

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

Permittee: University of Maryland

Permit Number: MDD 980 829 873

Facility: University of Maryland, College Park Campus, College Park, Maryland

This permit is issued by the United States Environmental Protection Agency (EPA) under the authority of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. § 6901 *et seq.*, and EPA regulations at 40 C.F.R. Parts 260-271 and Part 124, to University of Maryland (hereinafter, the Permittee) to meet the requirements of HSWA at the Permittee's facility in College Park, Maryland at latitude 38° 59' 48" North and longitude 76° 56' 38" West (the Facility).

The complete RCRA permit for purposes of Section 3005(c) of RCRA, 42 U.S.C. § 6925(c), consists of two portions: this permit, issued by EPA, which addresses the provisions of HSWA, and the permit issued by the Maryland Department of the Environment (MDE) on April 1, 2005, which addresses the provisions of the Code of Maryland Regulations, Title 26, Subtitle 13, for which the State has received authorization under Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), to carry out such program in lieu of the federal hazardous waste management program under RCRA. As of the date of issuance of this permit, the State has not received authorization to administer all the provisions of HSWA. This permit, which addresses provisions of HSWA for which Maryland has not been authorized, will be enforced by EPA. The MDE permit will be enforced by MDE, but EPA may also exercise its enforcement discretion if and when appropriate.

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (Parts I and II and Attachment A) and the applicable regulations contained in 40 C.F.R. Parts 124, 260 through 264, 268 and 270 as specified in the permit or which are, by statute, self-implementing. See 40 C.F.R. § 270.32(c).

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

This permit is effective on January 12, 2007, and shall remain in effect until January 12, 2017, unless revoked and reissued, modified or terminated in accordance with 40 C.F.R. §§ 270.41, 270.42 and 270.43 or continued in accordance with 40 C.F.R. § 270.51(a).

PART I - STANDARD CONDITIONS

A. DEFINITIONS

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

1. Area of Concern - pursuant to the authority granted by Section 3005(c)(3) of RCRA, 40 C.F.R. § 270.32(b)(2), an area of concern is hereby defined for purposes of this permit to mean an area at the Facility or an off-site area, which is not at this time known to be a solid waste management unit, where hazardous waste and/or hazardous constituents are present or are suspected to be present as a result of a release from the Facility.
2. Days - except as otherwise provided herein, calendar days. If any requirement under the terms of this permit would fall on a Saturday, Sunday or federal holiday, then the requirement shall be due on the following business day.
3. Facility - for the purpose of implementing corrective action under 40 C.F.R. § 264.101, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA (40 C.F.R. § 260.10).
4. Hazardous Constituent - any constituent identified in Appendix VIII of 40 C.F.R. Part 261.
5. Landfill Areas - Areas that received wastes generated by the University of Maryland, College Park, identified as Paint Branch Landfills 1, 2, 3 and Metzert Road Landfill.
6. Permittee - shall mean University of Maryland, College Park, Maryland.
7. Regional Administrator - Regional Administrator of the United States Environmental Protection Agency, Region III, his designee or authorized representative.

8. Release - any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.
9. Solid Waste Management Unit - any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.
10. State - shall mean State of Maryland

B. STANDARD DUTIES AND REQUIREMENTS

1. Duty to Comply

- a. The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit issued under 40 C.F.R. § 270.61 or the analogous provisions of the State's authorized hazardous waste management regulations. Any other permit noncompliance constitutes a violation of RCRA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. (40 C.F.R. § 270.30(a)).
- b. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (40 C.F.R. § 270.30(c)).

