contamination of the groundwater by the landfill has developed to the extent that provision for an alternative water supply for offsite water users may become necessary, the Department will require the permittee to draft a detailed engineering design plan describing the manner in which alternative water supplies will be provided to potentially affected areas around the landfill. This plan must be developed and submitted to the Department for review and approval. The draft plan shall be submitted to the Department for review within 1 year of notification by the Department. The plan shall be revised in accordance with any reasonable requirement of the Department. The level of detail of the plan shall be sufficient to serve as construction and implementation documents for the proposed water supply. The plan shall also include a schedule of all activities necessary to implement the plan, including activities to be performed by the permittee to bid, oversee, and implement the plan, and all activities by contractors.

2. The area which the plan must contemplate for water supplies must, at a minimum, include all areas within 1/2 mile of the property boundary of the landfill as depicted in the reports referenced in Part I of this permit, and any other groundwater use located downgradient of the landfill. The plan must also contain provisions for expansion of the area of impact should it become necessary to protect the public health. The plan may also contain provisions for partial or staggered implementation, based on specific information about the cause and extent of the triggering event, which is available at the time of implementation.
3. Upon approval by the Department, the water supply contingency plan shall become attached as a part of this permit, by reference.
4. Should the Department determine that migration of contaminants from the property on which the landfill is located has occurred or is likely to occur, the permittee shall immediately implement the water supply contingency plan in accordance with the approved schedule.

P. Closure and Post-Closure:

When the design capacity has been exhausted, the permittee shall cap the landfill in accordance with the requirements of COMAR 26.04.07.21 and the federal regulation under 40 CFR §258. Furthermore, at least 6 months prior to cessation of landfilling operations, a closure plan shall be submitted to the Department for review and approval. The plan shall contain the following elements:

1. A description of the methods to be used in closing out and capping the facility in an environmentally sound manner;
2. A description of the facility's post-closure activities including groundwater and gas monitoring and maintenance of the closed facility as specified in COMAR 26.04.07.22 and the federal regulation under 40 CFR §258;
3. A description of the future use of the facility upon closure; and
4. A deadline for the submission of a map based on an actual field survey, which depicts the final topography of the site upon closure.

Q. Gas Monitoring:

1. The permittee shall implement a gas monitoring program approved by the Department to comply with the lower explosive limit (LEL, 5 percent by volume in air) requirements for methane. To demonstrate compliance, the permittee shall sample air within facility structures where gas may accumulate, and in soil at the property boundary. Monitoring methods may include sampling gases from probes within the landfill units or leachate collection system and by sampling gases from monitoring probes or from gas monitoring wells installed in soil between the landfill unit and either the property boundary or structures where gas migration may pose a danger. Monitoring for gas migration shall occur within the most permeable (unsaturated) strata.
2. The type and frequency of monitoring shall be determined based on the soil conditions, the hydrogeologic and hydraulic conditions surrounding the facility, and the location of facility structures and property boundaries. The quantity and location of gas probes, gas monitoring wells, sampling equipment, and the monitoring frequencies shall be approved by the Department. The minimum frequency of monitoring shall be quarterly. The reports of gas monitoring shall be submitted to the Department on a semiannual basis along with the other environmental monitoring reports specified in the facility's permit. A copy of the most current topographic map generated by a survey performed as required in this permit and depicting the location of all gas monitoring probes and wells shall be included in each semiannual report.
3. If methane concentrations exceed 25 percent of the LEL in facility structures, excluding gas control or recovery system components, or exceed the LEL at the property boundary, immediate action shall be taken by the permittee to protect human health from potentially explosive conditions (e.g. personnel evacuation and venting the building). The permittee shall notify the Department as soon as a methane concentration in excess of 25 percent of the LEL is detected in the facility structures, excluding gas control or recovery system components, or when it exceeds the LEL at the property boundary.
4. Within 60 days after detection of the exceedance, the permittee shall prepare and submit a remediation plan for the Department's approval.

5. The remediation plan must describe the frequency and lateral and vertical extent of methane migration. The plan must describe possible causes of the increase in gas concentrations such as landfill operational conditions, gas control system failure or upset, climatic conditions, or closure activity. The plan must describe remedial action to be taken based on the cause, extent, and nature of the methane migration. The remediation plan must also include a schedule for implementation of the remediation.
6. If approved by the Department, the remediation plan must be implemented immediately with any changes to the plan or schedule reasonably required by the Department.