2. Duty to Mitigate

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

3. Duty to Properly Operate and Maintain

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

4. Duty to Monitor and Record Results

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

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All sampling and analyses shall be of adequate quality, scientifically valid, of known precision and accuracy, and of acceptable completeness, representativeness and comparability. Laboratory analysis of each sample must be performed using an appropriate method for testing the parameter(s) of interest taking into account the sample matrix. The test methods found in the Agency publication, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, (SW-846), 3rd Edition, as updated, shall be used for: The Toxicity Characteristic analytes (40 C.F.R. § 261.24); the Free Liquids Test (Method 9095) used to determine if free liquid is a component of a waste as a specific requirement for bulk and containerized wastes (40 C.F.R. §§ 264.314(c) and 265.314(d)); and the chemical analysis of wastes for hazardous waste incineration permits (40 C.F.R. § 270.62(b)(2)(i)(C)).
- b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, the certification required by 40 C.F.R. § 264.73(b)(9) and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, certification or application.

This period may be extended by request of the Regional Administrator at any time and are automatically extended during the course of any unresolved enforcement action regarding this Facility. (40 C.F.R. § 264.74). The Permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

c. Records of monitoring information shall specify:

- (1) The date, exact place, and time of sampling or measurements;
- (2) The individual(s) who performed the sampling or measurements;
- (3) The date(s) analyses were performed;
- (4) The individual(s) who performed the analyses;
- (5) The analytical techniques or methods used; and
- (6) The results of such analyses.

5. Duty to Provide Information

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

6. Duty to Allow Inspection and Entry

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

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

7. Duty to Submit Certified Documents

- a. At least three copies of all plans, reports, notifications or other documents which are required by this permit to be submitted to the Regional Administrator or EPA, shall be sent Certified Mail, Return Receipt Requested, or hand-carried to:

RCRA Operations Branch (3WC23)
EPA Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
(215) 814-5786

Each plan, report, notification or other submission shall reference the Permittee's name, permit number and Facility address. In addition, one copy of such submission shall be sent to:

Waste Management Administration
Hazardous Waste Program
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230-1719
(410) 537 - 3344

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

8. Duty to Maintain Documents at the Facility

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

9. Duty to Minimize Waste

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

10. Duty to Comply with the Land Disposal Restrictions

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

11. Reporting Requirements

a. Failure to Submit Relevant and/or Accurate Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, the Permittee shall notify the Regional

Administrator of such failure within seven (7) days of becoming aware of such deficiency or inaccuracy. The Permittee shall submit the correct or additional information to the Regional Administrator within fourteen (14) days of becoming aware of the deficiency or inaccuracy. (40 C.F.R. § 270.30(l)(11)). Failure to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time, is grounds for termination of this permit. (40 C.F.R. § 270.43).

12. Noncompliance with Schedules for Interim and Final Requirements

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

13. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time monitoring reports are submitted. The reports shall contain the information listed in 40 C.F.R. § 270.30(l)(16). (40 C.F.R. § 270.30(l)(10)).

14. Duty to Comply with RCRA Organic Air Emission Standards

The Permittee shall comply with all requirements specified in 40 C.F.R. Part 264, Subparts AA and BB, as applicable, including all reporting, air monitoring and maintenance requirements.

C. APPROVAL/DISAPPROVAL OF SUBMISSIONS

EPA will review the plans, reports, schedules and other documents (hereinafter collectively referred to as "submissions") submitted by Permittee which require EPA approval. EPA will notify the Permittee in writing of EPA's approval or disapproval of each submission.

Each submission required by this permit is, upon approval by the Regional Administrator, incorporated into this permit. Any noncompliance with such EPA-approved submission shall be deemed noncompliance with this permit.

In the event of EPA disapproval in whole or in part of any submission, the Regional Administrator shall specify the deficiencies in writing. Such disapproval shall not be subject to the Dispute Resolution provision set forth in permit condition I.D., immediately below, of this permit. The Permittee shall modify the submission to correct/address the specified deficiencies within a reasonable time period established by the Regional Administrator taking into account the tasks to be performed, and submit the revised submission to EPA for approval. If the revised submission is disapproved, EPA will notify the Permittee of the deficiencies in writing and specify a schedule for the Permittee to correct the deficiencies and resubmit the submission to EPA. The Permittee shall correct the deficiencies as directed by EPA and forward the revised submission to EPA within the time period specified by EPA. In the event the Permittee disagrees with EPA's disapproval of the revised submission the Permittee shall notify EPA in writing and the disagreement shall be resolved in accordance with the Dispute Resolution provision in permit condition I.D. of this permit.