R. Location Restrictions and Design Demonstrations:

If not previously submitted, the permittee shall demonstrate to the Department compliance with the Location Restrictions specified under federal regulation 40 CFR 258.10 through 258.16 regarding airport safety, floodplains, wetlands, fault areas, seismic impact zones, and unstable areas. If not previously submitted, the permittee shall also demonstrate to the Department compliance with the Design Criteria specified under federal regulation 40 CFR §258.40. A copy of the required demonstrations shall be placed in a public repository, at or near the landfill site, where interested parties have access to them for review.

S. Wetlands and Wildlife Protection:

1. Landfill construction and operation may not impact any regulated wetlands area until necessary authorization is received from the applicable State and federal wetland authorities. This includes construction of access roads, landfill cells, or other land disturbance, and pertains to wetlands regulated by the State of Maryland and/or the U.S. Army Corps of Engineers.
2. Landfill construction and facility operations, which may impact upon State or federally regulated endangered species, may not begin unless all necessary permits or authorizations are obtained from the applicable State or federal wildlife regulatory agencies.

Part IV: Natural Wood Waste Conditions (Applicable to Processing of Natural Wood Waste)

A. Natural Wood Waste Authorization:

The permittee is also authorized to process, chip and store only natural wood waste, as defined in Code of Maryland Regulations (COMAR) 26.04.09.02, including tree stumps, brush and limbs, root mats, logs, unadulterated wood wastes and other natural vegetative materials. Natural wood waste does not include yard waste. Yard waste as defined in Section 9-1701(n)(2) of the Environment Article, Annotated Code of Maryland, includes leaves, garden waste, lawn cuttings, weeds and prunings. The permittee is authorized to process the wood waste into recyclable products, such as mulch, wood chips, and firewood.

B. Unprocessed Natural Wood Waste Storage Piles:

1. The permittee shall comply with the requirements of the local fire prevention codes regarding fire control measures for the storage of the unprocessed natural wood waste piles at the facility.
2. Unprocessed natural wood waste shall be stored on site for no longer than 30 days before it is initially processed.
3. The buffer between unprocessed natural wood waste piles and any buildings or structures shall be a minimum of 12 feet of clear space.
4. The buffer between unprocessed natural wood waste piles and property boundaries shall be a minimum of 50 feet.
5. Unprocessed natural wood waste piles shall not exceed 20 feet in height, 50 feet in width, and 350 feet in length.
6. Unprocessed natural wood waste piles shall be subdivided by fire lanes having at least 25 feet of clear space at the base of the piles negotiable by emergency vehicles, loaded delivery vehicles or other vehicle transportation.

C. Processed Natural Wood Waste Windrows:

1. The permittee may process natural wood waste into windrows of wood chips, mulch or firewood.
2. The buffer between processed natural wood waste windrows and property boundaries shall be a minimum of 50 feet.
3. The buffer between processed natural wood waste windrows and any buildings or structures shall be a minimum of 12 feet of clear space.

4. Processed natural wood waste windrows shall not exceed 18 feet in height, 50 feet in width, and 350 feet in length.
5. Processed natural wood waste windrows shall be subdivided by fire lanes having at least 25 feet of clear space at the base of the windrows negotiable by emergency vehicles, loaded delivery vehicles or other vehicle transportation.

D. Operating Procedures:

1. To ensure that aerobic conditions are maintained and controlled during processing of natural wood waste, unless another method is approved by the Department, the permittee shall:
 - a. turn wood chip/mulch windrows and piles at least monthly;
 - b. take daily temperature readings and turn the wood chip/mulch windrows and piles when daily temperature readings reach 140° F; and
 - c. take weekly oxygen level readings and turn wood chip/mulch windrows and piles when weekly oxygen readings go below 10 percent.
2. The permittee shall maintain on site at all times a log demonstrating maintenance of temperature and aerobic conditions as required in this permit.
3. Any additives used in processing natural wood waste must be approved by the Department before use.
4. The permittee shall remove all natural wood waste from the site within one year of date of initial processing.

E. Processing Conditions:

1. All natural wood waste processing areas shall be located at least 50 feet from any property line.
2. The permittee shall identify available markets for the raw material or products produced.
3. If, at any time, natural wood waste, wood chips, mulch or other wood wastes accumulate outside the areas designated in this permit, then the permittee shall cease accepting natural wood waste and other recyclable materials until the stockpiles are reduced to the acceptable levels.