D. DISPUTE RESOLUTION

Except as otherwise provided in this permit, in the event the Permittee disagrees, in whole or in part, with EPA disapproval of any submission required by this permit, the Permittee shall notify EPA in writing of its objections, and the basis therefor, within twenty-one (21) days of receipt of EPA's disapproval.

Such notice shall set forth the specific matters in dispute, the basis for the Permittee's belief that its position is consistent with the permit requirements, and any supporting documentation.

EPA and the Permittee shall have an additional twenty-one (21) days from EPA receipt of the notification to meet or confer to resolve any dispute. In the event agreement is reached, the Permittee shall submit the revised submission and implement the same in accordance with such agreement.

In the event EPA and the Permittee are not able to reach agreement within this twenty-one (21)-day period, the Permittee shall have the opportunity to submit written comments regarding EPA's disapproval, and receive a written decision from the EPA Regional Administrator or his delegate (e.g., the Division Director or the Office Director) regarding the Permittee's objection. EPA will

notify the Permittee in writing of its decision and the Permittee shall comply with the terms and conditions of EPA's decision. The Permittee does not waive its right to assert any and all available defenses in a proceeding to enforce this permit, nor does it waive any statutory or regulatory rights it may have, if any, to affirmatively challenge EPA's decision in the dispute.

E. EFFECT OF PERMIT

1. This permit authorizes only the management of hazardous waste expressly described in this permit and does not authorize any other management of hazardous waste.
2. Issuance of this permit does not convey property rights of any sort or any exclusive privilege, nor does it authorize any injury to persons or property, or invasion of other private rights, or any infringement of State or local laws or regulations. (40 C.F.R. §§ 270.30(g) and 270.4(b) and (c)) Compliance with the full permit during its term constitutes compliance with Subtitle C of RCRA, except as provided for in 40 C.F.R. § 270.4(a). However, compliance with the terms of this permit does not constitute a defense to any action brought under Section 7003 of RCRA, 42 U.S.C. § 6973, Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9606(a) (commonly known as Superfund), or any other law governing protection of public health or welfare or the environment.
3. Nothing contained herein shall in any way be deemed to waive the Permittee's obligation to comply with 40 C.F.R. Part 270, Subpart C, and applicable regulations set forth at 40 C.F.R. Part 124.

F. PERMIT MODIFICATION, REVOCATION AND REISSUANCE

1. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay any permit condition (40 C.F.R. § 270.30(f)). Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations and laws. (RCRA Section 3005(c)(3), 42 U.S.C. § 6925(c)(3)).

2. The Regional Administrator will modify the permit in accordance with 40 C.F.R. § 270.41 and Section 3005(c) of RCRA in the event that investigations required in this permit, or any other information available to the Regional Administrator, identify solid waste management units that require corrective measures. This paragraph does not limit the Regional Administrator's authority to otherwise modify this permit in accordance with 40 C.F.R. Part 270, Subpart D.
3. This permit may be modified if the Regional Administrator determines good cause exists for modification, such as an act of God, strike, flood, materials shortage or other events over which the Permittee has little or no control and for which there is no reasonably available remedy. (40 C.F.R. § 270.41).