4. The permittee shall take steps to control dust resulting from this facility at all times.
5. The permittee shall confine all wood waste to the approved unloading, processing, or storage areas at this facility.
6. All raw material receipt and storage, processing activities, and product storage shall occur on suitable ground surfaces. No operations shall occur on filled land unless approved by the Department.

F. Operational Restrictions and Procedures:

The permittee shall not operate this facility in such a manner as to:

1. Create a nuisance;
2. Be conducive to insect and rodent infestation or the harborage of animals;
3. Cause nuisance odors or other air pollution in violation of COMAR 26.11.06 or involve construction of a source of air pollution subject to a permit to construct or operation of a source of air pollution subject to a permit to operate unless permitted pursuant to COMAR 26.11.02;
4. Cause a discharge of constituents derived from natural wood waste to waters of the State unless otherwise permitted by the Department;
5. Harm the environment; or
6. Create other hazards to public health, safety or comfort as may be determined by the Department.

G. Emergency Preparedness Manual:

1. The permittee shall comply with and maintain an emergency preparedness manual approved by the Department at this facility at all times.
2. The permittee shall update the emergency preparedness manual if a change in the operations occurs, or if the Department requires an update.

H. Fire Prevention and Control:

1. The permittee shall operate this facility in accordance with the applicable requirements of the local and State Fire Marshal's office.
2. The permittee shall take suitable measures to prevent and to control fires that may occur during operation of this facility.

3. Burning of wood waste is prohibited except or as authorized by the Department.
4. A means to notify the local fire department must be available on-site at all times (e.g. telephone and two way radio).
5. An adequate water supply and the means to apply it shall be available in case of a fire. The Department, the local fire department, or the State Fire Marshal may direct that the permittee install, alter or expand the volume and manner of water supply or water storage capacity available at the site, or inclusion of other fire retardant materials such as soil, and shall specify a time frame for compliance with that directive. Compliance within the specific time frame is a condition of compliance with this permit.

Part V: Tier 1 Composting Conditions (Applicable to Operation of a Tier 1 Composting Facility)

A. Composting Activity Authorization:

The permittee is also authorized to operate a Tier 1 composting facility, as defined in Code of Maryland Regulations (COMAR) 26.04.11.02, and is not required to obtain a composting facility permit if:

1. The composting facility operates under a refuse disposal permit issued under COMAR 26.04.07; and
2. The refuse disposal permit includes design and operational conditions specific to the composting activity.

B. Required Information:

All of the following must be accessible at all times and must be available on site at the facility prior to commencement of the composting operations:

1. A current version of the Composting Facility Operations Plan (CFOP), including any updates and all information required to be included under COMAR 26.04.11.09B(1);
2. An erosion and sediment control plan that meets the requirements of COMAR 26.17.01 and has been approved by the local soil conservation district or appropriate approving authority, if required;
3. A grading permit as required by the local jurisdiction;
4. An approved storm water management plan as required by the local jurisdiction; and
5. Copies of all other applicable permits required under local, State, or federal laws, including the General Permit for Storm Water Discharges Associated with Industrial Activity, if required.

C. Feedstocks Authorized:

1. The permittee is authorized to accept, process, and store only Type 1 feedstocks listed in the facility's current CFOP.
2. Type 1 feedstocks includes:
 - a. Yard waste, which is defined as organic plant waste derived from gardening, landscaping, and tree trimming activities, including leaves, garden waste, lawn cuttings, weeds, and prunings;

- b. Wood materials, including wood chips or shavings, that are unpainted, untreated, unlaminated and free from contamination by bonding agents, dyes, finishes, chemical preservatives, or physical contaminants such as metal or plastic, and are mixed with other Type 1 feedstocks during active composting as a bulking agent or carbon source; and
- c. Other materials that the Department determines pose a low level of risk from hazardous substances, human pathogens, and physical contaminants.

D. Facility Design:

- 1. Prior to acceptance of any feedstocks at the facility, the facility shall be located, designed, and constructed in compliance with the requirements in COMAR 26.04.11.08 applicable to the facility's tier, as defined in COMAR 26.04.11.02.
- 2. The facility shall be designed in a manner that allows the facility to be operated in accordance with the approved CFOP.

E. Facility Operation:

The permittee shall operate the facility in accordance with the approved CFOP and the requirements in COMAR 26.04.11.04, .09, .12, .13, and .15 that apply to the feedstock types accepted by the facility.