G. PERMIT EXPIRATION AND CONTINUANCE

1. Pursuant to 40 C.F.R. § 270.50, this permit shall be effective for a fixed term not to exceed ten years. Pursuant to 40 C.F.R. § 270.51, the conditions of this permit will continue in force until the effective date of a new permit if the Permittee has submitted a timely and complete application for a new permit (see 40 C.F.R. §§ 270.10 and 270.14 - 270.29) and, through no fault of the Permittee, the Director has not issued a new permit under 40 C.F.R. § 124.15 on or before the expiration date of this permit. In addition, each permit for a land disposal facility shall be reviewed by the Regional Administrator five years after the date of permit issuance or reissuance and shall be modified as necessary, as provided in 40 C.F.R. § 270.41. (40 C.F.R. § 270.50(d)).
2. If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must submit a complete application for a new permit at least 180 days before this permit expires, unless permission for a later date has been granted by the Regional Administrator. (40 C.F.R. §§ 270.10(h) and 270.30(b)).
3. The corrective action obligations contained in this permit shall continue regardless of whether the Permittee continues to operate or ceases operation and closes the Facility. The Permittee is obligated to complete Facility-wide corrective action under the conditions of a RCRA permit regardless of the operational status of the Facility. The Permittee must submit

an application for a new permit at least 180 days before this permit expires pursuant to 40 C.F.R. § 270.10(h), unless the permit has been modified to terminate the corrective action schedule of compliance and the Permittee has been released from the requirements for financial assurance for corrective action.

H. TRANSFER OF PERMIT

1. This permit is not transferable to any person, except after notice to the Regional Administrator. (40 C.F.R. § 270.30(1)(3)) A permit may be transferred by the Permittee to a new owner or operator only if the permit has been modified or revoked and reissued under 40 C.F.R. § 270.40(b) or 270.42(b)(2) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act. (40 C.F.R. § 270.40).
2. Before transferring ownership or operation of the Facility during its operating life, and/or of a disposal facility during the post-closure care period, the Permittee transferring its interest in the Facility shall notify the new owner or operator in writing of the requirements of 40 C.F.R. Parts 264 and 270. (40 C.F.R. § 264.12(c)).

I. SEVERABILITY

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

PART II - SPECIFIC FACILITY CONDITIONS

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

Section 3004(u) of RCRA, 42 U.S.C. § 6924(u), and regulations codified at 40 C.F.R. § 264.101, provide that all permits issued after November 8, 1984 must require corrective action as necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU) at the Facility, regardless of when waste was placed in such unit.

Under Section 3004(v) of RCRA, 42 U.S.C. § 6924(v), EPA may require that corrective action at a permitted facility be taken beyond the facility boundary where necessary to protect human health and the environment, unless the owner or operator of the facility concerned demonstrates to the satisfaction of EPA that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action.

Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), and 40 C.F.R. § 270.32(b) provide that each permit shall contain such terms and conditions as the Administrator determines necessary to protect human health and the environment.

This permit requires the Permittee to implement protective measures to prevent exposure of hazardous constituents to human health and the environment.

Attachment A: Site Location Map

B. INSTITUTIONAL CONTROLS

1. The Permittee shall comply with the following restrictions and requirements at the Facility:
 - a. Unless otherwise permitted under subparagraph (e), no building, structure or trailer shall be constructed, created, erected or moved onto the Landfill Areas without prior EPA written approval (Permittee must demonstrate to EPA that such use will not result in human exposure to hazardous waste and/or hazardous constituents). Mobile trailers solely used for office purposes that are placed on the ground surface using support stands integral to the trailer and that does not involve the placement of footings or other subsurface support are acceptable and the Permittee is not required to notify the EPA.

- b. Unless otherwise permitted under subparagraph (e), there shall be no disturbance of the surface or subsurface of the Landfill Areas by filling, drilling (other than drilling for soil or groundwater samples), burial, excavation, or removal of rock or minerals in any manner without prior EPA written approval (Permittee must demonstrate to EPA that such disturbance will not result in human exposure to hazardous waste and/or hazardous constituents).
- c. No welding, torching, sparking or open flames shall be permitted in the Landfill Areas during excavation or entry into a confined space, unless the Permittee first monitors the excavation or confined space for a combustible atmosphere and the monitoring results indicate that the level is below 25 percent of the lower explosive limit so as to protect worker safety.
- d. The ground water at or beneath the Landfill Areas shall not be used for drinking water.
- e. The Permittee currently engages in commercial land use at the Landfill Areas, which require temporary, routine or emergency measures related to maintenance and/or repair of facility appurtenances (e.g., paving, utility repair, etc.). The Permittee is not required to notify EPA when performing these activities. Permittee will notify EPA regarding potential changes in land use or construction related activities associated with development or redevelopment. The Permittee shall develop and implement appropriate health and safety measures for its own employees who perform allowable routine maintenance and utility work and will require third party contractors whose employees may perform allowable routine maintenance and utility work to demonstrate that they have an appropriate Health and Safety Plan (HASP) in place. A HASP will be considered appropriate if it meets applicable state and federal OSHA regulations.
- f. Prior to constructing improvements associated with redevelopment at the Landfill Areas, Permittee shall submit to EPA a Conceptual Development Plan that includes (a) a description of those planned improvements that involve intrusive activities that may result in contact with disposed materials, contaminated soil or groundwater in the landfills; and (b) a description of potential environmental and health and safety risks posed by the proposed construction, during and after construction, and plans to control those risks; and (c) a schedule for completing Final Design and any construction schedules. EPA will provide comments to the Permittee on the Conceptual

Development Plan to ensure the proposed construction will not adversely impact human health or the environment.

The Permittee will incorporate EPA's comments on the Conceptual Development Plan into the 95% Site Design (or other design documents as mutually agreed upon) unless otherwise agreed to by the Permittee and EPA. The 95% Site Design shall require, among other things, compliance with applicable environmental and health and safety laws and regulations. Any soil or waste material removed from the Landfill Areas due to redevelopment will be managed and disposed of in accordance with all applicable federal, state and local laws. The Permittee shall provide EPA with the 95% Site Design for review. EPA shall review the 95% Site Design and shall notify the Permittee of EPA's approval or disapproval. Upon approval of the 95% Site Design, the Permittee will incorporate all EPA required conditions into the Final Site Design to be used for construction bidding purposes. No construction of Improvements shall be undertaken until EPA has approved the 95% Site Design and the Permittee has submitted the above-described documentation.

C. NOTICE OF USE RESTRICTION

1. Within 60 days of the effective date of this Permit, the Permittee shall file a Notice of Use Restriction that will notify any potential lessees, grantees or other entities with an interest in the Landfill Areas.
 - a. Of the restrictions and requirements set forth in Section B, Paragraph 1 of this Permit. The Notice of Use Restriction shall be in substantially the following form:

The Landfill Areas of the subject property have been used in the past as solid waste disposal areas, and, therefore, the groundwater located at or beneath the Landfill Areas shall not be used as drinking water.

In addition, certain activities, such as excavation, grading, dewatering, sheeting or shoring could result in undesirable exposures to the waste/contaminants previously disposed on the property or interfere with or adversely affect the landfill areas, and are therefore, prohibited without the approval of the University of Maryland, College Park.

2. The Permittee shall include this Notice of Use Restriction in all deeds, leases and mortgages affecting the Landfill Areas.

3. Within thirty (30) days of filing the Notice of Use Restriction in the deed and in any other documents, as appropriate, the Permittee shall submit a copy to EPA and Maryland Department of the Environment.
4. The Permittee shall maintain the Notice of Use Restriction as required by the Clerk's Office of the Circuit Court of Prince George's County, Maryland and shall not terminate or modify the Notice of Use Restriction without prior written approval of EPA.