F. Operational Requirements:

The permittee shall not operate this facility in such a manner as to:

- 1. Create a nuisance;
- 2. Be conducive to insect and rodent infestation or the harborage of animals;
- 3. Cause nuisance odors or other air pollution in violation of COMAR 26.11.06 or involve construction of a source of air pollution subject to a permit to construct or operation of a source of air pollution subject to a permit to operate unless permitted pursuant to COMAR 26.11.02;
- 4. Cause a discharge of pollutants derived from organic materials or solid waste to waters of the State unless otherwise permitted by the Department;
- 5. Harm the environment; or
- 6. Create other hazards to public health, safety or comfort as may be determined by the Department.

G. Supervision:

The composting facility shall be under the direct supervision of a responsible party on site at all times during operation. The responsible party shall be accountable for ensuring that the conditions of Part V of this permit are met. The facility shall operate under the supervision of a certified composting operator in accordance with COMAR 15.18.04.03.

H. Inspection and Receipt of Incoming Feedstocks:

1. All incoming loads of material shall be inspected to ensure that materials not authorized to be composted under Part V of this permit or feedstock types other than those identified in the CFOP are not accepted by the permittee. The permittee shall adhere to the following procedures specified in the CFOP:
 - a. Procedures for visually inspecting each incoming load to assess the estimated portion of unauthorized material in the load;
 - b. Procedures to follow in the event that an operator observes significant quantities of unauthorized materials in the incoming load, including:
 - i. Notifying the hauler or generator of the feedstocks; and
 - ii. Rejecting the load, if unauthorized materials are present in more than *de minimis* quantities, as defined in the CFOP; and
 - c. Procedures for preventing, identifying, segregating, handling, storing, and recycling or disposing of unauthorized material.
2. If the Department determines that the permittee has accepted feedstocks containing unauthorized materials in more than *de minimis* quantities, the Department may require the permittee to modify its CFOP to provide for rejection of loads containing more than a maximum percentage of unauthorized materials.
3. Any solid waste shall be segregated and stored in a manner to prevent any wastes or runoff from wastes from entering the waters of the State.
4. Any solid waste shall be properly disposed at an appropriate permitted solid waste acceptance facility:
 - a. Within the timeframe specified in the CFOP;
 - b. As required by the local regulating authority; and
 - c. Prior to or within 24 hours after the solid waste container becomes full.
5. Any hazardous waste shall be separated and handled in accordance with the applicable requirements of COMAR 26.13.01 "Disposal of Controlled Hazardous Substances".

6. Feedstocks may not be accepted, processed, or stored in quantities that cause the facility to exceed the maximum capacity or annual throughput specified in the CFOP.
7. The distance between the feedstock piles and the property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.

I. Active Composting Piles:

1. Active windrows or piles shall be composed only of Type 1 feedstocks and compost.
2. The distance between active composting piles or windrows and the property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.
3. Active windrows or piles shall be in an area that is enclosed or visually screened from adjoining properties, unless the absence of an enclosure or visual screening is specifically identified in the CFOP and authorized under local law, and the CFOP identifies other design or operational controls to prevent nuisances including noise, dust, odors, and blowing debris. The maximum height and width of each active composting pile or windrow and the minimum spacing of piles or windrows shall be as specified in the CFOP and shall comply with the local requirements as specified in the CFOP.

J. Curing:

1. Material that is being cured shall be kept separate from feedstocks or active composting material.
2. The distance between curing piles and a property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.
3. Areas used for curing shall be separated from contact water in a manner that prevents contact water from entering the curing area, including by run-on or by direct application.
4. The maximum height and width of each curing pile and the minimum spacing of piles shall be as specified in the CFOP and shall comply with the local requirements as specified in the CFOP.

K. Compost Storage:

1. Compost may not be stored longer than 12 months, unless otherwise approved by the Department.
2. The permittee shall ensure that a market or use is identified and available for the compost that is, or is to be, produced.

3. The permittee shall notify the Department if a finished product is produced that is classified as "restricted use compost" under COMAR 15.18.04.05 or is otherwise unmarketable or unusable. The Department may require the permittee to properly dispose of the product or may authorize one of the uses specified in COMAR 15.18.04.05D.
4. The maximum height and width of each compost storage pile and the minimum spacing of piles shall be as specified in the CFOP and shall comply with the local requirements as specified in the CFOP.