D. PROPERTY TRANSFER

1. The Permittee shall include in any instrument conveying any interest in any portion of the Landfill Areas including, but not limited to, deeds, ground leases and mortgages, an irrevocable and permanent easement which grants the Permittee the exclusive right to use the groundwater at or beneath the Landfill Areas for drinking purposes. The easement shall be in substantially the following form:

NOTICE: THE INTEREST CONVEYED IS HEREBY SUBJECT TO AN IRREVOCABLE AND PERMANENT EASEMENT HELD BY THE UNIVERSITY OF MARYLAND FOR THE EXCLUSIVE RIGHT TO RESTRICT THE USE OF GROUNDWATER AT OR BENEATH THE LANDFILL AREAS FOR DRINKING PURPOSES. THE UNIVERSITY OF MARYLAND WILL ENFORCE THE TERMS OF THIS EASEMENT AGAINST ALL SUBSEQUENT GRANTEEES, ASSIGNEES AND TRANSFEREES OF ALL OR A PORTION OF THE PROPERTY OR ANY REAL ESTATE INTEREST IN SUCH PROPERTY. FURTHERMORE, THE INTEREST CONVEYED HEREBY IS SUBJECT TO A NOTICE OF USE RESTRICTION AND THE TERMS, CONDITIONS AND RESTRICTIONS CONTAINED THEREIN, DATED _____. THE NOTICE OF USE RESTRICTION WAS RECORDED ON _____, IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF PRINCE GEORGE'S COUNTY, MARYLAND, IN BOOK ___, PAGE ___.

2. The Permittee shall enforce the terms of any such easement against all subsequent grantees of an assignment or transfer of the Landfill Areas or an interest in the Landfill Areas.
3. The Permittee shall notify EPA and MDE of its intent to change ownership or operation of the Landfill Areas or an interest in the Landfill Areas at least thirty (30) calendar days prior to such change.

E. INSPECTION OF LANDFILL AREAS

1. The Permittee shall perform an annual inspection of the Landfill Areas (Metzerott Road Landfill and Paint Branch Landfill Areas 1, 2 and 3) to verify that no land use activities restricted by this Permit, including but not limited to disturbances of the surface or subsurface of the Landfill Areas have occurred. The Permittee shall provide EPA with a written report summarizing the results of the annual inspection by September 30 of each year.

F. MARYLAND FIRE AND RESCUE INSTITUTE CORRECTIVE MEASURES STUDY

1. The Maryland Fire and Rescue Institute (MFRI) is located on the former Paint Branch Landfill Area 3. The Permittee currently monitors ground water at MFRI for petroleum constituents. The Permittee shall submit monitoring results to EPA, during the first quarter of each year. The Permittee may propose ground water monitoring frequency changes, based on trends in the monitoring results.
2. Within ninety (90) days of the effective date of this permit the Permittee shall submit to the Regional Administrator a Corrective Measures Study Workplan to address the following objectives:
 - a. Characterization of the petroleum contaminated ground water plume beneath the MFRI facility;
 - b. Evaluation of appropriate remedies or corrective measures for the ground water plume, including an estimated length of time to achieve clean up of the ground water plume;
 - c. An appropriate monitoring schedule.

G. EMERGENCY RESPONSE; RELEASE REPORTING

1. Emergencies

If, at any time during the term of this permit, the Permittee discovers that a release of hazardous waste or hazardous constituents at or from the Facility is presenting or may present an imminent and substantial endangerment to human health or the environment, and such release is not subject to Contingency Plan and Emergency Procedures as defined in the

portion of the RCRA permit issued by the Maryland Department of the Environment, the Permittee shall:

- a. Notify EPA as soon as practicable of the source, nature, extent, location and amount of such release, the endangerment posed by such release and the actions taken and/or to be taken, to the extent known, to address such release. Such notification shall be confirmed in writing within three (3) calendar days of discovery of such release; and
- b. Unless otherwise directed by EPA, immediately take such actions as are necessary and appropriate to address such release.

2. Releases

- a. Any SWMUs in service at the Facility found to be leaking (*e.g.*, from the identification of structural cracks) shall be repaired, replaced, or removed from service immediately. All repairs or replacements shall be certified for structural integrity by an independent registered professional engineer, in accordance with 40 C.F.R. §270.11(b). The certification must be submitted to EPA and Maryland Department of the Environment immediately after such activity.

H. SOLID WASTE MANAGEMENT UNIT (SWMU) ASSESSMENT

1. The Permittee shall notify EPA in writing of any newly-identified SWMUs at the Facility, after the date of issuance of this permit, no later than thirty (30) calendar days after the date of discovery. The notification shall include, but not be limited to, the following known information:
 - a. A description of the SWMU's type, function, dates of operation, location (including a map), design criteria, dimensions, materials of construction, capacity, ancillary systems (*e.g.*, piping), release controls, alterations made to the unit, engineering drawings, and all closure and post-closure information available, particularly whether wastes were left in place;
 - b. A description of the composition and quantities of solid wastes processed by the units with emphasis on hazardous wastes and hazardous constituents;

- c. A description of any release (or suspected release) of hazardous waste or hazardous constituents originating from the unit including information on the date of release, type of hazardous waste or hazardous constituents, quantity released, nature of the release, extent of release migration, and cause of release (e.g., overflow, broken pipe, tank leak, etc.). Also provide any available data which would quantify the nature and extent of environmental contamination, including the results of soil and/or groundwater sampling and analysis efforts. Likewise, submit any existing monitoring information that indicates releases of hazardous waste or hazardous constituents have not occurred or are not occurring. The Permittee may refer to information regarding releases previously submitted to EPA under permit condition F: Emergency Response, Release Reporting; and
 - d. A discussion of the feasibility of implementing interim measures immediately (see Section J for the website address for guidance documents).
 2. Upon receipt of the notification of any newly-identified SWMU, the Regional Administrator will determine the need for corrective action at such SWMU. If corrective action is necessary to protect human health and the environment, the Regional Administrator will determine whether a RCRA Facility Investigation will be performed or the need for, and scope of any, Interim Measures.
 3. Within 90 calendar days after receipt of the Regional Administrator's determination that a RCRA Facility Investigation or Interim Measures are necessary, the Permittee shall submit a RCRA Facility Investigation or Interim Measures Plan that meets the requirements of EPA Guidances (see Section J for the website address for guidance documents). The Regional Administrator's determination shall either specify the media and/or parameters to be investigated or shall require the Permittee to propose and justify the selection of media and/or parameters.
 4. In lieu of a RCRA Facility Investigation, the Permittee can submit a proposal for the performance of corrective measures at such newly-identified SWMU. Any such proposal shall include a schedule for performance of such corrective measures. For any releases to soil and groundwater, the Permittee must demonstrate in such proposal, to the Regional Administrator's satisfaction, that the subsurface conditions and contaminant plume relating to such release have been adequately characterized and that the proposed corrective measures will adequately remove, contain, or treat the released hazardous waste or hazardous constituents as necessary to protect human health and the environment. The nature and extent of releases to other media shall likewise be adequately characterized. The Regional

Administrator shall review such proposal and notify the Permittee of his approval or disapproval of such proposal. Any such proposal shall be submitted to the Regional Administrator along with notification of the discovery of the SWMU.

I. ACCESS FOR CORRECTIVE ACTION OVERSIGHT

EPA and its authorized representatives shall have access to the Facility at all reasonable times for the purpose of monitoring compliance with the provisions of this permit. The Permittee shall use its best efforts to obtain access to property beyond the boundaries of the Facility at which corrective action is required by this permit (see Section 3004(v) of RCRA, 42 U.S.C. § 6924(v)); (1) for itself and any contractor of the Permittee for the purpose of taking corrective action required by this permit, and (2) for EPA and its authorized representatives for the purposes described in this paragraph.