L. Monitoring:

1. In order to ensure that temperature and moisture conditions are maintained and controlled during composting, the permittee shall:
 - a. Take temperature readings in accordance with the temperature monitoring plan specified in the CFOP and turn or actively aerate the piles once the maximum temperature specified in the CFOP is reached; and
 - b. Monitor moisture levels in accordance with the monitoring plan specified in the CFOP.
2. A record of all temperature readings, moisture monitoring results, dates and times that windrows or piles were turned, and all other information required to be recorded by COMAR 26.04.11.12 shall be updated daily when the facility is in operation and maintained and kept on site at all times.
3. Upon request by the Department, the permittee shall collect and analyze samples of any waste, feedstocks, compost, groundwater, surface water, contact water, storm water, soil, or vegetation and report the results of such sampling to the Department.
4. If temperature monitoring indicates that pile temperatures are consistently above the maximum temperature specified in the CFOP, or as directed by the Department or a local fire authority, the permittee shall reduce compost pile size and height until the temperatures are generally within the preferred range, in order to reduce the potential for spontaneous combustion to occur in the compost piles.

M. Emergency Preparedness:

1. The permittee shall comply with the emergency preparedness plan that is included in the CFOP.
2. The permittee shall revise the emergency preparedness plan if a change in the operations occurs, or if the Department requires revisions. Any changes made at the permittee's initiation shall be reported in writing to the Department prior to or within one business day of the change.

N. Nuisance Odor Prevention:

The permittee shall comply with the nuisance odor prevention plan that is included in the CFOP and shall be maintained at the facility at all times.

O. Fire Prevention and Control:

1. The permittee shall notify the local fire department of the composting facility prior to commencement of operations.
2. The permittee shall operate this facility in accordance with the applicable requirements of the local and State Fire Marshal's office.
3. The permittee shall take suitable measures to prevent and to control fires that may occur during operation of this facility.
4. An adequate water supply and the means to apply it shall be available in case of a fire. The Department, the local fire department, or the State Fire Marshal may direct that the permittee install, alter or expand the volume and manner of water supply or water storage capacity available at the site, or inclusion of other fire retardant materials such as soil, and shall specify a time frame for compliance with that directive. Compliance within the specified time frame is a condition of compliance with this permit.
5. A means to notify the local fire department shall be available on-site at all times (e.g. telephone and two way radio).

P. Recordkeeping and Reporting:

1. All records and information required to be maintained under this permit or under COMAR 26.04.11.12 shall be retained by the permittee on site (unless otherwise authorized by the Department) for a minimum period of 5 years.
2. The permittee must provide the following information on the annual solid waste tonnage report to the Department:
 - a. The quantity and type of feedstocks received during the preceding calendar year, indicating the county within Maryland, or the state outside Maryland, in which each quantity of material was generated;
 - b. The quantities of compost and residues, including unauthorized feedstocks and solid waste, produced by composting during the preceding calendar year;
 - c. The quantities of compost and residues removed from the facility during the preceding calendar year; and
 - d. Any other information requested on the form provided by the Department.

Part VI: 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 2 copies of certified as-built plans no later than 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 2 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 5 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:

1. 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.
2. Roads shall be maintained in a serviceable manner to allow passage by a waste hauling, emergency, or inspection vehicle, and 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. This permit does not authorize the violation of any local noise control laws or ordinances which may be enforced by the local government.

J. Litter Control:

1. Scattering of wastes by wind or other means shall be controlled by fencing or other barriers that are engineered and maintained in a manner that prevents litter from leaving the permitted facility.
2. The entire site shall be policed daily or more often, as needed, to prevent nuisance conditions. Litter that has scattered beyond the disposal site or receiving area, entered drainage features or surface water features, or has accumulated along litter fencing or other barriers, shall be picked up daily and placed in the disposal site or receiving area.

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 pretreatment program, as described in COMAR 26.08.08.

2. Storm water 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 COMAR 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 storm water 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 2 hours of the incident, or within 2 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 storm water 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:

1. 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 5 years.
2. All documents listed in Part I: A. Operating Documents of this permit shall be retained by the permittee on-site for the life of the permit. Historical documents listed in Part I may be retained at an off-site location.

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. Operation and Maintenance Manual:

The permittee shall review the Operation and Maintenance Manual (O&M) for this facility prior to permit renewal. If a change has occurred to the operation or maintenance of the facility, the permittee shall submit to the Department an addendum to the O&M to reflect the change.

V. Application for Renewal:

1. At least 2 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.

W. 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.

X. 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.

Y. 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 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.

Z. 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.

AA. 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.

BB. 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.

CC. 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.

DD. 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.

EE. 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.