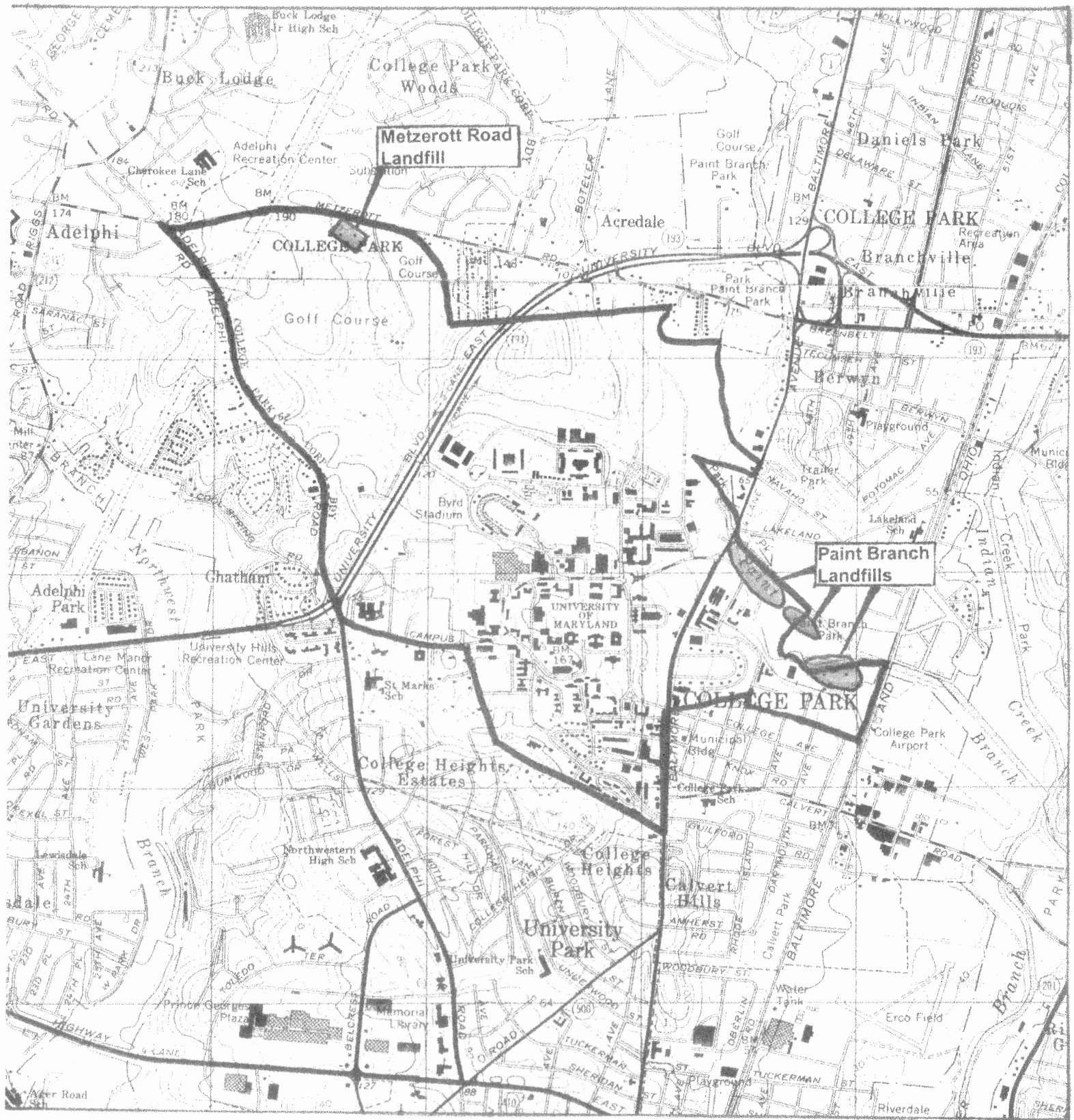
J. GUIDANCE DOCUMENTS

Corrective Action guidance documents can be found at EPA, Region III’s website: www.epa.gov/reg3wcmd/correctiveaction.htm.

K. SIGNATURE

1/12/07
Date

_____/s/_____
Abraham Ferdas, Director
Waste and Chemicals Management Division
U. S. Environmental Protection Agency, Region III



SCALE 1:24 000



CONTOUR INTERVAL 10 FEET

Attachment A

University of Maryland
College Park, MD



QUADRANGLE LOCATION

